

## **ORDINANCE 2017-XX**

### **TO BE ENTITLED: “AN ORDINANCE TO CREATE CHAPTER 3 OF TITLE 10 – ANIMAL CONTROL OF THE FRANKLIN MUNICIPAL CODE FOR THE PURPOSE OF RESTRICTING THE RETAIL SALE OF DOGS AND CATS AT PET STORES.”**

**WHEREAS**, a significant number of puppies and kittens sold at pet stores 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 store dogs and cats come from puppy 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 in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet stores due to both a lack of education on the issue and misleading tactics of pet stores 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 pet stores; and

**WHEREAS**, prohibiting the sale of commercially bred puppies and kittens at pet stores will 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**, 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 commercially bred dogs or 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**, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a breeder where the consumer 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**, the Board of Mayor and Aldermen believes it is in the best interests of the City of Franklin to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase dogs or cats 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 BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:**

**SECTION I.** That Title 10, Chapter 3 of the City of Franklin Municipal Code is hereby created and is approved to read as follows:

**CHAPTER 3. – RETAIL SALE OF DOGS AND CATS AT PET STORES**

Sec. 10-301. – Definitions

Sec. 10-302.— Restrictions on the Sale of Dogs and Cats.

Sec. 10-303.— Penalties

## **Sec. 10-301. – Definitions.**

(1) *Animal care facility* – 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.

(2) *Animal rescue organization* – 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.

This term does not include any entity which is, or is affiliated with, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

(3) *Breeder* – A person who maintains dogs or cats for the purpose of breeding and selling their offspring.

(4) *Broker* – A person who transfers dogs or cats for resale by another.

(5) *Cat* – A member of the *Felis catus* family.

(6) *Dog* – A member of the *Canis familiaris* family, or resultant hybrid.

(7) *Offer for sale* – To sell, offer for sale or adoption, barter, auction, give away or otherwise transfer a dog or cat.

(8) *Person* – Any individual, partnership, corporation or association or any other legal entity, or any agent or employee thereof.

(9) *Pet store* – A retail establishment where dogs or cats are offered for sale as pet animals to the general public at retail; provided that an animal care facility or animal rescue organization, as defined, shall not be considered “Pet Stores.”

**Sec. 10-302. – Restrictions on the Sale of Dogs and Cats.**

(1) A pet store may offer for sale only those dogs and cats that the pet store has obtained from or displays in cooperation with:

(a) An animal care facility, as defined in this chapter; or

(b) An animal rescue organization, as defined in this chapter.

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

(3) Each pet store shall maintain records sufficient to document the source of each dog or cat the pet store acquires, for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to any Animal Control Officer, Health Officer, or any law enforcement agency.

(4) Each pet store 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. 10-303. – Penalty.**

Any person found in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined as specified in appendix A, comprehensive fees and penalties, for each offense. Each animal offered for sale in violation of any provision of this chapter shall be deemed a separate offense.

**SECTION II. Severability.** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION III. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

**SECTION IV:** BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect 90 days after its passage on second and final reading for the health, safety and welfare of the citizens of Franklin, Tennessee, requiring it.