

Town of Lexington
Motion
2022 Annual Town Meeting

ARTICLE 28 HUMANE PET STORE BYLAW (Citizen Petition)

MOTION:

That Chapter 9 of the Code of the Town of Lexington be amended by adding the following Section 9-7:

§ 9-7 Pet Shops.

A. Terms Used in this Section 9-7.

“Pet shop” means a retail establishment where animals are sold or offered for sale as pets which 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.

“Sell” means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer for consideration.

“Offer for sale” means to advertise or otherwise proffer an animal for acceptance by another person or entity.

“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.

“Animal rescue organization” means a not-for-profit organization 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, or rabbits into permanent homes. The term “animal rescue organization” does not include any person or entity that breeds animals or obtains animals in exchange for payment or compensation from a person that breeds or brokers animals.

B. Sale of Dogs, Cats, or Rabbits by Pet Shops Prohibited.

(1) It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, or rabbit.

(2) A pet shop may provide space for the display of dogs, cats, or rabbits available for adoption by a public animal control agency or shelter or an animal rescue organization so long as 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.

C. Enforcement and Severability.

(1) Any pet shop that makes a sale or offer for sale of a dog, cat, or rabbit in violation of § 9-6B(1) shall be fined in an amount not to exceed \$300 pursuant to G.L. c. 40, § 21D and § 1-6 of the Town’s Code of Bylaws. Each unlawful sale or offer for sale shall constitute a separate violation.

Town of Lexington

Motion

2022 Annual Town Meeting

(2) In addition to any other remedy provided by law, this Chapter may be enforced through any other means available in law or equity. Nothing in this Chapter may be construed to alter or amend any other legal obligations applicable to pet shops, or any other entities, under state law or regulation.

(3) The invalidity of any section or provision of this Chapter shall not invalidate any other section or provision thereof.

(01/27/2022)