

**Proposed Amendment #0315-A**



**CITY OF BOSTON**

IN THE YEAR TWO THOUSAND SIXTEEN

IN CITY COUNCIL

**AN ORDINANCE REGARDING THE SALE  
OF ANIMALS IN THE CITY OF BOSTON**

WHEREAS, a significant number of puppies, kittens, and rabbits sold at pet shops come from large-scale commercial breeding facilities, many of which have multiple violations of the federal Animal Welfare Act; and

WHEREAS, current federal and state regulations do not sufficiently address the sale of puppies, kittens, and rabbits from large-scale commercial breeders; and

WHEREAS, enforcement of USDA-licensed breeding facilities has been found inadequate in an Office of Inspector General report that documented severe problems such as 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 large-scale breeding facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals. 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, 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 commercially-bred dogs, cats or rabbits. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets; and

WHEREAS, this ordinance will not affect a consumer's ability to obtain a dog, cat or rabbit of his or her choice directly from a shelter, breed-specific rescue organization, or a breeder where the consumer can see directly the conditions in which the dogs, cats or rabbits are bred or can confer directly with the breeder concerning those conditions; and

WHEREAS, some Boston-area shelters are experiencing an increased number of surrendered rabbits; and

WHEREAS, the transferring of animals in “roadside sales” are often breeders who are not responsibly breeding and who are looking to make a quick profit, providing no recourse for residents who may find the animal sick or with other conditions due to poor breeding practices; and

WHEREAS, more than 120 other cities, including Los Angeles, San Diego, Austin, Chicago, Phoenix and East Providence have passed ordinances prohibiting the sale of dogs and cats and, in some places, also rabbits, at pet shops to ensure animal and consumer protection; and

WHEREAS, the City Council believes it is in the best interests of the City of Boston to adopt reasonable regulations to prevent costs to the City and its residents, protect the citizens of the City who may purchase dogs, cats or rabbits from a pet shop or other business establishment, promote community awareness of animal welfare, and foster a more humane environment in the City,

WHEREAS, in the past six years other state legislatures have passed new laws creating state Department of Agriculture licensing and inspections that far exceed USDA standards of enclosure size and construction, socialization and exercise, and care standards of dogs and cats by professional breeding facilities within their respective states.

NOW THEREFORE

**Be it ordained by the City Council of Boston, as follows:**

City of Boston Code, Ordinances, Chapter XVI is hereby amended by inserting after Section 16-1.9F.7 the following new ordinance: --

**16-1.9G Sale of Animals.**

**16-1.9G.1 Definitions.**

For purposes of this section, unless the context clearly requires otherwise:

*Animal Shelter* means a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse and, if required, is registered with the state’s Department of Agricultural Resources and which does not obtain dogs or cats from a breeder or broker for payment or compensation.

*Animal Rescue Organization* means a not-for-profit organization registered with the state’s Department of Agricultural Resources, if required, and that either on its own behalf or as facilitator for others engages or arranges for others to engage in the activities of transferring ownership of domestic animals, and which does not obtain dogs or cats from a breeder or broker for payment or compensation..

*Breeder* means a person who maintains dogs, cats, or rabbits for the purposes of breeding and selling their offspring.

*Broker* means a person who transfers dogs, cats, or rabbits at wholesale for resale by another.

*Flea market* means a building, structure or open area occupied by one or more vendors, other than retail stores, for sale to the public of new or used goods or products on a seasonal, limited or full schedule of operation.

Pet shop shall have the meaning provided in section 1 of chapter 129 of the Massachusetts General Laws. Such definition shall not include an animal shelter or an animal rescue organization.

### **16-1.9G.2 Prohibition.**

- a. ~~No pet shop shall display, sell, deliver, offer for sale, barter, auction, give away, broker or otherwise transfer or dispose of a dog, cat or rabbit, except for a dog, cat or rabbit obtained from:~~
- ~~1. An animal shelter or animal rescue organization;~~
  - ~~2. An animal shelter or animal rescue organization that operates out of or in connection with a pet shop.~~
- b.a. Each pet shop shall maintain records sufficient to document the source of each dog, cat or rabbit the pet shop acquires for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to any officer of the Inspectional Services Department, its Animal Care and Control Unit, and/or the Boston Police Department.
- e.b. 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 parking lot, flea market, or other market, except for a dog, cat or rabbit displayed:
1. By a shelter or animal rescue organization; or
  2. As part of a 4-H program or similar exhibition or educational program.
- c. Pet stores must provide verbal and written information to each customer, interesting in acquiring a cat or dog, the benefits and options and of adopting a pet from a local humane society or rescue along with the contact information of local humane societies or rescues.
- d. Pet stores may acquire pets for sale from humane societies or rescues and may allow animal shelters and animal rescues to operate out of or in connection with the pet store.
- e. No animal shall be offered for sale, trade or give-away by a pet store, animal rescue organization, or animal shelter unless the animal is at least eight (8) weeks old, is in good health and has been weaned from its mother.
- f. Any animal offered for sale, trade or free adoption by a pet store, animal rescue organization, or animal shelter shall have daily access to appropriate amounts of clean, fresh water and clean, fresh food.

- g. No pet store shall obtain animals originating from a breeder who has received and failed to cure the following violations by the deadline set by the USDA: 1) one direct violation from the USDA or state department of agriculture within the past year, 2) three or more different indirect violations, other than "no access violations" within the past year, or 3) one or more reoccurring indirect violations within the past year.
- h. No pet store shall obtain animals originating from a breeder who has received "no access" violations on the two most recent inspection reports from the USDA or state Department of Agriculture.
- i. Any pet store offering animals for sale, trade or give-away shall retain each invoice they receive from the broker or breeder from whom they obtain their animals for a period of at least two years. A copy of the invoice must be provided to the any Police Officer or designated inspection officer approved by City Council.
- j. Any pet store, animal rescue organization, or animal shelter offering animals for sale, trade or give-away shall make sterilization services available to the consumer for animals sold at an age at which such procedures may be performed safely. Consumers shall be responsible for any costs associated with utilizing such services.
- k. For protection of the public and animals against Rabies, any pet store, animal rescue organization, or animal shelter must have any animal over twelve (12) of age vaccinated against the Rabies virus by a Massachusetts state licensed veterinarian. A record of each animals Rabies inoculation including the administering veterinarian's full name, clinic address, phone number, date of the administration of the Rabies vaccination to the animals, name of the manufacture of the rabies vaccine, rabies vaccine's expiration date, and rabies vaccine lot number shall be kept for a period of two years.

### **16-1.9G.3 Penalties.**

Any person or entity, except as provided by law, who sells a dog, cat or rabbit in violation of CBC 16-1.9G shall be fined three hundred (\$300.00) dollars per violation. Each animal sold or offered for sale in violation of CBC 16-1.9G shall constitute a separate offense. Any animal being offered for sale or transfer, or displayed in violation of these sections, may be seized or impounded.

### **16-1.9G.4 Enforcement.**

The Inspectional Services Department, its Animal Care and Control Unit, and/or the Boston Police Department shall have the authority to enforce all violations of these sections.

### **16-1.9G.5 Applicability.**

If any provision of these sections imposes greater restrictions or obligations than those imposed by any other general law, special law, regulations, rule, ordinance, order, or policy, then the provisions of these sections shall control.

**16-1.9G.6 Severability.**

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**16-1.9G.7 Effective Date.**

The provisions of this ordinance shall be effective upon passage.