



Legislation Text

File #: Ord 18-63, **Version:** 2

Amending Chapter 347 of the Legislative Code to include regulations of the sale of dogs and cats at pet shops and pet shop facilities.

WHEREAS, many Saint Paul residents oppose the sale of dogs and cats from mass breeding facilities due to documented abuses including over-breeding, poor hygiene, a lack of veterinary care, and others; and

WHEREAS, the code of ethics for a Minnesota-based dog breeding organization states that breeders should refuse to deal knowingly with dog retailers and wholesalers; and

WHEREAS, current Federal and State regulations do not properly address the sale of dogs and cats in pet shops, while the City of Saint Paul does not possess adequate resources to safeguard the health and well-being of dogs and cats at the point of sale; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not the sale of commercially bred dogs or cats; and

WHEREAS, many of these pet shops collaborate with local animal shelters and rescue organizations to offer space and support for show-casing adoptable homeless pets on their premises; and

WHEREAS, this Amendment is not intended to limit the ability of consumers to work with reputable breeders, where they can see directly the conditions in which the dogs or cats are bred or can confer directly with the breeder concerning those conditions; and

WHEREAS, In the United States, over 280 cities, as well as the states of California and Maryland, have enacted ordinances addressing the sale of dogs and cats, including Boston, Massachusetts; Albuquerque, New Mexico; Austin, Texas; and Chicago, Illinois; and

WHEREAS, it is in the best interest of the City of Saint Paul to adopt reasonable regulations to help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

SECTION 1

Chapter 347.02 of the Saint Paul Legislative Code is hereby amended to read as follows:

Section 347.02 Definitions

Animal control authority means any government entity which is responsible for animal control operations in its jurisdiction.

Animal facility includes every place which is engaged in the operation of a pet shop but not a retail shop or veterinary hospital.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the 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 breed animals.

Animal shelter means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, which (1) accepts animals into a physical facility; (2) is devoted to the rescue, care, and adoption of stray, abandoned, unwanted or surrendered animals; (3) places animals in permanent homes or with animal rescue organizations; and (4) does not breed animals.

Cat means a mammal that is wholly or in part the species *Felis domesticus*.

Certificate of Source means any document from an animal control authority, animal rescue organization, or animal shelter which shall provide a brief description of the dog or cat, and shall list the name, address, and telephone number of the source (animal control authority, animal rescue organization, or animal shelter) of the dog or cat.

Dog means any mammal that is wholly or in part the species *Canis familiaris*.

Pet shop means and includes every place kept or maintained for the care, exhibition for sale, sale or purchase of live dogs, cats, rabbits or other small animals, or any birds, reptiles or fish, but shall not include veterinary hospitals or persons or places selling only frogs, fish, worms or reptiles for use as live bait for fishing, **animal control authorities, animal shelters, or animal rescue organizations**. Pet shop licensees shall be exempt from obtaining a dog and cat grooming license pursuant to Chapter 382 of the Legislative Code. In addition, such dog and cat grooming facilities shall be exempt from obtaining a pet shop license.

Pet shop facility means any facility engaged in the operation of pet shops.

SECTION 2

Section 347.05 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 347.05. - Regulations.

- (a) *Premises*. Every person keeping or maintaining a pet shop shall do so entirely within a closed building, shall not keep or maintain any outside kennel service, and shall be subject to and shall comply with all of the rules and regulations of the department of safety and inspections.
- (b) *Exotic animals*. No pet shop shall maintain, keep or harbor any skunk, whether captured in the wild or raised domestically, descended or not descended, vaccinated against rabies or not vaccinated against rabies. No pet shop will maintain, keep, harbor or sell any red-eared turtle (*Pseudemys scriptaelegans*) with a shell length of less than four (4) inches.
- (c) *Sale of dogs and cats*. No pet shop shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this Section prohibits pet shops from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for such entities to showcase adoptable dogs and cats inside pet shops. Such animals may not be younger than 8 weeks old.
- (d) *Permit required*. Every licensee shall affix in a prominent position to the exterior of the cage, pen, enclosure, or tank housing of any animal requiring a permit to keep within the city, a tag or notice with the words "Saint Paul permit required."
- (e) *Rules and regulations*. The director of the department of safety and inspections may upon

notice and hearing promulgate of such rules and the hearing date shall be given to all licensees, and notice of the hearing date published once in the legal newspaper. The notice shall advise that at the hearing written or oral comments on proposed rules will be received, and how a copy of the proposed rules can be obtained. Such rules shall be effective after such hearing when filed in the office of the city clerk. Violations of such rules shall be sufficient grounds for adverse action against licenses issued under this chapter.

- (f) Records. Every licensee shall keep an accurate record of any live animal purchased or sold, including the name and address of the person by or to whom such purchase or sale is made. These records should be kept for 3 years from the time of purchase or sale.
- (g) Reporting. Every licensee shall inform the person by or to whom such purchase or sale is made for any animals requiring a permit in order to keep it within the city of the guidelines for obtaining a keeping-of-animal permit.
- (h) Inspection. The Department of Safety and Inspections is authorized hereby to inspect the pet shop for the purpose of ensuring compliance with this Section.

SECTION 3

Chapter 347.06 of the Saint Paul Legislative Code is hereby created to read as follows:

Section 347.06 - Certificate of Source

- (a) A pet shop shall post and maintain a Certificate of Source in a conspicuous place on or within three feet of each dog or cat's kennel, cage or enclosure.
- (b) A Certificate of Source shall be provided to the adopter of any dog or cat.
- (c) A pet shop must maintain Certificate of Source records for each dog or cat for at least one year from the last date that a dog or cat appeared in the shop.
- (d) Pet shops shall make Certificate of Source immediately available for review upon request of a peace officer, the Department of Safety and Inspections, an animal control authority, or a humane agent pursuant to Minn. Stat. § 343.06 acting on behalf of the City.

SECTION 4

Chapter 347.07 of the Saint Paul Legislative Code is hereby created to read as follows:

Section 347.07 - Violation

It shall be deemed a violation of this Section for any person to:

- (a) Falsify a Certificate of Source.
- (b) Resist, impede or hinder a City employee in the performance of his or her duties in inspecting any pet shop.

SECTION 5

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.