

2015 RESOLUTION NO. R15-140

*Official Resolution of the Board of Commissioners
Macomb County, Michigan*

**Resolution Providing The Local Communities Of Macomb County
A Model Humane Pet Acquisition Ordinance**

**Commissioner Fred Miller and Commissioner Kathy Tocco,
On Behalf of the Board of Commissioners, Offer the Following Resolution:**

WHEREAS, according to the Humane Society of the United States it is estimated that there are about 10,000 commercial animal breeding facilities in the United States, less than 3,000 of which are regulated by the United States Department of Agriculture (USDA); and

WHEREAS, in 2010, the USDA's Office of the Inspector General (OIG), the law enforcement arm of the agency, released a report criticizing the USDA's long history of lax oversight of commercial dog breeders under the Animal Welfare Act. The report reviewed inspections and enforcement actions taken against dog dealers from 2006-2008 and found that USDA inspectors failed to cite or properly document inhumane treatment and brought little to no enforcement actions against violators; and

WHEREAS, the abuses of commercial animal breeding facilities, which are often known as puppy and kitten mills, are well documented and include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate food, water and shelter; lack of socialization; lack of adequate space; and the euthanization of unwanted animals. The inhumane conditions in these facilities can lead to health and behavioral issues with the animals, 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 many cases. These health and behavioral issues, which may not present themselves until years after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, restrictions on the sales of animals in pet stores would help reduce the number of animals placed and euthanized in animal shelters. According to the Michigan Department of Agriculture and Rural Development (MDARD) Animal Shelter Activity reports, approximately 23,000 puppies and dogs were euthanized in 2013 (one in every four canines arriving at shelters, or 27%). Although, reasons for euthanasia are not tabulated by the department, open admission shelters using 21st century best practices, are finding that less than 10% of dog and cat intake of the shelter are euthanized for health and behavior issues; and

WHEREAS, by promoting the adoption of such dogs and cats, a local "Humane Pet Acquisition Ordinance" would reduce the financial burden on local taxpayers who pay much of the cost to care for and euthanize many animals; and

WHEREAS, there is a large financial benefit to consumers who adopt animals, as the \$180 fee charged by the Macomb County Animal Control is in many cases significantly lower than the cost of purchasing a dog or cat from a pet store; 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 dogs and cats. Many of these stores collaborate with local animal shelter and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises. In 2012, more than 100 Michigan pet supply stores took a pledge to not sell canines or felines; and

WHEREAS, pet store seizures can cost cities thousands of dollars to impound and care for neglected animals. For example, the city of Warren spent more than \$20,000 in 2013 on animal impound and veterinary care for one pet store seizure that brought in more than 200 animals; and

WHEREAS, in 2009, the MDARD stopped funding the Pet Store Program, leaving regulations to be enforced locally. Before ending the program, MDARD received upwards of 120 complaints for just one Mount Clemens pet store; and

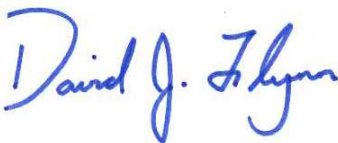
WHEREAS, in the United States and Canada, more than 70 cities have enacted ordinances addressing the sale of puppy and kitten mill dogs and cats, including in Los Angeles, California; Albuquerque, New Mexico; Austin, Texas; Coral Gables, Florida; Toronto, Canada; and Glendale, California; and

WHEREAS, such an ordinance will help protect animals from inhumane conditions in commercial breeding facilities and stores, help reduce the number of healthy animals surrendered to local animal shelters and animal groups, reduce the financial burden experienced by local animal control organizations, and reduce the financial and emotional strain often experienced by unsuspecting citizens who unknowingly purchase animals that were bred in commercial animal breeding facilities.

NOW THEREFORE BE IT RESOLVED that the Macomb County Board of Commissioners shall draft a model Humane Pet Acquisition Ordinance to assist local municipalities in protecting the citizens of the County who may purchase cats or dogs from a pet store or other business establishment, promoting community awareness of animal welfare, fostering a more humane environment in the County and reducing costs to the County, the local communities and the residents.

BE IT FURTHER RESOLVED that the Macomb County Board of Commissioners disseminates to the local municipalities of Macomb County the model ordinance drafted by the County Corporation Counsel available in *Exhibit A* below for their consideration.

BE IT FURTHER RESOLVED that hard copies of this resolution, digital copies if possible, be provided to elected officials of Macomb County cities, townships, and villages, all Macomb County Electeds, Macomb County Animal Control Chief Jeff Randazzo, Macomb County Assistant Corporation Counsel Jill Smith, Michigan Department of Agriculture and Rural Development Director Jamie Adams, and Founder of Puppy Mill Awareness of Southeastern Michigan Pam Sordyl.



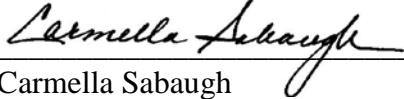
David
Chairman, Macomb County Commission
Commissioner, District 4



Fred Miller
Macomb County Commissioner, District 9



Kathy Jocco
Macomb County Commissioner, District 11



Carmella Sabaugh
Macomb County Clerk/Register of Deeds

Passed at 6/11/15 Full Board Meeting

Exhibit A:

MODEL HUMANE PET ACQUISITION ORDINANCE

- I. **Definitions:** For purposes of this ordinance, the following definitions shall apply:
 - A. **Animal Control Shelter:** A 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.
 - B. **Animal Protection Shelter:** A 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.
 - C. **Cat:** An animal of the Felidae family or the order Carnivora.
 - D. **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.
 - E. **Dog:** An animal of the Canidae family of the order Carnivora.
 - F. **Existing Pet Store:** Any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred live animals in [*municipality*] on the effective date of this ordinance and complied with all applicable provision of the [*municipality*] municipal code.
 - G. **Ferret:** A domesticated animal of any age of the species *Mustela furo*.
 - H. **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.
 - I. **Long-Lived Birds:** Any bird whose life expectancy is expected to exceed 25 years, including but not limited to cockatoos, macaws, and amazons.
 - J. **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.
 - K. **Pet Store:** A place where animals are sold or offered for sale, exchanged, or transferred.
 - L. **Pet Store Operator:** A person who owns or operates a pet store, or both.

M. **Rabbit:** A long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.

N. **Retail Sale:** An offer for sale, offer for adoption, barter, auction, give away, display for commercial purposes of otherwise transfer of any animal that is not bred on the premises.

O. **Zoological Park:** Any facility, other than a pet shop 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.

II. **Prohibitions:**

A. No pet store shall offer for sale, offer for adoption trade, barter, auction, give away, or otherwise transfer dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles.

B. No person or business entity shall offer for sale, offer for adoption trade, barter, auction, give away, or otherwise transfer 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.

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

D. 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.

III. **Exemptions:** This ordinance does not apply to:

A. A person or business entity that sells, offers for sale, offers for adoption, barter, gives away, delivers or otherwise transfers or disposes of dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles that were bred and reared on the premises of the person or business entity.

B. A publicly operated animal control shelter, animal protection shelter or zoological park.

C. A private, charitable, nonprofit humane society or animal rescue organization

D. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

IV. **Existing Pet Store:** An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles until [*insert date*]

V. **Adoption of Shelter and Rescue Animals:** Nothing in this ordinance 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, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

VI. **Criminal Penalties:** A person who violates any provision of this ordinance is guilty of a misdemeanor punishable by incarceration for not more than [*insert time*] days or a fine of not more [*insert monetary amount*], or community service for not more than [____ *hours*], or any combination of these penalties and the costs of prosecution.