

**TOWN OF SUPERIOR
ORDINANCE NO. 0-9
SERIES 2021**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR AMENDING CHAPTER 7 ARTICLE II OF THE SUPERIOR
MUNICIPAL CODE TO ADDRESS PET SHOPS**

WHEREAS, the Humane Society of the United States (the "Humane Society") has determined that puppy and kitten mills are inhumane commercial breeding facilities, which disregard the animals' physical and emotional health to maximize profits;

WHEREAS, according to the Humane Society, these mills produce animals for sale, often at retail pet shops;

WHEREAS, the Board of Trustees hereby finds and determines that the sale of dogs and cats from these mills is an unwholesome business practice; and

WHEREAS, the Board of Trustees further finds and determines that the sale of other animals that are unhealthy or raised in inhumane conditions is also an unwholesome business practice.

NOW BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Section 7-2-10 of the Superior Municipal Code is amended by the addition of the following definitions, to appear in alphabetical order:

Sec. 7-2-10. - Definitions

Animal means birds, reptiles, and mammals other than the species *Homo sapiens*. An animal's offspring shall be considered a separate unit upon completion of weaning.

Animal care facility means an animal control center or animal shelter maintained by or under contract with any state, county or municipality, with a mission and practice of, in whole or significant part, to rescue and place animals in permanent homes.

Animal rescue organization means a nonprofit organization with tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, with a mission or practice, in whole or significant part, to rescue or place animals in permanent homes.

Cat means any animal of the species *Felis catus* or any hybrid thereof.

Dog means any canine animal, including those related to the wolf, fox, coyote, or jackal.

Pet shop means a retail establishment where animals are sold, exchanged, bartered, or offered for sale as pets to the general public at retail, but excluding an animal care facility or animal rescue organization.

Section 2. Article VII of Chapter 2 of the Superior Municipal Code is hereby amended by the addition of a new Section 7-2-116 to read as follows,

Sec. 7-2-116. – Pet shops.

- (a) No pet shop shall sell, deliver, offer for sale, barter, auction or otherwise dispose of a dog or a cat.
- (b) 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.
- (c) It is unlawful for a pet shop to offer for adoption any sick or injured dog or cat, or to offer for adoption any dog or cat that is so young or weak that its sale would be injurious to the animal.
- (d) It is unlawful for a pet shop to offer any of the following for sale, barter or auction: a sick or injured animal; an animal that is so young or weak that its transfer would be injurious to the animal; or an animal that has been inhumanely bred or raised.

Section 3. Section 7-2-140 of the Superior Municipal Code is hereby amended by the and the addition of a new subsection (c), to read as follows:

Sec. 7-2-140. – Penalties.

* * *

- (c) In addition to any other penalties allowed by law, the operation of a pet shop in violation of this Article 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 Article, the Town may recover its reasonable attorney fees plus the costs of the proceeding.

Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining

portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 5. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 27th day of September, 2021.



Clint Folsom

Clint Folsom, Mayor

ATTEST:

Patricia Leyva
Patricia Leyva, Town Clerk