

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 102 (DEFINITIONS), SECTION 120 (ROADSIDE SALE OF ANIMALS PROHIBITED), AND CREATING SECTION 122 (PET STORE SALES PROHIBITED) OF ARTICLE 7 (REGULATION OF ANIMALS – GENERAL PROVISION) OF CHAPTER 6 (NEIGHBORHOOD VITALITY / COMMUNITY HEALTH) PERTAINING TO THE PROHIBITION OF SALES AND CERTAIN OTHER TRANSACTIONS INVOLVING DOGS OR CATS BY PET STORES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 102 (Definitions) of Article 7 (Regulation of Animals – General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

6.7.102: DEFINITIONS:

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ANIMAL RESCUE ORGANIZATION: a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. “Animal rescue organization” shall not include any entity that:

- A. breeds cats or dogs;
- B. is located on the same premises as a dog or cat breeder;
- C. has any personnel in common with a dog or cat breeder;

- D. obtains, in exchange for payment or any other form of compensation, dogs or cats from a breeder; or
- E. facilitates the sale of dogs or cats obtained from a person that breeds animals.

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OFFER FOR SALE: to advertise a potential sale of an animal. Offer for sale includes:

- A. The display of a live animal for sale; and
- B. A verbal or written offer to sell an animal.

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PET STORE: a retail store establishment where animals are kept, sold or offered for sale to the general public on the premises. Such term shall include any owner or operator of the business. A public animal control shelter, animal rescue organization or breeder operating out of such individual's home shall not be considered a pet store.

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PUBLIC ANIMAL CONTROL SHELTER: a facility operated by or under contract with the City of Colorado Springs, the State of Colorado, a Colorado County or a Colorado municipal entity for the impoundment and care of seized, stray, homeless, abandoned, unwanted, or surrendered animals.

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SALE or SELL: the exchange of a animal for anything of value, including property or money. "Sale" or "sell" does not include an adoption transaction between a public animal control shelter or an animal rescue organization and a person who adopts a pet animal.

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Section 2. Section 120 (Roadside Sale of Animals Prohibited) of Article 7 (Regulation of Animals – General Provisions) of Chapter 6 (Neighborhood Vitality

/ Community Health) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

6.7.120: ROADSIDE SALE OF ANIMALS PROHIBITED:

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B. This section does not apply to:

~~1. An agent of a business that is licensed by the Colorado Department of Agriculture to operate a pet store;~~

21. An event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy, or fiber products; or

~~32. A public animal control shelter or an animal rescue organization tax exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals. (Ord. 12-82)~~

Section 3. Section 122 (Pet Store Sales Prohibited) of Article 7 (Regulation of Animals – General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

6.7.122: PET STORE SALES PROHIBITED:

A. It shall be unlawful for a pet store to sell or offer for sale a dog or cat on or after August 1, 2023 except as provided for in subsection B.

B. Subsection A shall not apply to a pet store if the dog or cat was obtained by the pet store from either an animal rescue organization or a public animal control shelter and each of the following conditions are met:

1. The name and contact information of the animal rescue organization or public animal control shelter from which the pet store obtained the dog or cat shall be posted in a conspicuous location on the animal's cage or enclosure;

2. Documentation providing proof of the source of the dog or cat and any consideration exchanged for the animal shall be retained by the pet store for three (3) years after the sale and made available throughout such period to the consumer and the state or local authority authorized to enforce this section.

Section 4. Any person convicted of a violation of this Section 122 (Pet Store Sales Prohibited) of Article 7 (Regulation of Animals – General Provisions) of Chapter 6 (Neighborhood Vitality / Community Health) shall be punished as provided in Section 201 (General Penalty) and 202 (Minor Offenders), of Part 2 (General Penalty), of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance)

Section 5. This ordinance shall be in full force and effect from and after August 1, 2023.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2023.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk