

Ordinance # 776
Series 2023

An Ordinance Adding a New Article 11 to Chapter 6 of the Mancos Municipal Code to Provide For The Prohibition Of The Sale Of Dogs And Cats That Originated From A Puppy Mill Or Passed Through A Broker

WHEREAS, the Town of Mancos amends the Town of Mancos Municipal Code from time to time; and

WHEREAS, Section 1-3-70 of the Mancos Municipal Code allows that amendments to the Code may be made; and

WHEREAS, the Town has an interest in maintaining the public safety and welfare of the citizens of the Town; and

WHEREAS, Colorado Revised Statute Section 35-80-108.5(3) provides Colorado municipalities authority with respect to regulation of dog breeders, cat breeders and pet stores, including a prohibition on the sale or offer for sale of dogs and cats;

WHEREAS, the Humane Society of the United States has determined that puppy and kitten mills are inhumane commercial breeding facilities and these mills produce animals for sale, oftentimes at retail stores; and

WHEREAS, the Town Board of Trustees finds and determines that the sale of dogs and cats from these puppy and kitten mills is a business practice that is not in the best interest of the public welfare of the Town; and

WHEREAS, the Town Board of Trustees desires to exercise its authority to address the sale of dogs and cats in retail stores that come from these mills, all as more fully provided in this ordinance.

WHEREAS, the adoption of this ordinance will promote the health, safety, and general welfare of the Mancos community.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mancos, Colorado, that:

1. Chapter 6, Article 11 is hereby adopted and added to the Mancos Municipal Code as follows:

ARTICLE 11 – Puppy Mills

Sec. 6-11-10. – Application of provisions.

The provisions of this Article shall apply to all of the territory within the corporate limits of the Town of Mancos.

Sec. 6-11-20. – Definitions.

(a) Definitions. As used in this Article, unless the context otherwise requires, the following terms shall have the meanings indicated:

“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.

“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. “Animal rescue organization” does not include any entity which: (1) is located on the same premises as a Breeder or Broker; (2) has any personnel in common with a Breeder or Broker, including but not limited to, any employee, manager, or board member; (3) obtains any dogs or cats from a Breeder or Broker; or (4) facilitates the sale of dogs or cats that were obtained from a Breeder or Broker.

“Breeder” means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

“Broker” means a person that transfers a dog or cat from a breeder for resale by another person.

“Cat” means a member of the species of domestic cat, *Felis catus*.

“Dog” means a member of the species of domestic dog, *Canis familiaris*.

“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 or cat.

“Pet store” means a retail establishment where dogs or cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Sec. 6-11-30. – Restrictions on the Sale of Animals.

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from

collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet 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.

Sec. 6-11-40. – Penalty.

A pet store that violates this section shall be subject to a civil penalty of up to \$499, and each dog or cat offered for sale in violation of this article shall constitute a separate violation. Each day during any portion of which any provision of this article is violated, committed, continued or permitted by any person shall be considered a separate offense, and he or she shall be punished accordingly. Violations shall be considered civil infractions and are not punishable by jail or imprisonment. There is no intended right to a jury trial.

THIS ORDINANCE PASSED ON FIRST AND FINAL READING HELD on the 9th Day of August, 2023, at the hour of 7:00 p.m. at the Town Hall in Mancos, Colorado, and shall become effective 30 days after publication.

TOWN OF MANCOS, COLORADO

Ellen “Queenie” Barz, Mayor

ATTEST:

Jamie Higgins, Clerk/Treasurer

PUBLISHED THE ____ DAY OF _____, 2023 BY THE AUTHORITY OF THE TOWN CLERK OF MANCOS, COLORADO.

ATTEST:

Jamie Higgins Clerk/Treasurer