

CITY OF EASTPOINTE
COUNTY OF MACOMB
STATE OF MICHIGAN

ORDINANCE NO. 1126

AN ORDINANCE TO AMEND CHAPTER 8, ANIMALS, BY CREATING A NEW ARTICLE IV, HUMANE PET ACQUISITION, OF THE CODIFIED ORDINANCES OF THE CITY OF EASTPOINTE

The City of Eastpointe hereby ordains that Chapter 8 of the Codified Ordinances of the City of Eastpointe shall be amended and that a new Article IV, providing for the regulation of humane pet acquisition, shall be implemented as follows:

Sec. 8-50. Definitions.

- A. *Animal Control Shelter* means 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* means 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* means an animal of the Felidae family or the order Carnivora.
- D. *Certificate of Origin* means 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* means an animal of the Canidae family of the order Carnivora.
- F. *Existing Pet Store* means 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 the City of Eastpointe on the effective date of this ordinance and complied with all applicable provision of the Code of Ordinance, City of Eastpointe.
- G. *Ferret* means a domesticated animal of any age of the species *Mustela furo*.
- H. *Large Reptiles* mean 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* mean any bird whose life expectancy is expected to exceed 25 years, including but not limited to cockatoos, macaws and amazons.
- J. *Off-Site Retail Store* means the exchange of consideration for an animal, regardless of age of the animal at a location other than where the animal was bred.
- K. *Pet Store* means a place where animals are sold or offered for sale, exchanged, or transferred.
- L. *Pet Store Operator* means a person who owns or operates a pet store, or both.
- M. *Rabbit* means a long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.
- N. *Retail Store* means an offer for sale, offer for adoption, barter, auction, give away, display for commercial purposes of otherwise transfer any animal that is not bred on the premises.

- O. *Zoological Park* means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animal operated by a person, partnership, corporation, and other business entity or government agency and certified by the Association of Zoos and Aquariums.

Sec. 8-51. 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.

Sec. 8-52. Exemptions.

This article shall not apply to the following:

- 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.

Sec. 8-53. 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 January 1, 2016.

Sec. 8-54. Adoption of Shelter and Rescue Animals.

Nothing in this article 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.

Sec. 8-55. Severability.

If any section, subsection, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this article, and such holding shall not affect the validity of the remaining portions of this ordinance.

Sec. 8-56. Enforcement.

The violation of any provision of this article by any person shall be guilty of a misdemeanor which, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days in jail, or both, plus costs and other sanctions for each violation.

CERTIFICATION

We, Suzanne L. Pixley, Mayor, and Steve M. Duchane, City Clerk for the City of Eastpointe, Macomb County, Michigan, do hereby certify that the foregoing Ordinance 1126 was duly adopted by the City Council after a second reading thereof at a regular meeting of said Council held on Tuesday, September 1, 2015, in the City Hall.

Suzanne L. Pixley, Mayor

Steve M. Duchane, City Clerk