

**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY  
OF LAKE STATION, INDIANA PROHIBITING CERTAIN PET SALES**

**WHEREAS**, Indiana Code 36-1-3 et seq. confers upon units of government within the State of Indiana such powers as necessary desirable to conduct the affairs of local government; and

**WHEREAS**, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Lake Station, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

**WHEREAS**, current Federal, State and Local regulations do not properly address the sale of puppy and kitten mill dogs and cats both in and out of pet stores; and

**WHEREAS**, a significant number of puppies and kittens sold at pet stores 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; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include overbreeding; 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; and

**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; and

**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; and

**WHEREAS**, prohibiting the retail sale of puppies and kittens will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

**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; and

**WHEREAS**, this Ordinance will not affect consumers' ability to obtain a dog or cat of their 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; and

**WHEREAS**, the Common Counsel of the City of Lake Station believes it is in the best interest of the City of Lake Station 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 store or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Lake Station, Indiana, that the City of Lake Station, Indiana Code of Ordinances is amended by adding Section 6-30.11 to Chapter 6, Article 3, Division I, which Section shall read as follows:

**Sec. 6-30.11 Certain animal sales prohibited.**

**(A) Definitions**

- 1) "Animal care facility"-an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice significantly involve rescue and placement of animals in permanent homes or rescue organizations.
- 2) "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 significantly involve rescue and placement of animals in permanent homes. This term does not include any entity that (1) is or operates on the premises of a breeder or broker, (2) obtains dogs from a breeder or broker in exchange for payment or compensation, or (3) resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.
- 3) "Cat"-a member of the species of domestic cat, *Felis catus*.
- 4) "Dog"-a member of the species of domestic dog, *Canis familiaris*.
- 5) "Offer for sale"-to sell, offer for sale or adoption, advertise the sale of, barter, auction, give away or otherwise dispose of a dog or cat.
- 6) "Pet store"-a retail establishment where dogs, cats or other animals are offered for sale as pet animals to the general public. This term does not include an animal care facility or animal rescue organization.

**(B) Restrictions on the sale of animals**

No pet store may sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats. Nothing in this section prohibits pet stores from collaborating with animal care facilities or animal rescue organizations to offer space to showcase adoptable dogs or cats.

**(C) Fines and penalties**

A person or entity violating the provisions of Sec. 6-30.11, shall be liable for a fine of not less than \$300.00 nor more more than \$2,500.00 for each violation, in addition to all other legal and equitable relief available to the City to enforce this provision.

All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

This Ordinance shall be in full force upon adoption by the Common Council of the City of Lake Station, Indiana.

ALL OF WHICH IS PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAKE STATION, INDIANA THIS 24<sup>th</sup> DAY OF MARCH, 2022.

YEA 6  
NAY 0

William Carroll, Mayor  
WILLIAM CARROLL, MAYOR

ATTEST: Brenda Samuels  
BRENDA SAMUELS, CLERK-TREASURER

PRESENTED BY ME TO WILLIAM CARROLL, MAYOR OF THE CITY OF LAKE STATION, INDIANA THIS 24<sup>th</sup> DAY OF MARCH, 2022.

Brenda Samuels  
BRENDA SAMUELS, CLERK-TREASURER

APPROVED, SIGNED AND RETURNED BY ME to the Common Council of the City of Lake Station, Indiana this 24<sup>th</sup> day of MARCH, 2022.

William Carroll, Mayor  
WILLIAM CARROLL, MAYOR