



# Town of Johnstown

## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** November 6, 2023

**SUBJECT:** Ordinance No. 2023-255 an Ordinance Amending Article VII of Chapter 7 of the Johnstown Municipal Code Concerning the Sale or Disposition of Dogs or Cats from a Pet Shop and Concerning Nuisance, Noisy and Vicious Animals

**ACTION PROPOSED:** Consider Ordinance No. 2023-255

**ATTACHMENTS:** 1. Ordinance No. 2023-255

**PRESENTED BY:** Avi Rocklin, Town Attorney  
Matt LeCerf, Town Manager

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### **AGENDA ITEM DESCRIPTION:**

Ordinance No. 2023-255 as proposed, amends Article VII of Chapter 7 of the Johnstown Municipal Code (“Animal Code”). The ordinance: (i) enacts a regulation prohibiting the sale of dogs or cats from pet shops absent limited circumstances; (ii) amends the definition section in the Animal Code; (iii) provides that a law enforcement officer may make a prima facie determination as to whether noise is excessive or continuous; (iv) cleans up the nuisance animal section; (v) corrects an inconsistency related to vicious animal; and (vi) removes specified fines for violations of the Animal Code.

### Pet Shop: Section 7-149 of the Animal Code

Due to concerns about the conditions associated with the sale or disposition of dogs and cats that originate from puppy and kitten mills and are sold at pet shops, members of the public made a presentation to the Town Council requesting that the Town Council prohibit the sale or disposition of dogs and cats from pet shops. The Humane Society of the United States has similarly found that puppy and kitten mills constitute inhumane commercial breeding facilities that disregard the animals’ physical and emotional health to maximize profits. The Town Council is entitled to prohibit unwholesome business practices in the Town. Due to the concerns regarding the sale or disposition of dogs or cats that originate from puppy or kitten mills and are sold at pet shops, the Town Council requested that Town Staff prepare an ordinance prohibiting the sale or disposition of dogs or cats from a pet shop, with limited exception. The proposed ordinance adds Section 7-149 to the Animal Code, prohibiting such sales except when a pet shop collaborates with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats.

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Definitions: Section 7-121 of the Animal Code

The proposed ordinance amends Section 7-121 of the Animal Code to add definitions supporting the pet shop provisions and omit terms not otherwise used in, and terms moved to, other sections of the Animal Code.

Noisy Animal: Section 7-136 of the Animal Code

The proposed ordinance amends Section 7-136 of the Animal Code to provide that a code enforcement officer, police officer or other designated officer of the Town may make a prima facie determination as to whether noise is excessive or continuous. If a police officer finds probable cause, the charge may be brought without such determination.

Nuisance Animal: Section 7-135 of the Animal Code

The proposed ordinance amends Section 7-135 of the Animal Code to move the definition of nuisance animal from Section 7-121 into this section and clarifies the definition of nuisance animal. The ordinance provides that all dogs may be in a park as long as the dog is leashed and that a code enforcement officer, police officer or other designated officer of the Town may make a prima facie determination as to whether odor, dust, noise or drainage is offensive to the use or enjoyment of adjoining properties.

Vicious Animal: Section 7-139 of the Animal Code

The proposed ordinance amends Section 7-139 of the Animal Code to clarify an inconsistency about when a vicious animal may remain in the Town. The Animal Code, as written, provides that a vicious animal may remain in the Town when a law enforcement officer requires the dog to be confined, muzzled and leashed and when the owner obtains insurance and posts a sign.

Violations: Section 7-154 of the Animal Code

The proposed ordinance amends Section 7-139 of the Animal Code to omit the specified fines. If the Town Council would like to specify fines, the Town Council may direct staff who will request that the Municipal Court Judge add such fines to the Municipal Court Fine Schedule.

**LEGAL ADVICE:**

The Town Attorney prepared Ordinance No. 2023-255

**FINANCIAL ADVICE:**

N/A

**RECOMMENDED ACTION:** Approve Ordinance No. 2023-255 on first reading.

**SUGGESTED MOTIONS:**

**For Approval:** I move to approve Ordinance 2023-255 an Ordinance Amending Article VII of Chapter 7 of the Johnstown Municipal Code Concerning the Sale or Disposition of Dogs or Cats from a Pet Shop and Concerning Nuisance, Noisy and Vicious Animals, on first reading.

**For Conditional Approval:** I move to approve Ordinance 2023-255, an Ordinance Amending Article VII of Chapter 7 of the Johnstown Municipal Code Concerning the Sale or Disposition of Dogs or Cats from a Pet Shop and Concerning Nuisance, Noisy and Vicious Animals, on first reading, on the condition(s) that

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**For Denial:** I move to deny approval of Ordinance No. 2023-255.

*Reviewed and Approved for Presentation,*



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Town Manager

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