



**City Council**  
36 Court Street  
Springfield, MA 01103

Meeting: 04/05/21 07:00 PM

Department: City Council

Category: General

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Initiator: Melvin A. Edwards

Sponsors: Ward 3 Councilor Melvin A. Edwards

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**ADOPTED**

**ORDINANCE 2021-2**

## Amending Ch 110, Sec 110-14 Puppy Mills

### Chapter 110

§110-14 Prohibition on the Sale of Dogs, Cats, and Rabbits by Pet Shops

(a) **Purpose and Preamble**

- (1) Whereas, it is the opinion of the Springfield City Council that most puppies, kittens, and rabbits sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills," "kitten mills," and "rabbit mills," respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than two million puppies per year in the United States; and
- (2) Whereas, it is the opinion of the Springfield City Council that the documented abuses endemic to puppy, kitten, and rabbit mills include over-breeding, inbreeding, minimal veterinary care, lack of adequate food, water and shelter, lack of socialization, exercise and enrichment, and lack of sanitation; and
- (3) Whereas, it is the opinion of the Springfield City Council that Pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into, because they were taken from their mothers at a very young age, because they were transported in trucks filled with other young puppies, and because they were placed in a pet store cage with or near other puppies who are often sick; and
- (4) Whereas, it is the opinion of the Springfield City Council that Pet stores often mislead consumers as to where the puppies in the stores came from and make false health and behavior guarantees, and that many

consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away; and

- (5) Whereas, according to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred (100) Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies; and
- (6) Whereas, it is the opinion of the Springfield City Council that current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the pet store sale of dogs, cats, and rabbits from animal mills pose, and that Federal oversight of the commercial breeding industry is severely lacking; and
- (7) Whereas, it is the opinion of the Springfield City Council that prohibiting pet stores from selling dogs, cats, and rabbits is likely to decrease the demand for these animals that are bred in mills, and decrease the burden that pet store dogs, cats, and rabbits that end up in animal shelters place on local agencies and taxpayers; and
- (8) Whereas, it is the opinion of the Springfield City Council that the vast majority of pet stores, both large chains and small, family-owned shops, already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events; and
- (9) Whereas, it is the intention of the Springfield City Council that this ordinance will not affect a consumer's ability to obtain a dog, cat, or rabbit of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public; and
- (10) Whereas, the Springfield Council believes it is in the best interest of Springfield to adopt reasonable regulations to reduce costs to Springfield and its

residents, protect citizens who may purchase cats, dogs, or rabbits from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Springfield.

(b) **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.

(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 the City of Springfield or any other 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 group" means a not-for-profit organization having tax-exempt status under 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 animals into permanent homes. The term animal rescue group does not include any person that: breeds dogs, cats, or rabbits or obtains dogs, cats, or rabbits for payment or compensation from a person who breeds or facilitates the sale of dogs, cats, or rabbits that were obtained from such a breeder.

(6) "Animal control officer" shall have the meaning assigned in Section 110-1.

(7) "Person" shall mean an individual, corporation, partnership, association, or any other legal entity.

(8) "Dog" means any member of the species *Canis familiaris*.

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

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

(c) **Sale of dogs, cats, and 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 such animals are displayed and made available for adoption by either: (A) a public animal control agency or shelter or (B) an animal rescue group, as defined, and all of the following conditions are met:

(i) Subject to Section 110-7, any dog or cat displayed for adoption shall be sterilized and microchipped prior to being displayed, with the microchip registered to the owner;

(ii) And rabbit displayed for adoption shall be sterilized prior to being displayed;

(iii) Any dog displayed for adoption shall be at least six months of age;

(iv) Any dog displayed for adoption shall, prior to being displayed, be vaccinated against rabies, parvovirus, distemper, and hepatitis;

(v) Any cat displayed for adoption shall, prior to being displayed, be vaccinated against panleukopenia, calicivirus, rhinotracheitis (herpesvirus), and rabies;

(vi) 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;

(vii) Each pet shop displaying dogs, cats, or rabbits shall post, in a conspicuous location on the cage or

enclosure of each animal, a sign listing the name of the public animal control agency or shelter or animal rescue group which is displaying each dog, cat, or rabbit in the cage or enclosure;

(viii) No part of any fees associated with the display or adoption of the animals, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any legal entity affiliated with or under common ownership with the host pet shop;

(ix) The total fees, including but not limited to adoption fees, per animal shall not exceed five hundred dollars (\$500); and

(x) The host pet shop shall not have any ownership interest in any of the animals displayed for adoption.

(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.

(d) **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. 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.

(e) **Effective date.**

The provisions of these section shall be effective ninety (90) days after passage.

Approved as to form

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Associate City Solicitor

**HISTORY:**

**03/08/21** City Council

**03/15/21** City Council  
Next: **04/05/21**

**FIRST STEP**

**REFERRED TO COMMITTEE**