

Offered by Councilor Liz Breadon



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE AMENDING CITY OF BOSTON CODE, ORDINANCES, SECTION 16-1.9G, TO PROHIBIT THE SALE OF GUINEA PIGS IN PET SHOPS

- WHEREAS*, The City of Boston enacted chapter 1 of the Ordinances of 2016 establishing City of Boston Code, Ordinances, Section 16-1.9G to prohibit the sale of dogs, cats, and rabbits, except in cooperation with an animal shelter or animal rescue organization, enforced with a \$300 fine per violation by the Animal Care and Control Division of the Boston Parks and Recreation Department; *and*
- WHEREAS*, Boston was the first of twelve Massachusetts municipalities to pass a “pet shop ordinance” banning the sale of dogs, cats, and rabbits, being followed by Cambridge, Springfield, Lenox, Attleboro, Lexington, North Adams, Plymouth, Pittsfield, Marshfield, Holliston, and Stoneham, while the Cambridge and Attleboro ordinances include guinea pigs in prohibited pet shop sales; *and*
- WHEREAS*, The City’s current pet shop ordinance does not prohibit the sale of guinea pigs, and a significant share of guinea pigs sold at pet shops come from large-scale, out-of-state commercial breeding facilities and brokers; *and*
- WHEREAS*, Pet shelters across the country have seen an influx of guinea pigs being surrendered since the COVID-19 pandemic, with Animal Care Centers of New York City reporting that guinea pig surrenders have doubled since 2019; *and*
- WHEREAS*, Boston Animal Care and Control has reported intake statistics for guinea pigs demonstrating significant increases year over year from 2020 through 2022, and Boston 311 data reveals a growth in cases regarding guinea pigs since 2021; *and*
- WHEREAS*, Boston-area shelters are experiencing a surge in guinea pig surrenders over previous years, with the MSPCA-Angell in July 2022 reporting that it received more than 210 guinea pigs and rabbits over a three month span; *and*
- WHEREAS*, The MSPCA reports that over 60% of its guinea pigs surrendered by owners were originally acquired at pet stores, and that the length of time guinea pigs remain in shelters is nearly twice as long as cats and dogs; *and*
- WHEREAS*, According to the Humane Society of the United States, guinea pigs have an average lifespan of five to seven years, longer than many other small pets such as hamsters, gerbils, mice or rats; *and*
- WHEREAS*, It is difficult to determine the sex of a guinea pig without a sonogram, and procedures to spay and neuter them are complex and costly; *and*

WHEREAS, Amending the City of Boston Code, Ordinances, for the inclusion of guinea pigs in prohibited pet shop sales would improve animal welfare by helping to address the rising scale of small pet surrenders; *NOW, THEREFORE*

Be it ordained by the City Council of Boston as follows:

SECTION 1.

The City of Boston Code, Ordinances, Section 16-1.9G.1 is hereby amended by striking the definitions for “Animal Shelter,” “Animal Rescue Organization,” “Breeder,” and “Broker,” and inserting in place thereof the following four definitions: –

Animal shelter means an animal control facility operated by a governmental entity for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated by an individual or organization for the same purposes under a written contract with a governmental entity, and, if required, is registered with the Massachusetts Department of Agricultural Resources and which does not obtain animals from a breeder or broker for payment or compensation.

Animal rescue organization means a not-for-profit organization that is registered with the Massachusetts Department of Agricultural Resources, if required, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats, guinea pigs, or rabbits into permanent homes, and which does not obtain animals from a breeder or broker for payment or compensation.

Breeder means a person who maintains dogs, cats, guinea pigs, or rabbits for the purposes of breeding and selling their offspring.

Broker means a person who transfers dogs, cats, guinea pigs, or rabbits at wholesale for resale by another.

SECTION 2.

The City of Boston Code, Ordinances, Section 16-1.9G is hereby amended by striking subsection 16-1.9G.2 and inserting in place thereof the following:–

16-1.9G.2 Sale of Dogs, Cats, Guinea Pigs, or Rabbits by Pet Shops Prohibited.

- a. No pet shop shall display, sell, deliver, offer for sale, barter, auction, give away, broker or otherwise transfer or dispose of a dog, cat, guinea pig, or rabbit, except that pet shop may provide space for the display of dogs, cats, guinea pigs, or rabbits available for adoption by a public animal control agency or shelter or an animal rescue organization so long as the pet shop receives no part of any fees associated with the display or adoption of the animals and has no ownership interest in any of the animals displayed or made available for adoption.
- b. Subsection a. shall not apply to a pet shop that offers for sale guinea pigs as of the effective date of this ordinance until December 31, 2023, unless such a pet shop:
 1. Expands the species of animals offered for sale, beyond those offered for sale on the effective date of this ordinance, to include guinea pigs; or

2. Changes in ownership, location, or the required business licenses are transferred.
3. A pet shop that violates the provisions outlined in subsections 16-1.9G.2(b)(1) or b.2. is thereafter immediately subject to the sales restriction in subsection a.
 - c. Each pet shop shall maintain records sufficient to document the source of each dog, cat, guinea pig, or rabbit the pet shop acquires for at least one year following the date of acquisition. Such records shall be made available, immediately upon request, to any officer of the Parks and Recreation Department, its Animal Care and Control Unit, and/or the Boston Police Department.
 - d. No person shall sell, exchange, trade, barter, lease, or display for a commercial purpose any dog, cat, guinea pig, or rabbit on or in any street, public grounds, commercial parking lot, flea market, or other market, except for a dog, cat, guinea pig, or rabbit displayed:
 1. By a shelter or animal rescue organization; or
 2. As part of a 4-H program or similar exhibition or educational program.

SECTION 3.

The City of Boston Code, Ordinances, Section 16-1.9G.3 is hereby amended by striking the words “a dog, cat or rabbit” and inserting in place thereof: – “a dog, cat, guinea pig, or rabbit”

SECTION 4.

The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

SECTION 5.

The provisions of this ordinance shall be effective immediately upon passage.

Filed on: March 17, 2023