



City of North Adams

In City Council

.....October 27, 2020.....

BE IT ORDAINED by the City Council of the City of North Adams as follows:

that in Chapter 27 entitled “Dog Regulations” a new Section 27-12 be added entitled “Prohibition on the Sale of Dogs, Cats, or Rabbits by Pet Shops” which reads as follows:

(a) Definitions.

(1) “Pet shop” shall have the meaning provided in section 1 of chapter 129 of the Massachusetts General Laws. A public animal control agency or shelter or an animal rescue group shall not be considered a pet shop for purposes of this Section. A public animal control agency or shelter, or an animal rescue organization, as defined, shall not be considered a pet shop for purposes of this Section.

(2) “Sell” means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer animals.

(3) “Offer for sale” means to advertise or otherwise proffer a dog, cat, or rabbit for acceptance by another person.

(4) “Public animal control agency or shelter” means a facility operated by any locality, for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated for the same purposes under a written contract with the City or any other locality.

(5) Animal rescue organization means a not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, and registered with the Massachusetts Department of Agricultural Resources, if required, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs or cats into permanent homes, and that does not breed animals nor obtain animal in exchange for payment or compensation from any person that breeds or brokers animals.

(6) “Person” means an individual, corporation, partnership, association, or any other legal entity.

(7) “Dog” means any member of the species *Canis familiaris*.

(8) "Cat" means any member of the species *Felis catus*.

(9) "Rabbit" means any member of the species *Oryctolagus cuniculus domesticus*.

(b) Sale of dogs, cats or rabbits prohibited.

(1) It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, or rabbit.

(2) A pet shop may provide space for the display of dogs, cats or rabbits available for adoption only if:

(i) such animals are displayed and made available for adoption by either: a public animal control agency or shelter or an animal rescue organization, as defined, and

(ii) each pet shop shall maintain records sufficient to document the source of each dog, cat, or rabbit the pet shop displays, for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to any animal control officer or any duly appointed officer or representative of the city.

(3) No person shall sell, exchange, trade, barter, lease, or display for a commercial purpose any dog, cat, or rabbit on or in any street, public grounds, commercial or retail parking lot, flea market, or other market, regardless of whether such access is authorized by the property owner, except for a dog, cat, or rabbit displayed:

(i) By a public animal control agency, shelter, or animal rescue organization; or

(ii) As part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.

(c) Penalties.

(1) In addition to any other penalty provided by law, any pet shop that makes a sale or offer for sale of a dog, cat, or rabbit in violation of subsection (c)(1) shall be fined \$500. Each unlawful sale or offer for sale shall constitute a separate violation. Any animal being offered for sale, transfer, or displayed in violation of these sections may be seized or impounded by the animal control officer or any duly appointed officer or representative of the city. In cases where the enforcing officer determines that failure to seize or impound will be detrimental to the safety and/or health of the animal, the animal shall be seized

(2) In addition to any other penalty provided by law, a pet shop that makes a provision of space knowingly and in violation of subsection (c)(2) shall be fined \$500. Each unlawful provision of space shall constitute a separate violation.

(d) **Severability.**

[Section 27-11 provides for general severability of provisions contained within the Chapter on Dog Regulations of the Code of the City of North Adams].

(e) **Effective date.**

The provisions of these section shall be effective thirty days after passage.