

**ORDINANCE NO. 425**

An ordinance to amend Title VII of the Code of the City of Harbor Springs, by adding a new Chapter 79B therein.

**WHEREAS**, the City Council of the City of Harbor Springs has studied the existing provisions of the City Code and has determined that changes to the City Code were desirable in order prohibit retail sale of pets by pet stores; and,

**WHEREAS**, the City Council finds that the adoption of the within Ordinance is necessary for the health, safety and welfare of the City of Harbor Springs,

**NOW, THEREFORE, THE CITY OF HARBOR SPRINGS ORDAINS:**

**Section 1**

Chapter 79B of Title VII of the Code of the City of Harbor Springs is hereby added to read as follows:

Chapter 79B  
**HUMANE PET ACQUISITION**

**79B.100 Definitions.** The following definitions shall apply in this Chapter:

- (1) Offer for Sale. To sell or exchange for consideration, or to advertise for the sale of, barter, auction, or offer for adoption, trade or delivery.
- (2) Definitions in the Act. The definitions contained in PA 1969, No. 287, as amended (being MCL 287.331, et. seq.) (the "Act") shall apply to the provisions and enforcement of this Chapter and are incorporated herein by reference.

**79B.101 Restrictions.**

- (1) No pet shop shall operate in the City of Harbor Springs unless licensed under the Act and Article VII of this Code.
- (2) Except as provided in sub-section (4), no person or business entity, including a pet shop, operating in the City, shall offer for sale live animals or reptiles including but not limited to dogs, cats, rabbits, or birds unless operating in conjunction with a licensed animal protection shelter.
- (3) No person or business entity shall offer for sale live animals or reptiles including dogs, cats, rabbits, or birds in any public space, or in any outdoor mart or market.
- (4) A person operating a home occupation as permitted under the Zoning Code may offer for sale on that person's premises dogs or cats bred and reared on the person's or business entity's premises, provided no such home occupation shall involve more than four dogs or six cats.

**79B.102 Violations.** A violation of any provision of this Chapter shall be deemed a civil infraction as provided in Chapter 94 of the City Code, and the owners and business entity and any persons acting with them, shall be subject to payment of such fines, fees and costs, and such remedial actions as are provided in the Michigan Municipal Civil Infractions Act, being Act No. 261 of 1967 (MCL 600.8701, et. seq.), as amended from time to time. The civil fine for a first

offense of a violation of this Chapter shall be \$250, and the civil fine for a second offense, shall be \$400.

**Section 2**

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

**Section 3**

This ordinance shall take effect ten days after its adoption and publication.

**Section 4**

A copy of this Ordinance may be obtained or inspected during normal business hours at City Hall, 160 Zoll Street, Harbor Springs, Michigan.

We hereby certify that the foregoing is a true copy of an ordinance adopted by the City Council of the City of Harbor Springs at a regular meeting held on January 6, 2020.

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Matthew J. Bugera, Mayor

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Nick W. Whitaker, City Clerk

I hereby certify that the publication of Ordinance Number 425 was made in the January 8, 2020, issue of the *Harbor Light*, a weekly newspaper published and circulated in the City of Harbor Springs.

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Nick W. Whitaker, City Clerk