

**ORDINANCE NUMBER 1396**

**Final Publication Number 3452. First Publication in the Chronicle on June 29, 2017.**

**City of Cambridge**

**In the Year Two Thousand and Seventeen**

**AN ORDINANCE**

**In amendment to the Ordinance entitled “Municipal Code of the City of Cambridge”**

Be it ordained that in Title 6 entitled “Animals” be amended to add a new Chapter 6.20 entitled “Restrictions on the Sale of Animals in Pet Shops” which reads as follows:

Chapter 6.20 RESTRICTIONS ON THE SALE OF ANIMALS IN PET SHOPS

6.20.010. Definitions

As used in this chapter:

- A. “Amphibian” means a member of the Amphibia class, subclass [Lissamphibia](#)
- B. “Animal care facility” means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission or practice is, in whole, or significant part, protecting the welfare of animals and the placement of animals in permanent homes or with animal rescue organizations.
- C. “Animal rescue organization” means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue of animals and the placement of those animals in permanent homes, and which does not obtain birds, mammals, amphibians, or reptiles from a breeder or broker for payment or compensation.
- D. “Bird” means a member of the Aves class.
- E. “Breeder” means a person who maintains birds, mammals,

amphibians, or reptiles for the purpose of breeding and selling their offspring.

- F. “Broker” means a person who transfers birds, mammals, amphibians, or reptiles at wholesale for resale by another.
- G. “Mammal” means a member of the class mammalia.
- H. “Offer for sale” means to sell, offer for sale or adoption, barter, auction, give away or otherwise transfer a bird, mammal, amphibian, or reptile.
- I. “Pet shop” means a retail establishment where mammals, birds, amphibians, arachnids or reptiles, are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.
- J. “Reptile” means a member of the Reptilia class.

#### 6.20.020. Prohibition on Retail Sales

- A. A pet shop may offer for sale only those arachnids, birds, mammals, amphibians, or reptiles that the pet shop has obtained from or displays in cooperation with:
  - 1. An animal care facility, as defined in section 6.20.010 of this chapter; or
  - 2. An animal rescue organization, as defined in section 6.20.010 of this chapter; or
  - 3. An animal sold or displayed for agricultural uses; or
  - 4. Dead animals sold or displayed as breeder animals.
- B. Each pet shop shall maintain records sufficient to document the source of each arachnid, bird, mammal, amphibian, or reptile the pet shop acquires, for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to the Director of the Animal Commission, any Animal Control Officer, Police Officer and/or Sanitation Inspector or Code Enforcement Inspector detailed with the Public Health and Inspectional Services Departments.
- C. Each pet shop offering arachnids, birds, mammals, amphibians, or reptiles for sale shall post, in a conspicuous location on the cage or

enclosure of each animal, a sign listing the name of the animal care facility or animal rescue organization from which each arachnid, bird, mammal, amphibian, or reptile in the cage or enclosure was acquired.

6.20.030. Prohibition on Sales in Public Places

- A. It shall be unlawful for any person to offer for sale, sell, exchange, trade, barter, lease or display for a commercial purpose any arachnid, bird, mammal, amphibian, or reptile on any roadside, public right-of-way, parkway, median, park, other recreation area, flea market or other outdoor market, or commercial or retail parking lot regardless of whether such access is authorized by the property owner.
- B. This section shall not apply to the following:
1. The display for adoption of arachnids, birds, mammals, amphibians, or reptiles by an animal care facility or an animal rescue organization, as defined in section 6.20.010 of this chapter; or
  2. The display of arachnids, birds, mammals, amphibians, or reptiles as part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.
  3. An animal sold or displayed for agricultural uses.
  4. Dead animals sold or displayed as breeder animals.

6.20.040. Enforcement Officials Designated

The Director of the Animal Commission, Animal Control Officers, Police Officers and Sanitation Inspectors and Code Enforcement Inspectors detailed with the Public Health and Inspectional Services Departments shall have the authority of enforcing all sections of this chapter. All fines and penalties assessed and collected under this chapter may be enforced by issuance of non-criminal tickets pursuant to G.L. c. 40, § 21D, or as otherwise authorized by law.

6.20.050. Violation - Penalty

Any person who sells an arachnid, bird, mammal, amphibian, or reptile in violation of section 6.20.020 or 6.20.030 of this chapter shall be fined three hundred (\$300.00) dollars. Each animal sold or offered for sale in violation of these sections shall constitute a separate offense.

6.20.060. Implementation

An advisory committee will be created by the City Manager to assist Cambridge pet shops to comply with Chapter 6.20. The committee will

include a representative of the Cambridge Animal Commission. The committee will also include at least one representative from Cambridge pet shops, and one representative each from the Humane Society of the United States, the Animal Rescue League of Boston, and the Massachusetts Society for the Prevention of Cruelty to Animals. The committee will be chaired by a designee of the City Manager; will remain in effect for eighteen months after passage of the ordinance; and will issue an implementation status report to the City Council before the end of its eighteen month term.

6.20.070. Severability

If any provision of this chapter or the application thereof to any person or circumstance shall for any reason be held invalid, the remainder of this chapter and the application thereof shall not be affected and shall continue to be in full force and effect.

6.20.080. Effective Date

The provisions of these sections shall be effective one year after passage.

In City Council August 7, 2017.  
Passed to be ordained by a yea and nay vote:-  
Yeas 8; Nays 1; Absent 0; Present 0.  
Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-  
Donna P. Lopez  
City Clerk