

**ORDINANCE NO. 4
SERIES 2021**

**AN ORDINANCE AMENDING TITLE 6 OF THE VAIL TOWN CODE BY
THE ADDITION OF A NEW ARTICLE 4B REGARDING PET SHOPS**

WHEREAS, the Humane Society of the United States (the "Humane Society") has determined that puppy and kitten mills are inhumane commercial breeding facilities, which disregard the animals' physical and emotional health to maximize profits;

WHEREAS, according to the Humane Society, these mills produce animals for sale, often at retail pet shops;

WHEREAS, the Town Council hereby 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;

WHEREAS, the Town Council further finds and determines that the sale of other animals that are unhealthy or raised in inhumane conditions is also an unwholesome business practice and not in the best interest of the public welfare of the Town; and

WHEREAS, the Town Council finds and determines that this ordinance is necessary to protect the public health, safety and welfare.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OF VAIL, COLORADO, THAT:**

Section 1. Chapter 4 of Title 6 of the Vail Town Code is hereby amended by the addition of the following new Article B, to read as follows:

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.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 4. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision, or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 2nd day of March, 2021 and a public hearing for second reading of this Ordinance set for the 16th day of March, 2021, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 6th day of April 2021.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk