



Legislation Details (With Text)

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**Title:** An Ordinance amending the Pittsburgh City Code at Title 6: Conduct, Article III: Dogs, Cats and Other Animals, by adding a new Chapter 638 - Sale of Dogs, Cats and Rabbits, making it unlawful to sell commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments in the city of Pittsburgh.

**Sponsors:** Bruce A. Kraus

**Indexes:** PGH. CODE ORDINANCES TITLE 06 - CONDUCT

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/18/2015	1	Mayor	Signed by the Mayor	
12/8/2015	1	City Council	Passed Finally	Pass
12/2/2015	1	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
11/23/2015	1	City Council	Read and referred	

An Ordinance amending the Pittsburgh City Code at Title 6: Conduct, Article III: Dogs, Cats and Other Animals, by adding a new Chapter 638 - Sale of Dogs, Cats and Rabbits, making it unlawful to sell commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments in the city of Pittsburgh.

**WHEREAS**, a significant number of puppies, kittens and rabbits sold at pet shops come from inhumane large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills,” “kitten mills,” and “rabbit mills” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs, cats and rabbits come from their respective mills; 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 space and exercise; and

**WHEREAS**, the inhumane conditions in puppy and kitten mill facilities lead to the health and behavior issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. 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**, the sale of dogs, cats and rabbits from such commercial breeding facilities contributes to the proliferation of homeless or unwanted animals that end up in public animal shelters; and

**WHEREAS**, prohibiting the sale of commercially bred dogs, cats, and rabbits in pet stores, retail businesses or other commercial establishments may lower the City's shelter animal euthanasia rate and lead to a greater adoption rate of shelter animals.

**WHEREAS**, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the state of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; 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 breed-specific rescue organization or a shelter, or from a breeder where the consumer can directly see the conditions in which the animals are bred, or can confer directly with the breeder concerning those conditions; and

**WHEREAS**, the Council of the City of Pittsburgh deems it advisable for the welfare of the city and the well-being of the city's animals to prohibit the sale of commercially-bred dogs, cats, and rabbits at pet stores within the City.

**Now, Therefore, the Council of the City of Pittsburgh enacts as follows:**

**Section 1:** Chapter 638 of the Code of Ordinances of the City of Pittsburgh is enacted and shall provide as follows:

## **CHAPTER 638 - SALE OF DOGS, CATS AND RABBITS**

### **§638.01 DEFINITIONS**

**PET SHOP** - any business or person that acquired dogs, cats, rabbits or any other animal for the purpose of resale, whether as owner, agent or co-signee.

**COMMERICAL 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 the retail or wholesale commerce related to dogs, cats, and rabbits; grooming parlors, canine day care, and boarding facilities.

**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 or reared.

**RESCUE ORGANIZATION** - any non-profit 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.

**ANIMAL CARE FACILITY** - An animal control center or animal shelter maintained by or under contract

with any state, county or municipality, whole mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes or rescue organizations.

**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, retail business or other commercial establishment, and a written description, photograph, and license number (if applicable) of each dog, cat or rabbit identified.

### **§ 638.02 - 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 or other commercial establishment located in the City of Pittsburgh, unless the animal 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 certificate of source for each of the animals and make it available upon request to animal control officers, law enforcement, code compliance officials, or any other City of Pittsburgh employee charged with enforcing the provisions of this section.

(b) In the event an animal care facility or rescue organization is determined by the City of Pittsburgh and/or the City of Pittsburgh Bureau of Animal Care & Control to be substantially out of compliance with animal welfare standards, laws or regulations, a certificate of source provided by any such organization shall be void until such noncompliance is remediated to the satisfaction of the City of Pittsburgh and/or the City of Pittsburgh Bureau of Animal Care & Control.

(c) This section shall not apply to 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 bred and reared.

(d) 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 Pittsburgh 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, retail business, or other commercial establishment for the purpose of public action.

### **§ 638.03 VIOLATION AND PENALTY**

Every separate act committed in violation of this Chapter shall constitute a separate and distinct offense and shall be punishable by a fine not to exceed \$1,000 and/or a term of imprisonment not to exceed 30 days.

#### **Section 2:**

All ordinances and code sections and parts of ordinances and code section in conflict herewith are repealed to the extent of any such conflict.

**Section 3:**

It is hereby declared that it was the intention of the council of the City of Pittsburgh that the provisions of this Ordinance shall be severable and that if any Court of proper jurisdiction holds any provisions of this Ordinance, or the application of any provisions of this Ordinance to any circumstances, to be illegal or unconstitutional, then the other provisions of this Ordinance or the applications of such other provisions to other circumstances, shall remain in full force and effect.

**Section 4:**

This Ordinance shall be effective 180 days after the date of its enactment by Council.