

ORDINANCE NO. 2021-11-_____

AN ORDINANCE PROHIBITING CERTAIN PET SALES

WHEREAS, current Federal, State, and Local regulations do not properly address the sale of puppy and kitten mill dogs and cats both in and out of pet stores; and

WHEREAS, a significant number of puppies and kittens sold at pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet store dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet stores due to both a lack of education on the issue and misleading tactics of pet stores in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, prohibiting the retail sale of puppies and kittens will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this Ordinance will not affect consumers’ ability to obtain a dog or cat of their choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Common Council of the City of Crown Point believes it is in the best interests of the City of Crown Point to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from a pet store or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.

NOW THEREFORE, BE IT ORDAINED by the common council of the City of Crown Point, Indiana that the Crown Point Municipal Code is amended by adding Section 90.08 to title 9, chapter 90, AND by amending Section 90.99 regarding Penalties, as follows:

§ 90.08 CERTAIN ANIMAL SALES PROHIBITED

(A) Definitions

- 1) *“Animal care facility” – an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice significantly involve rescue and placement of animals in permanent homes or rescue organizations.*
- 2) *“Animal rescue organization” – any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice significantly involve rescue and placement of animals in permanent homes. This term does not include any entity that (1) is or operates on the premises of a breeder or broker, (2) obtains dogs from a breeder or broker in exchange for payment or compensation, or (3) resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.*
- 3) *“Cat” – a member of the species of domestic cat, Felis catus.*
- 4) *“Dog” – a member of the species of domestic dog, Canis familiaris.*
- 5) *“Offer for sale” – to sell, offer for sale or adoption, advertise the sale of, barter, auction, give away or otherwise dispose of a dog or cat.*
- 6) *“Pet store” – a retail establishment where dogs, cats, or other animals are offered for sale as pet animals to the general public. This term does not include an animal care facility or animal rescue organization.*

(B) Restrictions on the Sale of Animals

No Pet Store may sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats. Nothing in this section prohibits pet stores from collaborating with animal care facilities or animal rescue organizations to offer space to showcase adoptable dogs and cats.

Furthermore, Crown Point Municipal Code § 90.99 (C) shall be added as follows:

§ 90.99 (C) *A person or entity violating the provisions of § 90.08 shall be liable for a fine of not less than \$300.00 nor more than \$2500.00 for each violation, in addition to all other legal and equitable relief available to the City to enforce this provision.*

The foregoing amendments to the Ordinances of the City of Crown Point, Indiana shall be in full force and effect upon the adoption thereof.

PASSED AND ADOPTED by the Common Council of the City of Crown Point, Lake County, Indiana, on this ___ day of _____, 2021.

David D.F. Uran, Mayor

ATTEST:

David B. Benson, Clerk/Treasurer

Presented by me to Mayor of the City of Crown Point, Indiana, this ___ day of _____, 2021.

David B. Benson, Clerk/Treasurer

Approved by me, the Mayor of the City of Crown Point, Indiana, this ___ day of _____, 2021.

David D.F. Uran, Mayor