

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 28
(Series of 2019)

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO ENACTING A NEW CHAPTER 8.13 OF THE EAGLE MUNICIPAL CODE TO PROHIBIT PET SHOPS FROM SELLING, BARTERING, AUCTIONING, OR OTHERWISE DISPOSING OF DOGS OR CATS, EXCEPT WHEN ACQUIRED FROM AN ANIMAL CARE FACILITY OR ANIMAL RESCUE ORGANIZATION

WHEREAS, pursuant to C.R.S. § 31-15-501(1)(a), the Town has the power to regulate businesses to prohibit any offensive or unwholesome business practice;

WHEREAS, the Humane Society of the United States has determined that puppy and kitten mills are inhumane commercial breeding facilities which disregard the animals' health, both physical and emotional, in order to maximize profits;

WHEREAS, these mills produce animals for sale, oftentimes at retail stores;

WHEREAS, the Board of Trustees finds and determines that the sale of dogs and cats from these mills is an unwholesome business practice and not in the best interest of the public nor the welfare of the residents of the Town; and

WHEREAS, the Board of Trustees finds that a ban on the retail sale of dogs and cats in pet shops, unless sourced from animal shelters or rescue organizations, will promote community awareness of animal welfare and encourage pet consumers to adopt dogs and cats from shelters.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Title 8 of the Eagle Municipal Code is hereby amended by the addition of a new Chapter 8.13 to read as follows:

CHAPTER 8.13 – PET SHOPS

Section 8.13.010. – Purpose.

The purpose of this Chapter is to discourage the use and existence of inhumane breeding facilities and the retail sale of dogs and cats, and to promote animal health safety and welfare standards and foster a more humane environment in the Town.

Section 8.13.020. – Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Animal shelter has the same meaning as in Section 8.12.020.

Cat means any animal of the Felidae species, including cats of wild extraction and any animal related to the cougar, bobcat, lynx, leopard, or ocelot.

Dog has the same meaning as in Section 8.12.020.

Pet animal facility has the same meaning as in Section 8.12.020.

Pet animal rescue means a person licensed as such pursuant to the Colorado Pet Animal Care and Facilities Act, C.R.S. § 35-80-101, *et seq.*, who accepts dogs or cats for the purpose of finding permanent adoptive homes for the dogs or cats and who does not maintain a central facility for keeping animals, but rather uses a system of fostering in private homes or boarding or keeping pets in licensed pet animal facilities.

Pet shop means a retail establishment open to the public and engaging in the business of selling, exchanging, bartering, auctioning, or otherwise arranging for the transfer of ownership of dogs or cats, excluding an animal shelter or pet animal rescue.

Section 8.13.030. – Unlawful Sale or Display of Dogs or Cats.

A. It is unlawful for any pet shop to sell, display, exchange, trade, barter, auction, give away or otherwise transfer ownership or dispose of any dog or cat, except for a dog or a cat obtained from an animal shelter or pet animal rescue.

B. A pet shop shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the pet animal rescue or animal shelter from which the pet shop acquired the dog or cat.

Section 8.13.040. – Inspection and Records.

A. A pet shop may be inspected by any officer of the Town during regular business hours to determine compliance with this Chapter. All pet shop operators must make their records available for inspection during regular business hours by the Town or authorized agents of the Town.

B. Every pet shop shall maintain a record of the source of any dog or cat adopted, sold, displayed, exchanged, traded, bartered, auctioned or transferred, for a period of two years after such adoption, sale, display, exchange, trade, barter, auction or transfer.

Section 8.13.050. – Penalty; Nuisance Declared.

A. Any person who violates any provision of this Chapter commits a Class A municipal offense, punishable as set forth in Chapter 1.12. Each day of violation shall constitute a separate offense.

B. In addition to any other penalties, the operation of a pet shop in violation of this Chapter is declared an unwholesome business practice and public nuisance and is therefore subject to abatement as provided in Chapter 9.24.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON DECEMBER 10, 2019.

TOWN OF EAGLE, COLORADO

Anne McKibbin, Mayor

ATTEST:

Jenny Rakow, Town Clerk