



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Jan Aramaki,
Policy Analyst

DATE: October 16, 2018

**RE: LIMITATION ON RETAIL SALE OF CATS,
DOGS AND RABBITS**

PROJECT TIMELINE:

Briefing: Oct 16, 2018

Set Date: Oct 16, 2018

Public Hearing: Nov 13, 2018

Potential Action: Nov 27, 2018

ISSUE AT-A-GLANCE

The Administration requests the City Council consider a proposed ordinance related to animal establishments that would establish a limitation on the ability to sell dogs, cats and rabbits obtained only from a City or County operated animal shelter, animal control agency, a humane society, or non-profit rescue organization. Council Members were contacted by representatives of the Humane Society of Utah and Best Friends Animal Society to consider this proposal with the intent to prevent “puppy mills” and “backyard breeders” who may disregard the welfare of animals sold to pet stores.

The proposed ordinance mirrors sections of Salt Lake County’s ordinance adopted October 2015 and Sandy City’s ordinance adopted May 1, 2018. The City Attorney’s Office included a 90-day period between passage and implementation so that any pet stores currently practicing outside the scope of the ordinance would have sufficient time to comply. Council staff contacted pet establishments licensed to operate in Salt Lake City and learned the current standard practice for local pet stores aligns with limitations outlined in the proposed ordinance. A violation of the proposed ordinance could result in a misdemeanor citation under *Salt Lake City Code* Section 1.12.050

Some states have passed legislation preventing cities from adopting an ordinance placing limitations on animal sales. However, Utah does not currently have such a statute.

Goal of the briefing: *Discuss the proposed ordinance and take a straw poll on whether the City Council is in favor of moving this item to a public hearing.*





UPDATED CITY COUNCIL TRANSMITTAL

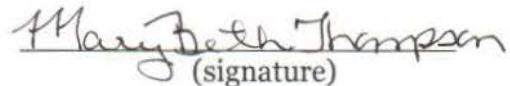

Patrick Leary, Chief of Staff

Date Received: September 28, 2018
Date sent to Council: October 1, 2018

TO: Salt Lake City Council
Erin Mendenhall, Chair

DATE: 9/27/2018

FROM: Mary Beth Thompson, Chief Financial Officer


(signature)

SUBJECT: Limitations on the Sale of Dogs, Cats, and Rabbits, at Commercial Animal Establishments

STAFF CONTACTS: Lisa Packwood, Director of Revenue and Collections,
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Nole Walkingshaw, Deputy Director Administrative Services,
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Jaysen Oldroyd, Senior City Attorney, jaysen.oldroyd@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: It is recommended that the City Council pass this ordinance to impose certain limitations regarding the sources from which commercial animal establishments obtain the dogs, cats, and rabbits, that such establishments sell to the public.

BUDGET IMPACT: No budget impact is anticipated.

BACKGROUND/DISCUSSION: The proposed ordinance section (Section 8.04.195) would make it unlawful for commercial animal establishments to sell dogs, cats, or rabbits unless such animals were obtained from an animal shelter, an animal control agency, a humane society, or a non-profit rescue organization. Such restrictions are intended to reduce pet overpopulation and insure that animals sold in commercial animal establishments treated appropriately and humanely. Numerous municipalities and counties throughout the country have passed similar laws restricting the sources from which animals are obtained for sale. Within Utah, both Sandy City and Salt Lake County have passed similar restrictions governing the sale of animals at commercial animal establishments.

SALT LAKE CITY ORDINANCE
No. _____ of 2018

(Limitations on the Sale of Dogs, Cats, and Rabbits, at Commercial Animal Establishments)

An Ordinance Enacting Section 8.04.195 of the Salt Lake City Code Addressing the Sale of Dogs, Cats, and Rabbits, at Commercial Animal Establishments in Salt Lake City

WHEREAS, the Salt Lake City Council has determined the public health, safety and welfare of Salt Lake City (the "City") will be promoted by prohibiting the sale of dogs, cats and rabbits at commercial animal establishments within the City unless such dog, cat, or rabbit was obtained from a city animal shelter, county animal shelter, animal control agency, humane society, or non-profit rescue organization; and

WHEREAS, Utah Code Section 10-8-84 authorizes the City's enactment of an ordinance prohibiting such unauthorized sales of dogs, cats, and rabbits in order to protect the health, safety, and welfare of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Enacting Salt Lake City Code Section 8.04.195. That Salt Lake City Code Section 8.04.195 shall be, and hereby is, enacted to read as follows:

8.04.195: SALE OF DOGS, CATS, AND RABBITS AT COMMERCIAL ANIMAL ESTABLISHMENTS:

- A. It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog, cat, or rabbit at any pet shop, retail business or other commercial animal establishment located within the City unless the dog, cat, or rabbit was obtained from:
- a. an animal shelter;
 - b. an animal control agency;
 - c. a humane society; or
 - d. a non-profit rescue organization

- B. All pet shops, retail businesses, or other commercial animal establishments selling dogs, cats, or rabbits shall maintain a certificate of source for each animal and shall make it available upon request to any animal control officer, law enforcement officer, code compliance official or other individual charged with enforcing the provisions of this section. For purposes of this section, a certificate of source is defined as any document from an animal shelter, animal control agency, humane society, or non-profit rescue organization that identifies such entity as the source from which the dog, cat, or rabbit was obtained by the pet shop, retail business or other commercial establishment at issue.
- C. This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats or rabbits from the premises on which they were bred and reared.
- D. Nothing in this section shall prevent the owner, operator, or employees of a pet shop, retail business, or other commercial animal establishment located in the City from providing space and appropriate care for animals owned by an animal shelter, animal control agency, humane society, or non-profit rescue organization; and maintaining those animals at the pet shop, retail business or other commercial animal establishment for the purpose of public adoption.

SECTION 2. Effective Date. That this ordinance shall become effective ninety (90) days after publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2018.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 2018.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date: 9/27/18
By: Jaysen Oldroyd
Jaysen Oldroyd, Senior City Attorney

HB_ATTYY-#72789-v2-Sale_of_Pets