

ORDINANCE NO. ORD-23-18

First Reading: June 5, 2023
Public Hearing: June 20, 2023

Approved: June 20, 2023
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Effective: July 9, 2023

CHAPTER 92 (HUMANE PET ACQUISITION)

AN ORDINANCE TO ADD CHAPTER 92 (HUMANE PET ACQUISITION) TO TITLE VII OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Chapter 92 (Humane Pet Acquisition) of Title VII of the Code of the City of Ann Arbor be added as follows:

7:380. - **Definitions.** As used in this section:

(1) “Animal Control Shelter”: A Michigan facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held due to violations of a municipal ordinance or state law, or animals that are surrendered to the Animal Control Shelter, as defined under MCL 287.331(f).

(2) “Animal Protection Shelter”: A Michigan facility operated by a person, humane society, a society for the prevention of cruelty to animals, or another nonprofit organization for the care of homeless animals, as defined under MCL 287.331(g). “Animal Protection Shelter” does not include any entity which: (1) is located on the same premises as a person as defined under MCL 287.331(q), that breeds dogs, cats, rabbits, ferrets, long-lived birds, or large reptiles; (2) has any personnel in common with such a person, including but not limited to, any employee, manager, or board member; (3) obtains any dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles from such a person; or (4) facilitates the sale of dogs, cats, rabbits, ferrets, long-lived birds, or large reptiles that were obtained from such a person.

(3) “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, and whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. “Animal Rescue Organization” does not include any entity which: (1) is located on the same premises as a person as defined under MCL 287.331(q), that breeds dogs, cats, rabbits, ferrets, long-lived birds, or large reptiles; (2) has any personnel in common with such a person, including but not limited to, any

employee, manager, or board member; (3) obtains any dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles from such a person; or (4) facilitates the sale of dogs, cats, rabbits, ferrets, long-lived birds, or large reptiles that were obtained from such a person.

(4) "Cat": An animal of the Felidae family of the order Carnivora.

(5) "Certificate of Origin": A document declaring the source of the animal sold or transferred by the retail seller. The certificate shall include the name and premise address of the source of the animal.

(6) "Dog": An animal of the Canidae family of the order Carnivora.

(7) "Existing Pet Store": Any pet store that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, or otherwise transferred live animals in Ann Arbor on the effective date of this ordinance and complied with all applicable provisions of the Ann Arbor municipal code.

(8) "Ferret": A domesticated animal of any age of the species *Mustela furo*.

(9) "Large Reptiles": Members of the class reptilian including, but not limited to, monitor lizards, alligators, pythons, boa constrictors, venomous reptiles, and constrictor snakes that grow to more than 72 inches long.

(10) "Long-Lived Birds": Any bird whose life expectancy is expected to exceed 25 years, including, but not limited to, cockatoos, macaws, and amazons.

(11) "Off-Site Retail Sale": The exchange of consideration for an animal, regardless of the age of the animal, at a location other than where the animal was bred.

(12) "Offer for Sale": To sell, exchange for consideration, advertise for the sale of, barter, auction, offer for adoption, trade or deliver a dog, cat, rabbit, ferret, long-lived birds, or large reptile.

(13) "Pet Store": A place where animals that are not bred on the premises are sold or offered for sale.

(14) "Rabbit": A long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.

(15) "Retail Sale": An offer for sale, offer for adoption, barter, auction, display for commercial purposes, or other form of transfer of any animal that is not bred on the premises.

(16) "Zoological Park": Any facility, other than a pet store or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person,

partnership, corporation, and other business entity or government agency and certified by the Association of Zoos and Aquariums.

7:381. – Prohibited.

(1) No pet store shall offer for sale or otherwise transfer or dispose of dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles. Nothing in this section shall prevent a pet store or its owner, operator, or employees from providing space and appropriate care for animals owned by an animal control shelter, animal protection shelter, or an animal rescue organization, as defined in this ordinance, and maintained at the pet store for the purpose of adopting those animals to the public.

(2) No person or business entity shall offer for sale, as defined in this ordinance, dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles on a roadside, public right-of-way, commercial parking lot, outdoor special sale, swap meet, flea market, or other similar event.

(3) No person, breeder or business entity shall hold off-site retail sales of animals at a location other than where the animal was bred.

(4) A pet store shall not sell or transfer any live animal without providing disclosure through a Certificate of Origin prior to the sale or transfer.

(5) No person shall knowingly provide or present an inaccurate Certificate of Origin.

7:382. - Exemptions.

This ordinance does not apply to:

(1) A person or business entity that offers for sale dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles that were bred and reared on the premises of the person or business entity.

(2) A publicly operated animal control shelter, animal protection shelter, animal rescue organization, or zoological park.

(3) A private, charitable, nonprofit humane society or animal rescue organization

7:383. - Existing Pet Store.

An existing pet store may continue to display and offer for sale dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles until 1 year after the effective date of this ordinance.

7:384. - Penalties.

(1) Any person, corporation, or other entity that violates this chapter shall be responsible for a civil infraction, punishable by a fine up to \$500.00 per violation. Each day shall constitute a separate and distinct violation.

(2) Violations of this chapter shall be enforced by Community Standards Officers.

Section 2. The various sections and provisions of this ordinance shall be deemed to be severable and should any section or provision of this ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this ordinance as a whole or any section or provision of this ordinance other than the section or provision so declared to be unconstitutional or invalid.

Section 3. This ordinance shall take effect on the tenth day after legal publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of June 20, 2023.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on June 29, 2023.

Jacqueline Beaudry, Ann Arbor City Clerk