

AN ORDINANCE
of the City Council of the City of Berkley, Michigan to Add Article V, Retail Pet Store Sales, in Chapter 22, Animals, of the Berkley City Code to Prohibit Retail Pet Stores in the City from Selling Dogs, Cats, or Rabbits, and to Repeal Article XVII, Retail Dog and Cat Sales Temporary Moratorium, of Chapter 30, Businesses.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article V, Retail Pet Store Sales, shall be added to Chapter 22, Animals, of the Berkley Code of Ordinances, as follows:

ARTICLE V. RETAIL PET STORE SALES

Sec. 22-100. Purpose.

The purpose of this Article is to prohibit retail pet stores in the City from selling dogs, cats, or rabbits.

Sec. 22-101. Definitions.

For the purposes of this Article, the following terms have the following meanings:

- (a) *Retail pet store* means a commercial establishment that sells or offers for sale animals on its premises at retail that are not bred at the establishment.
- (b) *Animal control shelter* means a facility operated by the State, County, or City, or by a non-profit organization under contract with the State, County, or City, for the impoundment and care of animals that are delivered to or held by the facility, including found, recovered, abandoned, unwanted, or surrendered animals, and which does not breed animals or obtain, in exchange for payment or other consideration, animals from a breeder.
- (c) *Animal protection shelter* means a facility operated on a not-for-profit basis by a person, humane society, society for prevention of cruelty to animals, or other non-profit organization 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 and place them in good homes. "Animal protection shelter" does not include any organization that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or other consideration, dogs, cats, or rabbits from; or (4) facilitates the sale of dogs, cats, or rabbits obtained from a person who breeds animals.

Sec. 22-102. Prohibition of Sale of Dogs, Cats or Rabbits by Retail Pet Stores.

A retail pet store located in the City is prohibited from selling, adopting, exchanging, transferring, or offering for sale, adoption, exchange, or transfer dogs, cats, or rabbits. This section does not prohibit a retail pet store from collaborating with and providing space to an animal protection shelter or an animal control shelter to showcase dogs, cats, or rabbits available for adoption on a not-for-profit basis. The retail pet store may not charge or retain an adoption fee or any other fee for providing space to showcase any such dog, cat, or rabbit.

Sec. 22-103. Existing Retail Pet Stores Exception.

Notwithstanding the prohibition in Sec. 22-102, above, a retail pet store that is in operation in the City and in compliance and good standing with applicable state laws and city ordinances on the effective date of this article, and that prior to the effective date of this article engaged in selling or offering for sale dogs, cats, or rabbits as a regular and principal business activity, may temporarily continue to sell or offer for sale dogs, cats, or rabbits, at that store through and until July 1, 2025, subject to the following requirements and conditions:

- (a) Animals sold or offered for sale or adoption may be sourced only from breeders with a United States Department of Agriculture (USDA) license.
- (b) The retail pet store must file with the City Clerk within 7 days of acquiring an animal to be sold or offered for sale or adoption end of each month, and must provide to the consumer prior to purchase, and also display in a conspicuous manner on the animal's cage or enclosure, all of the following for any dog, cat or rabbit offered for sale:
 - (1) Identifying information for the animal, including name, date of birth, sex, breed, color, USDA registration number, and state of origin.
 - (2) All State and USDA license numbers, names, business/kennel names, and location (city/state) of the (i) breeder, (ii) broker (when applicable), and (iii) transporter.
 - (3) Listing and dates of all vaccines, medications, and medical procedures that have been administered to or performed on the animal.
 - (4) Michigan Pet Health Certificate issued by a Michigan-licensed veterinarian in the form prescribed by the Michigan Department of Agriculture and Rural Development.
 - (5) Official Interstate or Intrastate Certificate of Veterinary Inspection prepared and signed, in accordance with MCL 287.720, by a U.S. Department of

Agriculture-accredited veterinarian licensed to perform veterinary medicine in the animal’s state of origin, when applicable.

- (6) Purchase price of the animal, including all taxes, fees, and charges.
 - (7) Documentation that the animal has been microchipped and the microchip has been enrolled in a nationally searchable database.
 - (8) Written statement of the consumer’s warranty, rights, and remedies following the sale of the animal.
- (c) The retail pet store must not source or obtain animals from a breeder, broker, or transporter who is charged or has been convicted or determined to be responsible for a violation issued by any government agency relating to unlawful, inhumane, or improper breeding practices or conditions.
 - (d) The retail pet store, after sale, exchange, transfer, or death of a dog, cat, or rabbit, must file with the City Clerk notification of the final disposition of the animal within 7 days.

Sec. 22-104. Violation.

A violation of this article is a municipal civil infraction, and upon determination of responsibility is punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as authorized in Article IX of Chapter 82 of the Code of Ordinances. Each sale or offer of sale made in violation of this article will constitute a separate offense.

SECTION 2: Repealer

Article XVII, Retail Dog and Cat Sales Temporary Moratorium, in Chapter 30, Businesses, of the Berkley City Code is hereby repealed.

SECTION 3: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance will remain in full force and effect.

SECTION 4: Effective Date

This Ordinance will become effective 30 days following the date of adoption.

SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on _____.

Adopted on the Second Reading at the Regular City Council Meeting on _____.

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk