

AN ORDINANCE
of the City Council of the City of Berkley, Michigan to Add Article XVII, Retail Dog and Cat Sales Temporary Moratorium, in Chapter 30, Businesses, of the Berkley City Code to Establish a Temporary Moratorium on New Businesses, or Expansion of Existing Businesses, that engage in the Retail Sale of Dogs or Cats.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article XVII shall be added to Chapter 30, Businesses, of the Berkley Code of Ordinances, as follows:

ARTICLE XVII. RETAIL DOG AND CAT SALES TEMPORARY MORATORIUM

Sec. 30-910. Purpose.

The purpose of this Article is to lessen and discourage the inhumane treatment of animals. Some commercial animal breeders operate unsanitary and inhumane breeding facilities for dogs and cats in which the health of the animals is disregarded. Some retail pet sales establishments purchase animals from commercial breeders that operate unsanitary and inhumane breeding facilities. For these reasons jurisdictions in Michigan and other states have in recent years adopted regulations and prohibitions applicable to the retail sale of dogs and cats.

The Berkley City Council is in the process of examining options appropriate to the City of Berkley to regulate retail pet sales in the City. While examining this issue, the City Council finds that it is in the best interest of the City, and the life, health, safety, and welfare of residents, animals, and potentially impacted businesses, to avoid the potential expansion of commercial establishments engaging in the retail sale of dogs or cats. For this reason, the Berkley City Council finds that it is appropriate to institute a 6 month moratorium on the permitting or approval of additional or expanded retail sale of dogs and cats in the City of Berkley. This temporary moratorium is needed to prevent the increase and sale of potentially unhealthy or inhumanely bred animals while the Berkley City Council considers policy options related to pet sales in the City of Berkley.

Sec. 30-911. Moratorium

(a) A temporary moratorium on the addition or expansion of commercial locations engaging, or intending to engage, in the retail sale of dogs or cats in the City is established. This moratorium will go into effect on the effective date of this Article and will continue in effect for a period of 6 calendar months. During the moratorium period the City of Berkley will not approve any permits or business licenses for new businesses engaging or intending to engage in the retail sale of dogs or cats in the City and will not approve any revisions to existing permits that would change or increase the permitted locations for such sales. Any existing commercial pet store that is lawfully operating on or before the effective date of this moratorium is permitted to continue the retail sale of dogs or cats. As a condition of continued operation during the moratorium period, a commercial pet store is prohibited from increasing or enlarging the square-footage dedicated to

the retail sale of dogs or cats and is prohibited from opening any new locations in the City of Berkley.

(b) City of Berkley Staff will engage in fact-finding related to potential regulations to ensure that pet sales in the City of Berkley are well structured to ensure transparency, adherence to humane practices, and protection of consumers.

(c) The moratorium may be shortened prior to the end of the 6 month period with the adoption of regulations pertaining to the sale of pets in the City of Berkley.

Sec. 30-912. Violation.

A violation of this article is a municipal civil infraction, and upon determination of responsibility shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as authorized in Article IX of Chapter 82 of the Code of Ordinances.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 4: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, April 17, 2023.
Adopted on the Second Reading at the Regular City Council Meeting on _____.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk