

Order 305-15/16

Passage: 9-0 on 6/6/2016

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 6/16/2016

DAVID H. BRENERMAN (5)
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NICHOLAS M. MAVODONES, JR (A/L)

**ORDER REFERRING THE DRAFT
PUPPY AND KITTEN MILLS ORDINANCE TO THE
HEALTH AND HUMAN SERVICES COMMITTEE**

ORDERED, that the City Council hereby refers the attached draft puppy and kitten mill ordinance to the Health and Human Services Committee; and

BE IT FURTHER ORDERED, that the Health and Human Services Committee review the attached draft ordinance, as well as any other relevant materials regarding puppy and kitten mills, and provide its final recommendation on this issue to the City Council.

**DRAFT ORDINANCE AMENDING CHAPTER 5 OF
THE CITY OF PORTLAND CODE OF ORDINANCES
RE: PUPPY AND KITTEN MILLS**

WHEREAS, a significant number of puppies and kittens sold at pet stores come from large-scale, commercial breeding facilities (hereinafter "puppy mills" and "kitten mills," respectively); and

WHEREAS, 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 store dogs and cats come from puppy mills and kitten 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 exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health, welfare and behavioral issues in the animals bred in those facilities; and

WHEREAS, current Federal and State regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet stores; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, the City Council for the City of Portland hereby finds that it is in the best interests of the City of Portland to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs

from a pet store or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City;

NOW THEREFORE BE IT ORDAINED, pursuant to the City's home rule powers provided for in 7 M.R.S. section 3950 and 30-A M.R.S. section 3001, the City of Portland Code of Ordinances is hereby amended by adding a new Article V, Restrictions on the Sale of Dogs and Cats, as follows:

Sec. 5-500. Definitions.

The following words when used in this article shall have the following meanings:

Animal care facility shall mean 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.

Animal rescue organization shall mean 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 dogs or cats from a breeder or broker for payment or compensation.

Breeder shall mean a person who maintains dogs or cats for the purpose of breeding and selling their offspring.

Broker shall mean a person who transfers dogs or cats at wholesale for resale by another.

Cat shall mean a member of the *Felis catus* family.

Dog shall mean a member of the *Canis familiaris* family, or resultant hybrid.

Offer for sale shall mean to sell, offer for sale or adoption, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop shall mean any place, business, establishment or vehicle required to be licensed under 7 M.R.S. § 3933. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Sec. 5-501. Requirements for Offers for Sale.

(a) A pet shop shall only offer for sale those dogs and cats that the pet shop has obtained from or displays in cooperation with:

- (i) An animal care facility, as defined in section 5-500; or
- (ii) An animal rescue organization, as defined in section 5-500; and

(b) A pet shop shall not offer for sale a dog or cat that is younger than eight (8) weeks old.

(c) Each pet shop shall maintain records sufficient to document the source of each dog or cat the pet shop acquires, for at least one (1) year following the date of acquisition. Such records shall be made available, immediately upon request, to any designated representative of the City including, but not limited to, the Chief of Police or his or her designee, any animal control officer, any designated representative of the Animal Welfare Program or any state humane agent.

(d) Each pet shop offering dogs or cats 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 dog or cat in the cage or enclosure was acquired.

Sec. 5-502. 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 dog or cat 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:

- (i) The display or adoption of dogs or cats by an animal care facility or an animal rescue organization, as defined in section 5-500; or
- (ii) The display of dogs or cats as part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.

Sec. 5-503. Enforcement.

The provisions of this Article may be enforced by the Chief of Police or his or her designee, any animal control officer, any designated representative of the Animal Welfare Program or any state humane agent.

Sec. 5-504. Penalties for Violation.

A violation of this Article shall be punished by a minimum penalty of two hundred and fifty dollars (\$250.00) for each violation or as provided in Chapter 1, section 1-15. Each dog or cat offered for sale is considered a separate violation under this provision.

Sec. 5-505. Severability.

In the event that any section, subsection or portion of this article, or the application of such section, subsection or portion of this article to any person or circumstance, shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article, or the applicability of such section, subsection or portion of this article to other persons or circumstances.