



Public Health

Prevent. Promote. Protect.

Fargo Cass Public Health

**Requirements for
Pet Store
Establishments**

Fargo Cass Public Health

1240 25th Street South

Fargo, ND 58103

ARTICLE 13-12

Section

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13-1201. Definitions

The following terms used in these regulations shall be defined as follows:

1. "ADEQUATE EXERCISE" or "EXERCISE" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.
2. "ADEQUATE SPACE" means sufficient height and sufficient floor space for caged animals to easily stand up, sit down, and turn about freely using normal body movements without the heads touching the top of the cage; lie in a natural position; and to experience necessary socialization with cage mates, if any. However, when freedom of movement would endanger the animals, temporarily and appropriately restricting movement of the animals according to professionally accepted standards for the species is considered provision of adequate space.
3. "ANIMAL" means any non-human vertebrate species housed, offered for sale or adoption, or both, in the pet store, including, but not limited to, mammals, birds, reptiles, amphibians, fish, and also invertebrates housed, sold, or adopted as pets.
4. "DISPOSITION" means the transfer of an animal from a pet store to another location, including the sale or adoption of the animal, the return of the animal to the person who

supplied the animal to the pet store, or removal from the pet store of any animal that is deceased for any reason, including euthanasia.

5. "ENRICHMENT" means providing objects or activities which are compatible with the needs of the species that stimulate an animal and promote the animal's physical and/or psychological well-being.
6. "EUTHANASIA" or "EUTHANIZE" means the humane destruction of an animal accomplished by a method that involves rapid unconsciousness and immediate death with a minimum of pain and distress inflicted on the animal, or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.
7. "EXOTIC ANIMAL" means any member of the following families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans or pose a public health risk, and are further defined as follows:
 - a. Class Mammalia
 - Order Artiodactyla (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats)
 - Order Carnivora
 1. Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats)
 2. Family Canidae (wolves, coyotes, foxes, jackals, not domestic dogs)
 3. Family Ursidae (all bears)
 4. Family Mustelidae (weasels, skunks, martins, minks, not ferrets)
 5. Family Procyonidae (raccoons, coatis)
 6. Family Hyaenidae (hyenas)
 7. Family Viverridae (civets, genets, mongooses, binturongs)
 - Order Edentata (anteaters, armadillos, sloths)
 - Order Marsupialia (opossums, kangaroos, wallabies, not sugar-gliders)
 - Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)
 - Order Primates (lemurs, monkeys, chimpanzees, gorillas)
 - Order Proboscidea (elephants)
 - Order Rodentia (squirrels, prairie dogs, beavers, porcupines, not guinea pigs, or rats, or mice, or gerbils, or hamsters, or chinchillas, or degus)
 - b. Class Reptilia
 - Order Squamata
 1. Family Colubridae (only boomslangs and African twig snakes)
 2. Family Elapidae (only coral snakes, cobras, mambas)
 3. Family Natricidae (only keelback snakes)
 4. Family Viperidae (such as copperheads, cottonmouths, rattlesnakes, etc.) - All species
 - Order Crocodylia (such as crocodiles, alligators, caimans, gavials, etc.) - All species
8. "HUMANE" means any action taken in consideration of and with the intent of providing for the animal's health and well-being.

9. "INTACT" means an animal that retains its sexual organs and has not undergone surgical sterilization by a veterinarian.
10. "PERSON" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.
11. "PET STORE" means an establishment or market place where animals are bought, sold, exchanged, or offered for sale, in any single calendar year, to the general public with the intent of making a profit. This term includes the keeping for transfer or the transfer of animals at temporary facilities, such as flea markets, mobile facilities, department stores, merchandise outlets, discount outlets, animal shows conducting a sale, and other types of retail outlets where the animals are intended as companions or household animals.
12. "PET STORE OPERATOR" or "OPERATOR OF A PET STORE" means any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, or public or private institution which maintains, owns, or operates a retail pet store.
13. "PRIMARY ENCLOSURE" means any structure used to immediately restrict an animal or animals to a limited amount of space and where the animal or animals reside until they are sold or transferred.
14. "SANITIZE" means to make physically clean and to remove excreta, other waste material, dirt and trash, and to destroy to a practical minimum any agents that are injurious to health.
15. "TIME OF SALE" means the calendar date the retail purchaser removes the animal from the premises of the pet store following the retail sale of that animal.
16. "TRANSMISSIBLE or INFECTIOUS" means capability of a disease to pass from one animal to another
17. "UNWEANED" means any animal that is nursing, requires hand-feeding or is otherwise unaccustomed to eating enough food without human or animal assistance to sustain at least 90 percent of its own weight for at least two weeks.
18. "VETERINARY TREATMENT" means treatment by or on the order of a licensed veterinarian.
19. "WEANED" means any animal that has become accustomed to taking solid food and has done so without nursing, hand-feeding, or human or animal assistance for a period of at least two weeks and is capable of sustaining at least 90 percent (90%) of its own weight, notwithstanding any illness or injury.

13-1202 Operation of a Pet Store Facility—license required.

- 2.1 No person may operate a Pet Store facility without a license issued by the public health department.

13-1203 Regulation, inspection and enforcement by the public health department

- 3.1 Regulation, inspection and enforcement by the public health department. In order to provide for the public health and safety, the public health department shall have authority to regulate and enforce the provisions stated herein concerning the use, operation, and maintenance Pet Store facilities with the jurisdiction of such department. The public health department shall have authority to enter upon the premises of a Pet Store facility and inspect the facility as often as necessary to confirm compliance with the provisions of this article. In the event of a failure to comply with the provisions of this article, after due notice thereof, the public health department shall have the power to abate or cause a suspension of the use of the Pet Store facility permit until such time as the same is, in the opinion of the public health department, no longer a hazard to public health or safety.
- 3.2 The city health officer is authorized to promulgate regulations creating minimum standards for pet store facilities in order to provide for the public health and safety.

13-1204 Display of license—license nontransferable.

- 4.1 A license issued pursuant to the article shall be displayed in a conspicuous place in the Pet Store facility for which the license is issued. A license issued pursuant to this article is non-transferable.

13-1205 Application; fee; issuance and expiration of license; and renewal.

- 5.1 An applicant for a license shall submit an application for a license to the health department on a form provided by the health department along with payment of the required license fee. License fees and fees for renewal thereof shall be established by resolution of the board of city commissioners. The application must include the name and complete mailing address and street address of the Pet Store facility along with any other information reasonably required by the health department for the administration of this section.
- 5.2 License renewal notices will be sent out by the city auditor's office effective January 1 of each year and shall expire on December 31 of said year.

13-1206 General Facility Maintenance

Each pet store operator shall be responsible for:

- 6.1 Maintaining the entire pet store facility in good physical repair.
- 6.2 Restricting the entry of pests from the outside, ensuring the containment of animals within the store, and, in the event that animals escape, being responsible for reporting this fact, as necessary, to local authorities and making reasonable efforts to capture the animals that have escaped.
- 6.3 Ensuring that the pet store's interior building surfaces, including walls and floors, are constructed in a manner that permits them to be readily cleaned and maintained.
- 6.4 Uniformly distributing light, by natural or artificial means, in a manner that permits routine inspection and cleaning, and the proper care and maintenance of the animals.
- 6.5 When dog or cat grooming services are offered by a pet store, separating the grooming work area from the store's primary animal enclosures, animal food storage areas, and isolation areas for housing sick animals. The grooming area shall be cleaned and maintained at least once daily.

13-1207. Animal Care and Handling

- 7.1 The pet store operator or an agent of the operator must be present at least once daily, regardless of whether the store is open, for general care, maintenance, and to ensure adequate exercise of the animals in the custody of the pet store.
- 7.2 Pet store operators must ensure that:
 - a. Each animal is handled in a manner which will not cause discomfort, physical harm, or undue stress to that animal.
 - b. Each animal is observed at regular intervals, at least once a day, in order to recognize and evaluate general symptoms of sickness, injury, or abnormal behavior.
 - c. Reasonable measures are taken to house intact mammals that have reached sexual maturity in a manner to prevent unplanned reproduction.
 - d. Pet store operators and their agents wash their hands before and after handling each infectious or contagious animal.

7.3 Water and Food. Pet store operators must ensure that:

- a. Clean, potable water in sufficient quantity to satisfy the animal's needs is accessible to the animal at all times. Snow or ice is not an adequate water source. Exceptions:
 - If withholding water is otherwise required to provide adequate veterinary care to the animal on the advice of the attending veterinarian.
 - If the animal is in transit for less than four (4) hours.
- b. Food is provided to each animal at least once during each twenty-four (24) hour period. Any animal with a nutritional need or disease condition must be fed more frequently on the advice of the attending veterinarian. Young animals must be fed more than once daily. Reptiles, fish or amphibians must be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.
- c. Animal food is wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to meet the normal daily requirements for the animal, based upon its species, age, condition and size.
- d. Water and food receptacles are in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of water and food. Bowls, dishes and other containers used for the feeding and watering of animals must be cleaned daily, or more often if necessary to maintain them free from contamination of excrement or urine. Water and food receptacles must be so located as to minimize their potential contamination from excreta.

7.4 Sanitation. Pet store operators must ensure that:

- a. Animals are removed from the primary enclosures when water or any chemical solution is used in cleaning. All empty cages must be kept clean at all times.
- b. Excreta is removed from each enclosure at least once daily. The enclosures must be cleaned and sanitized as often as necessary to prevent cross-contamination of the animals, prevent disease hazards, and reduce odors.
- c. For bird enclosures, perches are cleaned on a regular basis.
- d. Cages, rooms and pens which contain any animal having an infectious or transmissible disease are washed each day, and after each occupancy.
- e. Effective disinfectant is applied as an incident of each washing.
- f. Aquariums containing fish are kept in a clean, healthful condition. Live algae are not considered an unhealthful condition. All dead fish must be removed promptly from aquariums.

13-1208 Veterinary Care and Euthanasia.

- 8.1 Cats and dogs must be examined by a veterinarian prior to offering the cats and dogs for sale.
- 8.2 Veterinary treatment is provided to the animals in the custody of the pet store without delay when needed to prevent suffering and prevent disease transmission.
- 8.3 The pet store shall provide a documented program of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment and euthanasia, with consultation from a licensed veterinarian.
- 8.4 Each animal must be observed daily by the animal caretaker in charge, or by someone under his or her direct supervision, for the purpose of monitoring health, nutrition and well being; and
- 8.5 Animals that become seriously ill or seriously injured must be diagnosed by a veterinarian in a timely manner and the prescribed therapy followed. Sick or injured animals must be:
 - a. provided with timely veterinary treatment as is needed for the health and well-being of the animal;
 - b. euthanized humanely and promptly by the pet store's attending veterinarian; or
 - c. surrendered, with the express consent of the recipient, to a local public or private animal shelter.
- 8.6 Animals cannot be euthanized in any way except through the most current, approved euthanasia methods established by the American Veterinary Medical Association panel on euthanasia.
- 8.7 Each employee who performs euthanasia shall receive adequate training in the method or methods used and provide documented proof of successful completion of such training.
- 8.7 Euthanasia by placing a live animal in a freezer is prohibited.
- 8.8 Veterinary treatment records must be kept for all animals, except fish, that receive any medications and/or immunizations while in the care of the pet store's. These records must be made available to the enforcing officer.

13-1209 General Housing Requirements for Pet Stores.

- 9.1 Primary and temporary enclosure shall be structurally sound and maintained in good repair to protect the animals from injury, to contain the animals, to keep other animals out, and to promote the health and well-being of the enclosed animals. Primary enclosures shall be constructed so they can be routinely maintained to allow animals to stay clean.
- 9.2 Intact mammals that have reached sexual maturity must be housed in a manner to prevent reproduction unless the animals are intentionally bred by the pet store to produce additional animals for sale.
- 9.3 The animals in the custody of the pet store are kept clean and dry unless species-specific requirements dictate an aquatic or semi-aquatic environment.
- 9.4 Mammals housed on wire flooring are provided with a rest board, floor mat, or similar device that is large enough to provide adequate space for all the occupants of the primary enclosure at the same time. If the floor is constructed of mesh or slats, it must be strong enough to prevent sagging and with a mesh small enough that it will not allow the animals' feet to pass through any openings in the floor.
- 9.5 Adequate space is provided in the primary enclosure for the particular type of animal(s) enclosed therein.
- 9.6 Primary enclosures shall house only compatible animals in the same enclosure.
- 9.7 Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food and medical supplies.
- 9.8 Washrooms, basins, or sinks shall be provided in the facility to maintain cleanliness among animal caretakers; hot and cold water, germicidal soap, and towels shall be provided for animal caretakers.

13-1210. Specific Housing Requirements for Animals.

- 10.1 With respect to dogs, each primary enclosure shall provide animals with an enrichment device or devices appropriate for the species, age, size, and condition of the animal.
- 10.2 With respect to cats, each primary enclosure shall provide an elevated platform as appropriate for the size of the cat.
- 10.3 With respect to birds, primary enclosures for birds shall ensure the following:

- a. A bird can fully extend both of its wings at the same time without contacting the sides of the enclosure.
 - b. Perches are provided in a diameter that is appropriate for the species, age, size, and condition of the bird, and for the size of the enclosure.
 - c. There is sufficient space to enable each bird to fully extend its wings in every direction while all birds are simultaneously perched.
- 10.4 Primary enclosures for prey species shall be located where they cannot be directly seen by predator animals for that species.

13-1211 Ambient Conditions.

- 11.1 Each confinement area which houses one or more animals is maintained at a temperature suitable for the animal housed within and which maintains the animals' health and comfort. For cold-blooded animals, a temperature that is compatible to the well-being of the species must be maintained.
- 11.2 Primary enclosures for birds must allow at least eight (8) hours of either natural or artificial light daily to allow the birds to intake food and water.
- 11.3 Primary enclosures must provide adequate ventilation to the confined animals. Additional ventilation must be provided when the ambient temperature rises to a level that may negatively impact the health of the animal.

13-1212. Sale or Transfer of Animals.

- 12.1 A pet store must not sell or offer for sale any exotic animal.
- 12.2 A pet store must not sell or offer for sale any regulated animal as defined by the local city ordinances.
- 12.3 A pet store must not offer any live animal as a raffle, prize, advertising device or promotional consideration.
- 12.4 A pet store must not sell, offer for sale, trade or barter a cat or dog that is under the age of seven (7) weeks. A cat or dog that is over the age of seven (7) weeks can be sold, offered for sale, traded or bartered only if the animal is weaned.
- 12.5 A pet store may not sell a bird unless the bird is weaned. A vendor may not sell a bird at a swap meet or bird mart, unless the bird is weaned.
- 12.6 This chapter does not apply to publicly operated pounds and humane societies.

13-1213. Consumer Disclosure.

- 13.1 The pet store must furnish written recommendations for the generally accepted care for each type of animal to each purchaser at the time of sale. The written document must include recommendations for safe housing, feeding, equipment, sanitation, environment, behavior, and enrichment for the type of animal.
- 13.3 Pet stores which sell hamsters must conspicuously post a notice which warns that there is a risk of the transmission of viral infection to humans from hamsters.
- 13.4 Pet stores which sell reptiles or offer reptiles for sale must conspicuously post a notice which warns that the transmission of salmonella disease by reptiles is possible.
- 13.5 A complete copy of these pet store regulations must be kept on hand and made available to customers upon their request.

13-1214. Recordkeeping.

- 14.1 Records of veterinary visits to the pet store premises must be documented. Veterinary treatment records must be kept for all animals that receive any medications and/or immunizations while in the care of the pet store. These records must include:
 - a. The identification of the animal receiving medical treatment;
 - b. The name of the medication and/or immunization used
 - c. The amount of medication used; and
 - d. The time and date on which the medication and/or immunization was administered.
- 14.2 Accurate records must be kept and maintained for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records must include all of the following:
 - a. The name, address and telephone number of the person from whom each animal was acquired the date each animal was acquired.
 - b. A description of each animal showing age, size, color, markings, sex, breed, and species. Records must also include any other significant identification for each animal, including any microchip, official tag number, official leg band number, or tattoo.
 - c. The name and address of the person to whom each animal is sold, given, or delivered. The record must show the method and date of disposition.
 - d. These records must be maintained by the licensee for a minimum of one year after the sale or transfer of the animal.