

ORDINANCE NO. 2023- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, PROHIBITING THE SELLING OR DISPOSING OF DOGS OR CATS OTHER THAN THOSE OBTAINED FROM AN ANIMAL SHELTER, NONPROFIT HUMANE SOCIETY, OR NONPROFIT ANIMAL RESCUE ORGANIZATION.

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 to maximize profits ("puppy mills" and "kitten mills," respectively); and

WHEREAS, according to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States; and

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

WHEREAS, pet stores often mislead consumers as to where the puppies and kittens in the stores came from and make false health and behavior guarantees; thus, many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away; and

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

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems the sale of puppy and kitten mill dogs and cats in pet stores pose; and

WHEREAS, most 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; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of their choice from an animal rescue, shelter, or breeder who sells directly to the public; and

WHEREAS, it is in the best interest of the City of Aurora to adopt reasonable regulations to reduce costs to the City of Aurora 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 the City of Aurora.

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

Section 1. That Article IV of Chapter 26 of the City Code of the City of Aurora, Colorado, is hereby added and shall read as follows:

Article IV. Pet Shops

Section 2. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 26-151, which shall read as follows:

Sec. 26-151. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***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 licensed pursuant to the Colorado Pet Animal Care Facilities Act, C.R.S. § 35-80-101, et seq., and 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 and holds all local and state licenses. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.**

***Pet shop* means a retail establishment where animals are sold, exchanged, bartered, or offered for sale as pets to the public at retail, but excluding an animal care facility or animal rescue organization.**

Section 3. That the City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 26-152, which shall read as follows:

Sec. 26-152. Restrictions on the Sale of Animals.

- (a) It shall be unlawful for a pet shop to display, sell, deliver, offer for sale, barter, auction, give away, broker, or otherwise transfer or dispose of a dog or cat, except for a dog or cat obtained from an animal care facility or animal rescue organization.**

- (b) A pet shop that offers space for the adoption of dogs or cats shall post, in a conspicuous location, a sign listing the name of the animal care facility or animal rescue organization from which the pet shop acquired each dog or cat.
- (c) All pet shops shall maintain records, for a period of one (1) year from the date of acquisition, listing the source of all dogs or cats under their ownership, custody, or control. Records shall be immediately available, upon request, to law enforcement, animal protection officers, and any other City employees charged with enforcing the provisions of this section.
- (d) It shall be unlawful for a pet shop to offer any of the following for sale, barter, auction, or adoption: a sick or injured animal; an animal that is so young or weak that its transfer would be injurious to the animal; or an animal that has been inhumanely bred or raised.
- (e) This section does not apply to a person or establishment, other than a pet shop, which displays, sells, delivers, offers for sale, barter, auctions, gives away, brokers, or otherwise transfers or disposes of only dogs or cats that were bred and reared on the premises of the person or establishment.

Section 4. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 5. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2023.

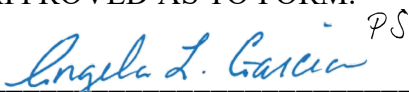
PASSED AND ORDERED PUBLISHED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:



ANGELA L. GARCIA, Senior Assistant City Attorney