

ORDINANCE NO. 2542

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING COMMERCE CITY REVISED MUNICIPAL CODE (CCRMC) SECTION 4-1001 AND ADDING A NEW ARTICLE V REGARDING PET STORES

WHEREAS, the Animal Welfare Act of the United States, enforced by the United States Department of Agriculture, requires licensing of certain breeders of dogs and cats and that they maintain minimum health and welfare standards for animals in their care;

WHEREAS, the Colorado Pet Animal Care and Facilities Act requires a Pet Animal Facility license for any person operating a facility as defined in the Act;

WHEREAS, pursuant to the Charter of the City of Commerce City (the “Charter”), the City Council of the City of Commerce City (the “City”) has all legislative powers and functions of municipal government as reserved to it by the Colorado Constitution and the laws of the state of Colorado;

WHEREAS, Chapter 4 of the Commerce City Revised Municipal Code (the “Code”) regulates the ownership, maintenance, and keeping of animals within the City;

WHEREAS, the Humane Society of the United States has determined that puppy and kitten mills are inhumane commercial breeding facilities that disregard the animal’s health, both physical and emotional, in order to maximize profits, and these sales oftentimes occur at retail stores;

WHEREAS, some diseases are known to transfer from animals to humans and animals who are not properly cared for pose a higher health risk to the local community and municipalities may face extra costs from the euthanization or sheltering of unwanted pets; and

WHEREAS, the City finds and determines that the sale of dogs and cats from these mills is an unwholesome business practice and not in the best interest of the public nor the welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. Chapter 4 of the CCRMC is hereby amended as set forth in **Exhibit A**, with clean versions in **Exhibit B**.

SECTION 3. Addition of Article V. Article V of Chapter 4 of the CCRMC is hereby added as set forth in **Exhibit A**, with clean version in **Exhibit B**.

SECTION 4. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 5. Effective Date. This ordinance shall be effective pursuant to Section 5.4 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 13TH DAY OF NOVEMBER 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 11TH DAY OF DECEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A TO ORDINANCE 2542

BEGIN

(RED STRIKETHROUGHS SHOW DELETIONS; BLUE UNDERLINES SHOW ADDITIONS, ... SHOW NO CHANGES MADE)

CHAPTER 4 – ANIMAL CODE

ARTICLE I. – GENERAL PROVISIONS

Sec. 4-1001. – Definitions.

(...)

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 in significant part, the rescue and placement of animals in permanent homes or rescue organizations.

(...)

Animal rescue organization: any firm, person, or corporation that accepts pet animals for the purpose of finding permanent adoptive homes for these animals and does not maintain a central facility for keeping animals.

Animal shelter: any firm, person, or corporation, whether public or private, that houses pet animals for impoundment purposes; or a centralized, private facility that accepts or houses pet animals and whose facilities are self-contained and used exclusively for the purpose of caring for and housing pet animals according to the rules adopted by the state of Colorado.

(...)

Certificate of source: a document declaring the source of the dog or cat utilizing the space provided by a pet store to an animal rescue organization, animal shelter, or animal care facility.

(...)

Hobby breeder: ~~Any person who, at a single address within the city, harbors more than three (3) dogs or five (5) cats over the age of six (6) months that are used for breeding purposes occasionally but does not operate a commercial kennel.~~ An individual or establishment who delivers, offers for sale, barters, auctions, gives away, or otherwise transfers or disposes of directly to the public only animals that were bred and reared on the premises of the person or establishment, on which premises a consumer may view the conditions where the animals were bred and reared, and speak with the breeder directly.

(...)

Pet store: a pet shop or any retail establishment not meeting the definition of animal care facility, animal rescue organization, animal shelter, hobby breeder, or commercial kennel that delivers, offers for sale, displays, offers for adoption, barters, auctions, gives away, or otherwise transfers cats or dogs to any person.

Pet store operator: a person who owns or operates a pet store.

(...)

ARTICLE V. – PET STORES

Sec. 4-5001. – Purpose.

The purpose of this Article is to discourage the use and existence of inhumane breeding facilities and the retail sale of dogs and cats, to promote animal health safety and welfare standards, and foster a more humane environment in the City.

Sec. 4-5002. – Prohibitions.

- (a) Except as provided in Sections 4-5003, 4-5004, and 4-5005, no person or establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the city on or after December 31, 2023.
- (b) It is unlawful for a pet store to offer for adoption any sick or injured dog or cat, or to offer for adoption any dog or cat that is so young or weak that its adoption would be injurious to the animal.
- (c) It is unlawful for a pet store to offer any of the following for sale, barter, or auction:
 - (1) A sick or injured animal
 - (2) An animal that is so young and weak that its transfer would be injurious to the animal
 - (3) An animal that has been inhumanely bred or raised

Section 4-5003. – Existing pet stores.

An existing pet store may continue to display, offer for sale, offer for adoption, auction, give away, or otherwise transfer cats or dogs until December 31, 2023.

Section 4-5004. – Exceptions.

The prohibition in Section 4-5002 shall not apply to lawfully operated commercial kennels, hobby breeders, animal care facilities, animal rescue organizations, and animal shelters.

Section 4-5005. – Adoption of shelter and rescue animals.

Nothing in this Article shall prevent a pet store or its owner, operator, or employees from providing space and appropriate care for dogs and cats owned by a lawfully operated animal care facility, animal rescue organization, or animal shelter for the purpose of facilitating the adoption of those animals by the public, provided that the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space and appropriate care.

Section 4-5006. – Certificate of source required.

A pet store that lawfully offers space for the sale or adoption of dogs and cats shall post, in a conspicuous location on the enclosure of each such animal a certificate of source, as such term is defined in this Article.

Section 4-5007. – Violations and penalties.

- (a) It is unlawful and a misdemeanor offense for any person to violate any provision of this article. Any person convicted of violating any provision of this Section shall be punished as provided in Articles I and IV of the Commerce City Revised Municipal Code.
- (b) Each violation of this Article shall constitute a separate offense.

- (c) The operation of a pet store in violation of this Article is declared to be a public nuisance and is subject to abatement as provided by law. In any case in which the city prevails in a nuisance abatement action initiated pursuant to this Article, the city may recover its reasonable attorney fees plus costs of the proceeding.
- (d) A pet store business license may be suspended or revoked by the administrative hearing officer pursuant to Sec. 9-1009 in addition to any fines and penalties assessed by the City.

EXHIBIT B TO ORDINANCE 2542
*****BEGIN*****
(CLEAN VERSION)

CHAPTER 4 – ANIMAL CODE
ARTICLE I. – GENERAL PROVISIONS

Sec. 4-1001. – Definitions.

(...)

Animal care facility: 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 in significant part, the rescue and placement of animals in permanent homes or rescue organizations.

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(...)

Certificate of source: a document declaring the source of the dog or cat utilizing the space provided by a pet store to an animal rescue organization, animal shelter, or animal care facility.

(...)

Hobby breeder: an individual or establishment who delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of directly to the public only animals that were bred and reared on the premises of the person or establishment, on which premises a consumer may view the conditions where the animals were bred and reared, and speak with the breeder directly.

(...)

Pet store: a pet shop or any retail establishment not meeting the definition of animal care facility, animal rescue organization, animal shelter, hobby breeder, or commercial kennel that delivers, offers for sale, displays, offers for adoption, barter, auctions, gives away, or otherwise transfers cats or dogs to any person.

Pet store operator: a person who owns or operates a pet store.

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The purpose of this Article is to discourage the use and existence of inhumane breeding facilities and the retail sale of dogs and cats, to promote animal health safety and welfare standards, and foster a more humane environment in the City.

Sec. 4-5002. – Prohibitions.

- (a) Except as provided in Sections 4-5003, 4-5004, and 4-5005, no person or establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the city on or after December 31, 2023.
- (b) It is unlawful for a pet store to offer for adoption any sick or injured dog or cat, or to offer for adoption any dog or cat that is so young or weak that its adoption would be injurious to the animal.
- (c) It is unlawful for a pet store to offer any of the following for sale, barter, or auction:
 - (1) A sick or injured animal;
 - (2) An animal that is so young and weak that its transfer would be injurious to the animal;
 - (3) An animal that has been inhumanely bred or raised.

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Section 4-5007. – Violations and penalties.

- (a) It is unlawful and a misdemeanor offense for any person to violate any provision of this article. Any person convicted of violating any provision of this Section shall be

punished as provided in Articles I and IV of the Commerce City Revised Municipal Code.

- (b) Each violation of this article shall constitute a separate offense.
- (c) The operation of a pet store in violation of this article is declared to be a public nuisance and is subject to abatement as provided by law. In any case in which the city prevails in a nuisance abatement action initiated pursuant to this article, the city may recover its reasonable attorney fees plus costs of the proceeding.
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