

**TOWN OF SILVERTHORNE, COLORADO
ORDINANCE NO. 2020-06**

**AN ORDINANCE AMENDING CHAPTER II OF THE SILVERTHORNE
MUNICIPAL CODE TO PROVIDE FOR THE PROHIBITION OF THE
SALE OF DOGS AND CATS THAT ORGINATED FROM A PUPPY MILL
OR PASSED THROUGH A BROKER.**

WHEREAS, The Town of Silverthorne (the “Town”) is a home rule municipality with all the powers and authority vested under Colorado law; and

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

WHEREAS, the Humane Society of the United States has determined that puppy and kitten mills are inhumane commercial breeding facilities and these mills produce animals for sale, oftentimes at retail stores; and

WHEREAS, the Town Council finds and determines that the sale of dogs and cats from these puppy and kitten mills is a business practice that is not in the best interest of the public welfare of the Town; and

WHEREAS, the Town Council desires to exercise its authority 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, THE COUNCIL OF THE TOWN OF SILVERTHORNE,
COLORADO ORDAINS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Chapter 2 of the Silverthorne Town Code is hereby amended with the addition of a new Article XIV as depicted in Exhibit A.

Section 3. Safety Clause. The adoption of this ordinance will promote the health, safety, and general welfare of the Silverthorne community.

Section 4. Severability. If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5. Effective Date. This ordinance shall be effective upon adoption at second reading, pursuant to Sections 4.5 and 4.7 of the Silverthorne Home Rule Charter.

READ AND PASSED ON FIRST READING THIS 12th DAY OF FEBRUARY 2020.

ADOPTED ON SECOND AND FINAL READING THIS 11th DAY OF MARCH, 2020.

TOWN OF SILVERTHORNE, COLORADO

Ann-Marie Sandquist, Mayor

ATTEST:

Michele Miller, Town Clerk

Approved on the first reading: _____, 2020

Published by title only: _____, 2020

Approved on the second reading: _____, 2020

Published by title only: _____, 2020 (with amendments, if amended on second reading): _____, 2020

ARTICLE XIII – Puppy Mills

Sec. 2-14-1. – Application of provisions.

The provisions of this Article shall apply to all of the territory within the corporate limits of the Town.

Sec. 2-14-2. – Definitions.

- (a) Definitions. As used in this Article, unless the context otherwise requires, the following terms shall have the meanings indicated:

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.

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 rescue organization” does not include any entity which: (1) is located on the same premises as a Breeder or Broker; (2) has any personnel in common with a Breeder or Broker, including but not limited to, any employee, manager, or board member; (3) obtains any dogs or cats from a Breeder or Broker; or (4) facilitates the sale of dogs or cats that were obtained from a Breeder or Broker.

Breeder means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

Broker means a person that transfers a dog or cat from a breeder for resale by another person.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

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 or cat.

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. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Sec. 2-14-3. – Restrictions on the Sale of Animals.

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have

any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

Sec. 2-14-4. – Penalty.

A pet store that violates this section shall be subject to a civil penalty of \$500, and each dog or cat offered for sale in violation of this section shall constitute a separate violation.