



**CITY OF GRAND PRAIRIE
ORDINANCE**

MEETING DATE: 5/02/2023

PRESENTER: Daniel Scesney, Chief of Police

TITLE: Ordinance Amending Chapter 5 “Animal Services” of the Grand Prairie Code of Ordinances by Amending Section 5-65 “Prohibited Sale of Dogs or Cats;” Providing a Penalty Clause, a Severability Clause, a Savings Clause, and an Effective Date After Publication

REVIEWING COMMITTEE: (Reviewed by the Public Safety, Health, and Environment Committee on 04/03/2023)

PURPOSE OF REQUEST:

Over the past few years, large Texas cities such as Dallas and San Antonio have adopted “Humane Pet Store” ordinances, resulting in pet stores, with business models of high volume puppy and kitten sales, searching for new real estate. A large portion of pet stores source from large-scale commercial breeding facilities out of state, commonly referred to as “puppy mills”.

The Police Department Animal Services Division is seeking to amend the current ordinance in an effort to promote the adoption of healthy cats and dogs from humane sources and to prevent the support and funding, direct and indirect, of inhumane puppy mill operations. By restricting pet stores of this nature from operating in Grand Prairie, the community will support further reduction in the overpopulation of cats and dogs and overcrowding of the animal shelter.

The Public Safety, Health, and Environment Committee reviewed this item on April 3, 2023. The Committee requested that staff brief the Committee on the outcome of the ordinance change in six months.

BODY

AN ORDINANCE AMENDING CHAPTER 5 “ANIMAL SERVICES” OF THE CODE OF ORDINANCES OF THE CITY OF GRAND PRAIRIE, TEXAS, BY AMENDING ARTICLE VI, SECTION 5-65 “PROHIBITED SALE OF DOGS OR CATS”; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PASSAGE AND PUBLICATION

WHEREAS, the Code of Ordinances of the City of Grand Prairie provides standards for the protection of the health, safety, and welfare of animals; and

WHEREAS, the frequency with which cats or dogs in heat can become pregnant if exposed to the opposite sex is high and can result in overpopulation; and

WHEREAS, overpopulation of cats or dogs can create a public nuisance and contribute to a lack of food or other health and safety issues for the animals; and

WHEREAS, animal breeding can pose danger to an animal if the animal is not of sufficient health; and

WHEREAS, the ordinance modification is necessary to prevent overpopulation of cats and dogs and to protect the health, safety and welfare of the animals being used for breeding and the general public.

NOW THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1. That Article VI, Section 5-65 of Chapter 5 of the Code of Ordinances of the City of Grand Prairie, Texas is hereby amended to read as follows:

“Sec. 5-65. Prohibited Sale of Dogs or Cats

- (a) A person commits an offense if the person exchanges a cat or dog for consideration, regardless of the age of the cat or dog, at a location other than where the cat or dog was born.
- (b) A person commits an offense if the person sells, trades, barter, leases, rents, or gives away any cat or dog, on any roadside, public right-of-way, commercial parking lot, park, or community center.
- (c) It shall be unlawful for any manager, operator or property owner to allow the conduct described in subsection (a) or (b) to occur on property owned or controlled by the manager, operator or property owner.
- (d) A person commits an offense if the person exchanges a dog or cat for consideration and fails to ensure the dog or cat has an identification microchip implanted and the microchip is registered with a national registry with the name, address and contact information of the new owner.
- (e) This section does not apply to:
 1. Grand Prairie Animal Services or a not-for-profit 501(c)(3) animal welfare, rescue or adoption organization;
 2. A mobile pet adoption event if it is operated by an organization that is exempt pursuant to subsection (e)(1) of this section.
- (f) It is an affirmative defense to prosecution under Section 5-65 that the person is working on the behalf of a veterinary clinic; animal hospital; animal shelter; not-for-profit 501(c)(3) animal welfare, rescue or adoption organization; bona fide zoological park; circus; educational institution; museum; licensed laboratory; publicly owned nature center; bona

vide educational or scientific association or society approved by the Manager of Animal Services; or organization holding permits from an agency of the state or the United States for the care and keeping of animals for rehabilitative purposes.

- (g) A retail pet store may provide space for the display of dogs or cats available for adoption by an entity described in subsection (e)(1), if the retail pet store does not have an ownership interest in any of the displayed dogs or cats and the retail pet store does not receive any fees or compensation associated with the display of the dogs or cats.
- (h) Subsections (a), (c), and (d) do not apply to the exchange of dogs or cats with or through an Existing Pet Store provided that the sale occurs on the premises of the Existing Pet Store. For the purposes of this section, an Existing Pet Store means a retail pet store or flea market which was legally in continuous operation and engaging in the exchange of dogs or cats for consideration on or before May 2, 2023.”

SECTION 2. That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 3. That Chapter 5, “Animal Services”, of the Code of Ordinances of the City of Grand Prairie, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4. That the terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

SECTION 5. All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 6. That this Ordinance shall be and become effective immediately upon and after its passage and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS ON THIS THE 2ND DAY OF MAY 2023.