

A RESOLUTION PROVIDING MUNICIPALITIES IN WASHTENAW COUNTY WITH A MODEL  
PET ACQUISITION ORDINANCE

WASHTENAW COUNTY BOARD OF COMMISSIONERS

September 18, 2019

WHEREAS, many Michigan residents oppose the sale of dogs and cats from mass breeding facilities due to documented neglect at commercial animal breeding facilities, which are often known as puppy and kitten mills. The abuses 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 euthanasia of unwanted animals; and

WHEREAS, 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 and online retailers due to both a lack of education on the issue and misleading tactics of sellers in many cases; and

WHEREAS, 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 Michigan families; and

WHEREAS, current Federal and State regulations do not properly address the sale of dogs and cats in pet shops, while Michigan does not possess adequate resources to safeguard the health and well-being of dogs and cats at the point of sale; and

WHEREAS, in 2009, the Michigan Department of Agriculture and Rural Development (MDARD) stopped funding the Pet Store Program, leaving regulations to be enforced locally; and

WHEREAS, in 2010, the U.S. Department of Agriculture (USDA) Office of the Inspector General (OIG) released a report criticizing the USDA's long history of lax oversight of commercial dog breeders under the Animal Welfare Act. The report found that USDA inspectors failed to cite or properly document inhumane treatment and brought little to no enforcement actions against violators; and

WHEREAS, in 2018 the USDA issued an update on the agency's enforcement of the Animal Welfare Act (AWA) revealing a steep decline in disciplinary actions taken against commercial breeders; and

WHEREAS, in 2017, the Centers for Disease Control (CDC) completed a multi-state investigation of a *Campylobacter* outbreak including 118 cases across 18 states reporting 26 hospitalizations. The vast majority of those individuals sickened reported they had contact with a puppy from a Petland store; and

WHEREAS, in 2017, the USDA suddenly removed tens of thousands of animal welfare records from its publicly accessible website. These documents described violations at federally licensed animal facilities—including commercial dog breeders, zoos and research labs—and any resulting enforcement actions taken by the USDA. Without access to these records it is impossible to learn which facilities are failing to comply with animal-protection laws; and

WHEREAS, in 2017 The American Society for the Prevention of Cruelty to Animals (ASPCA) issued consumer alerts through the Better Business Bureau and media outlets warning families about predatory financing practices including “pet leasing” where the puppies are held as collateral. Two Michigan pet stores offer pet leasing: The Barking Boutique (Grandville) and The Family Puppy (Flint, Troy, Novi), resulting in complaints filed with the BBB; and

WHEREAS, in 2018 three lawsuits were filed against Petland Novi including twenty-five plaintiffs for multiple violations of the Consumer Protection Act. Puppies were sold with genetic defects, infections and some had highly contagious diseases, costing the plaintiffs thousands of dollars in veterinary care. One man was hospitalized after purchasing a puppy infected with Campylobacter; and

WHEREAS, in the United States, over 280 cities, as well as the states of California and Maryland, have enacted ordinances addressing the sale of dogs and cats, including Boston, Massachusetts; Albuquerque, New Mexico; Austin, Texas; and Chicago, Illinois; 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, and 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, Washtenaw County contracts directly with the Humane Society of Huron Valley (HSHV) to house and care for local stray, abandoned and abused animals as a part of its animal care and control duties required by Michigan law; and

WHEREAS, Washtenaw County is committed to no-kill animal sheltering, whereby healthy and treatable companion animals are saved rather than euthanized; and

WHEREAS, HSHV takes in roughly 4,000 animals annually from Washtenaw County alone who are in need of re-homing when they cannot be returned to their original owners; and

WHEREAS Washtenaw County residents can adopt companion animals at HSHV or other shelters and certified foster-based rescues including rabbits, birds, chinchillas, ferrets and reptiles; and

WHEREAS, there is a large financial benefit to consumers who adopt animals, as the \$50-\$350 fee charged by HSHV and other shelters and certified foster-based rescues is significantly lower than the cost of purchasing a dog or cat from a pet store; and

WHEREAS, unlike the cost to purchase at a pet store, adoption fees at HSHV and other shelters and certified foster-based rescues typically include sterilization, rabies and other core vaccinations, veterinary health checks, behavior evaluations, and microchips to protect public health and safety and reduce Washtenaw County animal care and control costs related to overpopulation, lost animals and bite quarantine; and

WHEREAS, unlike pet store, adopters at HSHV receive adoption education/counseling and post-adoption support services to encourage responsible ownership and are able to return adopted animals if the adopter can no longer care for the animal; and

WHEREAS, HSHV, along with other local law enforcement including the Washtenaw County Sheriff's Department, investigates and enforces animal cruelty laws, and have received multiple complaints regarding the care and condition of animals at a local pet store and sold through online and irresponsible breeders; and

WHEREAS, the large-scale seizure of animals from cruelty cases by irresponsible breeders often require lengthy hold times and expensive medical treatment creating an excessive space and cost burden on the County animal sheltering system; straining response to the everyday needs of the community and its lost, unwanted, abandoned and orphaned pet population; and

WHEREAS, Michigan is the only state offering a certification program for foster-based rescues that promotes best practices and a code of ethics, and many families who prefer to work with local breeders can obtain referrals through their veterinary clinic and local breed clubs; and

WHEREAS, the code of ethics for a Michigan-based dog breeding organization states that breeders should refuse to deal knowingly with dog retailers and wholesalers; and

WHEREAS, this ordinance is not intended to limit the ability of consumers to work with reputable breeders, where they 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, it is in the best interest of the Washtenaw County communities to adopt reasonable regulations to help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the state.

NOW THEREFORE BE IT RESOLVED, the County shall share the attached draft 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; and

BE IT FURTHER RESOLVED that copies of this resolution will be provided to elected municipal bodies in Washtenaw County, Washtenaw County elected officers, the Michigan Department of Agriculture and Rural Development, and the Humane Society of Huron Valley.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Beeman	X			LaBarre	X			Shink	X		
Brabec	X			Maciejewski	X						
Jamnick	X			Morgan	X						
Jefferson	X			Scott	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE:

9 0 0

STATE OF MICHIGAN )

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on September 18<sup>th</sup>, 2019, as it appears of record in my office.

COUNTY OF WASHTENAW)<sup>SS</sup>.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 19<sup>th</sup> day of September, 2019.

LAWRENCE KESTENBAUM, Clerk/Register

BY: \_\_\_\_\_ Deputy Clerk



Res. No. 19-167
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## **The Humane Pet Acquisition Proposal Draft Ordinance for Washtenaw County Municipalities**

Pet retail ordinances are intended to protect the public from fraud, with respect to pet origin and health, animals from neglect in retail stores and deter the sale of commercially bred animals with illnesses and genetic issues.

The Humane Pet Acquisition Ordinance prohibits the retail sale of puppies, kittens, rabbits, ferrets, long-lived birds (over 25 years life expectancy), and large reptiles (alligators and constrictor snakes over 72 inches long).

- Excludes breeders selling directly to the public and nonprofit organizations.
- Includes offsite retail sales, such as on the roadside, parking lots, and at flea markets.
- Includes online sellers which are reselling animals obtained from a broker or breeder.
- Addresses faux rescue organizations sourcing to pet stores.
- Includes disclosure through a Certificate of Origin.

Adopting this ordinance would promote only humane business models that utilize non-profit organizations which are primarily responsible for the care and placement of the animal.

**1. Definitions.** For purposes of this ordinance, the following definitions shall apply:

**A. 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 MGL 287.331 (f).

**B. 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 MGL 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 MGL 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-loved birds, or large reptiles that were obtained from such a person.

**C. 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 MGL 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-loved birds, or large reptiles that were obtained from such a person.

**D. Cat:** An animal of the Felidae family of the order Carnivora.

**E. 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.

**F. Dog:** An animal of the Canidae family of the order Carnivora.

**G. Existing Pet Store:** Any pet store that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, or otherwise transferred live animals in Washtenaw County on the effective date of this ordinance and

complied with all applicable provision of the Washtenaw County [LS1]municipal code.

**H. Ferret:** A domesticated animal of any age of the species *Mustela furo*.

**I. 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.

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

**K. 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.

**L. 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 bird, or large reptile.

**M. Pet Store:** A place where animals that are not bred on the premises are sold or offered for sale.

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

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

**P. 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.

## 2. Prohibited

**A. Pet store sales:** No pet store shall offer for sale, as defined in this ordinance, 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.

**B. Roadside and flea market sales:** 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.

**C. Offsite retail sales:** No person, breeder or business entity shall hold off-site retail sales, as defined in this ordinance, 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.

**E.** No person shall knowingly provide or present an inaccurate Certificate of Origin.

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

**A. Animals bred and reared on the premises:** 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.

**B. Animal shelters and nonprofit organizations:** A publicly operated animal control shelter, animal protection shelter, animal rescue organization, or zoological park, as defined in this ordinance.

**4. 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 [ insert date ].

**5. 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.

**6. Effective Date.** This ordinance shall be effective 10 days after publication following adoption.