

ORDINANCE 23- 14

PORTER COUNTY COMMISSIONERS

ORDINANCE AMENDING CHAPTER 12 HEALTH AND SAFETY BY THE ADDITION OF ARTICLE XIII- PROHIBITION ON THE RETAIL SALE OF DOGS, CATS, OR RABBITS BY PET SHOPS

WHEREAS, most puppies, kittens, and rabbits sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills," "kitten mills," and "rabbit mills," respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than two million puppies per year in the United States; and

WHEREAS, the documented abuses endemic to puppy, kitten, and rabbit mills include 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 store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into; they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies; they were placed in a pet store cage with or near other puppies who are often sick; and

WHEREAS, pet stores often mislead consumers as to where the puppies in the stores came from and make false health and behavior guarantees. 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 that the pet store sale of dogs, cats, and rabbits from animal mills pose. Federal oversight of the commercial breeding industry is severely lacking; and;

WHEREAS, prohibiting pet stores from selling dogs, cats, and rabbits is likely to decrease the demand for these animals that are bred in mills, and decrease the burden that pet store dogs, cats, and rabbits that end up in animal shelters place on local agencies and taxpayers; and

WHEREAS, the vast majority of pet stores, both large chains and small, family-owned shops, 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 his or her choice from animal rescue, shelter, or breeder who sells directly to the public; and

WHEREAS, The Porter County Commissioners believe it is in the best interest of Porter County to adopt reasonable regulations to reduce costs to Porter County and its residents, protect citizens who may purchase dogs, cats, or rabbits from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Porter County; now, therefore:

BE IT ORDAINED BY THE PORTER COUNTY COMMISSIONERS:

CHAPTER 12 Article XIII the "Porter County Code", is hereby amended by adding the following:

Sec. 1 Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

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*.

Kennel means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both; a kennel, for purposes of this chapter, shall not include a facility in or adjoining a private residence where dogs are kept for the hobby of the householder using them for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the householder's property, and an occasional sale of puppies or kittens by the owner, lessee or other occupant of such property shall not make that property a kennel for the purposes of this chapter.

Offer for sale means to proffer for acceptance by another person.

Person shall mean an individual, corporation, partnership, association, or any other entity

Pet shop means: (1) a facility operated commercially and principally for the purpose of selling animals which, in the hands of their immediate purchasers, will be pets: or (2) any retail store where animals are kept, sold, or offered for sale on the premises. An animal rescue organization, as defined in this section, shall not be considered a pet shop.

Rabbit means any member of the species *Oryctolagus cuniculus domesticus*.

Sell means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer an animal.

Sec. 2 - Prohibition on the Retail Sale of Dogs, Cats, or Rabbits by Pet Shops

(a) Retail sale of dogs, cats or rabbits by pet shops prohibited.

(1) It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, or rabbit.

(2) A pet shop may provide space for the display of dogs, cats, or rabbits that are available for adoption only if such animals are displayed and made available for adoption by an animal rescue organization and all of the following conditions are met:

No part of any fees associated with the display or adoption of the animals, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any entity affiliated with or under common ownership with the host pet shop; and

The host pet shop shall not have any ownership, interest in any of the animals displayed for adoption.

(b) Enforcement and penalties.

(1) This chapter shall be enforced by code enforcement of Porter County.

(2) A pet shop that sells or offers for sale a dog, cat, or rabbit in violation of this chapter is subject to admission of the violation and payment of a civil penalty in an amount on Five Hundred Dollars for the pet shop's first violation. A pet shop that sells or offers for sale a dog, cat, or rabbit in violation of this chapter is subject to admission of the violation and payment of a civil penalty in an amount on One Thousand Dollars for the pet shop's second and subsequent violations. Each unlawful sale or offer for sale shall constitute a separate offense.

Sec 4. Should any provision (section, paragraph, sentence, clause or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

Sec 5. This ordinance shall be in effect 24th day of July, 2023 after its adoption by the Commissioners and compliance with IC 36-3-4-14.

**Board of Commissioners
Porter County, Indiana**


Jim Biggs


Barb Regnitz


Laura Blaney

ATTEST: *Karen M Martin*²⁰
Karen Martin, Auditor

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document unless required by law.

Scott McClure
Scott McClure, Porter County Attorney