

**TOWN OF FAIRPLAY, COLORADO  
ORDINANCE #1  
(SERIES 2020)**

**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, PROVIDING FOR THE HEALTH, SAFETY, AND PUBLIC WELFARE OF THE TOWN BY RESTRICTING THE SALE OF DOGS AND CATS BORN OR RAISED IN INHUMANE BREEDING FACILITIES.**

**WHEREAS**, the Town of Fairplay has an interest in maintaining the public safety and welfare of the citizens of Town; and

**WHEREAS**, Section 31-15-501, C.R.S. authorizes municipalities to prohibit within the limits of the municipality any offensive or unwholesome business practice; and

**WHEREAS**, Section 31-15-401, C.R.S. provides municipalities with general police powers including the powers to prohibit and punish for cruelty to animals, and to declare what is a nuisance and abate the same; and

**WHEREAS**, the Humane Society of the United States has determined that dog and cat mills are inhumane commercial breeding facilities which disregard the animals' health – both physical and emotional – in order to maximize profits; and

**WHEREAS**, according to the Humane Society of the United States, these mills produce animals for sale, most frequently at retail stores; and

**WHEREAS**, the Board of Trustees for the Town of Fairplay finds and determines that the sale of dogs and cats from these mills is an unwholesome business practice, promotes cruelty to animals, and is a nuisance that must be abated; and

**WHEREAS**, the Board of Trustees for the Town of Fairplay desires to exercise its powers to address the sale of dogs and cats in retail stores that come from these mills, all as more fully provided in this ordinance.

Now, therefore, be it ordained by the Board of Trustees of the Town of Fairplay, Colorado that:

**Section 1. Findings and Intent.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees of the Town of Fairplay.

**Section 2. Addition to the Municipal Code.** The Fairplay Municipal Code is amended by the addition of a new Article IX to Chapter 7 to read as follows:

**Sec. 7-9-10. Definitions.**

As used in this Article, unless the context otherwise requires, the following words shall have the meanings given to them in this Section:

*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.

*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.

*Animal shelter* means a municipal or related public animal shelter or duly incorporated non-profit organization devoted to the rescue, care, and adoption of stray, abandoned, or surrendered animals and which does not breed animals.

*Cat* means any animal of the species *Felis catus* or any hybrid thereof.

*Certificate of source* means 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.

*Dog* means any animal of the family *Canidae*, regardless of sex, including, without limitation, those related to the wolf, fox, coyote, or any other domestic canid hybrid thereof.

*Hobby breeder* means an individual or establishment who delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes directly to the public only animals that were bred and reared on the premises of the person or establishment, on which premises a consumer may view the conditions where the animals were bred and reared, and speak with the breeder directly.

*Pet store* means a retail establishment not meeting the definitions of animal care facility, animal rescue organization, or animal shelter that delivers, offers for sale, displays, offers for adoption, barter, auctions, gives away, or otherwise transfers cats and dogs to any person.

*Pet store operator* means any person who owns or operates a pet store.

#### **Sec. 7-9-20. Prohibitions.**

Except as provided in Section 7-9-30, no person or establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the Town of Fairplay on or after the effective date of the ordinance codified in this Article.

#### **Sec. 7-9-30. Exceptions.**

The prohibition in Section 7-9-20 shall not apply to lawfully operated hobby breeders, animal care facilities, animal rescue organizations, or animal shelters.

**Sec. 7-9-40. Adoption of shelter and rescue animals.**

Nothing in this Article shall prevent a pet store or its owner, operator, or employees from providing space and appropriate care for dogs and cats owned by a lawfully operated animal care facility, animal rescue organization, or animal shelter for the purpose of adopting or selling those animals to the public, provided that the pet store shall not have any ownership interest in the animals offered and shall not receive a fee for providing space or appropriate care.

**Sec. 7-9-50. Certificate of source required.**

A pet store that lawfully offers space for the sale or adoption of dogs or cats shall post, in a conspicuous location on the enclosure of each such animal a certificate of source, as such term is defined in this Article.

**Section 7-9-60. Violations and Penalties.**

Violation of any of the provisions of this Article is unlawful and is punishable in accordance with Section 1-4-20 of the Code. The Town may in addition to the penalties prescribed by Section 1-4-20 institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove the violation.

**Section 3.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the application to other persons or circumstances.

**Section 4.** This Ordinance shall become effective thirty (30) days after publication.

**ORDAINED, APPROVED AND ADOPTED THIS 6TH DAY OF JANUARY, 2020.**

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Frank Just, Mayor

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Tina Darrah, Town Clerk