

**AMENDED ORDINANCE NO. 2023-50**

**AN ORDINANCE AMENDING CERTAIN SECTIONS WITHIN TITLE 10 – ANIMALS  
INCLUDING AMENDING SECTION 10.03.050 CONCERNING COMMERCIAL ANIMAL  
ESTABLISHMENTS AND ADDING NEW SECTION 10.03.060 CONCERNING RETAIL SALES  
OF DOGS AND CATS**

WHEREAS, a significant number of puppies and kittens sold at pet stores 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 store 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 stores due to both a lack of education on the issue and misleading tactics of pet stores 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 stores.

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 stores 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, because it applies only to retail pet stores and not to acquisitions directly from breeders, rescues or shelters, 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.

WHEREAS, the City of Lafayette Common Council believes it is in the best interests of the 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 help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.

WHEREAS, the City of Lafayette Common Council anticipates that Tippecanoe County and the City of West Lafayette will pursue ordinances similar to this one and believe it is in the best interest of the community to have consistent regulations on these issues as between the jurisdictions.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Lafayette, Indiana, as follows:

**Section 1.** Lafayette Municipal Code Section 10.01.100 (Definitions) is hereby amended to add the following 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.

“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 store” means a retail establishment where animals are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. The term does not include an “animal care facility” or “animal rescue organization”, as defined above.

“Retail establishment” means one where a person, in the course of a person’s regularly conducted trade or business, acquires tangible property for the purpose of resale and transfers that property to another person for consideration. For purposes of determining what constitutes a retail establishment, it does not matter whether the property acquired for resale is transferred along or in conjunction with other property or services or is transferred conditionally or otherwise.

**Section 2.** The Lafayette Municipal Code Section 10.01.100 (Definitions) is hereby amended to delete the following definition:

“Commercial establishment” means a pet shop, animal shelter or sanctuary, auction or animal exhibition.

**Section 3.** Section 10.03.050 is hereby deleted and replaced in its entirety with new Section 10.03.050 which new section shall read as follows:

10.03.050 Standards of Care for Animal Care Facility and Animal Rescue Organizations.

Standards for Animal Care Facility and Animal Rescue Organization include all of the following:

- A. The establishment must be operated in such a manner as not to constitute a public nuisance.
- B. The establishment shall provide an isolation area for animals that are sick or diseased so not to spread disease to healthy animals.
- C. The establishment must provide adequate care, food, water, space and veterinary care, as defined in this title, to all animals kept on the premises.
- D. The establishment shall not engage in any acts of cruelty, mistreatment or neglect as defined in this title.

E. The establishment may not adopt out animals that are un-weaned or diseased.

F. The establishment shall permit the Animal Control Officer to inspect at any and all times the premises where the animals are kept.

**Section 4.** A new Section 10.03.060 is hereby adopted and shall read as follows:

10.03.060 Retail Sales of Dogs and Cats.

A pet store shall not sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. However, nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

**Section 5.** 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.

**Section 6.** No penalty for violation of this Ordinance shall be assessed against any person for a period of ninety (90) days following its adoption.

This ordinance shall become effective upon passage and publication.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LAUREN AHLERSMEYER, President

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on this \_\_\_\_ day  
of \_\_\_\_\_, 2023.

\_\_\_\_\_  
CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
TONY ROSWARSKI, Mayor

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Sponsored by: Mayor Tony Roswarski