

TOWN OF LOWELL, LAKE COUNTY, INDIANA  
TOWN COUNCIL  
ORDINANCE NO. 2022- 25

AN ORDINANCE RELATING TO CHAPTER 92: ANIMALS  
OF THE TOWN OF LOWELL, INDIANA CODE OF ORDINANCES  
ADDING A NEW SECTION TO BE NUMBERED 92.27

WHEREAS, the Town Council of the Town of Lowell, Lake County, Indiana (hereinafter the "Town Council") is the duly elected legislative body of the Town of Lowell, Lake County, Indiana (hereinafter the "Town"), a unit of local government; and

WHEREAS, with the passage of time various practices, procedures, and policies must be updated; and

WHEREAS, with the passage of time various ordinances, codes, and procedures of the Town of Lowell must be amended; and

WHEREAS, the Town Council desires to amend the Town of Lowell, Indiana Code of Ordinances Chapter 92 entitled Animals;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lowell, Lake County, Indiana, as follows:

**Section 1.** That Chapter 92 of the Town of Lowell, Indiana Code of Ordinances be amended by adding a new section, 92.27, to read as follows:

**§ 92.27 PROHIBITION ON THE RETAIL SALE OF DOGS OR CATS  
BY PET SHOPS.**

(a) **Definitions.**

For purposes of this section and notwithstanding any other provision of law:

- (1) "Pet Shop" means a retail establishment where animals are sold or offered for sale on the premises. The term "pet shop" does not include any animal shelter, as defined in this chapter, or any animal rescue organization, as defined in this section.
- (2) "Sell" means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer an animal.
- (3) "Offer for Sale" means to proffer for acceptance by another person.
- (4) "Animal Rescue Organization" means a not-for-profit organization having tax-exempt status under 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 into permanent homes. The term animal rescue organization does not include any person that: (1) breeds animals; (2) is located on the same premises as a person that breeds animals; (3) has any personnel in common with a person that breeds animals; (4) obtains, in exchange for payment or compensation, dogs or cats from a person that breeds animals; or (5) facilitates the sale of dogs or cats that were obtained, in exchange for payment or compensation, from a person that breeds animals.

(5) "Person" shall mean an individual, corporation, partnership, association, or any other entity.

(6) "Cat" means any member of the species *Felis catus*.

(7) "Dog" means any member of the species *Canis familiaris*.

**(b) Retail Sale of dogs or cats by pet shops prohibited.**

(1) Notwithstanding any other provision of this Code, it is unlawful for a pet shop, as defined in subsection (a), to sell or offer for sale a dog or cat.

(2) Nothing in this section shall be construed to prohibit a pet shop from providing space on the pet shop's premises for an animal shelter or animal rescue organization to adopt out a dog or cat.

**(c) Penalties.**

A pet shop that sells or offers for sale a dog or cat in violation of subsection (b)(1) shall be fined \$500. Each unlawful sale or offer for sale shall constitute a separate offense.

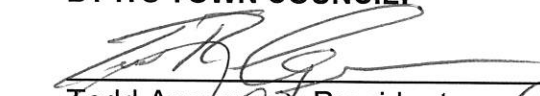
**Section 2.** This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

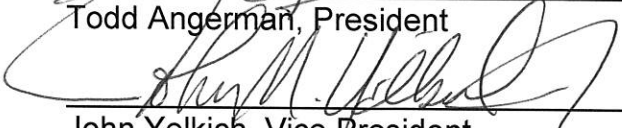
**Section 3.** Should any section clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

**Section 4.** The foregoing amendment to Chapter 92 of the Lowell Municipal Code shall be in full force and effect upon the passage and adoption as required by law.

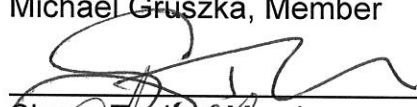
DULY ORDAINED AND APPROVED by the Town Council of the Town of Lowell, Lake County, Indiana, this 28th day of November, 2022, by a vote of 4 in favor and 0 opposed.

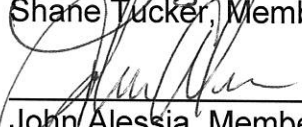
**TOWN OF LOWELL, LAKE COUNTY, INDIANA  
BY ITS TOWN COUNCIL:**

  
\_\_\_\_\_  
Todd Angerman, President

  
\_\_\_\_\_  
John Yelkich, Vice President

\_\_\_\_\_  
Michael Gruszka, Member


  
\_\_\_\_\_  
Shane Tucker, Member

  
\_\_\_\_\_  
John Alessia, Member

ATTEST:

  
\_\_\_\_\_  
Judith Walters, Clerk-Treasurer

Approved by the Executive this 28th day of November, 2022.

  
\_\_\_\_\_  
Todd Angerman, President

ATTEST:

  
\_\_\_\_\_  
Judith Walters, Clerk-Treasurer