

MOTION MADE BY: _____

MOTION SECONDED BY: _____

AN ORDINANCE REGULATING THE SALE, DELIVERY AND TRANSFER OF CERTAIN TYPES OF ANIMALS AS DEFINED REGULATING THE LOCATION FOR THE SALE, DELIVERY AND TRANSFER, PROVIDING FOR DISCLOSURE OF CERTIFICATE OF ORIGINS PROVIDING EXEMPTIONS, INCLUDING PROVISIONS FOR EXISTING PET SHOPS AND PROVIDING FOR PENALTIES, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

**CITY OF FRASER
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. _____

THE CITY OF FRASER ORDAINS:

Section 1. Preamble.

WHEREAS,

In order to promote and protect public health, safety and welfare, and to advance the legitimate rational regulation of businesses and promote and protect the citizens and animals from harm, deter fraud with respect to pet origin and promote and protect health and welfare of defined pets the following ordinance provisions are presented for enactment.

Section 2. Article 19.5 of the Code of Ordinances is hereby added as follows:

Sec. 19.5-1. Short Title.

This chapter shall be known and cited as the Pet Acquisition Ordinance of the City of Fraser and will so be referred to within this chapter.

Sec. 19.5-2 Definitions.

As used in this chapter unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

- (a) Animal Control Shelter. A facility operated by or under contract with a state, county, or a municipality for the impoundment and care of animals that are delivered to the facility, found, recovered, or at large, or otherwise held, due to violations of a municipal ordinance, state law, or which otherwise are surrendered.
- (b) Animal Protection Shelter. The facility operated by a person, humane society, a society for the prevention of cruelty to animals, or another non-profit organization for care of homeless animals.
- (c) Animal Rescue Organization. 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.
- (d) Cat. An animal of the species of domestic cat, Felis catus.
- (e) Certificate of Origin. A document requiring the source of the animal sold or Transferred by the retail seller. The certificate shall include the name, premise Address, phone number and email address, if available, of the source of the animal.

- (f) Dog. An animal of the species of domestic dog, *Canis lupus familiaris*.
- (g) Any pet store or pet operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away or otherwise transferred live animals as the principal business of such facility on the effective date of this ordinance and complied with all applicable provisions of the Fraser Code of Ordinances and state law.
- (h) Ferret. A domesticated animal of any age of the species *Mustela furo*.
- (i) Large Reptiles. The members of the class reptilian including, but not limited to monitor lizards, alligators, pythons, boa constrictors, venomous reptiles and constrictor snakes that grow to more than 72 inches long.
- (j) Long Lived Birds. Any bird whose life expectancy is expected to exceed 25 years, including but not limited to cockatoos, macaws, and amazons.
- (k) Offsite Retail Sale. The exchange of consideration for an animal regardless of the age of the animal at a location other than where the animal was bred.
- (l) Pet Store. A place where animals are sold or offered for sale, including retail sale or other sale, exchanged or transferred.
- (m) Pet Store Operator. A person who has an ownership interest in or operates a pet store or both.
- (n) Rabbit. A long eared, short tailed lagomorph mammal with long hind legs of the leporidae family.
- (o) Retail Sale. An offer for sale, offer for adoption, barter, auction, giving away, display for commercial purposes or otherwise transfer of any animal that is not bred on the premises.
- (p) Zoological Park. Any facility other than a pet shop or kennel displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation or any other business entity or government agency and accredited by the Association of Zoos and Aquariums.

Sec. 19.5-3. **Prohibitions.**

- (a) No pet store shall sell, offer for retail sale, or sale, offer for adoption, trade, barter, auction, give away, deliver, or otherwise dispose of or transfer dogs, cats, ferrets, rabbits, long lived birds, or large reptiles.
- (b) No person or entity shall offer for retail sale, offer for adoption, trade, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, long lived birds, or large reptiles on a roadside, public right of way, commercial parking lot or sidewalk, outdoor special sale, swap meet, flea market, or other similar event or location.
- (c) No person or business entity shall hold off-site retail sales of animals in a location other than where the animal was bred.
- (d) A pet store shall not sell or transfer any live animal without providing disclosure through a certificate of origin prior to the sale or transfer.
- (e) No person shall knowingly provide or present an inaccurate certificate of origin.

Sec. 19.5-4. **Exemptions.**

This ordinance does not apply to:

- (a) A person or business entity that sells, offers for sale, offers for adoption, trades, barter, gives away, delivers or otherwise transfers or disposes of dogs, cats, ferrets, rabbits, long lived birds or large reptiles that were bred and reared on the premises of the person or business entity.
- (b) A publicly operated animal control shelter, animal protection shelter, or zoological park.
- (c) A private, charitable, non-profit humane society or animal rescue organization.
- (d) A publicly operated animal control agency, non-profit humane society, or non-profit animal rescue organization that operates out of or in connection with a pet store.

Sec. 19.5-5. **Existing Pet Store.**

An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, large lived birds, or large reptiles for a period of one year from the date of adoption of this ordinance.

Sec. 19.5-6. **Adoption of Shelter and Rescue Animals.**

Nothing in this ordinance shall prevent a pet store or its owner operator, or employees from providing space and appropriate care for animals owned by an animal control shelter, animal protection shelter, non-profit humane society or non-profit animal rescue agency and maintained at the pet store for the purpose of adopting those animals by the public.

Section 3. Penalty. Any person or entity who violates the terms and provisions of this Chapter shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both plus any terms or conditions of probation as authorized and imposed by the court, plus costs including costs of prosecution.

Section 4. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force an effect.

Section 5. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent and such holding shall not affect the validity of remaining portions of this ordinance, it being the intent of the city that this ordinance shall be fully severable.

Section 6. Effective Date. This ordinance shall be effective 10 days after publication following adoption.

ORDINANCE ADOPTED.

AYES:
 NAYS:
 ABSENT:

 Doug Hagerty, Mayor

Attested:

 Kelly Dolland, City Clerk

CERTIFICATION

I KELLY DOLLAND, City Clerk for the City of Fraser, County of Macomb, State of Michigan, certify that this is a true copy of ordinance no. ____ adopted by the Council of the City of Fraser assembled in a regular session on _____ 2015.

Kelly Dolland, City Clerk

City Council:

PUBLICATION DATE:

Macomb Daily, _____, 2015.