

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

**AN ORDINANCE AMENDING SECTION 118 (UNLAWFUL SALE OR DISPLAY) OF ARTICLE 7 (REGULATION OF ANIMALS – GENERAL PROVISION) OF CHAPTER 6 (NEIGHBORHOOD VITALITY / COMMUNITY HEALTH) PERTAINING TO THE PROHIBITION OF SALES AND CERTAIN OTHER TRANSACTIONS INVOLVING DOGS OR CATS BY PET SHOPS AND PROVIDING A PENALTY.**

**WHEREAS,** Most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits (“puppy mills” and “kitten mills,” respectively).

**WHEREAS,** The documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation.

**WHEREAS,** Pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into; they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies; they were placed in a pet store cage with or near other puppies who are often sick.

**WHEREAS,** Pet stores often mislead consumers as to where the puppies and kittens in the stores came from, make false health and behavior guarantees, and promise low interest financing. Many consumers report paying hundreds or thousands of dollars in veterinary bills and/or ending up with extremely high interest rates.

**WHEREAS,** According to the U.S. Centers for Disease Control and Prevention, pet store puppies pose an ongoing health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies.

**WHEREAS,** Current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is minimal, with mere survival standards for breeding dogs and well-documented enforcement deficiencies.

**WHEREAS,** Prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills and decrease the burden that pet store puppies and kittens that end up in animal shelters

place on local agencies and taxpayers.

**WHEREAS,** The vast majority of pet stores, both large chains and small, family-owned shops, are already in compliance with the proposed ordinance as they already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events.

**WHEREAS,** This ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or responsible breeder who sells directly to the public.

**WHEREAS,** The City Council believes it is in the best interest of Colorado Springs to adopt reasonable regulations to reduce costs to the city and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Colorado Springs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:**

**Section 1. Section 118 of Article 7 of Chapter 6 of the Colorado Springs Code of Ordinances is hereby amended to read as follows:**

**6.7.118: UNLAWFUL SALE OR DISPLAY:**

**A.** It shall be unlawful for any person to sell, offer for sale, barter or give away any baby chicken, rabbit, duckling or other fowl, under eight (8) weeks of age, as a pet, toy, premium or novelty or to color, dye, stain or otherwise change the color of any baby chicken, rabbit, duckling or other fowl. This section shall not be construed to prohibit the sale or display of baby chickens, rabbits, ducklings or other fowl in proper facilities by breeders or stores engaged in the business of selling animals for the purpose of commercial breeding and raising.

**B.** It shall be unlawful for a pet shop, as defined in subsection E, to sell or offer for sale a dog or cat on or after January 1, 2022.

**C.** Subsection B shall not apply to a pet shop if the dog or cat was obtained by the pet shop from either an animal rescue organization or a public animal control shelter, as those terms are defined in subsection E, and each of the following conditions are met:

(1) The name and contact information of the animal rescue organization or public animal control shelter from which the pet shop obtained the dog or cat shall be posted in a conspicuous location on the animal's cage or enclosure;

(2) Documentation providing proof of the source of the dog or cat and any consideration exchanged for the animal shall be retained by the pet shop for three (3) years after the sale and made available throughout such period to the consumer and the state or local authority authorized to enforce this section; and

(3) Each dog or cat shall not be sold for a price greater than the fine provided for a violation of this section.

**D. A pet shop that sells or offers for sale a dog or cat in violation of subsection B commits a violation punishable by a fine of \$500. Each unlawful sale or offer for sale shall constitute a separate violation.**

**E. As used in this section, the following terms have the following meanings:**

**(1) "Pet shop" means a brick-and-mortar retail store where animals are kept, sold, or offered for sale on the premises. Such term shall include any owner, operator, agent, or employee of the business. A public animal control shelter or animal rescue organization, as defined this subsection, shall not be considered a pet shop.**

**(2) "Sell" means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.**

**(3) "Offer for sale" means to display or proffer for acceptance by another person.**

**(4) "Animal rescue organization" means 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. "Animal rescue organization" shall not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other**

form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

(5) “Public animal control shelter” means a facility operated by or under contract with the City of Colorado Springs for the impoundment and care of seized, stray, homeless, abandoned, unwanted, or surrendered animals.

(6) “Cat” means any member of the species *Felis catus*.

(7) “Dog” means any member of the species *Canis familiaris*.

## Section 2. Severability.

It is hereby declared to be the intention of the City Council that each and every part of this Ordinance is severable. If any term, phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the remaining provisions would have been enacted by the City Council without the incorporation in this Ordinance of any unconstitutional or invalid term, phrase, clause, sentence, paragraph or section.