

ORDINANCE NO. 911

A BAN ON THE SALE OF DOGS, CATS, AND RABBITS IN STORES IN SCAPPOOSE

WHEREAS, pet stores selling puppies, bunnies and kittens have traditionally been a sales outlet for animals bred in “puppy mills”, “bunny mills”, and “kitten mills,” which are breeding facilities that mass- produce animals for sale to the public without adequate attention to the animals’ physical, behavioral, or psychological needs; and

WHEREAS, according to the Humane Society of the United States, hundreds of thousands of dogs, rabbits, and cats are housed and bred at these breeding mills and most pet store puppies and bunnies, and many pet store kittens come from breeding mills; and

WHEREAS, documented abuses endemic to breeding mills includes overbreeding; inbreeding; minimal to nonexistent veterinary care; lack of adequate food, water, and shelter; lack of socialization; lack of adequate space; and indiscriminate disposal of animals that have reached the end of their profitable breeding cycle; and

WHEREAS, the inhumane conditions in breeding mills can lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops and which can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, prohibiting the retail sale of dogs, rabbits, and cats, while allowing adoption of these animals from shelters and rescue organizations, is likely to decrease the demand for dogs, rabbits, and cats bred in mills, and encourage consumers to provide homes to animals from animal shelters and rescue organizations thereby saving animals’ lives and reducing the cost to the public of sheltering animals; and

WHEREAS, this ordinance will not affect a consumer’s ability to obtain a dog, rabbit or cat of the consumer’s choice directly from a breeder, a rescue organization, or a shelter; and

WHEREAS, current federal and state laws do not properly address the sale of breeding mill dogs, rabbits, and cats; and

WHEREAS, Scappoose City Council believes it is in the best interest of the City to adopt reasonable regulations to reduce the costs to the city and its residents, protect the consumers who may purchase pets from a pet store or other business establishment, help prevent inhumane conditions, promote community awareness of animal welfare, and foster a more humane environment in the city;

NOW THEREFORE, THE COUNCIL OF THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

(1) Chapter 5 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

(2) If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(3) This ordinance is effective 30 days after passage.

PASSED AND ADOPTED by the City Council this 6th day of March, 2023, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Joseph A. Backus, Mayor

First Reading: February 21, 2023

Second Reading: March 6, 2023

Attest:



Susan M. Reeves, MMC, City Recorder

Exhibit A

Chapter 5.21 **Pet Stores**

Sections:

5.21.010 Definitions

5.21.020 Restriction on the Sale of Animals

5.21.030 Penalty

5.21.010 DEFINITIONS

- (A) Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.
- (B) Animal rescue organization means 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 is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.
- (C) Breeder means a person that maintains a dog, rabbit, or cat for the purpose of breeding and selling their offspring.
- (D) Broker means a person that transfers a dog, rabbit, or cat from a breeder for resale by another person.
- (E) Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, rabbit, or cat.

5.21.020 Restriction on the Sale of Animals

- (A) No store or business shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats, dogs, or rabbits. Nothing in this section shall prohibit stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable animals provided the store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.
- (B) The prohibition described in (A) of this section does not apply to:
- (1) Any animal shelter, animal care facility, or animal rescue organization.

- (2) A breeder who offers for sale a dog, rabbit, or cat that is the offspring of animals the breeder owns or has bred on the breeder's residential premises in Scappoose.
- (3) Individual persons transferring the ownership of animals, such as when gifting, rehoming, giving away, or selling, their own personal animals.

5.21.030 Penalty

- (A) Any person convicted of violating this Chapter shall be punished as provided in Scappoose Municipal Code Chapter 1.08, General Penalty. Each dog, cat, or rabbit offered for sale in violation of this Chapter shall constitute a separate violation.