

**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. 23-05
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. 23-05 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.

CT2023005
Curry County Clerk, Shelley Denney
Filed Date 8 1 23 123
Time 8:52 AM - 4 pages
Deputy S. Lindsay 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 14th day of November, 2023.

DATED this 16th day of August, 2023.

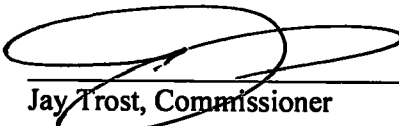
BOARD OF CURRY COUNTY COMMISSIONERS



John Herzog, Chair

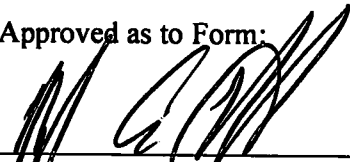


Brad Alcorn, Vice Chair



Jay Trost, Commissioner

Approved as to Form:



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

First Reading: July 19, 2023

Final Reading: August 16, 2023

Effective Date: November 14, 2023

ARTICLE FOUR

DIVISION THREE RESTRICTIONS 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, cats and rabbits to only those obtained from legitimate sources in an effort to increase demand for animals from legitimate organizations and breeders, as well as reducing the number of homeless animals and mitigating animal control costs incurred by the County.

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, in whole or in significant part, is the rescue and placement of animals in permanent homes. This does not include an entity that acts as a Breeder or Broker, or one that obtains animals from a Breeder or Broker for retail sale or other profit and compensation.

“Board” means the Curry County Board of Commissioners.

“Breeder” or **“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, cats or rabbits as defined by this Section.

“Commercial Breeder” means a person or organization that provides dogs, cats, or rabbits for sale to Brokers or Pet Stores and other commercial retail establishments by and through a Broker, as defined in this Section.

“Broker” or **“Commercial Broker”** means a person that transfers a dog, cat or rabbit from a Breeder for resale by another person; or any person or entity who brokers or otherwise acts as an intermediary in the purchase and sale of dogs, cats, or rabbits who is not the Breeder of the dog, cat, or rabbit being purchased or sold.

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

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

“Pet Store” means an establishment, whether physical or virtual, where dogs, cats, or rabbits are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail; and does not include Animal Rescue Organizations.

SECTION 4.03.030 RESTRICTION ON THE SALE OF ANIMALS

No individual or Pet Store shall sell, deliver, offer for sale, barter, auction, give away, engage in online sales, or otherwise transfer or dispose of dogs, cats, or rabbits that originated from a Commercial Breeder as defined in this Division or were obtained through a Broker, as defined in this Division. This Section does not prohibit pet store sales of dogs, cats, or rabbits obtained from Breeders as long as the dog, cat or rabbit has not been procured through a Broker, as defined in this Division.

SECTION 4.03.040 ALLOWABLE ANIMAL SALES

4.03.041 Pet Store Exhibition of Rescue Animals

Pet Stores may collaborate with legitimate Animal Rescue Organizations, as defined in this Division, 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.

4.03.042 Pet Store Sale of Non-Commercially Produced Animals

Pet Stores may offer for sale dogs, cats, or rabbits procured through a Non-Commercial Breeder, as defined by this Division, provided that the Pet Store does not have any ownership interest in the animals offered for sale.

4.03.043 Animal Rescue Organizations

Animal Rescue Organizations may offer dogs, cats, and rabbits for adoption regardless of their origin; provided, however, that the Animal Rescue Organization may not purchase the animal from a Broker, as defined by this Division, for the purpose of offering the animal for retail sale.

SECTION 4.03.050 PENALTIES & ENFORCEMENT

4.03.051 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.

4.03.052 Separate Offenses

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

SECTION 4.03.060 NONEXCLUSIVE REMEDY

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

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

**In the Matter of a Resolution Proclaiming)
September 2023 as Suicide Awareness) RESOLUTION NO. R2023-24
Prevention Month)**

WHEREAS, suicidal thoughts affect everyone; and suicide is a major public health issue that requires vigilant attention and preventative action, especially during times of a pandemic; and

WHEREAS, each death by suicide directly affects family members, friends, loved ones, and by extension our entire rural community; and

WHEREAS, research shows that people would do something if someone close to them was thinking about suicide if they only knew what to say or do.


NOW, THEREFORE, the Curry County Board of Commissioners hereby encourages all citizens to be aware of the warning signs of suicide and know what they can do to help.

NOW, THEREFORE, BE IT RESOLVED THAT, September is

Suicide Awareness Month

DATED this 16th day of August, 2023.


BOARD OF CURRY COUNTY COMMISSIONERS



John Herzog, Chair

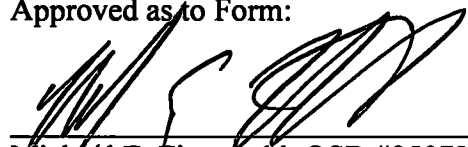


Brad Alcorn, Vice Chair



Jay Trost, Commissioner

Approved as to Form:



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

CJ 2023-206
Curry County Clerk, Shelley Denney
Filed Date 08 25 2023
Time 01:32 PM
Deputy W. B. Bross Marci Bross