

ORDINANCE NO. 064 - 2024

AN ORDINANCE AMENDING SECTION 4-13 OF THE CODE OF ORDINANCES, PROHIBITING THE SALE OF DOGS AND CATS BY PET RETAIL STORES; ESTABLISHING DEFINITIONS; AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND CREATING SECTION 4-13.1, PROHIBITING THE OFFERING OF DOGS AND CATS FOR SALE BY INDIVIDUALS IN PUBLIC PLACES; AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF, EFFECTIVE NOVEMBER 1, 2024.

WHEREAS, the Lexington-Fayette Urban County Council ("Council") has determined that current regulations do not properly address the sale of puppy and kitten mill dogs and cats in and out of pet stores; and

WHEREAS, Council has received a presentation suggesting that most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals are disregarded in order to maximize profits ("puppy mills" and "kitten mills," respectively), and that, according to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2,400,000 puppies per year in the United States, and that most pet store dogs and cats come from puppy mills and kitten mills; and

WHEREAS, Council has reviewed materials suggesting that 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 adequate exercise and enrichment; and lack of sanitation; and

WHEREAS, Council has received a presentation suggesting that pet store puppies and kittens, being taken from said puppy and kitten mills at a young age and sold via commercial retail stores, often receive substandard care and treatment, which contributes to the cycle of abuse perpetuated by puppy and kitten mills; and

WHEREAS, Council has received a presentation suggesting that pet stores often mislead consumers as to where the puppies in the stores came from and make false health and behavior guarantees, and that 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; and

WHEREAS, Council believes that prohibiting the retail sale of dogs and cats will help protect local consumers from misinformation and a lack of information about the source and health of animals provided by retail pet shops; and

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; and

WHEREAS, Council believes that current regulations do not adequately address the animal welfare and consumer protection problems that the pet store sale of dogs and cats from puppy and kitten mills pose; and

WHEREAS, Council believes that prohibiting pet stores from selling dogs and cats is likely to decrease the local demand for these animals that are bred in mills, and decrease the burden that pet store dogs and cats that end up in animal shelters place on local agencies and taxpayers; and

WHEREAS, this ordinance is not intended to 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; and

WHEREAS, Council believes it is in the best interest of the community to adopt reasonable regulations to reduce costs to the community and its residents, protect citizens who may purchase dogs or cats from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Lexington-Fayette County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 4-13 of the Code of Ordinances of Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Sec. 4-13. Sale of dogs and cats by retail pet stores prohibited.

(a) As used in this section:

(1) *Retail pet store* means a commercial establishment that sells or offers for sale animals on its premises at retail.

(2) *Sell or offer for sale* means to display for sale or exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

(3) *Animal rescue organization* means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section

501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost or displaced animals and to adopt them to good homes. "Animal rescue organization" does not include any person or entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from; a person that breeds animals.

(b) It shall be unlawful for a retail pet store, as defined in subsection (a)(1), to sell or offer for sale a dog or cat.

(c) Nothing in subsection (b) shall prevent a retail pet store from providing space to either an animal rescue organization, as defined in this section, or an adoption agency, as defined in Section 4-1.1, for the purpose of showcasing adoptable dogs or cats to the public, provided that the retail pet store shall have no ownership interest in the dogs or cats and nor shall the retail pet store receive a fee for providing such space.

(d) A retail pet store that sells or offers for sale a dog or cat in violation of subsection (b) shall, upon conviction thereof, be subject to a fine of five hundred dollars (\$500.00). Each sale or offer for sale in violation of subsection (b) shall constitute a separate offense. A retail pet store that provides space in violation of subsection (c) shall, upon conviction thereof, be subject to a fine of five hundred dollars (\$500.00). Each provision of space in violation of subsection (c) shall constitute a separate offense.

Section 2 – That a new section of the Code of Ordinances of Lexington-Fayette Urban County Government be and hereby is created, to be numbered as Section 4-13.1 of the Code, to read as follows:

Sec. 4-13.1. Sale of dogs and cats in public places prohibited.

(a) It shall be unlawful for any person to offer for sale any dog or cat at or on any street, public right-of-way, parkway, median, park, recreation area, outdoor market, or parking lot regardless of whether such access is authorized by the owner.

(b) This section shall not apply to the display or offer for sale of dogs or cats by an animal adoption agency, or the display of dogs or cats as part of a state or county fair exhibition, 4-H program, or similar exhibitions or educational programs.

(c) Any person that offers for sale any dog or cat in violation of subsection (a) shall, upon conviction thereof, be subject to a fine of five hundred dollars (\$500.00). Each offer for sale in violation of subsection (a) shall constitute a separate offense.

Section 3 – That this Ordinance shall become effective November 1, 2024.

PASSED URBAN COUNTY COUNCIL: June 27, 2024



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 3, 2024-1t

0539-24:GET:4888-9395-7319, v. 1

MOTION TO AMEND

I move to amend Item Number 5 under Ordinances – Second Reading, relating to the retail sale of dogs and cats by pet retail stores, to clarify that, in addition to prohibiting the sale of dogs and cats by retail pet stores, the ordinance also prohibits the offering of dogs and cats for sale in public places, and to provide a penalty for the offering of dogs and cats for sale in public places. This is a material change and requires a new first reading.

COUNCILMEMBER

Motion to be made at the Council Meeting on June 13, 2024.