



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: April 6, 2021

SUBJECT: Second reading of Ordinance No. 4, Series of 2021, An ordinance amending Title 6 of the Vail Town Code by the addition of a new Article 4B regarding Pet Shops.

Applicant: Town of Vail
Planner: Matt Gennett

I. SUMMARY

The Community Development Department is proposing to update the Vail Town Code to add a new Article B to Chapter 4 of Title 6 of the Vail Town Code to outlaw the sale of dogs and cats from puppy and kitten mills, and the sale of other animals that are unhealthy or raised in inhumane conditions, as it is an unwholesome business practice and not in the best interest of the public welfare of the Town.

II. ACTION REQUESTED OF THE TOWN COUNCIL

The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 4, Series of 2021, upon second reading.

III. DESCRIPTION OF REQUEST

The Community Development Department is requesting that the Vail Town Council consider the proposed amendments to Chapter 4 of Title 6, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the addition of a new Article 4B regarding Pet Shops.

The following language constitutes the proposed text amendment:

ARTICLE B. PET SHOPS

6-4B-1: DEFINITIONS:

For purposes of this Chapter, the following terms shall have the following meanings:

ANIMAL: As defined in Section 6-4-2 of this Code.

ANIMAL CARE FACILITY: An animal control center or animal shelter, as defined in Section 6-4-2 of this Code, maintained by or under contract with any state, county or municipality, with a mission and practice of, in whole or significant part, to rescue and place animals in permanent homes.

ANIMAL RESCUE ORGANIZATION: A nonprofit organization with tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, with a mission or practice, in whole or significant part, to rescue or place animals in permanent homes.

CAT: As defined in Section 6-4-2 of this Code.

DOG: As defined in Section 6-4-2 of this Code.

PET SHOP: A retail establishment where animals are sold, exchanged, bartered, or offered for sale as pets to the general public at retail, but excluding an animal care facility or animal rescue organization.

6-4B-2: PET SHOP REGULATIONS:

A. No pet shop shall sell, deliver, offer for sale, barter, auction or otherwise dispose of a dog or a cat.

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 care facility or animal rescue organization from which the pet shop acquired each dog or cat.

C. It is unlawful for a pet shop to offer for adoption any sick or injured dog or cat, or to offer for adoption any dog or cat that is so young or weak that its sale would be injurious to the animal.

D. It is unlawful for a pet shop to offer any of the following for sale, barter or auction: a sick or injured animal; an animal that is so young or weak that its transfer would be injurious to the animal; or an animal that has been inhumanely bred or raised.

6-4B-3: VIOLATION AND PENALTY:

A. It is unlawful for any person to violate any provision of this Article. Any person convicted of violating any provision of this Article shall be punished as provided in Section 1-4-1 of this Code, and each day of violation shall constitute a separate offense.

B. The operation of a pet shop in violation of this Article 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 Chapter, the Town may recover its reasonable attorney fees plus costs of the proceeding.

IV. BACKGROUND

Currently, “Pet Shops” are only permitted as a conditional use in the Commercial Core 3 (CC3), Commercial Service Center (CSC), and Arterial Business (ABD) Districts. As a conditional use, any new pet shop wishing to locate within the town would go through the Conditional Use Permit (CUP) application process in accordance with Chapter 12-16 Conditional Use Permits. Through the CUP process and in conjunction with this proposed ordinance, there will be sufficient ability to ensure the responsible operation of pet shops within the Town of Vail.

V. RECOMMENDED MOTION

Should the Vail Town Council choose to approve Ordinance No. 4, Series of 2021, upon second reading, the Community Development Department recommends the Council pass the following **motion**:

“The Vail Town Council approves, on second reading, Ordinance No. 4, Series of 2021, an ordinance amending Title 6, Chapter 4, of the Vail Town Code by the addition of a new Article 4B regarding Pet Shops, Vail Town Code, pursuant to Section 12-3-7, Amendment, to outlaw the sale of dogs and cats from puppy and kitten mills, and the sale of other animals that are unhealthy or raised in inhumane conditions, as it is an unwholesome business practice and not in the best interest of the public welfare of the Town, and setting forth details in regard thereto.”

Should the Vail Town Council choose to approve Ordinance No. 4 Series of 2021, the Community Development Department recommends the Council make the following **findings**:

“The Vail Town Council finds:

- 1. That the amendment is consistent with the applicable elements of the adopted goals, objectives and policies outlined in the Vail comprehensive plan and is compatible with the development objectives of the town;*
- 2. That the amendment furthers the general and specific purposes of the zoning regulations; and,*
- 3. That the amendment promotes the health, safety, morals, and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.”*

VI. ATTACHMENTS

- A. Ordinance No. 4, Series of 2021