



Section 60-9 Humane Pet Store Ordinance

A. Definitions The following words shall, unless the context clearly requires otherwise, have the following meanings: Animal Rescue Organization: means a not-for-profit organization incorporated under state law that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code; that is registered with the Massachusetts Department of Agricultural Resources, if required, and whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats, guinea pigs, or rabbits into permanent homes. The term “animal rescue organization” does not include any person or entity that (1) breeds animals; (2) is located on the same premises as a person that breeds animals; (3) obtains, in exchange for payment or compensation, animals from a person that breeds animals; or (4) facilitates the sale of animals that were obtained, in exchange for payment or compensation, from a person that breeds animals. Cat: means any member of the species *Felis catus*. Dog: means any member of the species *Canis familiaris*. Guinea pig: means any member of the species *Cavia Porcellus*. Offer for Sale: means to advertise or otherwise proffer a dog, cat, guinea pig, or rabbit for acceptance by another person or entity. Person: means an individual, corporation, partnership, association, or any other entity. Pet Shop: means a retail establishment where animals are sold or offered for sale as pets that is required to be licensed pursuant to M.G.L. c. 129 § 39A and 330 CMR 12.00. A person who only sells or otherwise transfers the offspring of animals the person has bred on their residential premises shall not be considered a “pet shop” for purposes of this section. Public Animal Control Agency or Shelter: means a facility operated by a governmental entity, for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated for the same purposes under a written contract with a governmental entity. Rabbit: means any member of the species *Oryctolagus cuniculus domesticus*. Sell: means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer animals.

B. Sale of Dogs, Cats, Guinea Pigs, or Rabbits by Pet Shops Prohibited (1) It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, guinea pig, or rabbit. (2) A pet shop may provide space for the display of dogs, cats, guinea pigs, or rabbits available for adoption by a public animal control agency or shelter or an animal rescue organization so long as: (i) the pet shop receives no part of any fees associated with the display or adoption of the animals and has no ownership interest in any of the animals displayed or made available for adoption; and (ii) the

pet shop maintains no ownership interest in any of the animals displayed or made available for adoption; and (iii) the pet shop maintains records sufficient to document the source of each dog, cat, guinea pig, or rabbit the pet shop displays, for at least one year following the date of display. Such records shall be made available, immediately upon request, to any animal control officer or any duly appointed officer or representative of the Town.

C. Enforcement and Severability (1) Any pet shop that makes a sale or offer for sale of a dog, cat, guinea pig, or rabbit in violation of subsection B(1) shall be fined \$300. Each unlawful sale or offer for sale shall constitute a separate violation. (2) Any pet shop that makes a provision of space knowingly and in violation of subsection B(2) shall be fined \$300. Each unlawful provision of space shall constitute a separate violation. (3) In addition to any other remedy provided by law, this Chapter may be enforced by police officers and animal control officers through any means available in law or equity, including but not limited to noncriminal disposition in accordance with G.L. c. 40, § 21D. The invalidity of any section or provision of this bylaw does not invalidate any other section or provision of it.

D. Effective Date The provisions of these section shall be effective upon satisfaction of the requirements for Attorney General approval and for posting or publication provided in M.G.L. c. 40 § 32.