



City of Pittsfield

In the Year Two Thousand AND TWENTY

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD,
CHAPTER 2 ½, ANIMALS AND FOWL
(Page 1 of 3)

Be it ordained by the City Council of the City of Pittsfield, as follows:

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

Section I

The City of Pittsfield Code, Ordinances Chapter 2½ is amended by inserting after Section 28.1, the following new ordinance:

Sec. 2½ - 28.2 Sale of Cats, Dogs and Rabbits

a) Definitions. As used in this section, the following terms shall have the meanings indicated:

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 significant part, the rescue and placement of animals in permanent homes or rescue organizations.

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. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

Breeder means a person that maintains a dog, cat, or rabbit for the purpose of breeding and selling their offspring.

Broker means a person that transfers a dog, cat, or rabbit from a breeder for resale by another person.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

Flea Market means a building, structure or open area occupied by one or more vendors, other than retail stores, for sale to the public of new or used goods or products on a seasonal, limited or full schedule of operation.

Approved as to Form and Legality,

City Solicitor



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Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat, or rabbit.

Pet shop shall have the meaning as provided in section 1 of chapter 129 of the Massachusetts General Laws. Such definition shall not include an animal care facility or animal rescue organization, as defined herein.

Rabbit means a member of the species of domestic rabbit, *Oryctolagus cuniculus*.

b) Restrictions on the Sale of cats, dogs and rabbits.

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats, dogs, or rabbits. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs, cats, or rabbits provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

No person shall sell, exchange, trade, barter, lease, or display for a commercial purpose any dog, cat, or rabbit on or in any street, roadside, public right-of-way, parkway, median, park, other recreation area, commercial parking lot, flea market, or other outdoor market, or commercial or retail parking lot, except for a dog, cat, or rabbit displayed by a shelter of animal rescue organization or as part of a 4-H program or similar exhibition or educational program.

c) Record Keeping and Disclosure

Each pet shop shall maintain records sufficient to document the source of each dog, cat, or rabbit the pet shop showcases for adoption for at least two years following the date of acquisition of each dog, cat, or rabbit. Such records shall be made available, immediately upon request, to any Animal Control Officer or Police Officer and/or Code Enforcement Inspector.

Each pet shop offering space for animal care facilities or animal rescue organizations to showcase adoptable dogs, cats, or rabbits shall post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the animal care facility or animal rescue organization from which each dog, cat, or rabbit showcased in the cage or enclosure came from.

d) Enforcement.

The Animal Care and Control Unit, and/or the Pittsfield Police Department, shall have the authority to enforce all violations of these sections. Any animal being offered for sale or transfer, or displayed for adoption in violation of these sections, may be seized or impounded.

Approved as to Form and Legality,

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Animals seized pursuant to this section will be held for a period of seven days. The person or entity in violation of these sections may file for an administrative hearing to appeal the seizure within seven days of the seizure of the animal(s). If, after seven days, the person or entity fails to file an appeal, the animals shall be surrendered to the City of Pittsfield Animal Control.

e) **Penalty.**

Any person or pet store that violates this section shall be subject to a civil penalty of \$ 300.00, and each dog, cat, or rabbit offered for sale or transfer, or displayed for adoption in violation of this section shall constitute a separate violation.

f) **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 provisions of this Ordinance are hereby declared to be severable.

g) **Effective Date.**

This ordinance shall become effective 90 days after passage.

Approved as to Form and Legality,

City Solicitor

In City Council

Read and passed to be ordained
February 11, 2020
11 Yeas - 0 Nays

/s/ Peter Marchetti, Council President
/s/Michele M. Benjamin, City Clerk

Approved by the Mayor

February 27, 2020
/s/Linda M. Tyer, Mayor

A true copy, attest:

City Clerk