

## ORDINANCE NO. 2453

### AN ORDINANCE AMENDING BEND MUNICIPAL CODE TITLE 7 TO CREATE CHAPTER 7.70 – RESTRICTION ON THE SALE OF ANIMALS

#### Findings:

A. Pet stores selling live animals have traditionally been a sales outlet for young dogs and cats bred in "puppy mills" and "kitten mills" both in 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 2,600,000 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 they unknowingly support the puppy mill or kitten mill industry.

B. 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 can 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, in some cases, misleading tactics of retailers.

C. The lack of enforcement resources at local, state and federal levels allows many inhumane puppy and kitten mills to operate with impunity. According to the Humane Society, American consumers purchase dogs, cats and rabbits 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 after sale or surface several years later, which leads to costly veterinary bills and distress to the pet owners.

D. Many reputable dog and cat breeders refuse to sell through pet stores and work carefully to screen families and ensure good, lifelong matches. 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.

E. Due to growing awareness and education across the country, hundreds of cities and counties have enacted ordinances addressing the sale of puppy and kitten mill dogs and cats, including Chicago, Illinois; Philadelphia, Pennsylvania; Los Angeles, California; San Diego, California; Albuquerque, New Mexico; Austin, Texas; Brick, New Jersey; Poulsbo, Tumwater, Olympia and Bremerton, Washington, to name but a few.

F. The Bend City Council is persuaded that the dog, cat and rabbit-selling pet store model is increasingly outdated and socially unacceptable. 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, cats and rabbits. 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.

G. In fact, the largest (and smallest) pet stores in Bend, including PetSmart, Petco, Bend Pet Express, Mini Pet Mart and Mud Bay do not sell cats, dogs or rabbits, but instead partner with local shelters and rescues to hold adoptions events at their stores.

H. Although there is currently not an issue in Bend due to responsible local pet stores, the Council finds that prohibiting the retail sale of dogs, cats and rabbits in pet stores in the City will prevent any future concerns, promote community awareness of animal welfare and, in turn, foster a more humane environment in the City.

I. The Council also finds that elimination of even the potential for the retail sale of dogs, cats and rabbits in pet stores in the City will encourage pet consumers to adopt dogs, cats and rabbits from shelters, which saves animals' lives and reduces the cost to the public of sheltering animals.

J. The Council desires to adopt reasonable regulations to protect members of the community from ever purchasing dogs, cats and rabbits from a pet shop, to promote community awareness of animal welfare, to help prevent inhumane conditions, and to foster a more healthy and humane environment in the City.

K. Restricting the retail sale of dogs, cats and rabbits to only those sourced from animal welfare organizations is likely to increase demand for animals from animal welfare organizations and thereby reduce the number of homeless animals and animal control costs.

L. This ordinance will not affect a consumer's ability to obtain a dog, cat or rabbit of their choice directly from a breeder, a breed-specific rescue or shelter, or an animal welfare organization where the consumer can see directly the conditions in which the animals are bred or can confer directly with the breeder concerning those conditions.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Bend Code Title 7 is amended to add Chapter 7.70 as shown on the attached Exhibit A.

Section 2. All other provisions of Bend Municipal Code Title 7 remain unchanged and in full effect.

Section 3. If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect

other provisions that can be given effect without the invalid provision or application.

First reading: August 3, 2022

Second reading and adoption by roll call vote: August 17, 2022

YES: Mayor Gena Goodman-Campbell  
Councilor Anthony Broadman  
Councilor Barb Campbell  
Councilor Melanie Kebler  
Councilor Megan Perkins  
Councilor Stephen Sehgal  
Councilor Mo Mitchell

ATTEST:

Robyn Christie, City Recorder

Approved as to form:

Mary A. Winters, City Attorney



## Chapter 7.70

### RESTRICTION ON THE SALE OF ANIMALS

#### Sections:

- 7.70.005 Definitions
- 7.70.010 Restriction on the Sale of Animals
- 7.70.015 Penalty

#### **7.70.005 Definitions**

As used in this section, the following definitions apply:

- A. **Animal care facility** means 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 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 significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.
- C. **Breeder** means a person that maintains a dog, cat or rabbit for the purpose of breeding and selling their offspring.
- D. **Broker** means a person that transfers a dog, cat or rabbit from a breeder for resale by another person.
- E. **Offer for sale** means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.
- F. **Pet store** means a retail establishment where dogs, rabbits, or cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

#### **7.70.010 Restriction on the Sale of Animals**

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs, cats, or rabbits. Nothing in this section prohibits pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs, cats or rabbits, provided the pet

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store does not have any ownership interest in the animals offered for adoption and does not receive a fee for providing space for the adoption of any of these animals. The restriction in this Section does not apply to any breeder, broker, animal care facility or animal care organization.

#### **7.70.015      Penalty**

A pet store that violates this Chapter shall be subject to the enforcement authority of Bend Municipal Code Chapter 1.40, Civil Infractions. A violation is a Class A civil infraction, subject to a maximum civil penalty of \$750. Each dog, cat or rabbit offered for sale in violation of this Chapter shall constitute a separate violation. Each day the violation continues is a separate violation.