

ORD. 503-13

Enacting a new Section 1705.10 of the Toledo Municipal Code, regulating the sale of dogs and cats by retail businesses or other commercial establishments in the City of Toledo; and declaring an emergency.

SUMMARY & BACKGROUND:

The sale of dogs and cats (companion animals) contributes to the proliferation of homeless or unwanted animals that are often poorly treated and/or end up in the public animal shelters and humane societies and animal welfare rescue organizations. The need exists to regulate pet shops, retail businesses, and other commercial establishments that sell companion animals.

Existing federal and state laws including the federal Animal Welfare Act, Ohio Revised Code Chapter 956 “Regulations & Licensing of Dog Kennels”, and Ohio Administration Code Chapter 901:1-6, illustrate society’s trend towards promoting the humane treatment of animals by regulating animal breeders, and, nationwide, many jurisdictions are regulating pet stores to prevent the proliferation of inhumanely bred animals.

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 commonly known of 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. Animals born and raised at these “puppy mills” and “kitten factories” are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of the profitable breeding cycle. There are many reputable, responsible dog and cat breeders who refuse to sell through pet shops and who work carefully to screen families and ensure good, lifelong matches.

Prohibiting the unregulated sale of companion animals in pet shops, retail businesses, or other commercial establishments may lower the sale of dogs and cats from inhumane “puppy mills” and “kitten factories,” and may lower the shelter animal euthanasia rate, and lead to a greater adoption rate of shelter animals.

The City seeks to prohibit the sale of companion animals in pet shops, retail businesses, and commercial establishments unless the animals are obtained from a legitimate animal shelter or animal control agency, humane society, or non-profit rescue organization and the animals are spayed or neutered. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 1705.10 of the Toledo Municipal Code is hereby enacted to read as follows:

1705.10 Pet Shops – Restrictions on the Sale of Dogs and Cats in the City

(a) It is unlawful for any person to display, offer for sale, deliver, barter, auction, broker, give away, transfer, or sell any live dog or cat in any pet shop, retail business, or other commercial establishment located in the City of Toledo, unless the dog or cat was obtained from a city or county animal shelter or animal control agency, a humane society, or a non-profit rescue organization. All pet shops, retail businesses, or other commercial establishments selling dogs or cats 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 employee charged with enforcing the provisions of this section.

(b) Shall not import or cause to be imported into this City, or offer to for sale or resale, a dog or cat unless they are at least eight (8) weeks old and have their deciduous (baby) teeth visibly present.

(1) For purposes of this section, a commercial establishment is defined as any for-profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs or cats, including grooming parlors, canine day care, and boarding facilities.

(2) For purposes of this section, a non-profit rescue organization is defined as any Ohio 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 or cats; 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 a City or County shelter or humane society, whose mission is, in whole or in significant part, the rescue and placement of dogs or cats.

(3) For purposes of this section, a certificate of source is defined as 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 or cat on the premises of the pet shop, retail business, or other commercial establishment.

(a) Shall not sell or offer for sale a dog, unless the dog has been inoculated against distemper, hepatitis, and leptospirosis, para influenza, rabies, and, if indicated, has been treated for external and internal parasites, not less than 7 days before the dog's entry into this City. The dog shall be accompanied by a health certificate signed by a veterinarian, including records of the dog's medication, immunization and a spay/neuter certificate.

(b) Shall not sell or offer for sale a cat, unless the cat has been inoculated against feline panleukopenia (cat distemper), rhinotracheitis and calici viruses, rabies, and, if indicated, has been treated for external and internal parasites, not less than 7 days prior to the cat's entry into this City. The cat shall be accompanied by a health certificate signed

by a veterinarian, including records of the cat's medication, immunization and spay/neuter certificate.

(c) This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs or cats from the premises of 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 Toledo from providing space and appropriate care for animals owned by an animal shelter or animal control agency, human 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.

(4) Violation of this Section shall constitute a misdemeanor in the first degree.

SECTION 2. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that this Ordinance must be immediately effective in order effectively address the impacts of dogs and cats bred in inhumane conditions and reduce the attendant burdens upon local animal welfare institutions.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council _____.

Attest: _____
Clerk of Council