

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 18-_____

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 9 BY ADDING SECTION 9.75 RELATING TO THE REGULATION OF SALES OF CATS AND DOGS AT PET STORES AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTIONS 9.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

THE CITY COUNCIL OF THE CITY OF EDEN PRAIRIE, MINNESOTA ORDAINS:

Section 1. City Code Chapter 9 is amended by adding Section 9.75 to read as follows:

Section 9.75. Regulation of Pet Stores

Subd. 1. Policy

- A. The City Council finds that 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; and
- B. The City Council finds that the documented abuses endemic to mass breeding facilities include over-breeding; inbreeding; minimal to no-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; lack of adequate exercise; no or limited screening of genetic diseases; inadequate transportation and shipping protocols of puppies and kittens; and indiscriminate disposal of breeding dogs and cats who have reached the end of their profitable breeding cycle; and
- C. The City Council finds that inhumane conditions in mass breeding 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; and
- D. The City Council finds that current Federal and State regulations do not properly address the sale of dogs and cats in pet stores, while the City of Eden Prairie does not possess adequate resources to safeguard the health and well-being of dogs and cats at the point of sale; and
- E. The City Council finds that due in large part to pet overpopulation, numerous dogs and cats are euthanized. Restricting the retail sale of puppies and kittens is likely to increase demand from animal shelters and rescue organizations; and

- F. The City Council finds that 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 the sale of commercially bred dogs or cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and
- G. The City Council finds that it is in the best interest of the City of Eden Prairie to adopt reasonable regulations to help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.
- H. The City Council finds that this Section 9.75 will not adversely impact consumers' ability to obtain a dog or cat of their choice directly from an animal shelter, or breed-specific rescue organization, or from a breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the breeder concerning those conditions; and
- I. The City Council finds that it is in the best interest of the City of Eden Prairie to adopt reasonable regulations to help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more human environment in the City.
- J. The City Council finds that in accordance with the power granted to it by Minnesota Statutes Section 412.221, Subd. 21 to regulate the keeping of animals, and to protect the health, safety, and welfare of the community, the City Council it is appropriate to adopt the regulations set forth below regarding the sale of dogs and cats at pet stores.

Subd. 2. Definitions. Except where the term is expressly defined by other provisions or sections within this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

- A. **ANIMAL CONTROL AUTHORITY:** Any governmental entity which is responsible for animal control operations in its jurisdiction.
- B. **ANIMAL RESCUE ORGANIZATION:** 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 of animals and the placement of those animals in permanent homes, and which does not breed animals.
- C. **ANIMAL SHELTER:** Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, which (1) accepts animals into a physical facility; (2) is devoted to the rescue, care, and adoption of stray, abandoned, unwanted or surrendered animals; (3) places animals in permanent homes or with animal rescue organizations; and (4) does not breed animals.
- D. **CAT:** A mammal that is wholly or in part the species *Felis domesticus*.

- E. CERTIFICATE OF SOURCE: A document from an animal control authority, animal rescue organization, or animal shelter which shall provide a brief description of the dog or cat, and shall list the name, address, and telephone number of the source (animal control authority, animal rescue organization, or animal shelter) of the dog or cat.
- F. DOG: A mammal that is wholly or in part of the species *Canis familiaris*.
- G. PET STORE: Any retail establishment, or operator thereof, which displays, sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers companion animals in the City of Eden Prairie. This definition does not apply to animal control authorities, animal shelters, or animal rescue organizations.
- H. PET STORE OPERATOR: A person or business entity who owns or operates a pet store.

Subd. 3. Prohibition on Sales

- A. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs.
- B. Nothing in this Section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for such entities to showcase adoptable dogs and cats inside pet stores. Such animals shall not be younger than 8 weeks old. Dogs that are showcased for adoption shall not be kept overnight at a pet store.

Subd. 4. Certificate of Source

- A. A pet store shall post and maintain a Certificate of Source in a conspicuous place on or within three feet of each dog's or cat's kennel, cage, or enclosure.
- B. A Certificate of Source shall be provided to the adopter of any dog or cat.
- C. Certificate of Source records for each dog or cat shall be maintained by a pet store for at least one year from the last date that a dog or cat appeared in the store.
- D. Pet Stores shall make Certificates of Source immediately available for review upon the request of a peace officer or animal control authority, or a humane agent pursuant to Minnesota Statutes section 343.06 acting on behalf of the City.

Subd. 5. Inspection

- A. Upon prior notice to the owner or occupant of a pet store, a City employee is authorized hereby to inspect the pet store for the purpose of ensuring compliance with this Section.

Subd. 6. Violation

It shall be deemed a violation of this Section for any person to:

- A. Falsify a Certificate of Source.
- B. Resist, impede or hinder a City employee in the performance of his or her duties in inspecting any pet store.

Section 2. City Code Chapter 1 entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Section 9.99 entitled “Violation a Misdemeanor or Petty Misdemeanor” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall be in effect from and after the date of its passage and publication.

FIRST READ at a regular meeting of the City Council of the City of Eden Prairie on the 17th day of April, 2018, and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the ___ day of _____, 2018.

Kathleen Porta, City Clerk

Nancy Tyra-Lukens, Mayor

Published in the Eden Prairie News on the _____ day of _____, 2018.