

1 ***AS APPROVED ON FIRST READING – AUG. 27***

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. 25

7
8 Series 2019

9
10 AN ORDINANCE AMENDING CHAPTER 3H OF TITLE 6 OF THE BRECKENRIDGE
11 TOWN CODE CONCERNING THE SALE OF DOGS AND CATS BORN OR RAISED IN
12 INHUMANE COMMERCIAL BREEDING FACILITIES

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14 WHEREAS, the Town of Breckenridge has an interest in maintaining the public safety
15 and welfare of the citizens of the Town; and

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17 WHEREAS, Section 31-15-501, C.R.S., authorizes municipalities to prohibit any
18 offensive or unwholesome business practice; and

19 WHEREAS, the Humane Society of the United States has determined that puppy and
20 kitten mills are inhumane commercial breeding facilities which disregard the animals' health -
21 both physical and emotional - in order to maximize profits; and

22 WHEREAS, according to the Humane Society of the United States, these mills produce
23 animals for sale, oftentimes at retail stores; and

24 WHEREAS, the Town Council finds and determines that the sale of dogs and cats from
25 these mills is an unwholesome business practice and not in the best interest of the public welfare
26 of the Town; and

27 WHEREAS, the Town Council desires to exercise its authority to address the sale of dogs
28 and cats in retail stores that come from these mills, all as more fully provided in this ordinance.

29 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
30 BRECKENRIDGE, COLORADO:

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32 Section 1. Chapter 3H of Title 6 of the Breckenridge Town Code is amended by the
33 addition of a new Section 6-3H-10, which shall read in its entirety as follows:

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35 **6-3H-10 SALE OF ANIMALS FROM INHUMANE COMMERCIAL BREEDING**
36 **FACILITIES:**

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38 A. **As used in this Section the following words shall have the following**
39 **meanings:**

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CAT:

Has the meaning provided in
Section 6-2-2 of this Code.

<u>DOG:</u>	<u>Has the meaning provided in Section 6-2-2 of this Code.</u>
<u>OFFER FOR SALE:</u>	<u>To sell, offer for sale or adoption, advertise for sale of, barter, auction, give away, or otherwise dispose of a dog or cat.</u>
<u>PET SHOP:</u>	<u>A retail establishment where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail. Such definition does not include an animal care facility or animal rescue organization as defined in this Section.</u>
<u>PERSON:</u>	<u>Has the meaning provided in Section 1-3-2 of this Code.</u>

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- B. No pet shop shall sell, deliver, offer for sale, barter, auction, or otherwise dispose of a dog or a cat.
- C. A pet shop that offers space for the adoption of dogs or cats shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the animal care facility or animal rescue organization from which the pet shop acquired each dog or cat.
- D. Each violation of this Section shall constitute a separate offense.
- E. It is unlawful and a misdemeanor offense for any person to violate any provision of this Section. Any person convicted of violating any provision of this Section shall be punished as provided in chapter 4, title 1 of this code.
- F. The operation of a pet shop in violation of this Section is declared to be a public nuisance, and is subject to abatement as provided by law. In any case in which the Town prevails in a nuisance abatement action initiated pursuant to this Section, the Town may recover its reasonable attorney fees plus costs of the proceeding.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and

1 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
2 thereof.

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4 Section 4. The Town Council hereby finds, determines and declares that it has the power
5 to adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning municipal police
6 powers); (ii) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses);
7 (iii) Section 31-15-401, C.R.S. (concerning municipal police powers); (iv) the authority granted
8 to home rule municipalities by Article XX of the Colorado Constitution; and (v) the powers
9 contained in the Breckenridge Town Charter.

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11 Section 5. This ordinance shall be published and become effective as provided by
12 Section 5.9 of the Breckenridge Town Charter.

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14 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
15 PUBLISHED IN FULL this 27th day of August, 2019. A Public Hearing shall be held at the
16 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of
17 September, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
18 Town.

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20 TOWN OF BRECKENRIDGE, a Colorado
21 municipal corporation

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25 By: _____
26 Eric S. Mamula, Mayor

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28 ATTEST:

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32 _____
33 Helen Cospolich, CMC,
34 Town Clerk