

ORDINANCE NUMBER 2018-35

AN ORDINANCE TO AMEND TITLE 10 OF THE CITY OF FRANKLIN MUNICIPAL CODE TO ADD A NEW CHAPTER 3, TO RESTRICT 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 sometime 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 demand for puppies and kittens bred in puppy and kitten mills, and will likely 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, Tennessee, to adopt reasonable regulations to reduce costs to Franklin and its residents, protect the citizens of Franklin 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 within Franklin.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I: That Title 10 of the City of Franklin Municipal Code is hereby amended to create a new Chapter 3 as follows:

Chapter 3 – Retail Sale of Dogs and Cats at Pet Stores

Section 10-301. – Definitions

For the purposes of this chapter, the following terms have the following meanings:

“Animal care facility” means 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.

“Animal rescue organization” means any not-for-profit organization that 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 that 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.

“Breeder” means a person who maintains dogs or cats for breeding and selling their offspring.

“Broker” means a person who transfers dogs or cats for resale by another.

“Cat” means all members of the cat family, including both male and female.

“Dog” means all members of the dog family, including both male and female.

“Offer for sale” means to sell, offer for sale or adoption, barter, auction, give away, or otherwise transfer a dog or cat.

“Person” means any individual, partnership, corporation, or association or any other legal entity, or any agent or employee thereof.

“Pet store” means 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.”

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

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

1. An animal care facility, as defined in this chapter; or
2. An animal rescue organization, as defined in this chapter.

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

C. 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.

D. 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.

Section 10-303.- Pre-Existing Pet Store Facilities

Pre-Existing pet store facilities established prior to the effective date of this Ordinance shall be considered non-conforming under Tennessee's pre-existing nonconforming use law, *Tennessee Code Annotated*, § 13-7-208.

Section 10-304. – Violations

Any person found in violation of any provision of this chapter shall be subject to a civil penalty of fifty dollars per day, per violation. Each animal offered for sale in violation of any provision of this chapter shall be deemed a separate offense.

SECTION II. If 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 shall remain in 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: 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 from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
DR. KEN MOORE
Mayor

Approved as to form by:

Sauna R. Billingsley
City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____