

**TOWN OF MINTURN, COLORADO**

**ORDINANCE NO. 20 – SERIES 2021**

**AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO  
PROHIBITING THE SALE OF DOGS AND CATS FROM  
RETAIL PET STORES LOCATED WITHIN THE TOWN OF  
MINTURN OF WHICH THE ANIMALS ARE BRED OR  
PROVIDED BY A PUPPY OR CAT MILL**

WHEREAS, Most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States.

WHEREAS, The documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation.

WHEREAS, Pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into; they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies; they were placed in a pet store cage with or near other puppies who are often sick.

WHEREAS, Pet stores often mislead consumers as to where the puppies and kittens in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away.

WHEREAS, According to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies.

WHEREAS, Current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, Prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills and decrease the burden that pet store puppies and kittens that end up in animal shelters place on local agencies and taxpayers.

WHEREAS, The huge majority of pet stores, both large chains and small, family-owned shops, are already in compliance with the proposed Ordinance as they already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events.

WHEREAS, This Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public.

WHEREAS, The Ordinance believes it is in the best interest of town to adopt reasonable regulations to reduce costs to the Town of Minturn and its residents, protect citizens who may purchase cats or dogs

from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the [City].

#### **Section 7-11-10 Title**

This Article title shall be known as "Prohibition of the retail sale of animals acquired from animal mills."

#### **Section 7-11-20 Intent**

It is the intent of the Town Council in adopting these pet animal rules is to require retail outlets to be responsible when obtaining and selling live animals to the public with respect to the animals in a manner which recognizes the rights, health and safety of the animals and others in the community and that they be held strictly liable for conduct of the animals which are provided for sale to the public.

#### **Section 7-9-30 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 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. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

*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.

#### **Section 7-9-40 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.

#### **Section 7-9-50. Penalty.**

A pet store that violates this section shall be subject to a civil penalty of \$500, and each dog or cat


offered for sale in violation of this section shall constitute a separate violation. The stated fines are minimum penalties, and all violations are subject to the general fine and imprisonment provisions of Chapter 1, Article 4 of this Code

**Section 4. Severability.**

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.

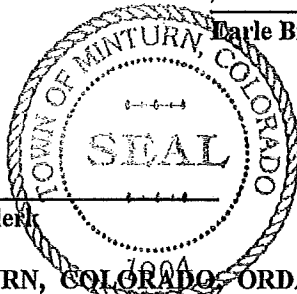
**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 17<sup>TH</sup> DAY OF NOVEMBER, 2021. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 1<sup>ST</sup> DAY OF DECEMBER, 2021 AT 5:30p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**

  
\_\_\_\_\_  
Earle Bidez, Mayor

**ATTEST:**

By:   
\_\_\_\_\_  
Jay Brunvand, Town Clerk

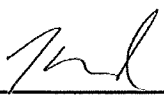


**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 1<sup>ST</sup> DAY OF DECEMBER, 2021.**

**TOWN OF MINTURN, COLORADO**

  
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Earle Bidez, Mayor

**ATTEST:**

By:   
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Jay Brunvand, Town Clerk

