



City of Cambridge

O-10
IN CITY COUNCIL
June 27, 2016

VICE MAYOR MCGOVERN
COUNCILLOR CARLONE

- WHEREAS:** Many people are aware of the terrible conditions in which large-scale breeders house and breed dogs and cats, but are unaware that the same terrible conditions effect birds, reptiles, and small mammals – conditions that often violate the federal Animal Welfare Act; and
- WHEREAS:** Most people who buy animals from pet stores do not realize that they come from these large-scale breeders, and pet stores often make assurances that their dogs and other warm-blooded animals come from USDA licensed breeders; and
- WHEREAS:** Even if breeders are licensed by the USDA, the USDA makes it clear that its standards for certification are merely survival standards and, while the USDA strongly encourages breeders to exceed them, enforcement is minimal and many breeders fail to meet them at all; and
- WHEREAS:** Where the law protects dogs, cats, and other mammals, birds and cold-blooded animals bred for the pet trade lack even these minimal protections and are completely unregulated under the Animal Welfare Act; and
- WHEREAS:** Animals sourced from these breeders have high instances of disease, genetic disorders, and behavioral challenges; and
- WHEREAS:** The MSPCA takes in hundreds of animals each year who were acquired at pet stores as consumers, unaware of hidden problems, are often unprepared and unable to spend the time and money required to properly care for these animals; 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 or cats and it would benefit consumers and animals alike for pet stores to sell or host adoptions of animals only in conjunction with animal care facilities or animal rescue organizations as consumers would be better informed about the background of the animals who are healthier and have been humanely treated; and
- WHEREAS:** The attached proposed amendment to The Municipal Code of the City of Cambridge in Title 6 entitled “Animals” would be amended by adding a new chapter, Chapter 6.20 “Restrictions on the Sale of Animals in Pet Shops” that would prohibit the sale of animals in pet shops except those animals obtained from or displays in cooperation with an animal care facility or an animal rescue organization and would further prohibit the sale of animals in public places such as open markets, parking lots, and public rights of way; now therefore be it

ORDERED: That the attached proposed amendment to Title 6, entitled "Animals," be referred to the Ordinance Committee for a public hearing on this topic.

City of Cambridge

In the Year Two Thousand and Sixteen

AN ORDINANCE

In amendment to the Ordinance entitled "Municipal Code of the City of Cambridge"

Be it ordained that in Title 6 entitled "Animals" a new Chapter 6.20 be added entitled "Restrictions on the Sale of Animals in Stores" which reads as follows:

Chapter 6.20 RESTRICTIONS ON THE SALE OF ANIMALS IN PET SHOPS

6.20.010. Definitions

As used in this chapter:

- A. "Animal care facility" means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission or practice is, in whole, or significant part, protecting the welfare of animals and the placement of animals in permanent homes or with animal rescue organizations.
- B. "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 in significant part, the rescue of animals and the placement of those animals in permanent homes, and which does not obtain birds, mammals, or reptiles from a breeder or broker for payment or compensation.
- C. "Bird" means a member of the Aves class.
- D. "Breeder" means a person who maintains birds, mammals, or reptiles for the purpose of breeding and selling their offspring.
- E. "Broker" means a person who transfers birds, mammals, or reptiles at wholesale for resale by another.
- F. "Mammal" means a member of the class mammalia.
- G. "Offer for sale" means to sell, offer for sale or adoption, barter, auction, give away or otherwise transfer a bird, mammal, or reptile.

Attachment: Proposed Pet Shop Ordinance (POR 2016 #197 : Pet Store Ordinance)

H. "Pet shop" shall have the meaning provided in G.L. c. 129, § 1 and § 39A. Such definition shall not include an animal care facility or animal rescue organization, as defined.

I. "Reptile" means a member of the Reptilia class.

6.20.020. Prohibition on Retail Sales

A. A pet shop may offer for sale only those birds, mammals, or reptiles that the pet shop has obtained from or displays in cooperation with:

- 1. An animal care facility, as defined in section 6.20.010 of this chapter; or
- 2. An animal rescue organization, as defined in section 6.20.010 of this chapter.

B. Each pet shop shall maintain records sufficient to document the source of each bird, mammal, or reptile the pet shop acquires, for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to the Director of the Animal Commission, any Animal Control Officer, Police Officer and/or Sanitation Inspector or Code Enforcement Inspector detailed with the Public Health and Inspectional Services Departments.

C. Each pet shop offering birds, mammals, or reptiles for sale shall post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the animal care facility or animal rescue organization from which each bird, mammal, or reptile in the cage or enclosure was acquired.

6.20.030. Prohibition on Sales in Public Places

A. It shall be unlawful for any person to sell, exchange, trade, barter, lease or display for a commercial purpose any bird, mammal, or reptile on any roadside, public right-of-way, parkway, median, park, other recreation area, flea market or other outdoor market, or commercial or retail parking lot regardless of whether such access is authorized.

B. This section shall not apply to the following:

- 1. The display or adoption of birds, mammals, or reptiles by an animal care facility or an animal rescue organization, as defined in section 6.20.010 of this chapter; or
- 2. The display of birds, mammals, or reptiles as part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.

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6.20.040. Enforcement Officials Designated

The Director of the Animal Commission, Animal Control Officers, Police Officers and Sanitation Inspectors and Code Enforcement Inspectors detailed with the Public Health and Inspectional Services Departments shall have the authority of enforcing all sections of this chapter. All fines and penalties assessed and collected under this chapter may be enforced by issuance of non-criminal tickets pursuant to G.L. c. 40, § 21D, or as otherwise authorized by law.

6.20.050. Violation - Penalty

Any person who sells a bird, mammal, or reptile in violation of section 6.20.020 or 6.20.030 of this chapter shall be fined three hundred (\$300.00) dollars. Each animal sold or offered for sale in violation of these sections shall constitute a separate offense.

6.20.060. Severability

If any provision of this chapter or the application thereof to any person or circumstance shall for any reason be held invalid, the remainder of this chapter and the application thereof shall not be affected and shall continue to be in full force and effect.

6.20.070. Effective Date

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

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