

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: September 19, 2016

Item No.: 15.b

Department Approval

City Manager Approval



Item Description: Pet Store Regulation and Licensing Discussion

**BACKGROUND**

Due to recent newspaper article regarding the condition of animals being sold at the Har Mar Pet Store (Attachment A), there has been interest in looking at ways the City can better regulate the sale of animals. There are currently four pet stores located in Roseville, PetSmart, PETCO, Chuck and Don's, and Har Mar Pet Store. The City does not currently regulate or license pet stores.

While federal regulations do regulate breeders, it specifically exempts brick and mortar retail pet stores from regulation. The State of Minnesota does not require the licensing of pet stores. There are a couple of existing laws that do impact the operation of pet stores in Minnesota. One is consumer protection laws covering the purchases of animals in pet stores and the process of returning them for a refund. Another one is animal cruelty laws that apply to everyone, including pet stores.

Based on the newspaper article regarding the Har Mar Pet Store, a representative of Minnesota Chapter of the Humane Society of America (HAS) met with the City Manager to provide information about the operation of pet stores and shared their thought on a possible pet store ordinance for Roseville, including an ordinance adopted by Eastpointe, Michigan. (Attachment B). The basic premise of HAS's ordinance is to prohibit the sale of animals unless the animal is sold on the property where the animal was bred and reared, or from a public or private animal shelter. Under the proposed ordinance, pet store may sell animals that come from an animal shelter or humane society. The Eastpointe ordinance allowed for the existing pet stores to continue the sale of animals for a short time before they had to comply with the new ordinance. A representative of the Humane Society of America will be in attendance at the meeting to share additional information and answer questions that the City Council may have.

The City of St. Paul does require pet shop licenses. A pet shop is defined as a business kept or maintained for the care, exhibition for sale, sale, or purchase of live dogs, cats, rabbits, other small animals, any birds, reptiles, or fish. It does not include veterinary hospitals, or persons or places selling only frogs, fish, worms, or reptiles for use as live bait for fishing. This license includes pet grooming. St. Paul's pet shop license must be reviewed annually and requires inspections from the Fire

27 Department, Environmental Health, and Zoning. The annual license fee is \$183.00. Included as  
28 Attachment C is St. Paul's Pet Shop License ordinance.

29 **POLICY OBJECTIVE**

30 To determine whether pet stores should be regulated and/or licensed in the City of Roseville.

31 **FINANCIAL IMPACTS**

32 Cannot be determined at this time. City costs will depend on the action taken.

33 **STAFF RECOMMENDATION**

34 Staff suggests that the City Council reviews the information and discusses next steps that the City  
35 should take regarding the regulation and licensing of pet stores

36 **REQUESTED COUNCIL ACTION**

37 Provide direction on the regulation and licensing of pet stores in Roseville.

38 Prepared by: Patrick Trudgeon, City Manager (651) 792-7021 pat.trudgeon@cityofroseville.com

Attachments: A: City Pages Article dated June 7, 2016  
B: Information from the Humane Society of America regarding pet stores  
C: City of St. Paul's Pet Shop Ordinance

## Sick dogs, hamsters missing eyes, and a decomposing hedgehog at Har Mar Pet

Tuesday, June 7, 2016 by

**Cory Zurowski**

in

**News**



This cage shared by a handful of kittens is probably the most spacious accommodations at Har Mar Pet Store.

Puppy-dog eyes and customer-service smiles prettify

Har Mar Pet Store

(<http://harmarpets.com/>)

in Roseville on a weekday June evening. Among the dozens of furry residents for sale currently are \$249 kittens, \$60 rabbits, and \$1,400 Pomeranian pups.

The store belongs to Gerald Papineau.

But Papineau's high prices couldn't hide what a USDA official came upon recently. The Roseville animal retailer was a little pet shop of horrors about six weeks ago, according to

federal inspection

(<https://acissearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jspx>)

paperwork.

On April 21 USDA Animal Care Inspector Kevin Wilken discovered various creatures inside the pet store suffering from a variety of distressing maladies. A reddish sore bulged from the eye of "Poppy," a four-month-old English bulldog. Staff knew about the dog's condition, Wilken wrote, "but had not contacted" the veterinarian.

Three dwarf hamsters fared worse. Two of the animals had an eye missing while "the third was missing both eyes," according to the report.

"None of them looked like they had been injured recently," noted Wilken, who added that the store had again failed to contact a vet.

Other creatures in rough shape were a gerbil "with what appeared to be a bloody discharge surrounding the eye" and a Bichon pup with a suspected respiratory condition.

In yet another enclosure, Wilken found "a deceased baby hedgehog" that had died two weeks prior still inside "with an adult hedgehog."

"It was apparent," the report reads, "that the deceased baby hedgehog had been sitting there for some time as the body had deteriorated and it was difficult to recognize it as a baby hedgehog."

Wilken and Dr. Debra Sime revisited the store in early May. Their one-page report noted "all previous" vet care issues had been "corrected."

Repeated messages left for Papineau at his store went unreturned.

© 2016 CITY PAGES. ALL RIGHTS RESERVED.

## Roseville Pet Store Ordinance

Roseville's PETCO, PetSmart, and Chuck and Don's are very successful pet stores that work with local rescue groups, hosting adoption events instead of purchasing and selling puppies from puppy mills. Har Mar Pet Shop is the only Roseville store selling commercially-bred puppies and kittens.

Recent media coverage (June 7, 2016, City Pages: *Sick dogs, hamsters missing eyes, and a decomposing hedgehog at Har Mar Pet*) reveals disturbing details:

- On April 21, USDA Animal Care Inspector Kevin Wilken discovered various animals inside the pet store suffering from a variety of distressing maladies. A red, sore, bulge from the eye of "Poppy," a four-month-old English bulldog.
- Three dwarf hamsters fared worse. Two of the animals had an eye missing while "the third was missing both eyes," according to the report.
- Other animals in very bad condition were a gerbil "with what appeared to be a bloody discharge surrounding the eye" and a Bichon pup with a suspected respiratory condition.
- In yet another enclosure, Wilken found "a deceased baby hedgehog" that had died two weeks prior still inside "with an adult hedgehog."

Certificates of Veterinary Inspection (CVIs) and United States Department of Agriculture (USDA) inspection records indicate Har Mar Pet Shop has purchased puppies in 2014-2015 from breeders in Iowa that have multiple violations of the Animal Welfare Act, including: medical condition violations; violations for overdue vet site visits; primary enclosure violations; cleaning, sanitization, housekeeping and pest control violations; and no-access violations.

***Puppies from these sources are out of step with Roseville community values.***

It is impossible to know the exact source of all puppies and kittens shipped to Har Mar Pet Shop, as in-state breeders are not required to file CVIs before they ship to stores in Minnesota and also because the Board of Animal Health has recently refused to allow previously public information (CVIs) to be released, interpreting the new Commercial Dog and Cat Breeder Regulation law's data privacy clause to mean that CVIs are private, not public, data, and therefore will not be shared.

An ordinance that prohibits the sale of commercially bred dogs and cats but continues to allow pet stores to co-host adoption events with shelters and rescues is responsible and business-friendly. This ordinance will not affect a consumer's ability to obtain the dog of his or her choice. There is a great community of shelters, rescues, and truly responsible breeders in the Twin Cities Metro area.



## Roseville Pet Store Ordinance

**What:** A pet store ordinance in Roseville to prohibit the sale of dogs and cats acquired from commercial breeders. Pet shop ordinances have been passed in 166 localities across the US, including Los Angeles, Philadelphia, Chicago and Boston.

**Why:** Eliminating puppy and kitten mill puppies and kittens from our local market protects consumers and animals while encouraging the public to adopt homeless animals or seek out reputable breeders who take excellent care of their dogs and cats.

Puppy mills: A puppy mill is an inhumane commercial breeding facility that disregards the health and wellbeing of the animals to maintain a low overhead and increase profits. Pet stores source from both licensed and unlicensed pet breeders. They often claim that a United States Department of Agriculture (USDA)-licensed breeder is not a puppy mill, but this is false. USDA standards allow dogs to be kept in cramped, stacked, wire cages for their entire lives, often in extreme temperatures, denied basic veterinary care, and bred continuously. **USDA standards allow for immense cruelty.**

Puppy mills-pet store link: There is a well-documented and indisputable link between puppy mills and pet stores. Puppy mills thrive on pet store sales because pet stores allow puppy mill cruelty to remain hidden from the public. Humane Society of the United States (HSUS) investigations consistently reveal that pet stores mislead consumers by claiming they obtain puppies from small-scale humane breeders. In reality that option does not exist, because responsible breeders do not sell to pet stores. The HSUS reviewed Codes of Ethics for the National Breed Clubs recognized by the AKC and found that 96% of those National Clubs include statements that their breeders should not and/or do not sell to pet stores.

Sick and behaviorally challenged puppies: Not only are pet store consumers *unknowingly* supporting a very cruel industry, but they often end up dealing with the financial and emotional burden of having a sick or difficult pet. Pet store puppies are often sick because they are born into deplorable conditions, taken from their mothers very early, exposed to a wide range of diseases, and are susceptible to genetic disorders. In addition, a study from the Journal of Veterinary Medicine concluded that puppies should not be obtained from pet stores because dogs are more likely to exhibit many undesirable behavioral characteristics, including aggression and biting.

**How:** This ordinance is designed to require pet shops to switch to a humane model, not put them out of business. It is business-friendly, allowing pet stores to host pet adoption events at their store in conjunction with area shelters and rescues and sell quality products and services (grooming, training, vet care, boarding, etc.). Adoption events not only help decrease pet overpopulation and homelessness, they encourage those who adopt to use the products and services offered at the store. Pet stores that convert to such a model have proven success as well as a better reputation in the community. For instance, PetSmart and PetCo both host adoption events at their store and they are the two most successful pet store chains in the country. Of the top 25 retailers in the nation, only one sells puppies; the other chains sell products and offer quality services.

— Sample —

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

Chapter 347. - Pet Shops/Animal Facility<sup>[19]</sup>

*Footnotes:*

*--- (19) ---*

*Cross reference— For various provisions pertaining to animals, see Title XX of this Code.*

## Sec. 347.01. - License required.

No person shall keep or maintain a pet shop in Saint Paul without a license.

(Code 1956, § 325.02; C.F. No. 94-410, § 1, 4-27-94; C.F. No. 98-1118, § 1, 1-13-99)

## Sec. 347.02. - Definitions.

*Pet shop* means and includes every place kept or maintained for the care, exhibition for sale, sale or purchase of live dogs, cats, rabbits or other small animals, or any birds, reptiles or fish, but shall not include veterinary hospitals or persons or places selling only frogs, fish, worms or reptiles for use as live bait for fishing. Pet shop licensees shall be exempt from obtaining a dog and cat grooming license pursuant to Chapter 382 of the Legislative Code. In addition, such dog and cat grooming facilities shall be exempt from obtaining a pet shop license.

*Pet shop facility* means any facility engaged in the operation of pet shops.

*Animal facility* includes every place which is engaged in the operation of a pet shop but not a retail pet shop or veterinary hospital.

(Code 1956, §§ 325.01, 325.08; C.F. No. 94-410, § 2, 4-27-94; C.F. No. 98-1118, § 1, 1-13-99; C.F. No. 99-230, § 1, 4-14-99)

## Sec. 347.03. - Fee.

The fee required for each license shall be established by ordinance as specified in section 310.09(b) of the Legislative Code.

(Code 1956, § 325.04; C.F. No. 94-410, § 3, 4-27-94; C.F. No. 98-1118, § 1, 1-13-99)

## Sec. 347.04. - Application.

*Application.* Every applicant for a pet shop license shall file an application with the department of safety and inspections. The application shall be on a form prescribed by the department of safety and inspections containing such information as the director of such department may require including, but not limited to, the applicant's name, address and telephone number and the name, address and telephone number of the pet shop. Each pet shop facility shall be separately licensed. An applicant may also elect to apply for permission to act as a deputy dog license vendor as part of its license and as such is entitled to retain one hundred (100) percent of the license fee for each animal initially licensed.

(Code 1956, § 325.05; C.F. No. 94-410, § 4, 4-27-94; C.F. No. 98-1118, § 1, 1-13-99; C.F. No. 07-149, § 94, 3-28-07)

Sec. 347.05. - Regulations.

- (a) *Premises.* Every person keeping or maintaining a pet shop shall do so entirely within a closed building, shall not keep or maintain any outside kennel service, and shall be subject to and shall comply with all of the rules and regulations of the department of safety and inspections.
- (b) *Exotic animals.* No pet shop shall maintain, keep or harbor any skunk, whether captured in the wild or raised domestically, descended or not descended, vaccinated against rabies or not vaccinated against rabies. No pet shop shall maintain, keep, harbor or sell any red-eared turtle (*Pseudemys scriptaelegans*) with a shell length of less than four (4) inches.
- (c) *Permit required.* Every licensee shall affix in a prominent position to the exterior of the cage, pen, enclosure, or tank housing of any animal requiring a permit to keep within the city, a tag or notice with the words "Saint Paul permit required."
- (d) *Rules and regulations.* The director of the department of safety and inspections may upon notice and hearing promulgate such rules as he or she deems necessary to carry out the provisions and purposes of this chapter, to provide for the proper care of animals and to provide for the cleanliness and proper sanitation in such facilities. Notice of the promulgation of such rules and the hearing date shall be given to all licensees, and notice of the hearing date published once in the legal newspaper. The notice shall advise that at the hearing written or oral comments on proposed rules will be received, and how a copy of the proposed rules can be obtained. Such rules shall be effective after such hearing when filed in the office of the city clerk. Violations of such rules shall be sufficient grounds for adverse action against licenses issued under this chapter.

(e)

*Records.* Every licensee shall keep a book in which shall clearly be entered, in ink, at the time of each purchase or sale, an accurate account in the English language of any such live animal so purchased or sold, including the name and address of the person by or to whom such purchase or sale is made.

- (f) *Reporting.* Every licensee shall inform the person by or to whom such purchase or sale is made for any animal requiring a permit in order to keep it within the city of the guidelines for obtaining a keeping-of-animal permit.
- (g) *Inspection.* The record herein required to be kept, as well as the premises of each licensee, shall at all reasonable times be open to inspection and examination by the license and health inspectors of the City of Saint Paul.

(Code 1956, §§ 325.01, 325.03, 325.06—325.08; Ord. No. 17215, 2-19-85; C.F. No. 94-410, § 5, 4-27-94; C.F. No. 97-288, § 1, 4-16-97; C.F. No. 98-1118, § 1, 1-13-99; C.F. No. 99-230, § 1, 4-14-99; C.F. No. 07-149, § 95, 3-28-07)