

# **Chapter 308 – Pet Acquisition**

## **Section 308.1 – Title**

This Ordinance shall be known as the “Lenox Township Pet Acquisition Ordinance”.

## **Section 308.2 – Intent**

An ordinance intended to protect the public from fraud relating to pet health and animal origin. To prevent neglectful conditions with respect to animals in retail stores and to prevent the sale of commercially bred animals with illnesses and genetic issues.

## **Section 308.3 – Definitions**

As used in this Ordinance, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this Section:

**Animal Control Shelter** – A facility operated by or under contract with a state, county, or a municipality for the impoundment and care of animals that are delivered to the facility, found, recovered, at large, or otherwise held, due to violations of a municipal ordinance, state law, or which otherwise are surrendered.

**Animal Protection Shelter** – The facility is operated by a person, humane society, a society for the prevention of cruelty to animals, or another non-profit organization for care of homeless animals.

**Animal Rescue Organization** – Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

**Cat** – An animal of the species of domestic cat, *Felis catus*.

**Certificate of Origin** – A document requiring the source of the animal sold or transferred by the retail seller. The certificate shall include the name, premises address, phone number, and email address, if available, of the source of the animal.

**Dog** – An animal of the species of domestic dog, *Canis lupus familiaris*.

**Existing Pet Store** – 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 as the principal business of such facility on the effective date of this Ordinance and complied with all applicable provisions of the Lenox Township Book of Ordinances and state law.

**Ferret** – A domesticated animal of any age of the species, *Mustela furo*.

**Large reptiles** – The 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.

**Long-Lived Birds** – Any bird whose life expectancy is expected to exceed twenty-five (25) years, including but not limited to cockatoos, macaws, and amazons.

**Off-Site Retail Sale** – The exchange of consideration for an animal regardless of the age of the animal at a location other than where the animal was bred.

**Pet Store** – A place where animals are sold or offered for sale, including retail sales or other sales, exchanged, or transferred.

**Pet Store Operator** – A person who has an ownership interest in or operates a pet store or both.

**Rabbit** – A long-eared, short-tailed lagomorph mammal with long hind legs of the Leporidae family.

**Retail Sale** – An offer for sale, offer for adoption, barter, auction, giving away, display for commercial purposes, or otherwise transfer of any animal that is not bred on the premises.

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

## **Section 308.4 – Prohibitions**

- A. No pet store shall sell, offer for retail sale, offer for adoption, trade, barter, auction, give away, deliver, or otherwise dispose of or transfer dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles.
- B. No person or entity shall offer for retail 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 or sidewalk, outdoor special sale, swap meet, flea market, or other similar event or location.
- C. No person or business entity shall hold off-site retail sales of animals in 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.
- E. No person shall knowingly provide or present an inaccurate certificate of origin.

## **Section 308.5 – Exemption**

This Ordinance does not apply to:

- A. A person or business entity that sells, offers for sale, offers for adoption, trades, barters, 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, non-profit humane society or animal rescue organization.
- D. A publicly operated animal control agency, non-profit humane society, or non-profit animal rescue organization that operates out of or in connection with a pet store.

### **Section 308.6 – Existing Pet Store**

An existing pet store may continue to display, offer for sale, offer for adoption, batter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles for a period of three months from the effective date of this Ordinance.

### **Section 308.7 – Adoption of Shelter and Rescue Animals**

Nothing in this Ordinance 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, non-profit humane society, or non-profit animal rescue agency and maintained at the pet store for the purpose of adopting those animals by the public.

### **Section 308.8 – Enforcement**

All remedies, equitable and legal, shall be available to the Township in order to enforce this Ordinance.