

**ORDINANCE NO. 2024-2**

**AN ORDINANCE OF THE BOROUGH OF DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA AMENDING THE BOROUGH'S CODE OF ORDINANCES TO ADD TO CHAPTER 2 "ANIMALS" A NEW PART 2 TITLED "SALE OF DOGS OR CATS"**

**WHEREAS**, a significant number of dogs and cats sold at pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for ("puppy mills" and "kitten mills" respectively). According to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet store dogs and cats come from puppy mills and kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

**WHEREAS**, the inhumane conditions at puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from retail pet stores. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

**WHEREAS**, current Federal, Commonwealth, and local regulations do not properly address the retail sale of dogs and cats born at puppy and kitten mills; and

**WHEREAS**, prohibiting the retail sale of dogs and cats is likely to decrease the demand for animals bred at puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

**WHEREAS**, prohibiting the retail sale of dogs and cats will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

**WHEREAS**, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies, and not on the sale of dogs and cats. Many of these stores collaborate with animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS**, this Ordinance will not affect consumers' ability to obtain a dog or cat of their choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

**WHEREAS**, the Pennsylvania Borough Code provides that the powers of the Borough Council (the "Borough Council") of the Borough of Doylestown ("Borough") include the ability to make regulations as may be necessary for the health, safety, morals, convenience, comfort, and general welfare of the residents of the Borough, specifically Sections 1202.(5) and 1203. (8 Pa.C.S. §§1202.(5), 1203.); and

**WHEREAS**, the Pennsylvania Borough Code also provides Borough Council with the power to prohibit, license, and regulate businesses, specifically Section 1202.(20) (8 Pa.C.S. § 1202.(20)(ii)), and

**WHEREAS**, Chapter 2 of the Borough of Doylestown Code of Ordinances ("Borough Code") regulates animals; and

**WHEREAS**, Borough Council has determined that the proposed new section promotes the health, safety, morals, and general welfare of Borough residents by enacting reasonable regulations to reduce costs to the Borough and its residents, protect Borough citizens who may seek to purchase cats or dogs from a retail pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Borough; and

**WHEREAS**, the proposed amendment has been advertised, considered, and reviewed in accordance with the Borough Code.

**NOW THEREFORE**, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Borough Council as follows:

**I. Add to Chapter 2 of the Borough Code, "Animals," a new Part 2 entitled "Sale of Dogs and Cats."**

Borough Council hereby adopts and establishes a new Part 2 titled "Sale of Dogs and Cats" under Chapter 2 of the Borough Code as follows:

§ 201. Definitions.

As used in this Part, the following terms have the meaning indicated, unless a different meaning clearly applies from the context:

"Sell" means to exchange for consideration, barter , trade, lease, or otherwise transfer.

"Offer for sale " means to display or proffer for acceptance.

"Animal shelter" means either:

(1) a facility maintained or operated by a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal 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 them to good, permanent homes; or

(2) a facility maintained, operated by, or under contract with a political subdivision of any state for the impoundment and care of seized, stray, homeless, abandoned, unwanted, or surrendered animals.

"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 federal 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 them to good, permanent homes. "Animal rescue organization" shall not include any entity 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.

"Cat" means any member of the species *Felis catus*.

"Dog" means any member of the species *Canis familiaris*.

"Retail pet store" means a commercial establishment that sells or offers for sale animals on its premises. "Retail pet store" shall not include an animal shelter, an animal rescue organization, or an individual selling only animals that the individual has bred and raised.

## § 202. Prohibition of the Sale of Dogs and Cats.

1. It shall be unlawful for a retail pet store, as defined in this section, to sell, offer for sale, deliver, barter, auction, or transfer a dog or cat.
2. Nothing in Section shall be construed to prohibit a retail pet store from providing space to either an animal shelter or to an animal

rescue organization, whether such shelter or organization is located within or outside the Commonwealth of Pennsylvania, for the purposes of displaying dogs or cats available for adoption.

3. In the event that an animal shelter or animal rescue organization is determined by the Borough of Doylestown to be substantially out of compliance with animal welfare standards, laws or regulations, the retail pet store displaying dogs and cats available for adoption will be precluded from offering animals from said organization until the organization's compliance is remediated to the satisfaction of the Borough of Doylestown.
4. This Section shall not apply to the display, sale, offer for sale, delivery, bartering, auction, giving away, or transfer of dogs and cats from the premises on which they were bred and reared.

#### § 203. Violation and Penalty.

A retail pet store that sells or offers for sale a dog or cat in violation of Section 202 commits a violation punishable by a fine of \$600. Each separate act of unlawful sale or offer for sale of any dog or cat shall constitute a separate and distinct offense.

The Central Bucks Regional Police Department shall be empowered to enforce any and all parts of this Part 2 upon notification of such violation.

## **II. Inconsistent Provisions**

To the extent any prior resolutions, specifications, or the like that have been adopted by the Borough Council of Doylestown Borough are in conflict with this Ordinance, it is understood and agreed that the provisions of this Ordinance will take precedence.

## **III. Partial Repealer**

All other provisions of the Borough Code, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Borough Code inconsistent herewith or in conflict with any of the terms hereof, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

## **IV. Severability**

The provisions of this ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the

remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence or part of a provision had not been included herein.

**V. Effective Date**

All provisions of this Ordinance shall be in force and effect five (5) days after the approval and adoption.

**ORDAINED AND ENACTED** this 18<sup>th</sup> day of March, 2024.


DOYLESTOWN BOROUGH COUNCIL  
By:

  
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John J. O'Brien, Council President

Approved:

  
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Elnora "Noni" West, Mayor

Attest:

  
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Borough Secretary