

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON**

In the Matter of an Ordinance Adopting)
Article Four, Division Three of County) **ORDINANCE NO. 23-03**
Code)
(Restriction on the Sale of Animals in)
Retail Establishments))

WHEREAS, inhumane conditions in puppy and kitten mill facilities can lead to health and behavioral issues with animals, which many citizens 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; and

WHEREAS, the lack of enforcement resources at local, state and federal levels allows many inhumane animal mills to operate with impunity; and

WHEREAS, due to growing awareness and education across the country, hundreds of cities and counties have enacted regulations addressing the sale of animal mill animals; and

WHEREAS, restricting the retail sale of dogs and cats to only those sourced from legitimate animal welfare organizations is likely to increase demand for animals from legitimate organizations and thereby reduce the number of abandoned animals and animal control costs; and

WHEREAS, the County finds it reasonable to restrict the sale of dogs, and cats to only those sourced from legitimate organizations.

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I TITLE

This Ordinance shall be known as Ordinance No. 23-03 and may be cited as "Ordinance Adopting Article Four, Division Three of Curry County Code regarding Restriction on the Sale of Animals in Retail Establishments."

SECTION II AUTHORITY

This Ordinance is enacted pursuant to the authority of ORS 203.035 and any subsequent amendments thereto.

CJ 2023-189
Curry County Clerk, Shelley Denney
Filed Date 8 13 23
Time 2:25pm - 4 pages
Deputy S. Lindsey Harris
S. Lindsey Harris

SECTION III PURPOSE

The purpose of this Ordinance is to codify a restriction regarding the sale of animals in retail establishments.

SECTION IV ADOPTION

The provisions of this Ordinance and the attached Article Four, Division Three, incorporated herein by reference, are hereby adopted and shall be effective ninety (90) days from the date of this Ordinance; and shall remain in force and effect until otherwise ordained by the Board of Curry County Commissioners.

SECTION V SEVERANCE CLAUSE

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the attached Code, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The legislative body hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any provision be declared unconstitutional or otherwise invalid.

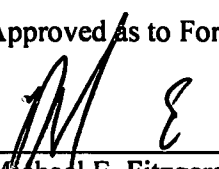
SECTION VI EFFECTIVE DATE

This Ordinance shall become effective on the 31st day of October, 2023.

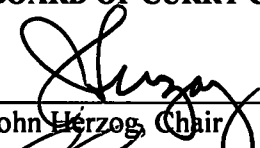
DATED this 2nd day of August, 2023.

BOARD OF CURRY COUNTY COMMISSIONERS

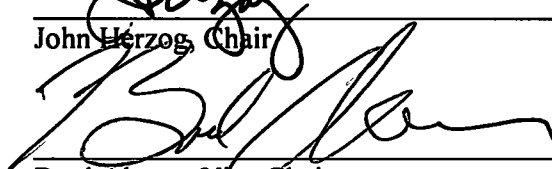
Approved as to Form:



Michael E. Fitzgerald, OSB #950738
Curry County Legal Counsel



John Herzog, Chair



Brad Alcorn, Vice Chair



Jay Trost, Commissioner

First Reading: July 19, 2023

Effective Date: October 31, 2023

ARTICLE FOUR

DIVISION THREE

RESTRICTION ON THE SALE OF ANIMALS IN RETAIL ESTABLISHMENTS

SECTION 4.03.010

PURPOSE

Due to the historical lack of enforcement resources at local, state and federal levels allowing many inhumane animal mills to operate with impunity, the County finds it reasonable to restrict the sale of dogs and cats to only those sourced from legitimate organizations in an effort to increase demand for animals from legitimate organizations, as well as reducing the number of homeless animals and animal control costs.

SECTION 4.03.020

DEFINITIONS

The following terms used in this Division shall have the meanings set forth below:

“Animal Rescue Organization” means any non-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United State 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.

“Board” means the Curry County Board of Commissioners.

“Breeder/Non-Commercial Breeder” means a person that maintains a dog, cat, or rabbit for the purpose of breeding and selling their offspring. This excludes any commercial breeder of dogs and cats.

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

“Commercial Breeder” means a person or organization that provides dogs, cats, or bunnies for sale to commercial retail establishments through a broker or a person/entity accomplishing the actions of a commercial broker.

“Offer” for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, or otherwise sell a dog or cat.

“Online Sales” means a retail establishment operating as a “Pet Store” which also engages in the sale of dogs or cats via the internet.

“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 any Animal Rescue Organization or Humane Society.

SECTION 4.03.030 RESTRICTION ON THE SALE OF ANIMALS

No pet store shall sell, deliver, offer for sale, barter, auction, give away engage in on-line sales, or otherwise transfer or dispose of dogs, cats, or rabbits. Nothing in this section prohibits pet stores from collaborating with legitimate animal rescue organizations to offer space for such entities to showcase adoptable dogs, cats, or rabbits, provided the pet 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. Nor does this section prohibit pet store sales of dogs, cats, or rabbits obtained from non-commercial breeders as long as the dogs, cats or rabbits have not been procured through a commercial broker.

SECTION 4.03.040 PENALTIES & ENFORCEMENT

4.03.041 Fine

Violation of any provision of this Division is punishable by a fine not less than \$1,000.00 nor more than \$3,000.00 for the first offense, and for the second and subsequent offenses, not less than \$2,000.00, nor more than \$5,000.00.

4.03.042 Separate Offenses

Each day that a violation occurs will be considered a separate offense. Each dog or cat offered for sale in violation of this chapter shall constitute a separate violation.

SECTION 4.03.050 NONEXCLUSIVE REMEDY

The remedies described in this chapter shall not be the exclusive remedies of the County for violations of this Division.