

**TOWN OF BERTHOUD  
ORDINANCE NO. 1267**

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO TO PROHIBIT PET  
SHOPS FROM SELLING, BARTERING, AUCTIONING, OR OTHERWISE  
DISPOSING OF ANIMALS BORN OR RAISED IN INHUMANE COMMERCIAL  
BREEDING FACILITIES AND TO PROMOTE THE ADOPTION OF RESCUE  
ANIMALS**

**Whereas**, The Town of Berthoud, Colorado (the “Town”), has an interest in maintaining the public safety and welfare of the citizens of the Town; and

**Whereas**, Colorado Revised Statute section 31-15-501 authorizes municipalities to prohibit any offensive or unwholesome business practice; and

**Whereas**, the Humane Society of the United States, has determined that puppy and kitten mills are inhumane commercial breeding facilities which disregard the animals’ health – both physical and emotional – in order to maximize profits; and

**Whereas**, according to the Humane Society of the United States, these mills produce animals for sale, oftentimes at retail stores; and

**Whereas**, the Town Board 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 welfare of the Town, and desires to exercise its authority derived from Colorado Revised Statute section 31-15-501 to prohibit the sale of dogs and cats in retail stores that come from these mills,

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF  
BERTHOUD, COLORADO THAT:**

**SECTION 1.** Chapter 18.1 of the Berthoud Municipal Code is amended to include a new definition as follows:

*Pet Shop* – Means any establishment wherein dogs or cats are sold, exchanged, bartered or offered for sale to the general public. Such definition shall not include a Humane Society or Animal Shelter as those terms are defined herein.

**SECTION 2.** Chapter 18 of the Berthoud Municipal Code is amended to include a new section 18.9 as follows:

**18.9 Sale of Animals From Inhumane Commercial Breeding Facilities.**

**18.9-1 Prohibition.**

(a) A Pet Shop shall not sell, deliver, offer for sale, barter, auction, or otherwise dispose of dogs or cats unless sourced from an Animal Shelter or Animal Rescue.

(b) A Pet Shop shall not offer for adoption any dog or cat which is younger than eight weeks old.

(c) Each dog or cat sold, delivered, offered for sale, bartered, auctioned, or otherwise disposed of in violation of this section shall constitute a separate offense. Each dog or cat offered for adoption which is younger than eight weeks old shall constitute a separate offense.

**18.9-2 Recordkeeping and Disclosures.**

(a) A Pet Shop shall maintain records sufficient to document the source of each dog or cat the Pet Shop acquires for at least one year following the date of acquisition. Such records shall be made available immediately upon request by Town Staff or law enforcement.

(b) A Pet Shop that offers space for the adoption of dogs or cats shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the Animal Shelter or Human Society or Animal Rescue from which the Pet Shop acquired each dog or cat.

(c) Each dog or cat offered for adoption in violation of this section shall constitute a separate offense. Each recordkeeping violation under this section regarding a particular dog or cat shall constitute a separate offense. Each failure to post a sign as required by this section regarding a particular dog or cat shall constitute a separate offense.

**18.9-3 Penalties.** Every person found guilty of violating any provision of this Chapter, whether by acting in a manner declared to be unlawful or by failing to act as required, may be punished as provided in this Code, and sentenced to serve up to one year in jail, or pay a fine of up to \$2,650.00, or both such fine and imprisonment.

**SECTION 3.** The amendments in this ordinance shall become effective immediately upon approval

INTRODUCED, READ and PASSED this 25<sup>th</sup> day of June, 2019.

William Karspeck  
William Karspeck, Mayor

ATTEST:  
Christian Samora  
Christian Samora, Town Clerk

