

ORDINANCE NO. 23-2021

**AN ORDINANCE OF THE CITY OF ELIZABETHTOWN, KENTUCKY  
RELATING TO THE SALE OF DOGS AND CATS**

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Whereas, a significant number of dogs and cats sold at retail pet shops throughout the country 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"); and,

Whereas, there are no known sale of such dogs and cats in any retail pet shop in the City of Elizabethtown; and,

Whereas, restricting the retail sale of dogs and cats of any age to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for dogs and kittens bred in puppy and kitten mills, it is likely to increase demand for animals from animal shelters and rescue organizations; and,

Whereas, in the City of Elizabethtown currently all independent retail pet shops as well as large chains operate profitably with the business model focused on the sale of pet services and supplies and not on the sale of dogs and cats, and 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, this ordinance will not affect a consumer's ability to obtain a dog or cat directly from a breed – specific rescue organization or a shelter, or from a breeder where a consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with a breeder concerning those conditions; and

Whereas, as provided in KRS 258.365 and 82.082 the Elizabethtown City Council has determined that it is in the best interests of the City to adopt reasonable regulations to protect the citizens who may purchase cats or dogs from a retail pet shop or other commercial establishment, to prevent inhumane breeding conditions, and to promote community awareness of animal welfare.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Elizabethtown, Kentucky that from and after the passage, approval and publication of this Ordinance as follows:

1. Definitions:

- (a) "Adoption fee" means remuneration to cover the cost of feeding, sheltering, surgical sterilization and providing care for an animal without profit.
- (b) "Animal shelter" means any facility used to house or contain animals, operated or maintained by a governmental body, Incorporated Humane Society, Animal Welfare Society, Society for the Prevention of Cruelty to Animals, Animal Rescue Organization or other nonprofit organization.
- (c) "Animal rescue organization" shall mean a not-for-profit organization that 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 dogs or cats into permanent homes and that does not breed animals nor obtain animals in exchange for payment or compensation from any person that breeds or brokers animals.
- (d) "Breeder" means a person that maintains dogs or cats for the purpose of breeding and selling their offspring.
- (e) "Broker" means a person that transfers dogs or cats for resale by another person.
- (f) "Cat" means any member of the species *Cats felis* of any age.
- (g) "Commercial establishment" shall mean a business which is open to the public, whether by appointment or during reoccurring business hours, and that engages in a Retail Sale.
- (h) "Dog" means any member of the species *Canis Lupus Familiaris*, or any genetic hybridization thereof of any age.
- (i) "Retail pet shop" means a for-profit establishment open to the public that sells, or offers for sale, food, supplies, or animals to be kept as household pets.
- (j) "Public common area" shall mean an outdoor area open to the public such as parks or recreation areas.
- (k) "Public thoroughfare, Public common area, and flea markets sales" means the sale or transfer, offer for sale or transfer, auction, barter, display, advertisement for sale or otherwise disposing of any live dog or cat on any public thoroughfare, Public common area, roadside area, in any parking lot or in any flea markets, to any member of the

public.

- (l) "Retail sale" means the auction, order, display for sale, offer for sale, or selling of any dog or cat.

2. Prohibitions:

- (a) It shall be unlawful for any retail pet shop or commercial establishment to engage in the retail sale of a dog or cat of any age.
- (b) It shall be unlawful for any person to engage in the retail sale of the dog or cat of any age from a public thoroughfare, public common area, or flea market.
- (c) It shall be unlawful for any retail pet shop or commercial establishment to collaborate to show case dogs or cats of any age with any entity which is affiliated with, or is housed on the premises of a breeder or broker; obtain dogs or cats from a breeder or broker in exchange for payment or compensation; or resell dogs or cats obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

3. Adoptions Allowed

- (a) Nothing in this ordinance shall be construed to prohibit a retail pet shop or commercial establishment from collaborating with any animal shelter or rescue to provide space to showcase dogs or cats for the purpose of adoption, to include collection of an adoption fee. In such event signage shall reflect the name of the animal shelter or rescue from which the animal was obtained. Animal Control Officers may periodically require retail pet shops and commercial establishments to provide access to these records.
- (b) Nothing in this ordinance shall be construed to prohibit any animal shelter or rescue from holding adoption events in public thoroughfares, public common areas or flea markets, retail pet shops, commercial establishments or animal shelter or rescue premises.

3. Penalty:

- (a) Any corporation who violates this Ordinance shall be subject to a Class B Misdemeanor criminal penalty of \$5,000 or double the

amount of the corporation's gain from commission of the offense, whichever is greater. Each animal offered for sale in violation of this Ordinance shall constitute a separate violation.

(b) Any person who violates this Ordinance shall be subject to a Class B Misdemeanor criminal penalty of \$250 or a term of imprisonment not exceeding 90 days, or both. Each animal offered for sale in violation of this Ordinance shall constitute a separate violation.


BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or his designee is authorized and directed to take all steps necessary to perfect this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance be published in summary form.

READ THE FIRST TIME, this 20<sup>TH</sup> day of September 2021.

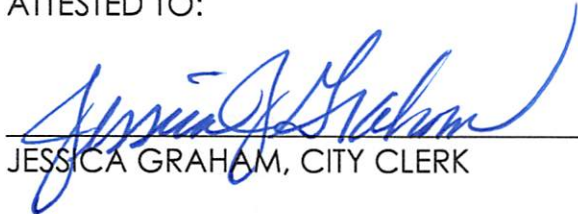
READ, ADOPTED & APPROVED, this 18<sup>TH</sup> day of October, 2021.

Published October 22, 2021.



JEFFREY H. GREGORY, MAYOR

ATTESTED TO:

  
JESSICA GRAHAM, CITY CLERK