

ANIMALS ORDINANCE AMENDMENT

Town of Bar Harbor
#2017-07

An Amendment To Restrict The Sale Of Dogs And Cats

[Please Note: Old language is stricken. New language is underlined.]

The Town of Bar Harbor hereby ordains that Chapter 18, Animals, of the Town Code is amended as follows:

Chapter 18, ANIMALS

Article II. Restricting The Sale Of Dogs And Cats

§18-11. Definitions.

The following words when used in this article shall have the meaning given herein:

Animal care facility shall mean an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission or practice is, in whole or significant part, protecting the welfare of animals and the placement of animals in permanent homes or with animal rescue organizations.

Animal rescue organization shall mean 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 of animals and the placement of those animals in permanent homes, and which does not obtain dogs or cats from a breeder or broker for payment or compensation.

Breeder shall mean a person who maintains dogs or cats for the purpose of breeding and selling their offspring.

Broker shall mean a person who transfers dogs or cats at wholesale for resale by another.

Cat shall mean a member of the Felis catus family.

Dog shall mean a member of the Canis familiaris family, or resultant hybrid.

Offer for sale shall mean to sell, offer for sale or adoption, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop shall mean any place or vehicle required to be licensed under 7 M.R.S.A. § 3933. Such definition shall not include an animal care facility or animal rescue organization, as defined.

§18-12. Prohibition on Retail Sales.

(a) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:

(i) An animal care facility, as defined in section 1; or

(ii) An animal rescue organization, as defined in section 1.

(b) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

(c) Each pet shop shall maintain records sufficient to document the source of each dog or cat the pet shop acquires, for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to any designated representative of the Chief of Police or animal control officer.

(d) Each pet shop offering dogs or cats for sale 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 or cat in the cage or enclosure was acquired.

§18-13. Prohibition on Sales in Public Places.

(a) It shall be unlawful for any person to sell, exchange, trade, barter, lease or display for a commercial purpose any dog or cat on any roadside, public right-of-way, parkway, median, park, other recreation area, flea market or other outdoor market, or commercial or retail parking lot regardless of whether such access is authorized.

(b) This section shall not apply to the following:

(i) The display or adoption of dogs or cats by an animal care facility or an animal rescue organization, as defined in section 1; or

(ii) The display of dogs or cats as part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.

§18-14. Enforcement.

The provisions of this article may be enforced by any designated representative of the Chief of Police or by any animal control officer.

§18-15. Penalties for Violation.

Violation of this article shall be punished by a minimum penalty of two hundred and fifty dollars (\$250.00) for each violation. Each dog or cat offered for sale is a separate violation.

§18-16. Severability.

In the event that any section, subsection or portion of this article, or the application of such section, subsection or portion of this article to any person or circumstance, shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article, or the applicability of such section, subsection or portion of this article to other persons or circumstances.

§18-17. Effective Date.

The provisions of these sections shall be effective thirty (30) days after passage.

LEGISLATIVE HISTORY:

09/05/2017 Proposed to Council
10/17/2017 Introduced by Council
12/05/2017 Public Hearing
Council Adopted
Sent to General Code