

ORDINANCE NO. 2020-320

AN ORDINANCE TO REQUIRE THAT DOGS AND CATS SOLD IN RETAIL STORES ARE SOURCED FROM RESCUES AND SHELTERS

WHEREAS, a significant number of puppies and kittens sold at pet shops throughout the country 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). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops, 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; and

WHEREAS, the CDC, several states, and the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS) have investigated multistate outbreaks of multidrug-resistant *Campylobacter* infections which determined through epidemiologic and laboratory evidence that contact with puppies sold through retail stores were a likely source of this outbreak; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters 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 shelters and rescue organizations; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats, and many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

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; and

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

BE IT ORDAINED by the City Council of the City of Madison, Alabama, that Chapter 6 of the Madison City Code regarding Animal Control is hereby amended by the addition of a new Section 6-18, entitled "Restrictions on Animal Retail Sales," as follows:

SECTION 1. Restrictions on Retail Sales of Animals at Pet Shops.

(a) Definitions.

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 rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means 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, and which does not obtain animals from a breeder or broker for profit or compensation.

Hobby breeder means a person who occasionally breeds dogs or cats for sale directly to consumers (but not in a pet shop) and who either allows consumer to see the conditions in which the dogs or cats are bred or confers with consumers concerning those conditions.

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

Pet shop means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such establishment is one which has established business hours and is open to the public. Such definition shall not include an animal care facility, animal rescue organization, or hobby breeder, as defined in this ordinance.

(b) Restrictions on the Sale of Animals by Pet Shops.

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

- (a) An animal care facility; or
- (b) An animal rescue organization.

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

(c) Record Keeping and disclosure by Pet Shops.

A pet shop shall maintain records stating the name and address of the organization (animal care facility or animal rescue organization) from which each cat or dog was obtained from for at least two years following the date of acquisition. Such records shall be made available, immediately upon request, to the Madison City Clerk or his or her designee. Each pet shop shall display on each cage a label stating the name and address of the organization of each animal kept in the cage.

SECTION 2. Effective Date.

This Ordinance, after its adoption and proper publication as provided by law, shall be effective as of January 1, 2021.

SECTION 3. Punishment for violation.

Section 6-2 entitled "Fines and Penalties" is hereby amended to add fines for violations of this ordinance as follows: a first offense fine of one hundred dollars (\$100), a second offense fine of two hundred dollars (\$200), and a third offense fine of five hundred dollars (\$500).

SECTION 4. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

READ, PASSED, AND ADOPTED this 28th day of December, 2020.




Greg Shaw, Council President
City of Madison, Alabama

ATTEST:



Melanie A. Williard, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this 30th day of December, 2020.



Paul Finley, Mayor
City of Madison, Alabama