

File of the Council of the City of Easton, Pa.

Ordinance No. 5824

SESSION 2023

Bill No. 19

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Introduced by: Taiba Sultana – April 26, 2023
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Enacted by Council: May 10, 2023
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AN ORDINANCE: CREATING A NEW CHAPTER – 189, ANIMALS; ARTICLE 1 – DECLAWING OF CATS AND ARTICLE 2 – RETAIL PET SHOPS OF THE CODE OF THE CITY OF EASTON

THE CITY OF EASTON HEREBY ORDAINS:

SECTION 1. Creating a New Chapter 189 – Animals, Article 1 – Declawing of Cats;
Prohibited, Procedures and Conduct shall read as follows:

A. Definitions.

- (1) Cat. Any member of the Felidae family (both domestic and nondomestic felines)
- (2) Declawing. As used in this section the term “declawing” means any of the following:
 - a. An onychectomy, dactylectomy, phalangectomy, partial digital amputation, or any other surgical procedure by which a portion of a cat’s paw is amputated to remove the cat’s claw.
 - b. A tendonectomy or another surgical procedure by which the tendons of a cat’s limbs, paws, or toes are cut or modified so that the cat’s claws are prevented from functioning normally.
 - c. Any other method of permanently or irreversibly preventing the normal functioning of a feline’s claws.
- (3) Therapeutic purpose. It shall be an affirmative defense from prosecution under this ordinance that the declawing was performed for a Therapeutic Purpose. This term refers to the necessity of addressing the physical medical condition of a cat, such as an existing or recurring illness, infection, disease, injury, or abnormal condition of a cat’s claw, nail bed, or toe bed, that jeopardizes the cat’s health. The term does not include a cosmetic or aesthetic reason or reasons of convenience for keeping or handling the cat.

B. Prohibition. A person may not perform a declawing by any means on a cat within the City of Easton unless the procedure is necessary for a therapeutic purpose.

C. Any person who violates this ordinance is subject to a civil penalty of up to five hundred dollars (\$500.00), plus costs for each violation. Each incident in which a cat is declawed or partially declawed in violation of this ordinance constitutes a separate violation.

SECTION 2 – Creating Article II – Retail Pet Shops

WHEREAS, according to the Humane Society of the United States (“HSUS”) inspection records show that many USDA-licensed breeders breed dogs or cats in inhumane conditions. These breeders are commonly referred to as “puppy mills” and documented problems include: over-breeding; inbreeding; veterinary care that doesn’t meet the same standards as other breeders; relatively poor quality of food and shelter; lack of human socialization; and overcrowded cages; and

WHEREAS, dogs bred in puppy mills are more likely to have behavior and/or health problems, and, according to the American Society for the Prevention of Cruelty to Animals (“ASPCA”), fearful behavior and lack of socialization with humans and other animals are common characteristics of dogs from puppy mills; and

WHEREAS, the Easton City Council of the find that, in addition to State and Federal laws, the City has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs; and

WHEREAS, prohibiting the retail sale of puppies and kittens will likely reduce pet overpopulation and thus the burden on shelters and rescues and financial costs on local taxpayers; and

WHEREAS, prohibiting the retail sale of puppies and kittens will limit the instances in which residents fall victim to predatory financing with excessively high-interest rates in order to afford the high cost of pet store puppies; and

WHEREAS, this Ordinance will not affect consumers’ ability to obtain a dog or cat of their choice directly from a shelter, rescue, or responsible breeder; and

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

SECTION 3. Chapter 189 – Article II - Retail Pet Shops shall read as follows:

A. Prohibition on the Sale of Dogs, Cats, Rabbits and Guinea Pigs by Pet Shops

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

(2) Nothing in Section shall be construed to prohibit a retail pet shop from providing space to either an animal shelter or to an animal rescue organization, whether such shelter or organization is located within or outside the state of Pennsylvania, for the purpose of displaying dogs or cats or rabbits available for adoption.

B. Prohibition on Shelters and Rescues Purchasing Dogs, Cats, Rabbits or Guinea Pigs. It shall be unlawful for an animal shelter or animal rescue organization to, in exchange for payment or other compensation, obtain a dog, cat, rabbit or guinea pigs from a person who breeds animals, resells animals from a person who breeders animals, or sells dogs at auction.

C. Definitions

For purposes of this section:

- (1) "Sell" means to exchange for consideration, adopt out, barter, trade, lease, or otherwise transfer. "Offer for sale" means to display or proffer for acceptance by another person.
- (2) "Animal shelter" means a facility operated by or under contract with a political subdivision of any state for the impoundment and care of seized, stray, homeless, abandoned, unwanted, or surrendered animals.
- (3) "Adoption fee" means remuneration to cover the cost of feeding, sheltering, surgical sterilization and providing care for an animal without profit.
- (4) "Retail sale" means the auction, order, display for sale, offer for sale, or selling of any dog or cat.
- (5) "Animal rescue organization" means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.
- (6) "Cat" means any member of the species *Felis catus*.
- (7) "Dog" means any member of the species *Canis familiaris*.
- (8) "Rabbit" means any member of the species *Oryctolagus cuniculus domesticus*

D. Violations and Enforcement

(1) A retail pet shop that sells or offers for sale a dog or cat or rabbit or an animal shelter or rescue organization that purchases dogs, cats or rabbits will be in violation of this ordinance and the violation is punishable by a fine of up to five hundred dollars (\$500.00) Each unlawful sale or offer for sale of each dog, cat, rabbit or guinea pig shall constitute a separate violation.

(2) The City Police Department shall be empowered to enforce any and all parts of this ordinance upon notification of such violation. A record of the violation shall be kept on file with the City Police Department.

SECTION 4. All Ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

SECTION 5. This ordinance shall take effect 30 days following adoption by Council.

Signed the 10th day of May, 2023

ATTEST: 
City Clerk


Mayor