

## ORDINANCE NO. 1418

### AN ORDINANCE TO AMEND THE CITY OF GIG HARBOR MUNICIPAL CODE CHAPTER 6 ANIMALS TO CREATE A NEW SECTION 6.15 PET SHOPS, FOR THE PURPOSE OF PROHIBITING THE RETAIL SALE OF CERTAIN DOGS, RABBITS AND CATS BY PET SHOPS; PROMOTING THE ADOPTION OF RESCUE ANIMALS; AND FOR OTHER PURPOSES.

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WHEREAS, the City Council believes it is in the best interests of the City of Gig Harbor ("City") to adopt a new section of Chapter 6.15 including reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats, rabbits or dogs from a pet shop, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City; and

WHEREAS, a significant number of dogs, rabbits and cats sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and

WHEREAS, the documented abuses endemic to dog, rabbit and cat mills include: over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in dog, rabbit and cat mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current federal, Washington state, and Pierce County regulations do not adequately address the sale of dog, rabbit and cat mill dogs, rabbits and cats in pet shops; and

WHEREAS, it is in the interests of the City of Gig Harbor to promote and ensure humane approaches and standards for both animal disposition and ownership through the encouragement of the adoption of rescue dogs, rabbits and cats; and

WHEREAS, restricting the retail sale of puppies, rabbits and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand and for puppies, rabbits and kittens bred in puppy, rabbits and kitten mills, is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, many pet shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, it is in the interests of the City Gig Harbor to promote and ensure humane approaches and standards for both animal disposition and ownership through the encouragement of the adoption of rescue dogs, rabbits and cats; and

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Gig Harbor Municipal Code Title 6 Animals is hereby amended to add a new chapter to read as follows:

## **Chapter 6.15 Pet Shops**

### **Sections:**

- 6.15.010 Policy and purpose.**
- 6.15.020 Definitions.**
- 6.15.030 Prohibition of Certain Retail Sales**
- 6.15.040 Recordkeeping and disclosures**
- 6.15.050 Violation – Penalty**

### **6.15.010 Policy and purpose.**

It is the intent of this chapter to prohibit the retail sale of dogs, rabbits, and cats by pet shops and to promote the adoption of rescue animals.

### **6.15.020 Definitions.**

As used in this chapter, the following definitions shall apply except where the context clearly indicates a different meaning:

- A. “Animal rescue league” means any association or corporation which routinely obtains unwanted dogs or cats, the primary goal of which is to place the dogs or cats into adoptive homes, as long as the dogs or cats are neutered.
- B. “Animal shelter” means a licensed facility used to care for homeless or unwanted animals by a governmental entity, animal welfare society or other organization devoted to the welfare, protection and humane treatment of animals.
- C. “Cat” means cat, or any domesticated feline, of either sex, whether vaccinated against rabies or not.

D. "Dog" means dog, or any domesticated canine, of either sex, whether vaccinated against rabies or not.

E. "Rabbit" means rabbit, of either sex, whether vaccinated against rabies or not.

F. "Pet shop" means an establishment, for which a business license ~~an occupation tax certificate~~ is necessary.

#### **6.15.030 Prohibition on the retail sale of animals.**

(a) A pet shop may only sell, deliver, offer for sale, barter, auction, or otherwise dispose of rabbits, dogs or cats that have been obtained from or displayed in cooperation with an animal shelter or an animal rescue league. Nothing in this section shall prevent a pet shop from providing space and appropriate care for rabbits, dogs or cats offered for adoption and owned by an animal shelter or animal rescue league.

(b) A pet shop shall not offer for adoption any rabbit, dog or cat which is younger than eight weeks old.

(c) This section shall not apply to the display, sale, offer for sale, giving away or other transfer of dog, rabbits or cats by a breeder from the premises on which they were bred and reared, provided that the premises are property zoned for such activity and not retail in nature.

#### **6.15.040 Record keeping and disclosures.**

A pet shop shall maintain records stating the name and address of the animal shelter or animal rescue league that each rabbit, cat, or dog was obtained from for at least two years following the date of acquisition. A pet shop that offers space for the adoption of rabbits, dogs or cats shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the animal care facility or animal rescue organization from which the pet shop acquired each rabbit, dog or cat.

#### **6.15.050 Violation – Penalty.**

Each rabbit, dog or cat sold, delivered, offered for sale, bartered, auctioned, or otherwise disposed of in violation of this section shall constitute a separate offense.

Each rabbit, dog or cat offered for adoption which is younger than eight weeks old shall constitute a separate offense.

Violation of any portion of this chapter is a civil infraction and subject to a penalty of \$100.00 as provided in GHMC 1.16.010(D)..

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 28th day of May, 2019.

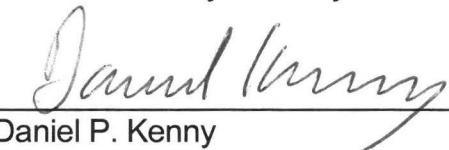
CITY OF GIG HARBOR

  
Kit Kuhn, Mayor

ATTEST AND AUTHENTICATED:

  
Molly Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
Daniel P. Kenny

FILED WITH THE CITY CLERK: 04/01/19  
PASSED BY THE CITY COUNCIL: 05/28/19  
PUBLISHED: 06/06/19  
EFFECTIVE DATE: 06/11/19  
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