

Code, 780 CMR, the "Stretch Energy Code", including future editions, amendments or modifications thereto, a copy of which is on file with the Town Clerk

On a roll call the motion PASSED with 121 in favor, 2 opposed, and 1 abstaining.

Article 21: There was no motion. Town Meeting took no action.

Article 22: There was no motion. Town Meeting took no action.

Article 23: Ms. Kathryn Holmes, Precinct 8, moves that the Town vote to amend the General Bylaws by adding in Chapter 23, Animals, a new Article V, Pet Shop Sales of Dogs, Cats, and Rabbits as follows:

GENERAL BYLAWS OF THE TOWN OF PLYMOUTH

Chapter 23, Animals

Article V, Pet Shop Sales of Dogs, Cats, and Rabbits

§23-28 Definitions.

- (1) "Pet shop" means a brick-and-mortar retail establishment where dogs, cats, or rabbits are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail. The following entities shall not be considered a "pet shop" for purposes of this section: (1) a public animal control agency or shelter; (2) an animal rescue organization; or (3) a person who sells or otherwise transfers the offspring of animals the person owns and has bred on their residential premises.
- (2) "Sell" means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer animals.
- (3) "Offer for sale" means to advertise or otherwise proffer a dog, cat, or rabbit for acceptance by another person.
- (4) "Public animal control agency or shelter" means a facility operated by any locality, for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated for the same purposes under a written contract with the Town or any other locality.
- (5) "Animal rescue organization" means a not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, and registered with the Massachusetts Department of Agricultural Resources, if required, whose mission and practice is, in whole or in significant part, the rescue and placement of animals into permanent homes, and that does not breed animals nor obtain animal in exchange for payment or compensation from any person that breeds or brokers animals.
- (6) "Person" means an individual, corporation, partnership, association, or any other legal entity.

(7) “Dog” means any member of the species *Canis familiaris*.

(8) “Cat” means any member of the species *Felis catus*.

(9) “Rabbit” means any member of the species *Oryctolagus cuniculus domesticus*.

§23-29 Sale of dogs, cats, or rabbits prohibited.

(1) It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, or rabbit.

(2) A pet shop may provide space for the display of dogs, cats, or rabbits available for adoption only if:

(i) such animals are displayed and made available for adoption by either: a public animal control agency or shelter or an animal rescue organization, as defined, and

(ii) each pet shop shall maintain records sufficient to document the source of each dog, cat, or rabbit the pet shop displays, for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to any animal control officer or any duly appointed officer or representative of the Town.

(3) No person shall sell, exchange, trade, barter, lease, or display for a commercial purpose any dog, cat, or rabbit on or in any street, public grounds, commercial or retail parking lot, flea market, or other market, regardless of whether such access is authorized by the property owner, except for a dog, cat, or rabbit displayed:

(i) By a public animal control agency or shelter or an animal rescue organization, as defined; or

(ii) As part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.

§23-30 Penalties.

(1) In addition to any other penalty provided by law, any pet shop that makes a sale or offer for sale of a dog, cat, or rabbit in violation of subsection (b)(1) shall be fined \$300. Each unlawful sale or offer for sale shall constitute a separate violation.

(2) In addition to any other penalty provided by law, a pet shop that makes a provision of space knowingly and in violation of subsection (b)(2) shall be fined \$300. Each unlawful provision of space shall constitute a separate violation.

§23-31 Severability.

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

§23-32 Effective date.

The provisions of these section shall be effective upon satisfaction of the requirements for Attorney General approval and for posting or publication provided in M.G.L. c. 40 § 32.

Mr. Pinto moved to close debate.

On a roll call the motion to close debate PASSED with 82 in favor, 40 opposed, and 1 abstaining.

On a roll call the motion PASSED with 113 in favor, 11 opposed, and 2 abstaining.

Mr. Cauty moves to dissolve the Annual Town Meeting.

On a roll call the motion PASSED with 122 in favor, 0 opposed, and 0 abstaining.

The Annual Town Meeting dissolved at 2:31 PM