

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE
CODE OF ORDINANCES OF THE CITY OF OPELIKA, ALABAMA,
BY PROVIDING REGULATIONS RESTRICTING THE SALE OF
DOGS AND CATS AT PET SHOPS AND PET SUPPLY STORES**

WHEREAS, some pet shops acquire their dogs and cats from inhumane commercial breeding facilities often called “puppy mills” or “kitten mills”; and

WHEREAS, pet stores are a preferred sales outlet for puppy mills because they allow the cruelty of the mills to remain hidden from customers; and

WHEREAS, many responsible pet stores that used to sell puppy mill puppies have changed their business model and are now partnering with shelters and rescues to hold adoption events; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities can lead to health and behavioral issues in animals bred in those facilities, and 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, current federal, state and city regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, some local governments, such as the City of Huntsville, the City of Tuscaloosa, the City of Guntersville, the City of Athens and others, have considered or adopted ordinances (such as this one); and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from animal shelter facilities or rescue organizations 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 shelter facilities and rescue organizations; and

WHEREAS, significant numbers of animals are euthanized in Lee County, Alabama, and restricting the retail sale of puppies and kittens to only those that are sourced from animal shelter facilities and rescue organizations will likely reduce pet populations and thus the burden on the City of Opelika, including financial costs on local taxpayers; and

WHEREAS, 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 customer 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 City Council believes it is in the best interest of the City to adopt reasonable regulations to reduce cost to the City and its residents, protect the citizens of the City who may purchase cats and dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare and foster a more humane environment in the City; and

WHEREAS, the City Council is empowered to adopt this Ordinance pursuant to §§11-45-1 and 11-47-110 of the *Code of Alabama* as well as other legal authority; and

WHEREAS, the City Council finds that this Ordinance is a proper exercise of the police power of the City, and that it is designed to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the City’s inhabitants.

NOW, BE IT ORDAINED by the City Council (the “City Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. Section 4-2 of the *Code of Ordinances* of the City of Opelika is hereby amended by adding to Section 4-2 the definitions of “animal rescue organization or agency”, “animal shelter”, “pet shop” and “pet supply store” as follows:

Sec. 4.2--Definitions

- (a) “*Animal rescue organization or agency*” means a not-for-profit organization or agency with tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, with the mission or practice, in whole or in significant part, of rescuing and placing animals in permanent homes, and which does not obtain animals from a breeder or broker for profit or compensation.
- (b) “*Animal shelter*” means the Lee County Humane Society facility or other director-approved facility which houses or cares for homeless, stray, impounded, surrendered or abandoned animals.
- (c) “*Pet shop*” means a retail establishment, business or store where live animals are sold, exchanged, bartered or offered for sale as pets to the general public. Such definition shall not include an animal shelter or animal rescue organization as defined in this section.
- (d) “*Pet supply store*” means a retail establishment, business or store which sells pet food, animal supplies and pet accessories to the general public and which may also sell, exchange, barter or offer for sale live animals as pets to the general public.

All definitions not amended or added above shall remain unchanged.

Section 2. Chapter 4 of the *Code of Ordinances* of the City of Opelika is hereby amended by adding a new section to be numbered 4-50, which said section shall read as follows:

Sec. 4-50 Restrictions on the Sale of Dogs and Cats.

- (a) A pet shop or pet supply store may offer for sale only those dogs, cats, puppies and kittens obtained from and in cooperation with an animal shelter, an animal rescue organization or agency, or a licensed veterinarian as those terms are defined in section 4-2.
- (b) Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall display a label stating the name and address of the organization supplying said animal on the animal’s cage.
- (c) A pet shop or pet supply store shall not offer for sale any dog, cat, puppy or kitten that is younger than eight weeks old.
- (d) Every pet shop or pet supply store offering for sale any dog, cat, puppy or kitten shall maintain records for each animal offered for sale. The records shall be maintained for a minimum of twelve (12) months after the date of the transaction and shall be available for inspection by any ACO or law enforcement officer. The records shall include the following information for each transaction:
 - (1) A description and photograph of the animal;
 - (2) The monetary value of any cash, services or goods exchanged for the animal;
 - (3) The name, address and phone number of the organization (animal shelter or animal rescue organization or agency) from which said pet store or pet supply store acquired said animal; and

- (4) The name, address and phone number of the new owner of the animal.

Section 3. All former ordinances or parts thereof inconsistent or in conflict herewith, are to the extent of such inconsistency or conflict, hereby repealed.

Section 4. If any provision of this Ordinance, or the application thereof to any person, thing or circumstances, is held to be invalid by any Court of any competent jurisdiction, such invalidity shall not affect the provisions or application of this Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 5. No other provisions of the *Code of Ordinances* of the City of Opelika are amended by this Ordinance, unless specifically stated and referenced herein.

Section 6. The provisions of this Ordinance shall be included and incorporated in the *Code of Ordinances* of the City of Opelika as an addition or amendment thereto and shall be appropriately renumbered as necessary to conform with the uniform numbering system of the Code.

Section 7. **Effective Date.** This Ordinance shall take effect upon adoption and publication as required by law.

Section 8. **Publication.** The City Clerk of the City of Opelika is hereby authorized and directed to cause a copy of this Ordinance to be published one (1) time in a newspaper of general circulation in the City of Opelika, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2021.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR this the ____ day of _____, 2021.

CITY CLERK