

ORDINANCE NO. 4839

**AN ORDINANCE ADOPTING CHAPTER 7.08 OF THE CITY CODE
PROHIBITING THE RETAIL SALE OF DOGS AND CATS**

WHEREAS, pet stores selling puppies and kittens have traditionally been a sales outlet for animals bred in “puppy mills” and “kitten mills,” which are breeding facilities that mass-produce animals for sale to the public without adequate attention to the animals’ physical, behavioral or psychological needs; and

WHEREAS, according to the Humane Society of the United States, hundreds of thousands of dogs and cats are housed and bred at “puppy mills” and “kitten mills,” and most pet store puppies and many pet store kittens come from puppy mills and kitten mills, respectively; and

WHEREAS, documented abuses endemic to puppy and kitten mills include overbreeding; inbreeding; minimal to nonexistent veterinary care; lack of adequate food, water and shelter; lack of socialization; lack of adequate space; and indiscriminate disposal of animals that have reached the end of their profitable breeding cycle; and

WHEREAS, the inhumane conditions in puppy and kitten mills can lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops and which can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, prohibiting the retail sale of dogs and cats, while allowing the adoption of puppies and kittens from shelters and rescue organizations, is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and encourage consumers to provide homes to animals from animal shelters and rescue organizations 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 the consumer’s choice directly from a breeder, a rescue organization or a shelter; and

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

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

WHEREAS, the Beaverton City Council desires to adopt a new chapter to the Beaverton City Code to restrict the retail sale of dogs and cats in the City of Beaverton;

NOW, THEREFORE, THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Adoption. The Council adopts City Code Chapter 7.08, as shown in **Exhibit A**, which is attached and incorporated by this reference.

Section 2. Findings. The City Council adopts the above recitals as findings in support of this ordinance.

Section 3. Severability. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining parts shall remain in full force and effect unless:

- A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or
- B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading the 17th day of January, 2023.

Public hearing the 7th day of February, 2023.

Adopted by the City Council the 7th day of February, 2023.

Signed by the Mayor the 8th day of February, 2023.

Attested:

Signed:

Catherine Jansen
Catherine Jansen, City Recorder

LACEY BEATY
Lacey Beaty, Mayor

PROPOSED CITY CODE LANGUAGE

FOR PROHIBITION ON THE RETAIL SALE OF DOGS AND CATS

Chapter 7.08 PROHIBITION ON THE RETAIL SALE OF DOGS AND CATS

- 7.08.005 Short title.
- 7.08.010 Definitions
- 7.08.015 Prohibition on the Retail Sale of Dogs and Cats
- 7.08.020 Penalty

- 7.08.005 Short title.

This section to BC 7.08.020 shall be known and may be cited as the “pet store ordinance” and may be referred to herein as “this chapter.”

- 7.08.010 Definitions

As used in this chapter:

- A. “Animal shelter” means a facility maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole or in part, the rescue and placement of animals in permanent homes or rescue organizations.
- B. “Animal rescue organization” means 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 part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or one that obtains animals from a breeder for profit or compensation.
- C. “Breeder” means a person that maintains a dog or cat for the purpose of breeding and selling its offspring.
- D. “Offer for sale” means to sell, offer for sale or adoption, advertise the sale of, barter, auction, give away, exchange for consideration, or otherwise dispose of a dog or cat.
- E. “Pet store” means a retail establishment where dogs or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail and does not include an animal shelter or animal rescue organization.

- 7.08.015 Prohibition on the Retail Sale of Dogs and Cats

- A. Except as provided in subsection (B) of this section, no person shall offer for sale a dog or cat of any age at or through a pet store. Nothing in this section prohibits a person who owns or manages a pet store from collaborating with an animal shelter or animal rescue organization to offer space for such entities to showcase an adoptable dog or cat, provided the pet store and its owners and managers do not have any ownership interest in the dog or cat offered for adoption and do not receive any fee or compensation for providing space for the adoption of the dog or

cat. The name, address, telephone number and email address of the animal rescue organization or animal shelter shall be conspicuously displayed on or near the enclosure of a dog or cat offered for adoption.

- B. The prohibition described in subsection (A) of this section does not apply to:
- a. any animal shelter or animal rescue organization.
 - b. a breeder who offers for sale a dog or cat that is the offspring of animals the breeder owns and has bred on the breeder's residential premises in Beaverton.

7.08.020 Penalty

A person who violates this chapter shall be subject to the enforcement authority of BC 2.10, Civil Infractions. A violation of this chapter is a Class I civil infraction. Each dog or cat offered for sale in violation of this chapter shall constitute a separate violation. Each day the violation continues is a separate violation.