

**Retail Pet Store Sales Ordinance
Second Reading**

June 12, 2019

The Honorable Mayor Fournier and
Members of the City Commission:

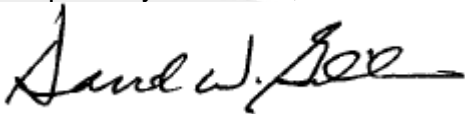
On May 20, 2019, in an effort to decrease the demand for animals bred in large-scale commercial facilities for sale to the public, the City Commission unanimously approved a resolution directing our office to draft an ordinance that would prohibit the sale of dogs, cats and rabbits by retail pet stores in the City.

On June 10, 2019, a proposed ordinance was scheduled for first reading. During public comment, a representative from the West Michigan Ferret Connection (a shelter in Grand Rapids) asked that the Commission also prohibit the sale of ferrets by retail pet stores. The Commission subsequently approved the ordinance on first reading, with the addition of ferrets to the prohibition.

A revised ordinance is attached for your consideration on second reading (Attachment 1). We recommend approval of the following resolution:

Be it resolved, that the City Commission hereby adopts the Retail Pet Store Sales Ordinance on first reading.

Respectfully submitted,



David W. Gillam
City Attorney

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Attachment 1

ORDINANCE NO. 2019 – ____

AN ORDINANCE TO AMEND CHAPTER 195 OF THE CITY CODE, “ANIMALS”, TO PROHIBIT THE SALE OF DOGS, CATS, RABBITS AND FERRETS BY RETAIL PET STORES IN THE CITY OF ROYAL OAK

THE CITY OF ROYAL OAK ORDAINS:

Section 1. Short Title. This ordinance shall be known as and may be referred to as the “Retail Pet Store Sales Ordinance”.

Section 2. Statement of Purpose. The purpose of this ordinance is to prohibit the sale of dogs, cats, rabbits and ferrets by retail pet stores in the City of Royal Oak.

Section 3. Findings. The City Commission of the City of Royal Oak finds as follows:

- A. A significant number of puppies, kittens and rabbits sold at pet shops are sourced from large-scale commercial breeding facilities (“puppy mills”, “kitten mills” and “rabbit mills”, respectively) which do not adequately provide for the health and welfare of the animals. According to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies per year in the United States and that most pet shop dogs, cats and rabbits come from pet mills.
- B. The documented abuses endemic to puppy, kitten and rabbit 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.
- C. The inhumane conditions in puppy, kitten and rabbit mills 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 due to both a lack of education on the issue and in some cases misleading sales tactics by pet shops. Those 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.
- D. Similar issues have been found with regard to the breeding of ferrets.
- E. Current federal and state regulations do not adequately address the sale of pet mill dogs, cats, rabbits and ferrets in pet shops.
- F. Due in large part to pet overpopulation, thousands of dogs, cats, rabbits and ferrets are euthanized in Michigan animal shelters annually.
- G. Requiring pet stores to source animals from shelters and rescue organizations is likely to decrease the demand for puppies, kittens, rabbits and ferrets bred in pet mills.
- H. Sourcing from shelters and rescues will likely reduce pet overpopulation and thus the burden on state and local agencies which fund shelters and rescues, and financial costs on local taxpayers.
- I. Across the country, thousands of independent pet stores, as well as large chains, operate profitably with a business model focused on the sale of pet services and supplies and not

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on the sale of dogs, cats, rabbits and ferrets. 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.

- J. This Ordinance will not affect a consumer's ability to obtain a dog, cat, rabbit, or ferret of his or her choice directly from a breed-specific rescue organization, a shelter, or from a breeder where the consumer can see directly the conditions in which the animals are bred.
- K. The City Commission believes it is in the best interests of the City of Royal Oak to adopt reasonable regulations to reduce costs to the City and its residents, to protect citizens who may purchase cats, dogs, rabbits, or ferrets from a pet shop or other business establishment, to help prevent inhumane breeding conditions, to promote community awareness of animal welfare, and to foster a more humane environment in the City."

Section 4. Amendment to Chapter 195. Chapter 195 of the City Code, "Animals", is hereby amended to include a new Article V, "Retail Pet Store Sales", which shall read as follows:

"Article V. Retail Pet Store Sales

Section 195-35. **Definitions.** As used in this Article, the following words and phrases shall have the following meanings, unless the context otherwise requires:

- A. "Retail pet store" means a commercial establishment where animals are sold, exchanged, bartered or offered or sale as pet animals to the general public at retail, and shall not include any "breeder," as defined under MCL 287.891(5).
- B. "Offer for sale" means to sell, exchange for consideration, advertise for the sale of, barter, auction, give away, or otherwise dispose of a dog, cat, rabbit, or ferret.
- C. "Dog" means a member of the species of domestic dog, *Canis familiaris*.
- D. "Cat" means a member of the species of domestic cat, *Felis catus*.
- E. "Rabbit" means a member of the species of domestic rabbit, *Oryctolagus cuniculus*.
- F. "Ferret" means a member of the species of domestic ferret, *Mustela putorius furo*.
- G. "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 significant part, the rescue and placement of animals into permanent homes; and which does not breed animals. "Animal rescue organization" does not include any entity which: (1) is located on the same premises as a person, as defined under MCL 287.331(q), that breeds dogs, cats, rabbits, or ferrets; (2) has any personnel in common with such a person, including but not limited to, any employee, manager, or board member; (3) obtains any dogs, cats, rabbits, or ferrets from such a person; or (4) facilitates the sale of dogs, cats, rabbits, or ferrets that were obtained from such a person."

Section 195-36. **Sale of Dogs, Cats, Rabbits and Ferrets by Retail Pet Stores Prohibited.**

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Notwithstanding any other provision of law, it shall be unlawful for a retail pet store to sell or offer for sale a dog, cat, rabbit, or ferret. A retail pet store may provide space to an animal control shelter, as defined in MCL 287.331(f), or an animal rescue organization, as defined in this Article, to offer to the public dogs, cats, rabbits, or ferrets, provided that the retail pet store shall not have any ownership interest in the animals offered and shall not receive any fee for providing space or for the adoption of any of the animals.

Section 195-37. **Penalty.** A person who violates this Article is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, in the discretion of the court.”

Section 4. Severability. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Savings. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 6. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 7. Effective Date. This ordinance shall take effect ten (10) days after the final passage thereof.