

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE TO RESTRICT THE RETAIL SALE OF DOGS AND CATS  
TO ONLY THOSE THAT ARE SOURCED FROM  
ANIMAL CARE FACILITIES OR RESCUE ORGANIZATIONS**

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**WHEREAS**, the City Council has heard reports that a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively), such that animals are subjected to inhumane conditions like over-breeding; inbreeding; minimal to non-existent veterinary care; and lack of adequate and nutritious food, water and shelter;

**WHEREAS**, the inhumane conditions in puppy and kitten mill facilities can lead to health and behavioral issues in the animals bred in those facilities, and these health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers;

**WHEREAS**, current federal, state and city regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops;

**WHEREAS**, some local governments such as the City of Huntsville, have considered or adopted ordinances (such as this one) to address this issue;

**WHEREAS**, restricting the retail sale of puppies and kittens to only those that are sourced from animal care facilities or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal care facilities and rescue organizations;

**WHEREAS**, significant numbers of animals are euthanized in Athens, and restricting the retail sale of puppies and kittens to only those that are sourced from animal care facilities and rescue

organizations will likely reduce pet populations and thus the burden on the City of Athens, including financial costs on local taxpayers;

**WHEREAS**, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the hobby breeder concerning those conditions;

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

**WHEREAS**, the City Council is empowered to adopt this Ordinance pursuant to § 11-45-1 and § 11-47-110 of the *Code of Alabama*, as well as other legal authority, and;

**WHEREAS**, the City Council finds that this Ordinance is a proper exercise of the police power of the City, and that it is designed to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the City's inhabitants.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in regular session on \_\_\_\_\_ \_\_, 2019, at 5:30 p.m., as follows:

**Section 1.** Article 3 of Chapter 10 of the *Code of Ordinances of the City of Athens* (Animals and Fowl) is hereby amended to add the following section:

***Sec. 10-79. Sale of Dogs and Cats by Pet Shops and Pet Supply Stores***

(a) Definitions. For purposes of this section, the following terms have the following definitions:

(1) *Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole or significant part, the deposit and confinement of animals, or the rescue and placement of animals in permanent homes or rescue organizations, and which does not obtain animals from a breeder or broker for profit or compensation.

(2) *Animal rescue organization* - a not-for-profit organization or agency with tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, with the mission and practice, in whole or in significant part, of rescuing and placing animals in permanent homes, and which does not obtain animals from a breeder or broker for profit or compensation.

(3) *Commercial transaction* – An interaction between two or more parties in which a live animal is exchanged for cash, goods, services or something of value.

(4) *Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away, or exchange through a commercial transaction any dog, cat, kitten, or puppy.

(5) *Pet shop* - a retail establishment, business or store where live animals are sold, exchanged, bartered or offered for sale as pets to the general public. Such definition shall not include an animal care facility or animal rescue organization as defined in this section.

(6) *Pet Supply Store* – a retail establishment, business or store which sells pet food, animal supplies and pet accessories to the general public, and which may also sell, exchange, barter or offer for sale live animals as pets to the general public. Such definition shall not include an animal care facility or animal rescue organization as defined in this section.

(b) Restrictions on the Sale of Dogs and Cats.

(1) A pet shop or pet supply store may offer for sale only those dogs, cats, puppies, and kittens obtained from and in cooperation with an animal care facility or an animal rescue organization.

(2) Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall display a label stating the name and address of the organization supplying said animal on the animal's cage.

(3) A pet shop or pet supply store shall not offer for sale a puppy or kitten that is younger than eight weeks old.

(c) Record-Keeping.

(1) Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall maintain records for each animal offered for sale. The records shall be maintained for a minimum of 12 (twelve) months after the date of the transaction, and shall be available for inspection by any law enforcement officer. The records shall include the following information for each transaction: (i) a description and photograph of the animal; (ii) the monetary value of any cash, services, or goods exchanged for the animal; (iii) the name, address and phone number of the organization from which said pet store or pet supply store acquired

said animal; and (iv) the name, address and phone number of the new owner of the animal.

**Section 2.** If any provision of this Ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

**Section 3.** No other provisions of the *Code of Ordinances of the City of Athens* are amended by this Ordinance, unless specifically stated and referenced herein.

**Section 4.** The provisions of this Ordinance shall be included and incorporated in the *Code of Ordinances of the City of Athens* as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

**Section 5.** This Ordinance shall go into effect upon its publication.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
HAROLD WALES, CITY COUNCIL PRESIDENT

**APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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WILLIAM R. MARKS, MAYOR

**ATTEST:**

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ANNETTE BARNES, CITY CLERK

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Witness my hand and seal of office this the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Annette Barnes, City Clerk