

**ORDINANCE NO. 9-2023**

**AN ORDINANCE PROHIBITING THE SALE OF DOGS OR CATS BY RETAIL PET STORES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF VALPARAISO, 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.

**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.

**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.

**WHEREAS**, Current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops.

**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.

**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.

**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 City Council believes 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 HEREBY ORDAINED BY THE VALPARAISO CITY COUNCIL, PORTER COUNTY, INDIANA as follows:**

SECTION 1.

(A) No retail pet store shall sell or offer for sale a dog or cat.

(B) Subsection (A) shall not be construed to prohibit a retail pet store from providing space to either an animal control agency or shelter or an animal rescue organization, as defined, for the purpose of showcasing adoptable animals to the public; provided that such retail pet store shall have no ownership interest in any of the animals offered for adoption, nor shall the retail pet store receive any fee for providing such space.

(C) As used in this chapter, the following terms shall have the meanings ascribed to them in this subsection:

*Animal rescue organization* means a not-for-profit organization having tax-exempt status under 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 into permanent homes. The term animal rescue organization does not include any person that: (1) breeds animals for profit; (2) is located on the same premises as a person that breeds animals for profit; (3) has any personnel in common with a person that breeds animals for profit; (4) obtains, in exchange for payment or compensation, dogs or cats from a person that breeds animals for profit; or (5) facilitates the sale of dogs or cats that were obtained, in exchange for payment or compensation, from a person that breeds animals for profit.

*Cat* means any member of the species *Felis catus*.

*Dog* means any member of the species *Canis familiaris*.

*Retail pet store* means a commercial establishment (including a kennel) that sells or offers for sale animals on its premises at retail.

*Sell or offer for sale* means to sell, display for sale, exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer an animal.

(D) A retail pet store that sells or offers for sale a dog or cat in violation of subsection (A) of this section shall be subject to a fine of \$500 per violation. Each sale or offer for sale of an individual dog or cat in violation of subsection (A) shall constitute a separate violation. A retail pet store that makes provides space in violation in subsection (B) of this section shall be subject to a fine of \$500 per violation. Each provision of space to an individual dog or cat in violation of subsection (B) shall constitute a separate violation.

(E) Any existing retail pet store in operation prior to the adoption of this ordinance shall be exempt; however, should the exempt retail pet store cease operations for 180 consecutive days, it shall no longer be considered exempt. An exception shall be made for an exempt retail pet store that temporarily ceases operations based on circumstances reasonably characterized as a force majeure event. To avail itself of this exception, the exempt retail pet store must provide notice to the Building Commissioner, in writing, no later than 30 days after the commencement of the temporary closing.

Such notice shall include the date the temporary closing commenced, the reason(s) for the temporary closing, and (if known) the expected date for resumption of business activities. No exempt pet store shall be able to relocate or expand the size of its existing operations and retain its exemption.

SECTION 2. Severability.

If any section of this Ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

SECTION 3. Effective date.

This Ordinance shall become effective upon passage.


PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, by a 6-0 vote of all members present and voting, this 27<sup>th</sup> day of February 2023.

  
Matthew R. Murphy, Mayor

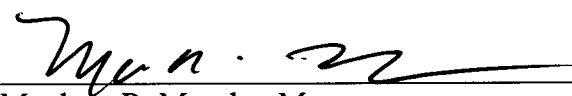
ATTEST:

  
Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana this 27<sup>th</sup> day of February 2023.

  
Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this 27<sup>th</sup> day of February 2023 at 6:26 o'clock PM.

  
Matthew R. Murphy, Mayor