

ORDINANCE No. 1579

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO THE RETAIL SALE OF DOGS AND CATS, CREATING A NEW CHAPTER 7.01 OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, pet stores selling live animals have traditionally been a sales outlet for young dogs and cats bred in “puppy mill” and “kitten mills” both within the United States and abroad. According to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet store puppies and many pet store kittens come from puppy mills and kitten mills, respectively. When consumers buy puppies and kittens from pet stores, there is a strong likelihood that consumers are unknowingly supporting the puppy mill or kitten mill industry; and

WHEREAS, the documented abuses of puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate food, water and shelter; lack of socialization; lack of adequate space; and the euthanization of unwanted animals. The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues with animals, which many consumers are unaware of when purchasing animals from retailers due to both a lack of education on the issue and misleading tactics of retailers in some cases. These health and behavioral issues, which may not present themselves until years after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, the lack of enforcement resources at local, state and federal levels allow many inhumane puppy and kitten mills to operate with impunity. According to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to the pet owners; and

WHEREAS, the cities of Lacey, Olympia, Tumwater and Thurston County incur significant costs operating and caring for the treatment of animals brought into Joint Animal Services (JAS), including food, supplies, drugs, medicine and chemical materials for said animals. Each year thousands of dogs and cats are euthanized because they are not wanted, many times due to surrenders by pet owners. This Ordinance should reduce the number of unwanted animals brought to organizations like JAS who may have health or behavioral issues, which would also serve to reduce the financial burden on Lacey’s taxpayers. Further, consumers may be more likely to adopt a dog or a cat if dogs and cats were not readily available for purchase in pet stores. Moreover, there is a large financial benefit to consumers who adopt animals, as the fee charged by JAS is in many cases significantly lower than the cost of purchasing a dog or cat from a pet store; and

WHEREAS, a review of inspection reports by the State of California and the United States Department of Agriculture (USDA) from more than one hundred breeders who sold animals to the nation's largest retail pet store chain revealed that more than sixty percent (60%) of the inspections found serious violations of basic animal care standards, including sick or dead animals in their cages, lack of proper veterinary care, inadequate shelter from weather conditions, and dirty, unkempt cages that were too small; and

WHEREAS, according to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mill" or "kitten factories," that mass produce animals for sale to the public; and many of these animals are sold at retail in pet stores. Because of the lack of proper animal husbandry practices at these facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, according to USDA inspection reports, some additional documented problems found at puppy mills include (a) sanitation problems leading to infectious disease, (b) large numbers of animals overcrowded in cages; (c) lack of proper veterinary care for severe illnesses and injuries; (d) lack of protection from harsh weather conditions; and (e) lack of adequate food and water; and

WHEREAS, the homeless pet problem notwithstanding, there are many reputable dog and cat breeders who refuse to sell through pet stores and who work carefully to screen families and ensure good, lifelong matches; and

WHEREAS, responsible dog and cat breeders do not sell their animals to pet stores. The United Kennel Club (UKC), the second oldest all-breed registry of purebred dog pedigrees in the United States and the second largest in the world, asks all of its member breeders to agree to a Code of Ethics which includes a pledge not to sell their puppies to pet stores. Similar pledges are included in Codes of Ethics for many breed clubs for individual breeds; and

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, the Lacey City Council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a "puppy mill" or "kitten factory," it is the City Council's belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

WHEREAS, the Lacey City Council finds that the current state of retail sale of dogs and cats in pet stores in the City of Lacey is inconsistent with the City's goal to be a community that cares about animal welfare; and

WHEREAS, the Lacey City Council believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City; and

WHEREAS, the Lacey City Council also believes that elimination of the retail sale of dogs and cats in pet stores in the City will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breeder, a breed-specific rescue or a shelter; and

WHEREAS, in the United States and Canada alone, over forty (40) cities have enacted ordinances addressing the sale of puppy and kitten mill dogs and cats, including Chicago, Illinois; Los Angeles, California; San Diego, California; Albuquerque, New Mexico; Austin, Texas; Brick, New Jersey; Poulsbo, Washington, and Toronto, Canada, to name but a few; and

WHEREAS, current federal and state laws and City ordinances do not properly address the sale of puppy and kitten mill dogs and cats in City business establishments; and

WHEREAS, the Lacey City council believes it is in the best interests of the City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from a pet store or other business establishment, help prevent these inhumane conditions, promote community awareness of animal welfare, and foster a more humane environment in the City; and

WHEREAS, the Lacey City Council desires to adopt a new chapter to the Lacey Municipal Code to prohibit the retail sale of dogs and cats in the City of Lacey by adding the language shown below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. There is hereby added to the Lacey Municipal Code a new Chapter 7.01, Retail Sale of Dogs and Cats, to read as follows:

7.01.010 Definitions

For purposes of this Chapter, the following definitions shall apply:

- a. “Animal shelter” means a municipal or related public agency animal shelter devoted to the rescue, care, and adoption of stray, abandoned or surrendered animals, and which does not breed animals.
- b. “Dog” means an animal of the Canidae family of the order Carnivora.
- c. “Cat” means an animal of the Felidae family of the order Carnivora.
- d. “Certificate of source” shall mean a document declaring the source of the dog or cat sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.
- e. “Existing pet store” means any pet store or pet store operator that displayed, sold delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred dogs or cats in the City of Lacey on the effective date of this Chapter, and complied with all applicable provisions of the Lacey Municipal Code.
- f. “Pet store” means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals, including dogs and cats, at retail.
- g. “Pet store operator” means a person or legal entity who owns or operates a retail pet store, or both.
- h. “Rescue organization” means any nonprofit organization that 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 dogs and cats.

7.01.020 Prohibition on Retail Sale of Dogs and Cats

Notwithstanding any provision in the Lacey Municipal Code to the contrary, no pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Lacey on or after the effective date of this Chapter.

7.10.030 Exemptions

This Chapter does not apply to:

- a. A person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of animals that were bred and reared on the premises of the person or the retail establishment;
- b. A publicly operated animal control facility or animal shelter;
- c. A charitable, nonprofit animal humane society or animal rescue organization which does not acquire or sell dogs and cats for profit;

d. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

7.01.040 Adoption of Shelter and Rescue Animals

Nothing in this Chapter shall prevent a pet store or its owner or legal entity or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization and maintained at the pet store for the purpose of adopting those animals to the public. No pet store, or its owner or legal entity operating a retail pet store, shall receive any compensation from pet adoptions or for the use of the store and its resources in connection with adoption events.

7.01.050 Record Keeping and Disclosure

A pet store shall maintain records stating the name and address of the publicly operated animal shelter, nonprofit animal humane society or animal rescue organization that each dog and cat was obtained from for at least three (3) years following the date of acquisition. Such records shall be made available upon request to a City code enforcement officer or animal control authority. Each pet shop shall display on each cage or pen containing a dog or cat, a label stating the certificate of source, including the name and address of the animal shelter or nonprofit humane society or animal rescue organization which is the source for each dog or cat kept in the cage or pen.

7.01.060 Right of Entry for Inspection and Enforcement

The City retains all rights of entry into any pet store as allowed by any law, code, constitutional provision, common law, or any other legal authority for purposes of inspection and enforcement of the provisions of this Chapter.

7.01.070 Violations

It shall be a civil infraction pursuant to RCW 7.80.120 for any person or corporation to violate or fail to comply with any of the provisions of this Chapter. Each day shall be a separate infraction. A person or corporation found to have committed a civil infraction shall be assessed a monetary penalty as provided under RCW 7.80.120:

- a. A first offense shall be a Class 3 infraction.
- b. A second offense arising out of the same facts as the first offense shall be a Class 2 infraction.
- c. A third offense arising out of the same facts as the first offense and all further offenses arising out of the same facts as the first offense shall be a Class 1 infraction.

7.01.080 Abatement of Nuisance

The City retains the right to enforce the provisions of this Chapter in superior court by any and all legal means in its sole discretion, including but not limited to pursuing abatement of any nuisance through injunctive relief and warrant of abatement.

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 4. The Summary Attached is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this
21st day of January, 2021.

CITY COUNCIL

BY: 
Mayor

Attest:

Approved as to form:


City Clerk


City Attorney

Published: January 25, 2021

SUMMARY FOR PUBLICATION

ORDINANCE NO 1579

CITY OF LACEY

The City Council of Lacey, Washington passed on January 21, 2021, Ordinance No. 1579, entitled “AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO THE RETAIL SALE OF DOGS AND CATS, CREATING A NEW CHAPTER 7.01 OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance creates a new Chapter 7.01 of the Lacey Municipal Code related to the retail sale of dogs and cats.
2. The Ordinance approves this summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: January 25, 2021