

ORDINANCE NO. _____

FILE OF CITY COUNCIL

BILL NO.76 -2022

October 5, 2022

WHEREAS, current Federal, State, and Local regulations do not properly address the sale of puppy and kitten mill dogs and cats both in and out of pet stores; and

WHEREAS, a significant number of puppies and kittens sold at pet stores 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); 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, puppies produced in puppy and kitten mills often have health and behavioral issues, which many consumers are unaware of when purchasing animals due, in part, to misleading sales tactics of pet stores. These health and behavioral issues can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, according to the Journal of the American Medical Association and the Centers of Disease Control, antibiotic-resistant *Campylobacter* infections linked to pet store puppies have been circulating for at least ten years, continuing to cause illness among pet store customers and staff and posing a public health threat;

WHEREAS, prohibiting the retail sale of puppies and kittens 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, prohibiting the retail sale of puppies and kittens will likely reduce pet overpopulation and thus the burden on shelters and rescues and financial costs on local taxpayers; and

WHEREAS, prohibiting the retail sale of puppies and kittens will limit the instances in which residents fall victim to predatory financing with excessively high-interest rates in order to afford the high cost of pet store puppies; and

WHEREAS, 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 on the sale of dogs and cats; and

WHEREAS, this Ordinance will not affect consumers' ability to obtain a dog or cat of their choice directly from a shelter, rescue, or responsible breeder; and

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

AN ORDINANCE

An ordinance prohibiting the sale or offer for sale of dogs or cats or rabbits by pet shops, as defined, in the City of Allentown; prescribing penalties for violations.

SECTION ONE: Be it enacted by the Council of the City of Allentown, that the Code be Revised by adding to Chapter 163, Article 3, titled "Retail Pet Shops," and to read as follows:

A. Prohibition on the Sale of Dogs and Cats and Rabbits by Pet Shops

(1) It shall be unlawful for a pet shop, as defined in §623-1, to sell or offer for sale a dog or cat or rabbit.

(2) Nothing in Section shall be construed to prohibit a retail pet shop from providing space to either an animal shelter or to an animal rescue organization, whether such shelter or organization is located within or outside the state of Pennsylvania, for the purpose of displaying dogs or cats or rabbits available for adoption.

B. Definitions

For purposes of this section:

"Sell" means to exchange for consideration, adopt out, barter, trade, lease, or otherwise transfer.

"Offer for sale" means to display or proffer for acceptance by another person.

“Animal shelter” means a facility operated by or under contract with a political subdivision of any state for the impoundment and care of seized, stray, homeless, abandoned, unwanted, or surrendered animals.

“Animal rescue organization” means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. “Animal rescue organization” shall not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

“Cat” means any member of the species *Felis catus*.

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

“Rabbit” means any member of the species *Oryctolagus cuniculus domesticus*

C. Violations and Enforcement

(1) A retail pet shop that sells or offers for sale a dog or cat or rabbit in violation of subsection A commits a violation punishable by a fine of \$600. Each unlawful sale or offer for sale of each dog or cat or rabbit shall constitute a separate violation.

(2) The City Police Department shall be empowered to enforce any and all parts of this article upon notification of such violation. A record of the violation shall be kept on file in the City Police Department.

SECTION TWO: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION THREE: All provisions of this ordinance and of the Code shall be in force and effect on and after 10 days of final passage.

PET SHOP – DEFINITION FROM THE CODE

Any property, premises, place, commercial establishment or person that buys for resale and sells dogs, cats, birds, fish or other animals to the general public on a retail basis. This excludes persons making a sale or trade of any such animal from their residence and/or property when not regularly engaged in the business of selling or trading animals.