

ORDINANCE NO. 28

Series 2019

AN ORDINANCE AMENDING CHAPTER 3H OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE SALE OF DOGS AND CATS BORN OR RAISED IN INHUMANE COMMERCIAL BREEDING FACILITIES

WHEREAS, the Town of Breckenridge has an interest in maintaining the public safety and welfare of the citizens of the Town; and

WHEREAS, Section 31-15-501, C.R.S., 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 Council 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

WHEREAS, the Town Council desires to exercise its authority to address the sale of dogs and cats in retail stores that come from these mills, all as more fully provided in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Chapter 3H of Title 6 of the Breckenridge Town Code is amended by the addition of a new Section 6-3H-10, which shall read in its entirety as follows:

6-3H-10 SALE OF ANIMALS FROM INHUMANE COMMERCIAL BREEDING FACILITIES:

A. As used in this Section the following words shall have the following meanings:

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| ANIMAL CARE FACILITY: | 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. |
| ANIMAL RESCUE ORGANIZATION: | 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. |
| CAT: | Has the meaning provided in Section 6-2-2 of this Code. |
| DOG: | Has the meaning provided in Section 6-2-2 of this Code. |
| OFFER FOR SALE: | To sell, offer for sale or adoption, advertise for sale of, barter, auction, give away, or otherwise dispose of a dog or cat. |

PET SHOP:

A retail establishment where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail. Such definition does not include an animal care facility or animal rescue organization as defined in this Section.

PERSON:

Has the meaning provided in Section 1-3-2 of this Code.

- B. No pet shop shall sell, deliver, offer for sale, barter, auction, or otherwise dispose of a dog or a cat.
- C. 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 care facility or animal rescue organization from which the pet shop acquired each dog or cat.
- D. Each violation of this Section shall constitute a separate offense.
- E. It is unlawful and a misdemeanor offense for any person to violate any provision of this Section. Any person convicted of violating any provision of this Section shall be punished as provided in chapter 4, title 1 of this code.
- F. The operation of a pet shop in violation of this Section is declared to be a public nuisance, and is subject to abatement as provided by law. In any case in which the Town prevails in a nuisance abatement action initiated pursuant to this Section, the Town may recover its reasonable attorney fees plus costs of the proceeding.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning municipal police powers); (ii) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses); (iii) Section 31-15-401, C.R.S. (concerning municipal police powers); (iv) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (v) the powers contained in the Breckenridge Town Charter.

Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of August, 2019.

This ordinance was published in full on the Town of Breckenridge website on August 30, August 31, September 1, September 2 and September 3, 2019.

A public hearing on this ordinance was held on September 10, 2019.

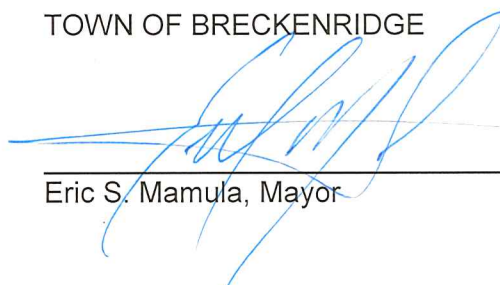
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 10th day of September, 2019. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM


Town Attorney

9/10/19
Date

This Ordinance was published on the Town of Breckenridge website on September 12, September 13, September 14, September 15 and September 16, 2019. This ordinance shall become effective on October 16, 2019.