

ORDINANCE NO. CC-2021-2060

**COMMON COUNCIL
OF THE
CITY OF WHITING, INDIANA**

**AN ORDINANCE RESTRICTING THE SALE OF ANIMALS AT PET SHOPS WITHIN
THE CITY OF WHITING, INDIANA**

WHEREAS a significant number of puppies and kittens sold at pet shops 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 shop 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 shops due to both a lack of education on the issue and misleading tactics of pet shops 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 current Federal, State and County regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; 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 since the Whiting Animal Control Shelter operates as a no-kill shelter, the City receives many abandoned and surrendered animals from across Lake County; and

WHEREAS Whiting Animal Control would benefit in many ways from an increased demand for animals from animal shelter; and

WHEREAS across the country, thousands of independent pet shops 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 shops 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 a consumer's ability to obtain a dog or cat of his or her 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 Mayor, the Whiting City Council and Whiting Animal Control believe it is in the best interests of this City 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 shop 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 Whiting that a new chapter shall be added to the Whiting Municipal Code to restrict the sale of animals in the City as follows:

Section 1. Definitions

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means 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 is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity, which is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Section 2. Restrictions on the Sale of Animals

No pet shop shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet shops from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

Section 3. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by the Common Council of the City of Whiting, Indiana that this Ordinance shall be in full force and effect after passage by the Common Council, signing by the Mayor, and publication as required by law.

DULY PASSED AND ADOPTED by the Common Council of the City of Whiting, Lake County, Indiana, this 21st day of December, 2021.

Steve Spebar
STEVE SPEBAR, Mayor

ATTEST:

John Haynes
JOHN HAYNES, Clerk-Treasurer

Presented to the Mayor of the City of Whiting, Indiana, this 21st day of December, 2021.

John Haynes
JOHN HAYNES, Clerk Treasurer

Received by me the Mayor of the City of Whiting, Indiana, this 21st day of December, 2021.

Steve Spebar
STEVE SPEBAR, Mayor

Returned to me by the Mayor of the City of Whiting, Indiana, with his approval endorsed thereon, this 21st day of December, 2021.

John Haynes
JOHN HAYNES, Clerk-Treasurer