

**DRAFT BILL NO. \_\_\_\_\_**

**AS AMENDED**

**ORDINANCE NO. \_\_\_\_\_**

**OF THE COUNCIL OF THE CITY OF BETHLEHEM, LEHIGH AND  
NORTHAMPTON COUNTIES, PENNSYLVANIA, AN ORDINANCE  
PROHIBITING THE SALE OF DOGS AND AMENDING ARTICLE 1159 OF  
THE BETHLEHEM CODIFIED ORDINANCES**

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; and

WHEREAS, dogs and cats produced in mills often have health and behavioral issues, which many consumers are unaware of when purchasing animals due, in part, to misleading sales tactics of pet stores. These health and behavioral issues can impose exorbitant financial and emotional costs on consumers; and

NOW, THEREFORE IT IS HEREBY ORDAINED AND ENACTED, by the Bethlehem City Council, that Article 1159 of the Bethlehem Codified Ordinances is amended as follows:

**Section 1159.02. Definitions** shall be amended as follows:

A. ANIMAL - Construed in a broad sense to include not only all mammals, including but not limited to dogs, but also birds, fish, reptiles and insects.

**B. ANIMAL RESCUE ORGANIZATION – 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 homes. This term does not include:**

- a) An entity that is a breeder or broker.
- b) An entity that is affiliated with or housed on the premises of a breeder of broker.

- c) An entity that obtains dogs from a breeder or broker in exchange for payment or compensation or resells dogs obtained from a breeder or broker and provides payment or compensation to the breeder or broker.**

**C. ANIMAL SHELTER** - The premises, any portion of which is utilized for the temporary harboring of lost, strayed, ill or injured animals, subject to the numerical limitations of Section 1159.03. Temporary is defined to mean a period of time not exceeding six (6) months.

**D. AT LARGE** - Shall mean off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash, cord, chain or otherwise.

**E. BREEDER** – A person that maintains dogs, cats, or rabbits for the purpose of breeding and selling their offspring.

**F. BROKER** – A person that transfers dogs, cats or rabbits from a breeder for resale by another person.

**G. CAT** – Shall mean both male and female domesticated cats.

**H. DOG** - Shall mean both male and female dogs.

**I. DOG LAW** – The Act of December 7, 1982 (P.L.784, No.225), as amended, known and cited as the Dog Law.

**J. FOWL** - Shall mean any bird typically used for food or eggs, this includes, but is not limited to chickens, roosters, pigeons, turkeys, geese, ducks, and peacocks.

**K. EXHIBITOR** - As used in this Article, shall mean any person who by contract, agreement and/or ownership, takes responsibility for the operation of a petting zoo.

**L. OFFER FOR SALE** – To sell, offer for sale or adoption, barter, auction, give away or otherwise transfer a dog, cat or rabbit.

**M. OFFICER** - Shall mean any Police Officer and/or duly appointed Animal Control Officer or his/her designee.

**N. OWNER** - Shall mean and include every person, firm or corporation having a right of property in any animal which is kept or harbored within the City, as well as every person, firm or corporation occupying any premises within the City which permits an animal or animals to remain on or about its premises.

**O. PERSON** - Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

**P. PETTING ZOO** - As used in this Article, shall mean any enclosure, area, or other containment where an animal or animals are kept for the purpose of exhibition or education. This definition excludes those events where no physical contact will occur between the animals and the public, i.e. a procession or parade, or events such as a domesticated dog or cat exhibition.

**Q. PET SHOP** – **A person or facility that offers for sale on a retail-basis animals to be kept as household pets.**

**R. RABBIT** – **Shall mean both male and female domesticated rabbits.**

**S. SELL** – **To exchange for consideration, adopt out, barter, trade, lease, or otherwise transfer ownership.**

**Section 1159.19** shall be amended as follows:

**Section 1159.19 Severability-Prohibition on the Sale of Dogs, Cats, and Rabbits by Pet Shops**

~~If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.~~

**It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, or rabbit.**

- a) Nothing in this Section shall be construed to prohibit a pet shop 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 purpose of displaying dogs, cats, or rabbits available for adoption if:
  - 1) The animal care facility or animal rescue organization offers dogs, cats or rabbits for adoption in accordance with the adoption procedures of Section 902-A of the Dog Law, as amended;**
  - 2) The pet shop does not have an ownership interest in the animals offered; and**
  - 3) The pet shop does not receive a fee for providing space for the adoption of an animal.****
  
- b) A violation of this section is a summary offense punishable by a fine of not less than \$500.00 per animal offered for sale in violation of this section.**

**Section 1159.20 shall be added and provide:**

**SECTION 1159.20. Prohibition on Shelters and Rescues Purchasing Dogs, Cats and Rabbits**

- a) It shall be unlawful for an animal shelter or animal rescue organization to, in exchange for payment or other compensation, obtain a dog, cat, or rabbit from a breeder or broker.**
  
- b) A violation of this section is a summary offense punishable by a fine of not less than \$250.00 per animal purchased in violation of this section.**

**Section 1159.21 shall be added and provide:**

**SECTION 1159.21. SEVERABILITY**

**If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the**

**application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.**

Sponsored by \_\_\_\_\_

Sponsored by \_\_\_\_\_

Passed finally in Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor