

**AN ORDINANCE**  
**of the City Council of the City of Berkley, Michigan to Add Article V, Retail Pet Store Sales, in Chapter 2, Animals, of the Berkley City Code to Prohibit Retail Pet Stores in the City from Selling Dogs or Cats.**

**THE CITY OF BERKLEY ORDAINS:**

**SECTION 1:** New Article V, Retail Pet Store Sales, shall be added to Chapter 22, Animals, of the Berkley Code of Ordinances, as follows:

**ARTICLE V. RETAIL PET STORE SALES**

**Sec. 22-100. Purpose.**

The purpose of this Article is to prohibit retail pet stores in the City from selling dogs or cats.

**Sec. 22-101. Definitions.**

For the purposes of this Article, the following terms have the following meanings:

- (a) *Retail pet store* means a commercial establishment that sells or offers for sale animals on its premises at retail.
- (b) *Sell or offer for sale* means to sell, offer, or display for sale or exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.
- (c) *Animal rescue organization* means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt and place them in good homes. "Animal rescue organization" does not include any organization that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.
- (d) *Animal control shelter* means a facility operated by or under contract with the State, County, or City for the impoundment and care of animals that are delivered to the facility, including found, recovered, abandoned, unwanted, or surrendered animals.

**Sec. 22-102. Prohibition of Sale of Dogs or Cats by Retail Pet Stores.**

- (a) A retail pet store located in the City is prohibited from selling or offering for sale a dog or cat.

- (b) This section does not prohibit a retail pet store from providing space to an animal rescue organization or an animal control shelter to publicly showcase dogs or cats available for adoption.

**Sec. 22-103. Existing Retail Pet Stores Exception.**

Notwithstanding the prohibition in Sec. 22-102, above, a retail pet store that is in operation in the City and in compliance and good standing with applicable state laws and city ordinances on the effective date of this article, and that prior to the effective date of this article engaged in selling or offering for sale dogs or cats as a regular and principal business activity, may lawfully continue to sell or offer for sale dogs or cats through and until October 20, 2023.

**Sec. 22-104. 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 \_\_\_\_\_.

Adopted on the Second Reading at the Regular City Council Meeting on \_\_\_\_\_.

\_\_\_\_\_  
Bridget Dean, Mayor

Attest:

\_\_\_\_\_  
Victoria E. Mitchell, City Clerk