

**ORDINANCE NO. 19-08A**

**AN ORDINANCE AMENDING CHAPTER 3 – ANIMALS**

**Section 1.** The Town Council of the Town of Scituate hereby ordains that Chapter 3 – Animals, of the Code of Ordinances, Town of Scituate is amended as follows:

Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to be **added** to the ordinance.

**ARTICLE III – PET STORES**

**§ 3-41. Definitions**

(a) Commercial Establishment means any for profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs and cats, including grooming parlors, canine day care, and boarding facilities.

(b) Pre-existing Commercial Establishment means any Commercial Establishment in existence in the Town of Scituate prior to the effective date of this ordinance.

(c) Pre-existing Pet Store license means a license granted by the Town Clerk to an individual who is the proprietor of a Pre-existing Commercial Establishment that allows for the retail and/or wholesale sale of dogs and/or cats, but not the breeding of any dogs and/or cats.

(d) Commercial Dog/Cat Breeding Facility shall mean any building or lot upon which a person (or persons) does any of the following:

(1) Breeds more than two litters of dogs/puppies in a calendar year; **or**

(2) Sells or transfers any dog to a dealer or pet shop kennel; **or**

(3) Sells or transfers more than 50 dogs per calendar year.

**§ 3-42. Unlawful Sales and Breeding**

(a) It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog or cat in any pet store, retail business or other Commercial Establishment located in the Town of Scituate, except as otherwise provided in this Article.

(b) It shall be unlawful to operate a Commercial Dog/Cat Breeding Facility in the Town of Scituate.

45 (b) Nothing in this section shall prevent the owner, operator, or employees of  
46 a pet store, retail business, or other Commercial Establishment located in  
47 the Town of Scituate from providing space and appropriate care for  
48 animals owned by a town animal shelter or animal control agency, or  
49 humane society, and maintain those animals at the pet store retail business  
50 or other commercial establishment for the purpose of public adoption.

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52 **§ 3-43. Pre-existing Pet Store License**

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54 (a) The proprietor of a Pre-existing Commercial Establishments may apply  
55 for a “Pre-existing Pet Store” license within ninety (90) days of the  
56 effective date of this ordinance, by submitting to the Town Clerk sufficient  
57 documentation to establish that it is a Pre-existing Commercial  
58 Establishment, such as proof of retail or wholesale sales of dogs and/or  
59 cats between January 1, 2019 and the effective date of this ordinance.  
60 Said proof of sales shall be required to be submitted to the Town Clerk by  
61 January 30 annually thereafter in order to renew any Pre-existing Pet Store  
62 license.

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64 (b) Upon the initial application and by January 30 of each calendar year  
65 thereafter, the Pre-existing Commercial Establishment must provide to the  
66 Town Clerk a certification, under oath, as the humane origins of all dogs  
67 and/or cats to be sold by the Pre-existing Commercial Establishment in  
68 order to maintain its Pre-existing Pet Store license. Failure to provide said  
69 certification to the Town Clerk shall result in the automatic revocation of  
70 the Pre-existing Pet Store license by the Town Clerk and said license shall  
71 not be reinstated or renewed.

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73 (c) Any Pre-existing Pet Store license issued under this Article shall be  
74 personal in nature and cannot be sold, leased or otherwise transferred,  
75 except to that to that of an immediate family member—limited to sibling,  
76 parent, spouse, children or grandchildren. Any attempt to sell, lease or  
77 otherwise transfer said license shall result in the automatic revocation of  
78 said license by the Town Clerk and said license shall not be reinstated or  
79 renewed.

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81 (d) Upon the lack of retail or wholesale sales of dogs and/or cats for a period  
82 of one year, any Pre-existing Pet Store license issued under this Article  
83 shall be automatically revoked by the Town Clerk and said license cannot  
84 be reinstated or renewed.

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86 **§ 3-44. Violations and Penalties**

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88 (a) Any person who violates, fails or refuses to comply with the provisions of  
89 this section shall be subject to a fine of not more than \$2,000.00 for each  
90 separate offense or community service for a period of not more than 90  
91 days or any combination of fine and/or community service. The  
92 continuation of such violation for each successive day shall constitute a  
93 separate offense, and the person or persons allowing or permitting the  
94 continuation of the violation may be subject to penalties as provided  
95 herein for each separate offense.

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97 (b) Nothing in this subsection shall prevent and/or limit the Town of Scituate  
98 from enforcing this Article or any other ordinance or law using any of its  
99 available legal and equitable remedies, including but not limited to  
100 revocation of any Pre-existing Pet Store license.

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102 **Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to the  
103 Town of Scituate's Code of Ordinances.

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105 **Section 3.** This ordinance shall take effect immediately upon passage.

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107 Attested To By:

Passed By Town Council On:

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110 Margaret M. Long, Town Clerk