



An implementation guide to restricting retail sales of animals from inhumane facilities

Animal-friendly communities throughout the country are finding creative ways to combat puppy mills and other kinds of animal warehousing. Some have begun by enacting ordinances directed at reducing the suffering of puppy mill dogs – by regulating either the puppy mills, pet stores themselves or the manner in which puppies are sold. This guide is designed to help you pass an ordinance to reduce the number of animals sold retail, and to instead promote humane pet adoptions.

Introduction to the Humane Pet Acquisition Proposal (HPAP)

The Humane Pet Acquisition Proposal (HPAP) is a collection of templates, including a model ordinance, that Michigan cities or counties can use to combat puppy mills and address other problems related to the retail sale of animals. It would prohibit the retail sale of cats and dogs that flood area shelters, and prohibit the retail sale of rabbits, ferrets, long-lived birds and large reptiles. Non-profit organizations and breeders selling directly to the public are excluded.

The purpose of the ordinance is to protect animals from inhumane conditions in commercial breeding facilities and unfit conditions in stores, protect families from purchasing ill animals and to encourage families to carefully plan for new companion animals through adoption programs.

The model ordinance is approved by a Macomb County Commission Resolution and is supported by the Michigan Friends of Companion Animals (MFCA) coalition and Macomb County Animal Control. The MFCA Retail Ordinance webpage includes the model ordinance and other resources such as templates, Frequently Asked Questions, and how to take action.

Link to website: <http://mfca.yolasite.com/ordinance.php>

“But there are no puppy selling stores in my community.”

This is the best place to start! There is less opposition in communities with fewer pet retailers. While box puppy stores are becoming a thing of the past, puppy retailers are finding new ways to mislead families. There are more and more online sellers that could be purchasing from a breeder or dealer. Retailers selling from their home may mislead potential buyers that they are helping a family member sell their puppies, and instead are purchasing from commercial breeders. Some retailers are posing as upscale pet boutiques offering tiny, teacup, toy dogs that may be underage, and may not be tiny at all when they're full grown. Selling high-end designer dogs, which are really mixed breeds, through boutiques and grooming salons is a marketing gimmick and new outlets in Michigan open every year. Taking a preventive approach will deter pet stores from selling puppies, which often carry the highest profit margins and profits.

Determining which animals should be included in the ordinance in your area may depend on what current animal-related problems your community is facing. It may be helpful to talk with the local officials who are (or will be) charged with enforcement, such as animal control officers or public health officials.

Cooperation is better than legislation

In 2010, over 100 Michigan pet supply stores made a pledge not to sell puppies and kittens from breeders. In 2015, two former puppy outlets pledged not to sell puppies and kittens: Gibraltar Trade Center (in Mt. Clemens) and Greenwood Pets & Plants (in Warren). Greenwood was shut down by the city when unfit conditions were found for the animals, and nearly 200 animals were saved. The cost to local agencies to respond to the case, including staffing and animal care, was \$20,000. The new store owners are now holding adoption events for animal rescue groups. The Gibraltar Trade Center will be showing only Macomb County homeless animals through Macomb County Animal Control and rescue groups approved by Macomb County Animal Control.

Not all puppy stores are bad and not all of their owners are bad. One puppy store owner agreed to end puppy sales after seeing the inspection reports of its breeders and their violations of federal animal protection law. All stores should be given an opportunity to end puppy sales. Unfortunately, not all stores want to walk away from the additional revenues. When that is the case, legislation is needed to provide necessary protection for animals.

Pet retail ordinances

Each jurisdiction is different. What the city of Chicago enacted with regard to pet retailers might not work for your city. Pet retail ordinances have to comply with federal, state and local laws already on the books, and they have to be written in a way that meshes with existing code.

The Findings section of the ordinance includes shelter statistics and testimony from customers who have purchased ill animals, and shows how this ordinance will fix those problems.

The Definition of Terms section includes important definitions, such as “What is a pet store?” You don’t want to accidentally ban PetSmart from holding adoption events!

The Prohibited section could include the following options:

- A full ban, meaning pet stores can source only from rescues and shelters. For example, in 2009, South Lake Tahoe, California was the first city to implement an ordinance that only allows pet stores to source from shelters and rescues.
- Standards-based regulations, meaning standards for breeders are written into the ordinance. Standards of care ordinances are still good, but sourcing only from rescues and shelters is the best way to keep commercially-bred animals out of the community.
- Restrictions on the types of USDA-licensed breeders that a retailer can use. For example, the ordinance may stipulate that pet stores cannot work with breeders that have direct violations of the Animal Welfare Act that have been noted during an inspection in the last three years. A direct violation may be an ill animal that has not been seen by a veterinarian. These must be written evenhandedly and fairly—for example, you can’t say that pet stores can work only with in-state suppliers. That would not be fair to the other breeders.

The Penalties section will include which agency will enforce the ordinance, and the penalties for each violation.

A phase-in period will allow existing stores to find homes for their animals and close out contracts that they might have with the franchise.

What is prohibited?

The Michigan model pet retail ordinance prohibits the retail sale of cats, dogs, rabbits, ferrets, long-lived birds and large reptiles and also prohibits roadside sales and off-site retail sales of those animals. A Certificate of Origin from the pet store owner is required for the remaining animals that are still allowed to be sold, such as chinchillas, small furry animals, small birds, and reptiles.

The model ordinance was developed using language from other cities that have passed similar restrictions, including Austin, Texas; Glendale, California; and the City of East Providence, Rhode Island.

The City of East Providence ordinance restricting the sale of dogs produced in commercial, large-scale puppy mills was upheld by the federal U.S. District Court in 2015, providing an important legal precedent in the national effort to crack down on abusive mills. Key language from this ordinance was included in the Michigan model ordinance.

What is exempted?

The Michigan model ordinance excludes breeders, shelters, zoos and non-profit rescues. Families should be able to see where the animals are bred.

Learn the process

The process for local legislation varies around the country, so take the time to get familiar with how things work in your community. An official or employee in your local government may be able to help you. Typically, for a city or county government, a bill is introduced to a council by a member of that council. These individuals are usually called council members or aldermen. In some cases, proposed ordinances will go to a small committee for review. Other times, the entire council may vote on it without a committee. Proposed ordinances may be discussed at several meetings over a few months so that public comments may be heard. Sometimes amendments (changes) will be suggested or made, though these amendments will also need to be voted on before being inserted into the proposed legislation. Try not to find yourself frustrated or confused by the process. It may not go as smoothly and as fast as you would like.

Homework

Gathering specific information for your city or county will help build your case with decision makers. Take time to answer the following questions:

- Who are the local stakeholders?
- Are there related city and county ordinances?
- Who is selling dogs, cats, rabbits, ferrets..?
- Who is supplying the pet stores?
- Are there existing pet store complaints?
- What are the municipal shelter statistics?
- What are the alternative places to adopt animals?

Find local animal organizations and stakeholders

Stakeholders include animal organizations, shelters, and animal control officers. Create a list of the local organizations available to families for finding homeless animals available for adoption. Start with your local state-licensed shelters that are open to the public. A list of the over 160 Michigan licensed facilities is maintained by the Michigan Department of Agriculture and is available upon request from the department or at

www.michigan.gov/mdard (look for “Licensing, Certification & Registration,” then “Animal Related Licensing,” then “Animal Shelters”). Find further animal rescue organizations at Petfinder.com or TheShelterPetProject.org and search by zip code.

Gather information on local ordinances and state laws for conflicts

Most city attorneys will want to know if the proposal conflicts with any current laws. You can provide Michigan’s two primary animal-related laws:

- Michigan’s basic animal cruelty laws are MCL 750.50, which requires that an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity must provide an animal with sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health; and MCL 750.50b, which prohibits a person from knowingly killing, torturing, mutilating, maiming, poisoning, or disfiguring an animal. Both laws cover all animals (defined as “any vertebrate other than a human being”), including those in pet stores and breeding facilities. Penalties for violations of these laws range from misdemeanor to felony.
- The Pet Shop, Dog Pounds, and Animal Shelters Law, MCL 287.331 – 287.340, which covers basic standards for the care of animals in those facilities. Local law enforcement agencies can respond to possible violations against the Pet Shop Law. This law has misdemeanor penalties that must go through the local prosecutor.

As part of your homework, it is a good idea to check the city and county ordinances and regulations. Start online by searching ordinances on Municode at <http://www.municode.com/library/MI>. From the Municode home page, select the state and the city. Not all cities use Municode for posting their ordinances. If the city’s ordinances are available on Municode, they may not reflect recent changes. It is a good place to start and confirm later. On Municode, search for key words like “animals,” “dogs,” “kennels,” and “dangerous” to find all ordinances that apply to animals. Some cities have a section of code dedicated to animal-related ordinances, and sometimes they can be found in the city’s zoning code as well. Your city may already prohibit “kennels,” which may include pet stores. They may also restrict roadside sales. Find out which animals are prohibited to own. If families are not allowed to own large reptiles or farm animals, then the stores should not be selling them. Don’t forget to look for county ordinances or regulations that may or may not be posted online. It is always a good idea to call the city offices and speak to the ordinance department.

Research current pet stores

Gather as much information as possible about the stores selling live animals in your community. Start by making a list and summarizing which types of animals are sold at each store and which ones hold adoption events. Some may have already pledged not to sell puppies through the 2010 Puppy Friendly Pet Stores initiative in Michigan.

A good way to start your list is to simply search Google for pet stores or contact the city offices for business licenses. A complete list for Macomb County is available. The Michigan Department of Agriculture and Rural Development no longer licenses pet stores. Don't forget to check grooming salons and flea markets.

Canine breeder information, if not provided by the store, can be found several ways. First, shipping records, referred to as "Certificates of Veterinary Inspection" (CVIs) have been collected by Puppy Mill Awareness of SE Michigan (PMA) since 2008 and are available upon request by contacting pmamichinfo@yahoo.com. These certificates are public record and are required by all states. Feline records are not required. The ASPCA also includes breeder and broker information on their <http://nopetstorepuppies.com/buy-a-puppy> website.

Once you collect the breeder name and address, you can gather more information from their USDA license. USDA-licensed commercial breeders are inspected annually, and the inspection reports are available online along with inventory numbers at http://www.aphis.usda.gov/animal_welfare/efoia/. Photos and other information are available through the Freedom of Information Act, or FOIA. For more information, visit www.aphis.usda.gov/wps/portal/aphis/resources/lawsandregs/sa_foia/ct_how_to_submit_a_foia_request.

Often city zoning departments will have breeder information if Special Use Permits are required for that breeder to operate. Zoning officers often take photos of the breeding kennel for the permit approval process.

Gather pet store complaints. Most cases related to sick animals that were purchased go unreported; however, families who do file complaints are usually directed to the local or county animal control departments. Complaints can also be found online. Popular complaint sites include Yelp.com, RipoffReport.com, and Yahoo reviews. Other sources for complaint information include the state's Attorney General's office and local police departments. You can check with the court to find out if any of the pet retailers have been sued. In addition, check the pet retailers' Better Business Bureau rating at www.bbb.org. If complaints are filed and they are resolved, the store's Better Business Bureau score is not lowered. Limited information regarding open and unresolved complaints is included on the Better Business Bureau website.

Gather shelter statistics

Gather as much information as possible about local animal shelters, including the number of animals euthanized each year. In Michigan, each shelter is required to report this information to the Michigan Department of Agriculture and Rural Development. The required annual shelter report also includes statistics for rabbits and ferrets. The annual shelter reports also include intake and adoption numbers. In 2013, the Macomb County Animal Shelter received 2,000 dogs and 1,393 cats. Find annual shelter reports at other shelter information at www.michigan.gov/mdard (look for “Licensing, Certification & Registration,” then “Animal Related Licensing,” then “Animal Shelters”).

Find alternative places to adopt animals

Find all the alternative places to adopt animals that are easily available to families for each type of animal that will be prohibited for sale by your ordinance. Start with Petfinder.com or TheShelterPetProject.org. These sites allow you to search organizations within a zip code range and see how many of each type of animal is available within 100 miles of the zip code. They include local shelters and foster-based rescues. Families can still find reputable breeders through local breed clubs and veterinary referrals. The Humane Society of the United States has a guide: “How to find a responsible dog breeder” at www.humanesociety.org/issues/puppy_mills/tips/finding_responsible_dog_breeder.html. In addition, there are hundreds of breed-specific rescue groups across the country for families wanting a specific breed of dog.

How to submit a records request (FOIA)

To collect public records you need to submit a Freedom of Information Act (FOIA) request. This can be done by email or in an online form or a letter. You cannot request FOIA records from privately-owned businesses or non-profit animal shelters. In your request, be sure to include exactly what you are looking for and the timeframe for the requested information. If you try to request records covering too many years, this could delay your request and cost more money. By law, the public agency has five days to respond. It is common to receive an extension letter, which is usually no more than 10 days if they have to generate the records. Some agencies will require pre-payment. You can always call and negotiate a way to reduce the fees. For more information, visit www.foia.gov.

Build your case

When building your case, you will want to show why your community needs this ordinance and have specific information related to your city, county or pet stores and shelters. Eventually you will need to condense your findings to a two to three minute speech. Testimony provided to the Macomb County Commissioners covering dogs, cats, rabbits, ferrets, long-lived bird and large reptiles from key stakeholders in southeast Michigan can be found on the MFCA YouTube site.

A Frequently Asked Questions document can be downloaded from the MFCA Retail Ordinance webpage and is currently tailored for Macomb County. It can easily be updated for your community leaders with your county or city information.

Work with the opposition

Check with your local shelter and rescue organizations to find out which pet retail stores are allowing adoption events and have other programs to support the homeless animals in the community. Are your local shelters and rescue organizations willing to hold adoption events at stores that are currently selling animals? Visit the pet stores that may be impacted by the proposal, and speak with the manager or owner about migrating away from live pet sales. You may be surprised that they may be willing to stop selling rabbits, if that is the only animal they sell that will be impacted by the ordinance. Meeting directly with the pet stores and offering to coordinate adoption events could save a lot of time and effort.

Opposition arguments and responses

There are many common opposition arguments, some prepared by the pet industry and others come from the decision makers.

Argument #1: "Some pet stores do work with good local breeders." Responsible dog breeders belong to local breed clubs, which normally have a Code of Ethics that does not allow sales to pet stores. Good breeders have waiting lists and never have a surplus of puppies. Responsible breeders take pride in their work and want to know where their puppies are being placed so they can re-home them if there are any problems.

Argument #2: "Why don't you raise the standards of the breeders instead?" The need to raise standards of care that govern commercial breeding operations is indisputable. We fully support laws to impose higher care standards and more strictly regulate, monitor, and police high volume breeders, but it is a long and difficult process to bring these types of bills into law. Attempts at the Federal level, and in the state of Michigan, have so far been unsuccessful. Senator Steve Bieda (D-Warren) has introduced a large-scale commercial breeder registration bill again for the 2015-2016 Michigan legislative session. A municipal ordinance that prohibits retail pet sales is an efficient and important step to take, and is more easily implemented. As pet stores are the primary sales outlet for substandard breeders, limiting this sales outlet will stop many of them from importing puppies into our state.

Argument #3: "We are business-friendly and do not want to shut down any businesses." We strongly support humanely-run pet stores. In 2014, pet stores were a \$58 billion industry. Over \$42 billion of that total was spent on pet food, supplies, over-the-counter medicine, and services like grooming and boarding. Only \$2.19 billion was spent on live

animal purchases. In other words, pet stores do not have to sell dogs and cats to be successful, and those that do are in the minority. Pet stores, both independently owned and chain stores, primarily earn profit through focusing their business model on the offering of pet services and products (i.e. food, toys, grooming, and boarding). In addition, the cost to the community is far greater than the profits collected from selling ill-bred puppies. Unsuspecting families make spontaneous purchases of poorly-bred animals, resulting in expensive veterinary bills. For example, the city of Warren, Michigan spent over \$20,000 on animal impoundment and veterinary care for just one pet store seizure in 2013 that involved more than 200 animals.

Opposition groups

Pet shops, like the box puppy stores in Novi, Michigan, have attended city council meetings and claimed that they work with reputable breeders and are trying to improve the industry. Petland claimed to work only with USDA-licensed breeders and distributors with no direct violations (meaning, violations of animal care standards) of federal Animal Welfare Act regulations on their latest inspection report. But most families would find even many indirect violations (meaning, violations of record keeping and housing standards) to be horrifying, and records show that Petland has purchased puppies from breeders with direct violations—they just may not have been on the breeders most recent inspection report. This is not a good way to select suppliers. The Family Puppy Novi store owner skirted the issue by saying, “we don’t judge on size, but on quality. As for seeing the parents, people adopting a dog from a shelter or rescue cannot see the parents either.”

The Pet Industry Joint Advisory County (PIJAC) is the trade association that covers all things to do with the commercial sale of all pets.

The Hunte Corporation is the nation’s largest puppy broker and has developed talking points for pet stores fighting local ordinances.

The Missouri Breeder Association has been activity opposing the Cook County, Illinois retail pet sales ban ordinance.

Supporting templates and resources

The MFCA Retail Ordinance webpage includes the following resources and templates for building your case and providing to your city officials.

- Model Michigan Ordinance
- Frequently Asked Questions
- Fact Sheets for each animal
- Macomb County Commissioner Resolution & Template
- Michigan Shelter Statistics

- Cover Letter
- Letters of Support
- Coalition Fact Sheet
- Example FOIA Request Letter
- Example Letter to the Editor
- Example Press Release
- List of puppy breeders and brokers for each Michigan store (upon request). Some information is posted to Puppy Mill Awareness of SE Michigan's Pet Store webpage.
- Certificate of Veterinary Inspection (CVI) records for canines imported into Michigan pet stores (upon request)
- Recent Michigan pet store cruelty convictions case summaries
- SE Michigan Pet Store Complaints Summary (upon request)
- USDA commercial kennel inspection reports and inventory numbers
- USDA commercial kennels by state (upon request)
- USDA commercial facility photos, including 10,000 photos
- Michigan commercial kennel investigations (upon request)
- Michigan 2009 licensed kennels by county/city (upon request)
- Breeder Code of Ethics
- Alternatives – List of Michigan non-companion animal rescue organizations
- List of 100 Michigan Pet Stores that took The HSUS "Puppy-Friendly Pet Store Pledge"
- List of U.S. municipalities that have passed laws banning pet store sales
- Media coverage

Update the model Michigan ordinance to accommodate the cities' current ordinances. Many city attorneys will appreciate all of your work to ensure that loopholes are closed.

The Frequently Asked Questions were prepared by the Macomb County Commissioners office that can be updated to include your city's specific information and responses.

One pager fact sheets are handy during initial meetings. We prepared a fact sheet for each animal—dogs cats, rabbits, ferrets, long-lived birds, and large reptiles. The fact sheet should include specific problems in the community and alternatives to pet stores.

The Macomb County Commissioners Resolution Template can be offered to your county commissioner as an example to be used in your own county.

Michigan annual shelter reports are usually available in the spring for the prior year's data. <http://michigan.gov/mdard>. From the home page, go to Licensing, Certifications & Registration, Animal related licensing and then Animal Shelters. These reports include intake, euthanasia and adoption statistics for licensed shelters. They also include statistics for rabbits and ferrets.

Prepare a “cover letter” that introduces the proposal and include an “ask” statement. This cover letter can be sent to the Mayor or city council members, the city attorney, the planning director, etc. It should include the problems you want to fix. Adding details specific to the city or nearby cities can be more effective. Ask for the creation of a study group, or a meeting with the city attorney to review an example ordinance for consideration. Deliver the cover letter in person and ask for a meeting. Often, they are available and have an open door policy. Bring your back-up documents!

Get community support

Supporting a local ordinance means doing things like testifying at council meetings, contacting council members to express support for the ordinance, and informing others about the ordinance. Even in big cities, it can be common for very few people to get involved in local government (which means a small group of people are changing laws and policies), so getting active community support can make or break the legislation you are trying to pass.

A diverse coalition will show your elected officials that a significant portion of the community supports your efforts. Examples of people who you’ll want involved in your project at some point (and who you may call upon to testify in support of your proposal) include:

- Police Chief
- Animal control officers
- Shelter director, staff, veterinarians, workers
- Health Dept. Inspector
- Animal advocates
- Breeders
- Breed clubs
- Parents
- Dog owners
- Dog trainers
- Consumers who have purchased sick animals
- Pet-friendly businesses
- County Commissioner
- State Representative and/or Senator

Gaining support of the County Commissioners could help pass the ordinance in local communities. County Commissioners can pass resolutions urging cities to pass the ordinance locally. Resolutions are usually one-page documents outlining the problems in the county, with their formal signatures of support.

Find a friend in office

Public officials tend to take their constituents' interests seriously, so try talking to your own council member or alderman first. As much as we'd like the people we vote for to agree with us, this may not always work. If your own council member isn't interested, don't despair. Try to find another official with an interest in animal issues and pitch your idea to him or her. Often, your local animal control bureau or non-profit humane society can point you towards a sympathetic decision-maker.

Introduce the proposal

After discussing the idea with some decision makers, follow up with a formal letter with exactly what you are trying to accomplish and the problems you wish to fix. Take the cover letter, in person, to the Mayor. Bring another local stakeholder that they may be familiar with, such as the local animal shelter director. When delivering the letter and fact sheets, ask for a meeting with the Mayor. Often they are available and have an open door policy. If they seem responsive, ask for the next steps. Can you meet with the city attorney to consider the impact? Ask if there is a council person that they would recommend working with? Or ask for a study group to review an example ordinance for consideration. This is the best way to start networking. The mayor can ensure the appropriate city officials take an initial look so you can start gaining support. You can also simply take the proposal packet (make copies) to the city council's regular monthly meetings. The public is usually given three minutes to speak during the public comments portion of the meeting.

Go public!

Use caution. If you have found a friendly council member who is guiding you through the process and socializing the ordinance to win votes, you should consult her or him on the best approach for going public.

Local officials read local papers! Schedule a meeting with the editor or editorial board of your local paper to ask them to support your proposal. Contact other media outlets, including television and radio, to let them know about your efforts. Write letters to the editor of your local paper, remembering to state your case concisely (most papers prefer letters of 150 to 250 words). Sample letters to the editor are included in the supporting documents.

You can also issue a press release. If you feel that you need to gain more public support before a vote or to attend a committee meeting where the issues are debated, you can write your own press release and include your own quotes from stakeholders. Or you may want to just issue a press release after it has been adopted. See supporting documents for an example press release.

Testify

If your council calls a public meeting to discuss your proposal, you should testify and get members of your coalition to testify with you. Plan ahead of time to make sure that everyone doesn't speak on the exact same points (a common problem at public hearings). For example, it may be wasteful and frustrating for legislators to have a dozen people talk about the abuse and neglect in puppy mills without mentioning the taxpayer burden of animal care and control agencies that manage animal homeless issues day to day. Knowing how puppy mills impact communities all over the country—even when they are not in your backyard—is a very important point to communicate.

It is particularly helpful if you can get animal control officers to testify on behalf of their agencies. Enforcement professionals in uniform can add an additional air of importance and mainstream acceptance to an issue. It's especially important to have an individual who will be enforcing the ordinance—this will vary by community.

We will provide facts sheets and responses to opposition arguments in the Building Your Case webinars in November that may be helpful to incorporate into your testimony.

Compromise (if needed)

As easy and straightforward as this all sounds, things may not run so smoothly. Whether because of enforcement issues or strong opposition, sometimes you may have to compromise on your ordinance. This is ok. Be prepared to compromise ahead of time. Know what parts of your ordinance are most important and which ones can be set aside, if needed.

Celebrate victory, but remain vigilant

You've completed a great accomplishment, so be proud of all of your hard work. Unfortunately, passing an ordinance doesn't mean that it will be enacted as is, well-enforced, or will remain a part of local law forever. Sometimes city or county attorneys will change the language of legislation that has been passed. In other cases, the law may be challenged in court and defeated. Whatever the situation, keep an eye out for related issues in your community after your ordinance has passed.

Regroup after defeat

You may not win your battle on the first time around, but don't give up. Maybe your council just wasn't ready for this particular issue at this time. However, now you have introduced them to the many ways in which puppy mills affect communities. Talk to those council members who voted against your bill and, in a polite and professional manner, find out why. You can learn from this experience and try to pass a better bill in the future. Then, start planning your next victory.

Recorded Webinars

Stop Puppy Mills: Ending Sales in Local Pet Shops

Prohibiting Pet Retail Sales: Building A Case