

ORDINANCE NO. 25-2023

**AN ORDINANCE ADDING SECTION 4-14 OF THE WEST LAFAYETTE CITY CODE
CONCERNING RETAIL SALES OF DOGS AND CATS**

WHEREAS, the City of West Lafayette has a duty to conserve and promote the health, safety, peace, and good order of the community, which includes the need to provide for and promote the health and safety of animals; and

WHEREAS, a significant number of puppies and kittens sold at pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). An estimated 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and pet store dogs and cats frequently come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, of which many consumers are unaware when purchasing animals from pet stores due to both a lack of education on the issue and to misleading tactics of pet stores in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers and

WHEREAS, current regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet stores; and

WHEREAS, prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, because it applies only to retail pet stores and not to acquisitions directly from breeders, rescues, or shelters, this Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Common Council of the City of West Lafayette believes it is in the best interests of the City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs, help prevent inhumane breeding conditions,

promote community awareness of animal welfare, and foster a more humane environment in the City; and

WHEREAS, the Common Council of the City of West Lafayette anticipates that the City of Lafayette and Tippecanoe County will pursue ordinances similar to this one and believes it is in the best interest of the community to have consistent regulations on these issues as between the jurisdictions; and

WHEREAS, to provide for and promote the health and safety of animals, the City now desires to amend City Code Chapter 4.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that the following changes are to be made to the West Lafayette City Code:

CHAPTER 4, ANIMALS of the West Lafayette City Code shall be amended by adding the following sections (**in bold**):

Sec. 4-14. - RETAIL SALES OF DOGS AND CATS

(A) Definitions

As used in this Section, the following definitions shall have the following meanings:

- (1) **“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.**
- (2) **“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.**
- (3) **“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.**
- (4) **“Pet store” means a retail establishment where animals are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. The term does not include an animal care facility or animal rescue organization, as defined in subdivisions (1) and (2).**
- (5) **“Retail establishment” means one where a person, in the course of the person’s regularly conducted trade or business, acquires tangible property for the purpose of resale and transfers that property to another person for consideration. For purposes of determining what constitutes a retail establishment, it does not matter whether the property acquired for resale is transferred alone or in conjunction with other property or services or is transferred conditionally or otherwise.**

(B) Restrictions on the Sale of Animals

A pet store shall not sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. However, 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 and cats.

BE IT FURTHER ORDAINED that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED that no penalty for violation of this Ordinance shall be assessed against any person for a period of ninety (90) days following its adoption.

INTRODUCED ON FIRST READING ON THE _____ DAY OF _____, 2023.

MOTION TO ADOPT MADE BY COUNCILOR _____, AND SECONDED BY COUNCILOR _____.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE _____ DAY OF _____, 2023, HAVING BEEN PASSED BY A VOTE OF ____ IN FAVOR AND ____ OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco				
Brown				
Bunder				
DeBoer				
Lee				
Leverenz				
Parker				
Sanders				
Thomas				

Peter Bunder, Presiding Officer

Attest:

Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE _____ DAY OF _____, 2023.

Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE _____ DAY OF _____, 2023.

John R. Dennis, Mayor

Attest:

Sana G. Booker, Clerk