

ORDINANCE 21-45

**TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ANIMALS”**

– Re: Amending Chapter 7.01 (Definitions); Chapter 7.16 (Commercial Animal Establishment Permits); Chapter 7.54 (Fees); and Chapter 7.56 (Enforcement Procedure)

WHEREAS, Title 7 of the Bloomington Municipal Code (“BMC”) sets forth provisions regarding the care and control of animals through the Animal Care and Control Division of the Department of Public Works for the City of Bloomington; and

WHEREAS, the Humane Society of the United States estimates that 10,000 puppy mills (both licensed and unlicensed) produce more than 2,600,000 dogs a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, according to the Human Society of the United States, the conditions endemic to puppy mills and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water, and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, according to the Humane Society of the United States, the care and treatment of animals in puppy and kitten mill facilities can lead to health and behavioral issues in the animals kept and bred in those facilities, which may not present themselves until sometime after the purchase of the animals, and can lead to exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, BMC Title 7 does not currently include restrictions on the sale of dogs and cats at pet shops; and

WHEREAS, prohibiting the retail sale of dogs and cats is likely to decrease the demand for dogs and cats bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, across the country, thousands of independent pet shops 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 pet shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this ordinance will not affect a consumer’s ability to obtain a dog or cat of their choice directly from a breed-specific rescue organization or a shelter, or from a responsible breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the responsible breeder concerning these conditions; and

WHEREAS, it is in the best interests of the community as a whole and of the animals who reside here for the City of Bloomington to prohibit the sale of dogs and cats by pet shops.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY THAT:

SECTION 1. Section 7.01.010, entitled “Definition of terms”, shall be amended by adding a

new defined term, “Animal rescue organization”, which shall read as follows:

“Animal rescue organization” means a not-for-profit organization having tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code and a mission and practice of rescuing animals and placing them into permanent homes. Animal rescue organization does not include any person who:

- (1) breeds dogs or cats;
- (2) in exchange for compensation of any kind, obtains dogs or cats from a person who breeds dogs or cats; or
- (3) facilitates the sale of dogs or cats obtained from a person who breeds dogs or cats.

SECTION 2. Section 7.01.010, entitled “Definition of terms”, shall be amended by deleting the words “major and/or minor” before the words “pet shop” in the definition of “Commercial animal establishment”.

SECTION 3. Section 7.01.010, entitled “Definition of terms”, shall be amended by deleting the defined term “Major pet shop” in its entirety.

SECTION 4. Section 7.01.010, entitled “Definition of terms”, shall be amended by deleting the defined term “Minor pet shop” in its entirety.

SECTION 5. Section 7.01.010, entitled “Definition of terms”, shall be amended by adding a new defined term, “Pet shop”, which shall read as follows:

"Pet shop" means any retail establishment engaging in the purchase and sale of any species of animal.

SECTION 6. Section 7.01.010, entitled “Definition of terms”, shall be amended by adding a new defined term, “Offer for sale”, which shall read as follows:

“Offer for sale” means to proffer, advertise, or display for the sale, trade, barter, lease, giving away, or any other transfer.

SECTION 7. Section 7.01.010, entitled “Definition of terms”, shall be amended by deleting the words “or corporation” after the word “partnership” and replacing them with the words “corporation, or any other legal entity” in the definition of “Person”.

SECTION 8. Section 7.01.010, entitled “Definition of terms”, shall be amended by adding a new defined term, “Sell”, which shall read as follows:

“Sell” means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer animals.

SECTION 9. Section 7.16.040, entitled “Standards for commercial animal establishments” shall be amended by deleting subsection (f) in its entirety and re-lettering all remaining subsections accordingly.

SECTION 10. Section 7.16.040, entitled “Standards for commercial animal establishments” shall be amended by deleting the words “major or minor” in subsection (g).

SECTION 11. Section 7.16.045, entitled “Consumer protection requirements”, shall be deleted in its entirety, and the table of contents for the Chapter shall be updated accordingly.

SECTION 12. Section 7.54.030, entitled “Commercial animal establishment permit fees” shall be amended by deleting the word “minor” in subsection (a)(6).

SECTION 13. Section 7.54.030, entitled “Commercial animal establishment permit fees” shall be amended by deleting subsection (a)(7) in its entirety and renumbering all remaining subsections accordingly.

SECTION 14. A new section shall be added to Title 7, Chapter 7.16 entitled “Section 7.16.070 - Sale of dogs and cats by pet shops prohibited” which shall be listed as such in the Table of Contents for the Title and shall read as follows:

Section 7.16.070 – Sale of dogs and cats by pet shops prohibited.

- (a) No pet shop shall sell or offer for sale a dog or a cat.
- (b) This section shall not prohibit a pet shop from offering space to a municipal animal shelter or to an animal rescue organization, as defined in Section 7.01.010, to display dogs and cats for adoption.
- (c) No part of any fees associated with the display or adoption of dogs or cats, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any legal entity affiliated with or under common ownership with the host pet shop.
- (d) The host pet shop shall not have any ownership interest in any of the dogs or cats displayed for adoption.
- (e) Each sale or offer for sale made in violation of subsection (a) of this section shall constitute a separate violation subject to the penalties set forth under Chapter 7.56.

SECTION 15. Section 7.56.030, entitled “Penalties” shall be amended by adding the following violation and corresponding fine to the table contained in subsection (b):

Sale of dog or cat by pet shop in violation of Section 7.16.070.	\$500.00
--	----------

SECTION 16. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 17. This ordinance shall be in full force and effect beginning on January 1, 2023.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____,
2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 21-45 is sponsored by Councilmember Sandberg, Councilmember Piedmont-Smith, and Councilmember Rollo and would amend portions of Title 7 of the Bloomington Municipal Code entitled “Animals.” The ordinance makes the following changes:

- It revises BMC Section 7.01.010 to add, remove, and revise various defined terms.
- It revises BMC Section 7.16.040 to remove the requirement that the breeders name be posted on the animal’s kennel.
- It removes BMC Section 7.16.045 in its entirety.
- It revises BMC Section 7.54.030 to make the commercial animal establishment fee for pet shops \$250.
- It adds BMC Section 7.16.070, which prohibits the sale of dogs and cats by pet shops.
- It revises BMC Section 7.56.030 to add a penalty for the sale of dogs or cats by a pet shop.