

INTRODUCED: 11/8/2021

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councillors Barth and Adamson

DIGEST: amends Chapter 836 of the Code to add prohibitions on the retail sale of dogs, cats, or rabbits by pet shops

SOURCE:

Initiated by: Councillor Barth

Drafted by: Toae Kim, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: November 4, 2021

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2021

A PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 836 of the Revised Code to add prohibitions on the retail sale of dogs, cats, or rabbits by pet shops.

WHEREAS, most puppies, kittens, and rabbits sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills," "kitten mills," and "rabbit mills," respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than two million puppies per year in the United States; and

WHEREAS, the documented abuses endemic to puppy, kitten, and rabbit mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation; and

WHEREAS, pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into; they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies; they were placed in a pet store cage with or near other puppies who are often sick; and

WHEREAS, pet stores often mislead consumers as to where the puppies in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies; and

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the pet store sale of dogs, cats, and rabbits from animal mills pose. Federal oversight of the commercial breeding industry is severely lacking; and

WHEREAS, prohibiting pet stores from selling dogs, cats, and rabbits is likely to decrease the demand for these animals that are bred in mills, and decrease the burden that pet store dogs, cats, and rabbits that end up in animal shelters place on local agencies and taxpayers; and

WHEREAS, the vast majority of pet stores, both large chains and small, family-owned shops, already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events; and

WHEREAS, this ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public; and

WHEREAS, The City-County Council of Indianapolis-Marion County believes it is in the best interest of Indianapolis-Marion County to adopt reasonable regulations to reduce costs to Indianapolis-Marion County and its residents, protect citizens who may purchase dogs, cats, or rabbits from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Indianapolis-Marion County; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 836-1 of the "Revised Code of the Consolidated City and County," is hereby amended by adding the language that is underlined to read as follows:

Sec. 836-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

Animal rescue organization means a not-for-profit organization having tax-exempt status under 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals into permanent homes. The term animal rescue organization does not include any person that: (1) breeds animals for profit; (2) is located on the same premises as a person that breeds animals for profit; (3) has any personnel in common with a person that breeds animals for profit; (4) obtains, in exchange for payment or compensation, dogs or cats from a person that breeds animals for profit; or (5) facilitates the sale of dogs or cats that were obtained, in exchange for payment or compensation, from a person that breeds animals for profit.

Cat means any member of the species *Felis catus*.

Dog means any member of the species *Canis familiaris*.

Kennel means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both; a kennel, for purposes of this chapter, shall not include a facility in or adjoining a private residence where dogs are kept for the hobby of the householder using them for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the householder's property, and an occasional sale of puppies or kittens by the owner, lessee or other occupant of such property shall not make that property a kennel for the purposes of this chapter.

Offer for sale means to proffer for acceptance by another person.

Person shall mean an individual, corporation, partnership, association, or any other entity

Pet shop means: (1) a facility operated commercially and principally for the purpose of selling animals which, in the hands of their immediate purchasers, will be pets; or (2) any retail store where animals are kept, sold, or offered for sale on the premises. An animal care services shelter, as described in section 226-512 of this Code, or an animal rescue organization, as defined in this section, shall not be considered a pet shop.

Rabbit means any member of the species *Oryctolagus cuniculus domesticus*.

Sell means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer an animal.

Stable means a facility operated commercially and principally for the purpose of lodging and feeding domestic animals.

SECTION 2. Chapter 836 of the "Revised Code of the Consolidated City and County," is hereby amended to add Sec. 836-6, "Prohibition on the Retail Sale of Dogs, Cats, or Rabbits by Pet Shops," reading as follows:

Sec. 836-6. - Prohibition on the Retail Sale of Dogs, Cats, or Rabbits by Pet Shops

- (a) Retail sale of dogs, cats or rabbits by pet shops prohibited.
 - (1) It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, or rabbit.
 - (2) A pet shop may provide space for the display of dogs, cats, or rabbits that are available for adoption only if such animals are displayed and made available for adoption by the animal care services shelter described in section 226-512 of this Code or an animal rescue organization and all of the following conditions are met:
 - (i) No part of any fees associated with the display or adoption of the animals, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any entity affiliated with or under common ownership with the host pet shop; and
 - (ii) The host pet shop shall not have any ownership interest in any of the animals displayed for adoption.
- (b) Enforcement and penalties.
 - (1) This chapter shall be enforced by the department of business and neighborhood services or its designee.
 - (2) A pet shop that sells or offers for sale a dog, cat, or rabbit in violation of subsection 836-6(a)(1) is subject to admission of violation and payment of a civil penalty in an amount provided in section 103-52 of the Code for the pet shop's first violation in a twelve-month period. Each unlawful sale or offer for sale shall constitute a separate offense within any twelve-month period of time, and shall be an automatic cause for registration revocation of that pet shop's license for the balance of the current license period with no repayment of registration fees.
 - (3) A pet shop that provides space for the display of an animal in violation of subsection 836-6(a)(2) is subject to admission of violation and payment of a civil penalty in an amount provided in section 103-52 of the Code for the pet shop's first violation in a twelve-month period. Each unlawful provision of space shall constitute a separate offense within any twelve-month period of time, and shall be an automatic cause for registration revocation of that pet shop's license for the balance of the current license period with no repayment of registration fees.

SECTION 3. Section 103-52 of the "Revised Code of the Consolidated City and County" is amended by the addition of the language that is underscored, to read as follows:

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

Code Section	Subject Matter	Civil Penalty
<u>836-6(b)(2)</u>	<u>Sale or offer for sale a dog, cat or rabbit – First offense in a 12-month period</u>	<u>500.00</u>
<u>836-6(b)(3)</u>	<u>Unlawful provision of space for the display of a dog, cat, or rabbit – First offense in a 12-month period</u>	<u>500.00</u>

SECTION 4. Should any provision (section, paragraph, sentence, clause or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the

invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect January 1, 2022 after its adoption by the Council and compliance with IC 36-3-4- 14.

The foregoing was passed by the City-County Council this _____ day of _____, 2021, at _____ p.m.

ATTEST:

Vop Osili
President, City-County Council

SaRita Hughes
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2021.

SaRita Hughes
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2021.

Joseph H. Hogsett, Mayor