

## ARTICLE IV. - PET ACQUISITION ORDINANCE

### Sec. 8-76. - Short title.

This article shall be known and cited as the Pet Acquisition Ordinance of the City of New Baltimore and will so be referred to within this article.

(Ord. No. 208, § 2, 11-23-2015)

### Sec. 8-77. - Definitions.

As used in this article unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

*Animal control shelter* means a facility operated by or under contract with a state, county, or a municipality for the impoundment and care of animals that are delivered to the facility, found, recovered, or at large, or otherwise held, due to violations of a municipal ordinance, state law, or which otherwise are surrendered.

*Animal protection shelter* means the facility operated by a person, humane society, a society for the prevention of cruelty to animals, or another non-profit organization for care of homeless animals.

*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 and placement of animals in permanent homes.

*Cat* means an animal of the species of domestic cat, *Felis catus*.

*Certificate of origin* means a document requiring the source of the animal sold or transferred by the retail seller. The certificate shall include the name, premises address, phone number and email address, if available, of the source of the animal.

*Dog* means an animal of the species of domestic dog, *Canis lupus familiaris*.

*[Existing pet store]* means any pet store or pet [store] operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away or otherwise transferred live animals as the principal business of such facility on the effective date of this article and complied with all applicable provisions of the New Baltimore Code of Ordinances and state law.

*Ferret* means a domesticated animal of any age of the species, *Mustela furo*.

*Large reptiles* means the members of the class reptilian including, but not limited to monitor lizards, alligators, pythons, boa constrictors, venomous reptiles and constrictor snakes that grow to more than 72 inches long.

*Long lived birds* means any bird whose life expectancy is expected to exceed 25 years, including but not limited to cockatoos, macaws, and amazons.

*Off-site retail sale* means the exchange of consideration for an animal regardless of the age of the animal at a location other than where the animal was bred.

*Pet store* means a place where animals are sold or offered for sale, including retail sale or other sale, exchanged or transferred.

*Pet store operator* means a person who has an ownership interest in or operates a pet store or both.

*Rabbit* means a long-eared, short-tailed lagomorph mammal with long hind legs of the leporidae family.

*Retail sale* means an offer for sale, offer for adoption, barter, auction, giving away, display for commercial purposes or otherwise transfer of any animal that is not bred on the premises.

*Zoological park* means any facility other than a pet shop or kennel displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation or any other business entity or government agency and accredited by the Association of Zoos and Aquariums.

(Ord. No. 208, § 2, 11-23-2015)

#### Sec. 8-78. - Prohibitions.

- (a) No pet store shall sell, offer for retail sale, offer for adoption, trade, barter, auction, give away, deliver, or otherwise dispose of or transfer dogs, cats, ferrets, rabbits, long lived birds, or large reptiles.
- (b) No person or entity shall offer for retail sale, offer for adoption, trade, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, long lived birds, or large reptiles on a roadside, public right-of-way, commercial parking lot or sidewalk, outdoor special sale, swap meet, flea market, or other similar event or location.
- (c) No person or business entity shall hold off-site retail sales of animals in a location other than where the animal was bred.
- (d) A pet store shall not sell or transfer any live animal without providing disclosure through a certificate of origin prior to the sale or transfer.
- (e) No person shall knowingly provide or present an inaccurate certificate of origin.

(Ord. No. 208, § 2, 11-23-2015)

Sec. 8-79. - Exemptions.

This article does not apply to:

- (1) A person or business entity that sells, offers for sale, offers for adoption, trades, barter, gives away, delivers or otherwise transfers or disposes of dogs, cats, ferrets, rabbits, long lived birds or large reptiles that were bred and reared on the premises of the person or business entity.
- (2) A publicly-operated animal control shelter, animal protection shelter, or zoological park.
- (3) A private, charitable, non-profit humane society or animal rescue organization.
- (4) A publicly operated animal control agency, non-profit humane society, or non-profit animal rescue organization that operates out of or in connection with a pet store.

(Ord. No. 208, § 2, 11-23-2015)

Sec. 8-80. - Existing pet store.

An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, large lived birds, or large reptiles for a period of one year from the date of adoption of this article.

(Ord. No. 208, § 2, 11-23-2015)

Sec. 8-81. - Adoption of shelter and rescue animals.

Nothing in this article shall prevent a pet store or its owner operator, or employees from providing space and appropriate care for animals owned by an animal control shelter, animal protection shelter, non-profit humane society or non-profit animal rescue agency and maintained at the pet store for the purpose of adopting those animals by the public.

(Ord. No. 208, § 2, 11-23-2015)