



Legislation Text

File #: 18-0103, **Version:** 2

DATE: February 6, 2018

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Shauna Billingsley, City Attorney

SUBJECT:

Consideration of Ordinance 2018-35, An Ordinance to Amend TITLE 10 of the City of Franklin Municipal Code to Add a New Chapter 3, to Restrict the Sale of Dogs and Cats at Pet Stores. (Referred for further discussion from 02/13/18 WS; deferred from 05/08/18 WS, 10/23/18 Work Session, 11/27/18 BOMA 1st Reading 5-3)
SECOND AND FINAL READING

Purpose

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning the development of an ordinance that would restrict the retail sale of dogs and cats in pet stores in the City of Franklin.

Background

Recently, the City of Franklin was approached by the Humane Society to consider the restriction of the retail sale of dogs and cats within pet stores in the City of Franklin. Attached is a model ordinance provided by the Humane Society. Alderman Burger has requested that the Board discuss if the Board of Mayor and Aldermen would like the City of Franklin to explore the development of an ordinance of this nature.

Currently, there is nothing in state law prohibiting or precluding the retail sale of cats and dogs. Additionally, there are no regulations that we are aware of by municipalities restricting the retail sale of dogs and cats. However, there are cities that have passed such legislation in their jurisdictions.

Please see the following outline:

STATE	# of Cities
California	36
Colorado	1
Florida	54 (Exhibit A)
Georgia	8
Illinois	5
Iowa	1

Maine	2
Maryland	1
Massachusetts	3
Michigan	3
Minnesota	1
Nevada	2
New Jersey	114
New Mexico	3
New York	5
Ohio	2
Pennsylvania	2
Rhode Island	2
Texas	2
Utah	1
Washington	3
Canada	16

Recently, the state of Maryland passed House Bill 1662, which prohibits the sale of cats and dogs in pet stores statewide. (See Exhibit B)

If the City wishes to pursue restricting the retail sale of cats and dogs by ordinance, we would recommend that it be done under the zoning ordinance as a use. As such, any existing retail store would be granted a legal non-conforming use and will be allowed to remain until it ceases operations for continuous 30 months. If this is done under the zoning ordinance, enforcement will be with Building and Neighborhood Services.

Financial Impact

The direct financial or budgetary impact is unknown at this point. Such impact would need to be assessed further should the Board express an interest in regulating pet stores in some manner.

Recommendation

Guidance from the Board regarding further research and development of a new ordinance of this nature is sought.