



MODEL ORDINANCE



Ordinance No. _____

AN ACT Relating to the Sale of Animals at Swap meets and Flea Markets

WHEREAS, The City (or County) of _____ is a home rule unit of government; and

WHEREAS, the City (or County) has the authority to adopt ordinances and to promulgate rules and regulations pertaining to its government and affairs in order to protect the health, safety and welfare of its citizens; and

WHEREAS, the City (or County) finds that more than half of U.S. households include at least one companion animal; and

WHEREAS, the City (or County) finds that relationships between people and companion animals can enhance the psychological and physiological well-being of those people; and

WHEREAS, the City (or County) finds that the sale of animals at flea markets and swap meets can lead to animal suffering and can pose risks to animal health and human health and safety; and

WHEREAS, the City (or County) declares that healthy, well-socialized animals make better companions and tend to stay with their human families for longer periods of time, thereby benefiting families and animal welfare, and reducing the pressure on animal rescues and shelters; now, therefore

BE IT ORDAINED BY THE CITY (or county) COUNCIL OF THE CITY (or county) OF _____:

NEW SECTION. Section 1. Definitions

"Animal" means any non-human vertebrate species, including mammals, birds, reptiles, amphibians, and fish.

NEW SECTION. Section 2. Sale of animals

It shall be unlawful for any person to willfully sell, trade, barter, display, or offer for sale, trade, or barter, or give away as part of a commercial transaction a live animal at any outdoor special sale, swap meet, flea market, parking lot sale, carnival, or boardwalk.

NEW SECTION. Section 3. Exemptions.

This section shall not apply to the following:

- (a) An event held primarily for the auction or sale of agricultural livestock.
- (b) A public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group.

For purposes of this section, "rescue group" is a not-for-profit entity whose primary purpose is the placement of dogs, cats, or other animals that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter, or that have been surrendered or relinquished to the entity by the previous owner.

NEW SECTION. Section 4. Enforcement.

1. Any law enforcement officer, animal control officer exercising their jurisdiction under [section number], and certified humane investigators qualified pursuant to [section number] may conduct investigations and inspections necessary to ensure compliance with this act. **[Caveat: Should be consistent with current law in the jurisdiction in which the legislation is introduced.]**
2. A person who violates this section for the first time shall be guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250.)
3. A person who violates this section for the first time and by that violation either causes or permits any animal to suffer or be injured, or causes or permits any animal to be placed in a situation in which its life or health may be endangered shall be guilty of a misdemeanor.
4. A person who violates this section for a second or subsequent time shall be guilty of a misdemeanor.
5. A person who is guilty of a misdemeanor violation of this section shall be punishable by a fine not to exceed one thousand dollars (\$1,000) per violation. Each animal constitutes a separate offense. In determining the penalty, the degree and extent of harm caused to the public and to the affected animals as a result of the violation must be considered.

NEW SECTION. Section 5. Anti-cruelty laws.

Nothing in this act limits or authorizes any act or omission that violates the state's anti-cruelty laws.

NEW SECTION. Section 6. Effective date.

This act takes effect [month, day and year].