

PETS AS PRIZES

LOCAL ORDINANCES

Numerous towns and cities nationwide have enacted local ordinances restricting or prohibiting the practice of giving away live animals as prizes. While several ordinances prohibit people from giving away live animals which are artificially-dyed, others place minimum age restrictions on the animals which can be given away. Other local ordinances cover only specific animals, such as rabbits, ducklings, or chicks, and still others cover only vertebrates, or they make exceptions for fish in their prohibitions. The HSUS has compiled a sample of these ordinances and their various provisions as guidelines for towns who are considering drafting their own legislation:

Albuquerque, NM
Antioch, CA
Boone County, KY
Daytona Beach, FL
Des Moines, IA
Edgefield County, SC
Euless, TX
Jacksonville, FL
Kinston, NC
Lubbock, TX

McKinney, TX
Mount Pleasant, SC
Muscle Shoals, AL
Noblesville, IL
North Kansas City, MO
Rayne, LA
Reno, NV
Raytown, MO
Vincennes, IN

Albuquerque, NM

Code of Ordinances

(D)Premiums and Novelties. No person shall offer a live animal as an incentive to purchase merchandise or as a premium, prize, award, or novelty.

Antioch, CA

Code of Ordinances §§ 6-1.31

ANIMALS NOT TO BE GIVEN AWAY AS PRIZES.

No person shall give away any live animal, fish, reptile, or bird as a prize for or as an inducement to enter any contest, game, or competition, or as an inducement to enter a place of amusement, or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

Boone County, KY

(K) No person(s) shall give away any live animal as a prize or for inducement to enter any contest, game or other competition or as an inducement to enter into any business agreement, whereby the offer was for the purpose of attracting the trade, except that it shall not be unlawful to give away small fish, not to exceed four inches, as a prize.

Daytona Beach, FL

Chapter 7 ANIMALS AND FOWL, ARTICLE I. IN GENERAL

Sec. 7-7. Protection of baby chickens, ducklings, fowl, rabbits.

It shall be unlawful and an offense for any person to sell, offer for sale, barter or give away baby chickens, ducklings or other fowl under three (3) weeks of age, or rabbits under two (2) months of age, as pets, toys, premiums or novelties, or to color, dye, stain or otherwise change the natural color of baby chickens, ducklings or other fowl, or rabbits, or to bring or transport, same into the city; provided however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other such fowl or such rabbits, in proper facilities, by breeders or stores engaged in the business of selling for purposes of commercial or agricultural breeding and raising.

Des Moines, IA

MUNICIPAL CODE

Chapter 18 ANIMALS*, ARTICLE I. IN GENERAL

Sec. 18-3.Sale of fowl as pets or novelties.

No person shall sell or offer for sale, barter or give away baby chicks, ducklings or other fowl as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes.

Edgefield County, SC

§§ 90.10ANIMALSASPRIZES PROHIBITED.

It shall be unlawful to award as prizes or offer as merchandising premiums any mammal, reptile, amphibian, fowl, or bird to be used as pets, toys, or retail premiums.

Eules, TX

Chapter 10 ANIMALS* ARTICLE III. CARE AND CONTROL

Sec. 10-65.Animal care.

If the following shall occur, the animal may be impounded and the owner shall be guilty of a violation of this chapter:

(5)A person shall sell, offer for sale, barter or give away baby chicks, ducklings or other fowl, rabbits or hamsters as novelties, whether or not dyed, colored or otherwise artificially treated; provided, however, that this section shall not be construed to prohibit the display or sale of natural chicks, ducklings or other fowl in proper brooder facilities from hatcheries or stores engaged in the business of selling such chicks, ducklings or other fowl to be raised for commercial purposes, or the sale of rabbits or hamsters as pets.

(6)A person shall give away any live animal as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter into any business agreement except as to the offering of offspring in a breeding transaction.

Jacksonville, FL

TITLE XIII. HEALTH CODE

CHAPTER 462 ANIMALS

PART 1. IN GENERAL

462.105 Artificial coloring of animals or fowl; sale prohibited. It shall be unlawful and a class C infraction for any person to artificially color any animal or fowl in the city or cause this coloration to be done or to bring into the city, possess, offer for sale, sell, barter or give away an artificially colored animal.

Kinston, NC

PART II CODE OF ORDINANCES

Chapter 4 ANIMALS AND ANIMAL CONTROL*

ARTICLE IV. ANIMAL CONTROL*

Sec. 4-64. Cruelty to animals.

(c)It shall be unlawful for any person to sell or offer for sale, barter or give away within the city baby chickens, baby ducklings or other fowl under six (6) weeks of age or rabbits under eight (8) weeks of age as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes other than for pets or novelties.

(d)It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.

Lubbock, TX

PART II CODE OF ORDINANCES

Chapter 4 ANIMALS* ARTICLE I. IN GENERAL (Ord. No. 9485, § 1, 11-14-91)

Sec. 4-4.Animal care generally.

Animals shall be cared for, treated and transported in a humane manner and not in violation of Section 42.11 of the Texas Penal Code, Title 10 of the Health and Safety Code, or any other provision of law, including federal, state and local laws, ordinances and rules. In addition, a person commits an offense if:

- (2)A person sells, delivers, trades or barter a dog, cat or rabbit less than six (6) weeks old;
- (3)A person dyes or colors chicks, ducks or rabbits;
- (4)A person sells, delivers, trades or barter chickens or ducks less than three (3) weeks old in lots of less than twenty-five (25) animals

McKinney, TX

PART II CODE OF ORDINANCES Chapter 6 ANIMALS AND FOWL

Sec. 6-10. Same--Treatment of animals. (Ord. No. 1300, § XVII, 7-20-82)

Sec. 6-11.Prohibited animals.

(a)It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, baby chickens, ducklings, or other fowl under three weeks old, and rabbits under two months old; sale of such animals for agricultural purposes is exempt from this provision.

(b)It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away any of the above-mentioned animals which have been so colored.

Mount Pleasant, SC

No person shall give away any live animal as a prize for, or as an inducement to enter, any contest, game, or other competition or as an inducement to enter a place of amusement.

Muscle Shoals, AL

Chapter 14 ANIMALS* , ARTICLE I. IN GENERAL

Sec. 14-5. Cruelty to animals.

Sec. 14-6.Sales.

No person or business may sell baby rabbits as pets or novelties or sell chickens or ducklings younger than eight weeks of age in quantities of less than 25 to a single purchaser.

Noblesville, IN

Code of Ordinances

§§ 90.23 ANIMALS AS PRIZES OR INDUCEMENTS.

No person shall sell, offer for sale, trade, barter or giveaway any live animal, fish, bird, or reptile as a prize for or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any attracting trade, for business other than establishments selling animals as their primary business.

North Kansas City, MO

Chapter 5 ANIMALS AND FOWL , ARTICLE I. IN GENERAL

Sec. 5-13. Cruelty to animals.

(d)Offering animal as prize. No person shall offer or give a live animal as a prize or as a business inducement.

(e)Selling young fowl as novelties. No person shall advertise, display, sell or offer for sale, barter or otherwise deliver to the public as pets or novelties any live chicks, ducklings, goslings, poults or other fowl under two (2) months of age. This subsection shall not be construed to prohibit the advertising, display or sale of any such chicks, ducklings, goslings, poults, or other fowl for commercial purposes; provided that sales as pets or novelties shall not be considered a commercial purpose under this subsection.

Rayne, LA

Sec. 18-12. Cruelty to animals--Generally.

Sec. 18-16.Use of live vertebrate as an inducement.

No person shall give any live vertebrate animal as a prize for or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

Reno, NV

PART 2 RENO MUNICIPAL CODE

Title 8 PUBLIC PEACE, SAFETY AND MORALS*

CHAPTER 8.28. ANIMAL CONTROL*

ARTICLE I. IN GENERAL

Sec. 8.28.180.Selling or giving away certain animals.

It is unlawful for any person to sell or offer for sale, barter, or give away, baby chicks, rabbits, ducklings, or other fowl as pets or novelties. This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowls, in proper breeder facilities by hatcheries or stores engaged in the business of selling the same to be raised for commercial purposes.

Raytown, MO

CODE OF ORDINANCES

Chapter 4 ANIMALS AND FOWL

Sec. 4-17. Cruelty to animals and fowl.

(e)Vendors of such fowl younger than eight (8) weeks of age shall provide and operate brooders or other heating devices as may be necessary to maintain the fowl in good health, and shall keep adequate food and water available to the fowl.

(f)No person shall offer to give, or give away any live animal or fowl as a prize or business inducement.

Vincennes, IN

§§ 91.006 GIVING ANIMALS AS PRIZES

No person shall give away any live animal, fish, reptile or bird as a prize for or as an inducement to enter any contract, game or other competition, or as an inducement to enter a place of amusement; or offer that vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.