

APPENDIX Q

Progressive Animal Control Ordinances

By Ledy Vankavage, senior legislative attorney, Best Friends Animal Society, Kanab, Utah

It is hard to find truly “model” animal control ordinances, since every community is different and has different needs. With that said, this appendix comprises some resolutions, statutes and ordinances that have specific provisions that we think will help you formulate comprehensive and responsible animal control ordinances to help protect people and pets. When drafting an ordinance, remember that your ultimate goal should be to help achieve a safe and humane community for both pets and humans.

The appendix also contains a listing of states with provisions against breed discrimination and some information on ordinances that can be passed to limit the impact of puppy and kitten mills on shelters and communities.

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PERSONNEL & ANIMAL WELFARE

RESOLUTION

WHEREAS the stated goal of the City of Los Angeles is to save the lives of all of the healthy and adoptable dogs and healthy cats in the possession of Los Angeles Animal Services ("Animal Services" or "LAAS") and help them find good "forever homes;" and

WHEREAS a no-kill community is generally considered as saving 90 percent or more of the cats and dogs coming through the sheltering system; and

WHEREAS over the course of the last fifty-plus years, Animal Services and its predecessor, the Department of Animal Regulation, have worked in cooperation with the public, the humane community and the City's elected officials to improve its "live release" rate from well less than 50 percent to a level where it is approaching the accepted standard for no-kill; and

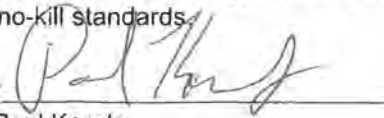
WHEREAS Animal Services continues to invest energy and resources in the collective and collaborative drive to improve its equipment and facilities, enhance support and training for its staff, and strengthen its relationships with rescuers, rescue groups, humane organizations and others in the community and across the country in the effort to increase adoptions, spay/neuter and protection from cruelty and abuse for animals in Los Angeles, while maintaining a strong commitment to public safety; and

WHEREAS, while the no-kill goal is in sight and potentially within reach, there is more to be done in order to save all of the adoptable and healthy animals in the department's care and jurisdiction.

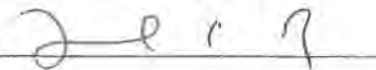
NOW, THEREFORE BE IT RESOLVED that the City of Los Angeles reconfirms its commitment to achieving the accepted no-kill live release for all healthy and adoptable dogs and cats at Los Angeles Animal Services by December 31, 2017, or by as soon thereafter as possible; and

BE IT FURTHER RESOLVED that the City of Los Angeles work in collaboration with the No Kill Los Angeles coalition, other rescuers and rescue organizations, humane organizations and the general public to develop a comprehensive strategy to reach and maintain a life-saving rate consistent with accepted no-kill standards.

PRESENTED BY:


Paul Koretz
Councilmember, 5th District

SECONDED BY:




FEB 14 2017

ORIGINAL

ASSEMBLY RESOLUTION No. 237
STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MAY 11, 2017

Sponsored by:

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen McKeon and Rooney

SYNOPSIS

Urges animal shelters and pounds in NJ to adopt “no-kill” policies by no later than 2025.

CURRENT VERSION OF TEXT

As introduced.

An Assembly Resolution urging animal shelters and pounds in New Jersey to adopt “no-kill” policies aimed at saving the lives of all healthy cats and healthy and adoptable dogs.

Whereas, The killing of healthy cats and healthy and adoptable dogs in shelters and pounds is a needless tragedy and should be eliminated whenever possible; and

Whereas, Since its inception, the “no-kill” movement – led by organizations like Best Friends Animal Society – has been credited with saving the lives of millions of animals; and

Whereas, While the rate of animals killed in shelters and pounds has decreased significantly over the past decade both in New Jersey and nationwide, the routine killing of healthy cats and healthy and adoptable dogs continues as a matter of policy rather than necessity at many shelters and pounds; and

Whereas, According to Best Friends Animal Society, each year, an estimated 2 million (5,500 per day) healthy cats and healthy and adoptable dogs are killed; and

Whereas, According to the New Jersey Department of Health’s 2015 Animal Intake and Disposition Survey, which only requires voluntary reporting by participating shelters, in 2015, approximately 21 percent of all cats and dogs impounded in New Jersey shelters and pounds were killed; and

Whereas, The exact rate of animals impounded, claimed, or killed in shelters and pounds is not known, because shelters and pounds are not required to report their statistics and, therefore, this voluntary, non-mandatory reporting is not verifiable; and

Whereas, Many of the pets that are killed each year are healthy or treatable pets that could be placed in homes, or feral cats that do not belong in animal shelters; and

Whereas, A national survey conducted for Best Friends Animal Society revealed that almost 70% of citizens do not want kittens and cats picked up and killed; and

Whereas, The “no-kill” philosophy is the idea that every healthy cat and every healthy and adoptable dog in a shelter or pound should be saved, and that euthanasia should only be an act of mercy as a last resort for animals suffering from an irremediable illness or a physical condition causing the animal continuous and irremediable pain; and

Whereas, A shelter or pound is generally considered “no-kill” when it saves at least 90 percent of the pets it takes in; and

Whereas, “No-kill” shelters and pounds implement new and innovative programs and policies to provide alternatives to the killing of pets; and

Whereas, These policies and programs include volunteer foster care networks; comprehensive adoption programs; medical and behavioral rehabilitation programs; public education and awareness programs; feral cat trap, neuter, vaccinate, and return or release programs; animal socialization programs; and many others; and

Whereas, The citizens of this State have a right to expect that animal shelters and pounds are doing everything in their power to protect the lives of animals, including implementing “no-kill policies”; now, therefore,

Be It Resolved *by the General Assembly of the State of New Jersey:*

1. This House urges animal shelters and pounds in New Jersey to adopt “no-kill” policies aimed at saving the lives of all healthy and adoptable animals, with the goal of making New Jersey a “no-kill” state by no later than 2025.

2. This House further urges animal shelters, pounds, humane societies, and rescue organizations in the State to participate in the New Jersey Department of Health’s annual Animal Intake and Disposition Survey to aid the State in better understanding the issue of animal impoundment and euthanasia.

3. Copies of this resolution, as filed by the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the Governor, the New Jersey Commissioner of Health, the American Society for the Prevention of Cruelty to Animals, the New Jersey Society for the Prevention of Cruelty to Animals, the New Jersey Veterinary Medical Association, the New Jersey Certified Animal Control Officers Association, the Humane Society of the United States, and the Humane Society of the United States in New Jersey.

STATEMENT

This resolution would urge animal shelters and pounds in New Jersey to adopt “no-kill” policies aimed at saving the lives of all healthy cats and all healthy and adoptable dogs, with the goal of making New Jersey a “no-kill” state by no later than 2025.

The killing of healthy cats and healthy and adoptable dogs in shelters and pounds is a needless tragedy and should be eliminated whenever possible. While the rate of animals killed in shelters and pounds has decreased significantly over the past decade, the routine killing of healthy cats and healthy and adoptable dogs continues as a matter of policy rather than necessity at many shelters and pounds. According to Best Friends Animal Society, each year, an estimated 2 million (5,500 per day) healthy cats and healthy and adoptable dogs are killed. Many of these animals are healthy or treatable animals that could be placed in homes, or feral cats that do not belong in animal shelters, as 70% of American citizens agree.

The “no-kill” philosophy is the idea that every healthy cat and every healthy and adoptable dog in shelters and pounds should be saved, and that euthanasia should only be an act of mercy as a last resort for irremediably suffering animals. A shelter or pound is generally considered “no-kill” when it saves at least 90 percent of the pets it takes in. “No-kill” shelters and pounds implement new and innovative programs and policies to provide alternatives to the killing of pets, such as volunteer foster care networks, comprehensive adoption programs, medical and behavioral rehabilitation programs, public education and awareness programs, feral cat trap, neuter, vaccinate, and return programs, and pet socialization programs. Since its inception, the “no-kill” movement – led by organizations like Best Friends Animal Society – has been credited with saving the lives of millions of animals.

The citizens of this State have a right to expect that animal shelters and pounds are doing everything in their power to protect the lives of pets, including implementing “no-kill” policies. This resolution would further urge animal shelters, pounds, humane societies, and rescue organizations to participate in the New Jersey Department of Health’s annual voluntary Animal Intake and Disposition Survey.

Illinois Animal Control Act Definitions

(510 ILCS 5/2.05a)

Sec. 2.05a. "Dangerous dog" means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.

(510 ILCS 5/2.11a)

Sec. 2.11a. "Enclosure" means a fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

(510 ILCS 5/2.11b)

Sec. 2.11b. "Feral cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm.

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

(510 ILCS 5/2.17c)

Sec. 2.17c. "Potentially dangerous dog" means a dog that is unsupervised and found running at large with 3 or more other dogs.

(Source: P.A. 95-550, eff. 6-1-08.)

(510 ILCS 5/2.19b)

Sec. 2.19b. "Vicious dog" means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon 3 separate occasions.

(Source: P.A. 93-548, eff. 8-19-03.)

Here are some good definitions of terms from Hillsborough County, Florida.

Sec. 6-20. - Definitions.

The following terms shall have the meanings as indicated. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include words in the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall", "will" and "must" are mandatory and the word "may" is permissive.

Cat shall mean, but is expressly not limited to domestic cats, *Felis catus*, and any genetic hybridization thereof, including but expressly not limited to ocelot hybrids and bobcat hybrids, that are not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Companion animal shall mean any dog, cat or other animal that is legally owned, harbored or kept for companionship or pleasure on or about the habitat or environment of a person and such dog, cat, or other animal is dependent upon a person for sustenance or survival, including all animals except indigenous and non-indigenous wildlife under the exclusive jurisdiction of the State and animals used in connection with pari-mutuel wagering, horses, or animals raised in connection with food or fiber industries.

Confine or confinement shall mean to humanely, safely and securely hold or restrict an

Department shall mean the County's Pet Resources Department, or some other designated County department.

Direct control shall mean immediate, continuous physical control of an animal at all times, such as by means of a fence, leash, cord or chain of such strength to restrain the animal.

Ear-tipped cat shall mean any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; an ear-tipped cat shall be distinguished from other cats by being sterilized, vaccinated at the time of sterilization against the threat of rabies, and ear-tipped (removing approximately a quarter-inch off the tip of the cat's left ear in a straight line cut), the universal sign of a sterilized, unowned cat. If these requirements are met, the ear-tipped cat is exempt from licensing, certain stray and at-large provisions of this chapter and may be exempt from other provisions directed toward owned animals.

Harbor shall mean to perform any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions.

Humane manner or humanely shall mean the responsible practice of good animal husbandry, management and care in regard to feeding, watering, ventilation, space and confinement, exercise, lighting, shelter with protection from the elements, handling and treatment in a manner consistent with the physical and behavioral needs of the species as

more particularly described in the county's animal care standards promulgated by the Department. The definition also includes the provision of euthanasia consistent with lawful practices.

Nuisance animal shall mean any companion animal that unreasonably annoys humans, endangers the life or health of other animals or individuals, or substantially interferes with the rights of citizens, other than its owner, thereby interfering with the reasonable use and enjoyment of property.

Owner release and surrender statement shall mean an animal release form or statement signed by the owner or his or her authorized agent which relinquishes and vests all ownership and possessory rights to the County.

Person shall mean any natural person, society, firm, corporation, partnership, association, or other legal entity or business unit and every officer, agent, or employee thereof.

Pet pig shall mean any member of the domestic pig species *Sus scrofa* regardless of age, that is raised or intended to be raised as a companion animal, for personal use or enjoyment, or if it is raised or intended to be raised for non-commercial or non-agricultural purposes.

Shelter shall mean, provision of and access to a three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weatherproof and made of durable material. At a minimum, the structure must:

(1)
Be sufficient in size to allow each sheltered animal to stand up, turn around, lie down, and stretch comfortably;

(2)
Be designed to protect the sheltered animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions;

(3)
Be free of standing water, accumulated waste and debris, protect the sheltered animal from injury, and have adequate ventilation and for dogs and cats, provide a solid surface, resting platform, pad, floormat or similar device that is large enough for the animal to lie on in a normal manner; and

(4)
Be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a veterinarian. Structures with wire, grid or slat floors which permit the animal's feet to pass through the openings, sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited except for birds where perches are provided.

Sterilized shall mean rendered permanently incapable of reproduction, such as by surgical or chemical means.

Sustenance shall mean access to and the provision of palatable nourishment appropriate for the type of animal which is to eat it, free from contamination and provided in a clean and sanitary manner. Food shall be of sufficient nutritional value to maintain the animal in good health and shall be provided at suitable intervals for the species, age and condition of the animal but not less than once daily except as otherwise prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal to the species.

Transfer shall mean to convey or shift ownership from one person to another, with or without the exchange of money or other consideration.

Water shall mean provision of and access to clean, fresh potable water of a drinkable temperature which is free from contamination and provided in a suitable manner, in sufficient volume, and at suitable intervals to at all times maintain normal hydration for the age, species, condition, size and types of each animal except as otherwise prescribed by a veterinarian or as dictated by naturally occurring states of hibernation. An animal confined outdoors shall have a continuous supply of clean, fresh, and potable water, unless the animal is under the direct supervision of a responsible person at events such as dog or cat shows or field trials. In such cases, the responsible person shall ensure sufficient water is provided to the animal in order to maintain normal hydration for the species of animal.

Idaho Dangerous and At-Risk Dog Statute 25-2810

(3) No dog may be declared to be a dangerous or at-risk dog when at the time an injury or damage was sustained, the precipitating cause constituted justified provocation. Justified provocation includes, but is not limited to, the following:

- (a) The dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
- (b) The person was committing a crime or offense upon the property of the owner or custodian of the dog;
- (c) The person was at the time, or had in the past, willfully tormented, abused or assaulted the dog;
- (d) The dog was responding to pain or injury or protecting its offspring;
- (e) The dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury sustained was to a person who was interfering with the dog while the dog was working in a place where it was lawfully engaged in such activity, including public lands;
- (f) The dog was a service animal individually trained to do work or perform tasks for a person with a disability; or
- (g) The person was intervening between two (2) or more animals engaged in aggressive behavior or fighting.

South Bend, Indiana

CHAPTER 5 - RESPONSIBLE ANIMAL AND PET OWNERSHIP CARE AND CONTROL REGULATIONS

Sec. 5-43. - Habitual animal offender.

(a) It shall be unlawful to be a habitual animal offender. For the purposes of this section, an habitual animal offender shall mean any animal owner or harborer, who within any two-year period is cited with three (3) or more violations of animal care regulations of this chapter. The controlling date is the date of each animal ordinance violation.

(b) If upon investigation by an Animal Control Officer it is found that an owner and/or harbor meets the definition of a Habitual Offender, the matter will be set for hearing before the Animal Control Commission.

(c) If found to be a habitual animal offender the Animal Control Commission may order a limit, restriction, or prohibition against animal ownership for a minimum of five (5) years or more as determined by the Animal Control Commission based on the totality of the circumstances of the violations observed.

(Ord. No. 10309-14, § I, 5-28-14)

Jacksonville, Florida

Sec. 462.304. - Habitual nuisance.

- (a) It shall be unlawful for the owner, or any person having temporary custody, of an animal or animals to permit the animal(s), either willfully or through failure to exercise due care or control, to commit a nuisance by running at-large habitually; by chasing or running after vehicles or persons habitually; by trespassing upon public or private school grounds habitually; by trespassing upon private property habitually and interfering with the reasonable use and enjoyment of the property; by barking habitually, or by making other objectionable animal noises habitually; or by doing any other thing habitually which is so offensive as to create a nuisance.
- (b) For the purpose of this Section, "habitually" means at least two separate occurrences within a time period of no more than one month; except that barking habitually, or making other objectionable animal noises habitually, means making the sound persistently or continuously for at least 30 minutes occurring at least three separate times within a period of no more than eight hours. For the purposes of this Section, "persistently" or "continuously" shall mean nonstop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time during the 30 minute utterances.
- (c) The animal control officer may cite the owner or any person having custody of such animal(s) for violation of this Section when either the citing animal control officer has witnessed the commission of such habitual nuisance or the animal control officer has received at least one sworn affidavit from each of at least two unrelated adult witnesses from different residences so that taken together, the affidavits attest to the committing of a nuisance pursuant to this Section.
- (d) Each violation of this Section shall be punishable by a fine of not less than the amount designated in Chapter 462, Part 18. A subsequent violation of this Section occurring ten or more business days after a previous citation for violation of this Section shall be considered a separate and distinct violation.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 4)

Terrebonne Parish, Louisiana

Sec. 5-9.1. Tethering prohibited; exception.

- a. Except as provided in subsection (b) of this section, it shall be unlawful for any person owning or keeping a dog to leave a dog tethered while unsupervised as a means of confinement.
- b. A dog may be tethered to a running line, pulley, or trolley system in accordance with all of the following specifications:
 1. Only one dog shall be attached to a tether at one time;
 2. The minimum length of the trolley line shall be 15 feet;
 3. The tether line shall weigh no more than 5% of the dog's body weight and be made of a substance which cannot be damaged by the dog;
 4. The dog shall be fitted with an appropriate harness or buckle-style collar properly fitted with room enough for two fingers to fit between the collar and the dog;
 5. The use of pinch, weighted, or choke collars is prohibited;
 6. The clamp of proper size and durability shall connect the dog's harness to the tether line and a swivel of proper size and durability shall connect the tether line to the trolley line;
 7. The trolley system shall maintain the dog's freedom of movement and freedom from entanglement, and it shall allow access to food, water, shelter, and shade;
 8. Both ends of the trolley line shall be attached to the stationary objects which cannot be moved by the dog;
 9. All parts of the trolley line shall be situated at least 5 feet away from any fence to prevent strangulation;
 10. The dog shall be at least four months old;
 11. The dog shall be neutered/spayed, unless the dog is tethered within another secured enclosure as a primary means of restraint;
 12. Under no circumstances shall a female dog in estrus be restrained by a trolley system without direct supervision by the owner or attendant;
 13. No dog shall be tethered to a trolley system between the hours of 10 p.m. and 6 a.m.
- c. Any person violating this Section shall be guilty of improper tethering of a dog and fined \$100.00 for a first offense and \$200.00 for any second and subsequent offense.
- d. Any person violating this section three or more times within the span of the 12-month period shall be charged with the crime of animal neglect as provided in Section 5-19.

ARS TITLE PAGE NEXT DOCUMENT PREVIOUS DOCUMENT

11-1013. Establishment of county pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees

A. The board of supervisors in each county may provide or authorize a county pound or pounds or enter into a cooperative agreement with a city, a veterinarian or an Arizona incorporated humane society for the establishment and operation of a county pound.

B. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

C. Each stray dog or any cat impounded and not eligible for a sterilization program shall be kept and maintained at the county pound for a minimum of seventy-two hours or one hundred twenty hours for an animal that is impounded with a microchip or wearing a license or any other discernible form of owner identification, unless claimed or surrendered by its owner. Any person may purchase a dog or cat on expiration of the impoundment period, if the person pays all pound fees established by the county board of supervisors and complies with the licensing and vaccinating provisions of this article. If the dog or cat is to be used for medical research, a license or vaccination is not required. Any impounded cat that is eligible for a sterilization program and that will be returned to the vicinity where the cat was originally captured may be exempted from the mandatory holding period required by this subsection. For the purposes of this subsection, "eligible" means a cat that is living outdoors, lacks discernible identification, is of sound health and possesses its claws.

D. Any impounded licensed dog or any cat may be reclaimed by its owner or the owner's agent provided that the person reclaiming the dog or cat furnishes proof of the person's right to do so and pays all pound fees established by the board of supervisors. Any person purchasing a dog or cat shall pay all pound fees established by the board of supervisors.

E. If the dog or cat is not reclaimed within the impoundment period, the county enforcement agent shall take possession of and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. The county enforcement agent may destroy impounded sick or injured dogs or cats if destruction is necessary to prevent the dog or cat from suffering or to prevent the spread of disease.

Austin, Texas

Source: 1992 Code Section 3-3-91; Ord. 031009-9; Ord. 031211-11; Ord. 20090723-042.

§ 3-1-25 - DISPOSITION OF AN IMPOUNDED ANIMAL.

(A)
An animal surrendered by its owner to the health authority is immediately abandoned by its owner and is the property of the health authority. The health authority may transfer, place, or sell an animal surrendered by its owner at any time after intake.

(B)
Except as provided in subsection (G), the health authority shall not euthanize an animal before the animal has been impounded for seven business days.

(C)
Except as provided in subsection (D), the health authority shall hold an impounded animal not surrendered by its owner for a period of three business days following impoundment of the animal for owner reclamation. On the fourth business day, an impounded animal is the property of the health authority.

(D)
In order to save the life of an impounded animal not surrendered by its owner, the health authority may transfer that animal to a 26 U.S.C. Section 501(c)(3) (*Exemption from tax on corporations, certain trusts, etc.*) organization located in Travis County that is an animal shelter, animal rescue organization, or other animal-welfare organization prior to the expiration of the period described in subsection (C) subject to the following conditions.

(1)
The health authority shall maintain documentation, in physical and electronic form reviewable by the public, of an animal transferred under this subsection, including a photograph of the animal and all information pertaining to the animal's impoundment and transfer, at the health authority and on the health authority's website for three business days following the impoundment of the animal at the health authority.

(2)
An animal transferred under this subsection is considered abandoned by its owner, and becomes the property of the transferee organization, upon the expiration of three business days from impoundment by the health authority.

(3)
Prior to the expiration of the period described in subsection (D)(2), the transferee organization is the designated caretaker of the animal.

(4)

An animal transferred under this subsection remains subject to reclamation by its owner prior to the expiration of the period described in subsection (D)(2).

(E)

An animal in the custody of the health authority solely for purposes of sterilization, vaccination, or microchipping, is not subject to a mandatory period of impoundment. The health authority is the designated caretaker, but not owner, of such animal during any period of custody.

(F)

The health authority and any 26 U.S.C. Section 501(c)(3) organization that is an animal shelter, animal rescue organization, or other animal-welfare organization to which the health authority has transferred an impounded animal shall not sell or transfer an impounded animal, with or without consideration, to any person, entity, political subdivision, hospital, educational or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture or any other state or federal agency, for purposes of medical or biological teaching, research, study, or experimentation of any kind.

(G)

Subsection (A) does not apply to an animal that is irremediably physically suffering, as determined and documented in writing by a veterinarian licensed to practice medicine. An animal is experiencing such suffering if it has a poor or grave prognosis for being able to live without severe, unremitting pain even with prompt, necessary, and comprehensive veterinary care.

(H)

Subsections (A) through (D) do not apply to an animal that is a dangerous animal under Chapter 3-5 (Dangerous Animals) of this Code.

(I)

For purposes of calculating time periods in this section, the date of initial impound is not counted.

(J)

Each day the health authority's animal shelter is open to the public for reclamation and adoption is a business day.

Source: Ord. No. 20160623-002, Pt. 1, 7-4-16.

From:

https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=15302

Hillsborough County, Florida

This is a good ordinance for areas that have a high incidence of rabies (the East Coast or the South). Note that it only requires owned cats (not unowned cats) to be vaccinated annually and also has a medical exemption.

Sec. 6-21. - Dog, cat, and ferret rabies vaccination requirement; medical exemption.

(a)

All dogs, cats, and ferrets that are four months of age or older must be vaccinated for rabies in accordance with F.S. Section 828.30, as may be amended and owned dogs, cats, and ferrets shall be vaccinated annually for rabies. However, dogs and cats vaccinated by a veterinarian using a USDA-approved triennial vaccine are considered currently vaccinated for the entire three-year period and will not be required to have an annual re-vaccination for the purpose of obtaining a rabies tag except that dogs and cats vaccinated at less than one year of age, must be re-vaccinated with a booster one year after the initial vaccination.

(b)

No person may directly or indirectly provide false information or otherwise mislead members of the public concerning the propriety or legality of administering vaccinations to dogs, cats, or ferrets for rabies by someone other than a veterinarian. The retail seller of dog, cat or ferret rabies vaccine shall advise the buyer of such vaccine that State law requires all dogs, cats, and ferrets that are four months of age or older be vaccinated in accordance with State law.

(c)

Proof of rabies vaccination in a form containing the information required by the registration certificate shall be provided to the owner and the Department by the vaccinating veterinarian. Upon request, such certificate shall be made available to any officer or representative of any enforcement agency.

(d)

In the event the vaccinating veterinarian does not practice in Florida, other verifiable evidence of a current rabies vaccination as deemed acceptable by the Department may be substituted.

(e)

Medical exemption.

(1)

A medical exemption from any vaccination requirement of this article may be granted by the Department if the following requirements are satisfied:

a.

A veterinarian examines the animal and certifies in writing that at the time of such examination, in his or her professional opinion, administering the vaccination would endanger the health or life of the animal. The veterinarian's certification must include the basis for his or her opinion (i.e., age,

infirmity, disability, illness, or other injurious condition), the anticipated duration of this condition, and the dates of administration for the last occurring series of vaccinations or a statement that this information was not available;

b.

The animal is registered with the Department by submitting the veterinarian's certification and completing any other required forms and paying the applicable fee within 30 days of the exam; and

c.

The animal is securely and humanely confined.

(2)

In no event shall any exemption granted pursuant to this section be in effect for more than one year without re-certification by a veterinarian. As soon as the animal's condition permits, it must be vaccinated and otherwise come into full compliance with the chapter.

(3)

The Department must be contacted upon expiration or termination of the exemption and/or the animal's condition and provided proof of compliance with all vaccination requirements within 14 days.

ATTACHMENT A

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADOPTING AN AMENDMENT TO TITLE 4 OF THE DEL MAR MUNICIPAL CODE BY ADDING A NEW CHAPTER 4.09 TO REGULATE THE RETAIL SALE OF DOGS, CATS AND RABBITS IN THE CITY OF DEL MAR

WHEREAS, On _____, 2017 the City Council conducted a public hearing for the purpose of considering regulations on the retail sale of dogs, cats and rabbits; and

WHEREAS, the City Council has duly considered all public testimony and the evaluation and recommendation by staff, presented at said hearing; and

WHEREAS, the Council finds that the sale of dogs, cats, and rabbits from commercial breeders contributes to the proliferation of homeless or unwanted animals that end up in the public animal shelters and humane societies; and

WHEREAS, the need exists to regulate pet shops, retail businesses, and other commercial establishments that may sell dogs, cats and rabbits; and

WHEREAS, existing federal and state laws, including the federal Animal Welfare Act, the California Lockyer-Polanco-Farr Pet Protection Act, the California Polanco-Lockyer Pet Breeder Warranty Act, and the California Pet Store Animal Care Act, illustrate society's trend towards promoting the humane treatment of animals by regulating dog and cat breeders, as well as pet shops and stores; and

WHEREAS, according to the Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories" that mass-produce animals for sale to the public, and many of these animals are sold at retail in pet shops; and

WHEREAS, because of the lack of proper animal husbandry practices at these facilities, animals born and raised at these "puppy mills" or "kitten factories" are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subjected to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, Rabbits, too, are commonly bred for retail sale in very inhumane conditions ("rabbit mills"), and rabbits are commonly purchased impulsively through pet stores and are often subsequently relinquished to shelters; and

Ordinance No. ____
Page 2 of 6

WHEREAS, prohibiting the unregulated sale of dogs, cats and rabbits in pet shops, retail businesses, or other commercial establishments may lower the sale of these animals from "mills," may lower the shelter animal euthanasia rate, and lead to a greater adoption rate of shelter animals; and

WHEREAS, while the City Council recognizes there are many reputable, responsible dog, cat and rabbit breeders who refuse to sell through pet shops and who work carefully to screen families and ensure good, lifelong matches; and

WHEREAS, not all dogs, cats and rabbits retailed in pet shops are products of inhumane breeding conditions, it is the City Council's belief that puppy mills and kitten and rabbit factories continue to exist in part because of public demand and the sale of dogs, cats and rabbits in pet shops, retail businesses, and other commercial establishments; and

WHEREAS, the City seeks to prohibit the retail sale of dogs, cats and rabbits in pet shops, retail businesses, and commercial establishments unless the animals are obtained from a city or county animal shelter or animal control agency, humane society, or non-profit rescue organization; and

WHEREAS, the City Council believes that prohibiting the retail sale of dogs, cats and rabbits obtained from sources other than a city or county animal shelter or animal control agency, humane society, or non-profit rescue organization will promote community awareness and encourage pet consumers to adopt dogs, cats and rabbits from a city or county animal shelter or animal control agency, humane society, or non-profit rescue organization, thereby saving animals' lives; and

WHEREAS, the City Council finds that, in addition to state and federal laws, the City of Del Mar has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs, cats and rabbits; and

WHEREAS, The City Council believes that a community that promotes animal welfare will be a healthier community;

NOW, THEREFORE, the City Council of the City of Del Mar, California, hereby ordains as follows:

SECTION ONE:

The following provisions are hereby added to the Del Mar Municipal Code, to read as follows:

SEE EXHIBIT "A"

SECTION TWO: ENVIRONMENTAL DETERMINATION.

The City Council, in its independent judgment, finds that the adoption of the Municipal Code Amendment is exempt from environmental review pursuant to General Rule,

Ordinance No. ____
Page 3 of 6

Section 15061 (b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION THREE: PUBLIC NOTICE AND EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days after its passage and the City Clerk of the City of Del Mar is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the Del Mar Times, a newspaper of general circulation published in the City of Del Mar.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the ____ day of ____ 2017.

Terry Sinnott, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

Ordinance No. ____
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ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No.____, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the ____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ashley Jones, Administrative Services
Director/City Clerk
City of Del Mar

Ordinance No. ____
Page 5 of 6

EXHIBIT "A"

CHAPTER 4.09

Retail Sale of Dogs, Cats and Rabbits (Ordinance No. ____)

Sections:

4.09.010 PURPOSE

4.09.020 DEFINITIONS

4.09.030 PROHIBITION OF THE SALE OF DOGS AND CATS

4.09.040 EXEMPTIONS 9.23.050 ADOPTION OF SHELTER AND RESCUE ANIMALS

Section 4.09.010 PURPOSE

A. It is the purpose and intent of the Del Mar City Council to promote animal welfare and encourage best practices in the breeding and purchasing of dogs, cats and rabbits if offered for retail sale in the City of Del Mar.

Section 4.09.020 DEFINITIONS

For the purposes of this Chapter only, the following words and terms shall be deemed to mean and be construed as follows:

A. "Certificate of source" shall mean any document from the source city or county animal shelter or animal control agency, humane society, or non-profit rescue organization declaring the source of the dog, cat or rabbit on the premises of the pet shop, retail business, or other commercial establishment.

B. "Commercial establishment" shall mean any business, including a sole proprietorship engaged in retail or wholesale commerce related to dogs, cats or rabbits, including grooming parlors, canine day care, and pet boarding facilities.

C. "Non-profit rescue organization" shall mean any California non-profit corporation that is exempt from taxation under Internal Revenue Code section 501(c)(3), whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits; or any non-profit organization that is not exempt from taxation under Internal Revenue Code section 501(c)(3), but is currently an active rescue partner with City of Del Mar or County of San Diego shelter or humane society, whose mission is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

Section 4.09.030 PROHIBITION OF THE SALE OF DOGS, CATS AND RABBITS

A. It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog, cat or rabbit in any pet shop, retail business, or other commercial establishment located in the City of Del Mar, unless the dog, cat or rabbit was obtained from a city or county animal shelter or animal control agency, a

Ordinance No. ____
Page 6 of 6

humane society, or a non-profit rescue organization. All pet shops, retail businesses, or other commercial establishments selling dogs, cats or rabbits shall maintain a certificate of source for each animal offered for sale and make it available upon request to animal control officers, law enforcement, code enforcement officials, or any other City employee charged with enforcing the provisions of this section.

Section 4.09.040 EXEMPTIONS

The provisions of this Ordinance _____ shall not apply to the following:

- A. The display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats or rabbits from the premises on which they were born and reared.
- B. An animal control enforcement agency or animal shelter.
- C. A private, charitable, nonprofit humane society or animal rescue organization.
- D. A publicly operated animal shelter, nonprofit animal humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store, which has received approval from the City to display, offer for sale, deliver, barter, auction, give away, transfer, or sell dogs, cats or rabbits, on a finding by the City that allowing the exemption is consistent with the intent and purpose of this Ordinance. The approval and finding shall be made by the City Manager subject to appeal to the City Council pursuant to the process set forth in Chapter 1.12 of the Municipal Code or such other procedure specified by the City Council.

Section 4.09.050 ADOPTION OF SHELTER AND RESCUE ANIMALS

Nothing in this section shall prevent the owner, operator, or employees of a pet shop, retail business, or other commercial establishment located in the City of Del Mar from providing space and appropriate care for animals owned by a city or county animal shelter or animal control agency, humane society, or non-profit rescue organization and maintaining those animals at the pet shop, retail business, or other commercial establishment for the purpose of public adoption.

Section 4.09.060 ENFORCEMENT

Enforcement of this Chapter shall be pursuant to Chapter 1.08 of this municipal code.

RESOLUTION NO. 170528

Declaring July 21, 2017, as Kansas City Pet Project Day to honor the tireless work of the KCPP staff, volunteers, supporters and board that has enabled Kansas City, Missouri to establish itself as a No Kill Community.

WHEREAS, Kansas City is considered a national leader in animal sheltering through its partnership with Kansas City Pet Project, the current operators of the Kansas City Animal Shelter and are celebrating five years of operating as a No Kill animal shelter; and

WHEREAS, a No Kill community is generally considered as saving 90 percent or more of net intake of animals coming through the sheltering system; and

WHEREAS on July 1, 2012, Kansas City Pet Project reached a 90% live animal outcome rate and has maintained this level of lifesaving or higher for five years, reaching an unprecedented save rate of 95.6% in 2017; and

WHEREAS the residents of Kansas City voted overwhelmingly in support of funding a modern Animal Shelter; and

WHEREAS the residents and government of Kansas City along with KC Pet Project want to solidify our commitment to the dogs and cats and other animals in the care and possession of the Kansas City Animal Shelter; and

WHEREAS the residents and government of Kansas City want to solidify our commitment to creating a safe, humane community for our residents and their pets; and

WHEREAS, the positive changes that KC Pet Project has made for the lives of our City's homeless pets and for our community as a whole should be sustained and improved; NOW THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the Mayor and Council hereby declare July 21, 2017, as Kansas City Pet Project Day to honor the tireless work of the KCPP staff, volunteers, supporters and board that has enabled Kansas City, Missouri to establish itself as a No Kill Community; and

BE IT FURTHER RESOLVED that this Resolution be spread upon the Minutes of the Council in testimony thereof and that a copy hereof be presented to Brent Toellner, Teresa Johnson and Michelle Davis of Kansas City Pet Project with the appreciation of the Mayor, Council and citizens of Kansas City that the Kansas City Animal Shelter shall forever continue to save the lives of all healthy and treatable dogs, cats and other animals by maintaining a 90% or more live release rate.

States with Provisions Against Breed Discrimination (2018)

Arizona

SENATE BILL 1248

Section 1. Section 9-499.04, Arizona Revised Statutes

C. A city or town may regulate the control of dogs if the regulation is not specific to any breed.

11-1005. Powers and duties of board of supervisors

A. Each county board of supervisors may:

3. Contract with any city or town to enforce the provisions of any ordinance enacted by such city or town for the control of dogs if the provisions are not specific to any breed.

California

AGRIC. CODE §31683

31683. Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs. Except as provided in Section 122331 of the Health and Safety Code, no program regulating any dog shall be specific as to breed.

HEALTH AND SAFETY CODE SECTION 122330-122331

(b) Though no specific breed of dog is inherently dangerous or vicious, the growing pet overpopulation and lack of regulation of animal breeding practices necessitates a repeal of the ban on breed-specific solutions and a more immediate alternative to existing laws.

Colorado

COLO.REB. STAT. ANN. §18-9-204.5(5)(b)

(5) (a) Nothing in this section shall be construed to prohibit a municipality from adopting any rule or law for the control of dangerous dogs; except that any such rule or law shall not regulate dangerous dogs in a manner that is specific to breed.

Connecticut

§7-148

(D) (i) Regulate and prohibit the going at large of dogs and other animals in the streets and public places of the municipality and prevent cruelty to animals and all inhuman sports, except that no municipality shall adopt breed-specific dog ordinances;

Delaware

Delaware Code Title 11, § 1327

(c): "No dog shall be considered dangerous or potentially dangerous solely because of the dog's breed or perceived breed."

Delaware Code Title 16, § 3077F

Section 2, (b): "(b) No dog may be declared potentially dangerous based solely on the dog's breed or perceived breed"

Delaware Code Title 22, § 116

"The municipal governments shall enact no law, ordinance, or regulation relating to dogs, or restrictions on dogs, based on a dog's breed or perceived breed."

Florida

FLA.STAT. ANN §767.14; 510

767.14 Additional local restrictions authorized. — Nothing in this act shall limit any local government from placing further restrictions or additional requirements on owners of dangerous dogs or developing procedures and criteria for the implementation of this act, provided that no such regulation is specific to breed and that the provisions of this act are not lessened by such additional regulations or requirements. This section shall not apply to any local ordinance adopted prior to October 1, 1990.

Illinois

(510 ILCS 5/15) (from Ch. 8, par. 365)

No dog shall be deemed "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

510 ILCS 5/24 (from Ch. 8, par. 374)

Sec. 24. Nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation or ordinance is specific to breed.

Maine

725 Section 3950

§3950. Local regulations

Each municipality is empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter, except that municipalities

may not adopt breed-specific ordinances, laws or regulations. Any less restrictive municipal ordinances, laws or regulations are invalid and of no force and effect.

Massachusetts

Part I, Title XX, Chapter 140, Section 157

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

Minnesota

MINN. STAT. ANN. §347.51

Subd. 8. Local ordinances.

A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

Nevada

N.R.S. 202.500

3. A dog may not be found dangerous or vicious:

- (a) Based solely on the breed of the dog; or
- (b) Because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

New Jersey

N.J. STAT. ANN. § 4:19-36

The provisions of this act shall supersede any law, ordinance, or regulation concerning vicious or potentially dangerous dogs, any specific breed of dog, or any other type of dog inconsistent with this act enacted by any municipality, county, or county or local board of health.

New York

New York Ag & Markets S. 107.5

(5.) Nothing contained in this article shall prevent a municipality from adopting its own program for the control of dangerous dogs; provided, however, that no such program shall be less stringent than this article, and no such program shall regulate such dogs in

a manner that is specific as to breed. Notwithstanding the provisions of subdivision one of this section, this subdivision and sections one hundred twenty-three, one hundred twenty-three-a and one hundred twenty-three-b of this article shall apply to all municipalities including cities of two million or more.

Oklahoma

OKLA.STAT.ANN. tit.4, §46(B)

B. Potentially dangerous or dangerous dogs may be regulated through local, municipal and county authorities, provided the regulations are not breed specific. Nothing in this act shall prohibit such local governments from enforcing penalties for violation of such local laws.

Pennsylvania

PA.CON.S. STAT. ANN. § 459-507-A(c)

(c) Local ordinances. Those provisions of local ordinances relating to dangerous dogs are hereby abrogated. A local ordinance otherwise dealing with dogs may not prohibit or otherwise limit a specific breed of dog.

(d) Insurance coverage discrimination. No liability policy or surety bond issued pursuant to this act or any other act may prohibit coverage from any specific breed of dog.

Rhode Island

§4-13-43 and §4-13.1-16

§ 4-13-43. Prohibition of breed specific regulation

No city or town may enact any rule, regulation or ordinance specific to any breed of dog or cat in the exercise of its power to further control and regulate dogs, cats or other animals as authorized by this chapter.

South Carolina

47-3-710(c)

(C) An animal is not a "dangerous animal" solely by virtue of its breed or species.

South Dakota

Chapter 40-34

No local government, as defined in § 6-1-12, may enact, maintain, or enforce any ordinance, policy, resolution, or other enactment that is specific as to the breed or perceived breed of a dog. This section does not impair the right of any local government unit to enact, maintain, or enforce any form of regulation that applies to all dogs.

Texas

TEX.HEALTH & SAFETY CODE ANN. §822.047

Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:

- (1) are not specific to one breed or several breeds of dogs; and
- (2) are more stringent than restrictions provided by this subchapter.

Utah

Chapter 23, 18-2-1, Utah Code Annotated

10-8-65. Dogs -- License and tax -- Destruction, sale, or other disposal.

Subject to Section 18-2-1, a municipality may license, tax, regulate, or prohibit the keeping of dogs, and authorize the destruction, sale, or other disposal of the same when at large contrary to ordinance.

18-2-1. Regulation of dogs by a municipality.

- (1) A municipality may not adopt or enforce a breed-specific rule, regulation, policy, or ordinance regarding dogs.
- (2) Any breed-specific rule, regulation, policy, or ordinance regarding dogs is void.

Virginia

VA. CODE ANN. §3.2-6540(C)

C. No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.



SAVE THEM ALL

The Impact of Puppy and Kitten Mills on Shelters and Communities

By Elizabeth Oreck, national manager of puppy mill initiatives, Best Friends Animal Society

Shelters can be significantly affected by the volume of animals produced by the commercial pet trade, both as competition for “customers” and as receiving agencies for pets discarded from those sales. As a result of the substandard breeding practices that commonly occur in commercial breeding facilities (aka “pet mills”), pets produced for the retail pet trade can end up being surrendered to local shelters when the cost of treating illnesses and genetic defects exceeds what the consumer is able to manage. Thus, puppy and kitten mills are not just an animal protection issue, they are a consumer protection issue. But communities throughout the country are helping to break this cycle, saving lives and taxpayer dollars, by enacting local ordinances to fight the cruelty of puppy and kitten mills.

Depending on existing local and statewide laws, and the specific needs of the community, a jurisdiction may consider implementing an ordinance from one (or a combination) of the following categories.

Animal Protection at the Source

Laws that regulate commercial breeding require breeders to be licensed and inspected, and create minimum standards of care for the animals, and may limit the number of animals a breeder is allowed to sell on an annual basis.

Consumer Protection

Pet store disclosure bills require the store to post the animals' health records, along with the name and location of the breeder, so that customers can see where the pets for sale were bred.

Pet lemon laws offer limited protection for consumers and recourse for buyers of sick pets.

Retail Sales

Bans on the sale of animals in public places are important because backyard breeders often use public venues to sell animals who are underage, unhealthy, not vaccinated and not spayed or neutered. These sales are usually unregulated, with no accountability on the part of the seller. Sadly, many of the pets are purchased impulsively and are surrendered to shelters when the cost of caring for them becomes unmanageable.

Retail pet sales bans prohibit the sale of certain companion animals (such as dogs, cats and rabbits) in pet stores unless the animals come from shelters or rescue groups. Legislation that focuses on animal sales is effective because it addresses the problem of mills and backyard breeders from the retail point of sale. Restricting the retail market for milled pets reduces the incentive to produce them. Further, it does not impact a consumer's ability to purchase a pet directly from a responsible private breeder.

A retail pet sales ordinance that includes an exemption for pet stores that offer animals for adoption from shelters or rescue groups can help to relieve the burden on local shelters by providing opportunities for adoptable shelter pets to be showcased in retail settings where they can be seen by more potential adopters. Language that is concise and unambiguous to prevent unintentional loopholes, such as that which is contained in the ordinance enacted by the city of Del Mar, California (August 2017), is imperative to achieve a positive community impact.