

## Legislation Details (With Text)

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**File created:** 1/21/2016      **In control:** Committee on Licenses and Inspections

**On agenda:**      **Final action:** 4/14/2016

**Title:** Amending Chapter 10-100 of The Philadelphia Code, entitled "Animals," by providing requirements relating to the retail sale of certain animals, all under certain terms and conditions.

**Sponsors:** Councilmember Johnson

**Indexes:** ANIMALS

**Code sections:** 10-100 - ANIMALS

**Attachments:** 1. CertifiedCopy16001300.pdf

Date	Ver.	Action By	Action	Result	Tally
4/26/2016	0	MAYOR	SIGNED		
4/14/2016	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
4/7/2016	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
4/7/2016	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
4/7/2016	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
4/4/2016	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
4/4/2016	0	Committee on Licenses and Inspections	HEARING HELD		
4/4/2016	0	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
1/21/2016	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Chapter 10-100 of The Philadelphia Code, entitled "Animals," by providing requirements relating to the retail sale of certain animals, all under certain terms and conditions.

WHEREAS, A significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten 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 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 and behavioral issues with animals, which many consumers are unaware of when purchasing animals from retailers due to both a lack

of education on the issue and misleading tactics of retailers in some cases. These health and behavioral issues, which may not present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, Current federal and state regulations do not properly address the sale of puppy and kitten mill dogs and cats in Philadelphia pet shops; 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 is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, Due in large part to pet overpopulation, in 2012 the Philadelphia Animal Care and Control, just one of several shelters in Philadelphia, took in nearly 30,000 dogs and cats and euthanized more than 11,000. 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 City taxpayers; and

WHEREAS, Across the country thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, Flea markets, parking lots, and other outdoor spaces are the last unregulated marketplaces for questionable, and often unlicensed and unregulated, breeders. Puppies raised in poor conditions without veterinary care often suffer from illnesses or parasites that are transmissible to humans, and these diseases can spread rapidly at outdoor venues. Additionally, there have been several documented cases of rabid puppies sold at flea markets throughout the country; and

WHEREAS, Council believes it is in the best interests of Philadelphia to adopt reasonable regulations to reduce costs to the city and its residents, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the city; now, therefore

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 10-100 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-100. ANIMALS.

\* \* \*

§ 10-101. Definitions.

In this Chapter the following definitions apply:

\* \* \*

*Animal Care Facility.* An animal control agency or animal shelter that is part of, or under contract with, any state, county, or municipality, the mission and practice of which is, in whole, or significant part, the

*rescue of animals and their placement in permanent homes or rescue organizations.*

\* \* \*

*Animal Rescue Organization. Any organization which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, the mission and practice of which is, in whole or in significant part, the rescue of animals and their placement in permanent homes.*

\* \* \*

*Offer for sale. Shall mean to sell, offer for sale or adoption, barter, auction, give away or otherwise transfer to another.*

\* \* \*

*Pet Shop. Any establishment or business through which at least fifteen (15) animals are offered for sale in a calendar year that acquires dogs or cats for the purpose of resale, whether as owner, agent or consignee and offers to sell such dogs or cats on a retail basis.*

\* \* \*

§ 10-117. *Retail Sale of Dogs and Cats.*

- (1) *No pet shop shall offer for sale any dog or cat unless it has obtained the dog or cat from, or displays the dog or cat in cooperation with, an animal care facility or an animal rescue organization.*
- (2) *No pet shop shall offer for sale a dog or cat that is younger than eight weeks old.*

§ 10-118. *Prohibition on Sales in Public Places.*

- (1) *It shall be unlawful for any person to offer for sale any dog or cat at or on any street, public right-of-way, parkway, median, park, recreation area, outdoor market, or parking lot regardless of whether such access is authorized by the owner.*
- (2) *This Section shall not apply to the following:*
  - (a) *The display or offer for sale of dogs or cats by an animal care facility or an animal rescue organization; or*
  - (b) *The display of dogs or cats as part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.*

SECTION 2. This Ordinance shall become effective 90 days after it becomes law.

**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.