

## Chapter 2. Animals

### Part 5. Sale of Commercially Bred Dogs, Cats and Rabbits

[Adopted 4-26-2018 by Ord. No. 18-06]

#### § 2-501. Definitions.

As used in this Part 5, the following terms shall have the meanings indicated:

##### **ANIMAL CARE FACILITY**

An animal control center or animal shelter maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

##### **BREEDER**

A business or person who displays, offers for sale, delivers, barter, auctions, gives away, transfers, or sells dogs, cats or rabbits from the premises on which they were bred and reared.

##### **CERTIFICATE OF SOURCE**

A document from an animal care facility or rescue organization, declaring itself to be the source of the dog, cat or rabbit on the premises of a pet shop, retail business, or other commercial establishment. The certificate of source shall include the name and address of the source organization, the name and address of the pet shop or other commercial establishment, and a written description, photograph, and license number (if applicable) of each dog, cat or rabbit identified.

##### **COMMERCIAL ESTABLISHMENT**

Any for-profit business enterprise, including a sole proprietorship, other than a breeder. This term includes, but is not limited to, businesses engaged in retail or wholesale commerce related to dogs, cats and rabbits; grooming parlors, canine day care, and boarding facilities.

##### **PET SHOP**

Any business or person that acquires dogs, cats, rabbits or any other animal for the purpose of resale, whether as owner, agent or cosignee.

##### **RESCUE ORGANIZATION**

Any nonprofit organization 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 in permanent homes.

#### § 2-502. Sale of dogs, cats and rabbits.

1. 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 or other commercial establishment located in the Borough of Sharpsburg, unless the dog, cat or rabbit was obtained from an animal care facility or a rescue organization. All pet shops or other commercial establishments selling dogs, cats or rabbits shall maintain a valid certificate of source for each of the animals and make it available upon request of any person.
2. In the event an animal care facility or rescue organization is determined by any local, state or federal government entity to be substantially out of compliance with any animal welfare standards, laws or regulations, a certificate of source provided by any such organization during any period of noncompliance shall be invalid.

3. This section shall not apply to a breeder, as defined herein.
4. Nothing in this section shall prevent the owner, operator or employees of a pet shop, retail business, or other commercial establishment from providing space and appropriate care for animals owned by an animal care facility or rescue organization and maintaining those animals at the pet shop or commercial establishment for the purpose of public adoption.
5. A summary of the provisions of this section shall be conspicuously posted in the place of business of persons subject to this section. The Sharpsburg Borough Manager or designee shall promulgate regulations specifying the contents of the summary which must be posted. In addition, the posted notice shall state that the certificate of source for each dog, cat or rabbit is available on request.
6. At the time any dog, cat or rabbit is delivered, given, sold or transferred to any person pursuant to this section, the operator of the pet shop or commercial establishment shall provide a copy of the certificate of source for the dog, cat or rabbit to the person receiving the same.

## § 2-503. Advertisement of animal sales.

Any person or legal entity who is required to have a license to sell animals and/or a kennel license under a local ordinance, the Pennsylvania Dog Law, the Federal Animal Welfare Act, or any other local, county, state or federal law or regulation, and who offers an animal for sale in a newspaper, posting, through the mail, over the Internet or through any other form of media or advertisement, shall prominently include within the text of any such advertisement each applicable license number, along with the name and address of the licensed person or legal entity, as registered with the licensing agency.

## § 2-504. Violations and penalties.

1. Every separate act committed in violation of this part shall constitute a separate and distinct criminal offense punishable by a fine not exceeding \$1,000 and/or imprisonment for a period not to exceed 90 days. Each animal offered for sale in violation of this part shall constitute a separate and distinct violation. Each day that a violation of this part continues shall constitute a separate and distinct violation.
2. The Borough of Sharpsburg may maintain an action for injunction to enforce this part, to cause the correction of any such violation, and for assessment and recovery of a civil penalty for such violation pursuant to Subsection 3.
3. Any person who violates this part may be liable for a civil penalty not to exceed \$600 for each separate act in violation. Each animal offered for sale in violation of this part shall constitute a separate and distinct violation. Each day that a violation of this part continues shall constitute a separate and distinct violation. Such penalty shall be assessed and recovered in a civil action brought in the name of the Borough of Sharpsburg in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the following: the nature and seriousness of the violations; the number of violations; the persistence of the violations; the length of time over which the violations occurred; the willfulness of the person charged with the violations; and the assets, liabilities, and net worth of the person charged with the violations.