

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: January 30, 2017
Item No.: 7.a

Department Approval

City Manager Approval



Item Description: Review of Draft Ordinance Prohibiting the Sale of Dogs and Cats in Pet Stores

1 **BACKGROUND**

2 At the December 5, 2016 meeting, the City Council discussed the creation of an ordinance that would
3 prohibit the sale of dogs and cats by a pet store but would allow for a collaboration between a pet store
4 and animal shelter or rescue organization to showcase adoptable dogs and cats. The minutes from that
5 meeting are included as Attachment A. Based on that discussion and information submitted by the
6 Minnesota Chapter of the Humane Society of America, the City Attorney has drafted an ordinance that
7 bans the sale of dogs and cats in pet stores and only allow adoption of dogs and cats in those places of
8 business. (Attachment B)

9 Besides prohibiting the sale of dogs and cats, a pet store would need to display and maintain a
10 “certificate of source” regarding the origin of the dog or cat within three feet of the animal’s cage. A
11 violation of the code would be cited as an administrative offense as stated in Section 102.01C
12 (Attachment C). Under the current draft, the ordinance would take effect 180 days after passage and
13 publication.

14 **POLICY OBJECTIVE**

15 To determine whether pet stores should be regulated and/or licensed in the City of Roseville.

16 **FINANCIAL IMPACTS**

17 City costs cannot be determined at this time. Adopting an ordinance will require staff time to ensure
18 compliance with the ordinance.

19 **STAFF RECOMMENDATION**

20 Staff suggests that the City Council review the draft ordinance, suggest any modifications to the draft
21 ordinance, and schedule a public hearing at a future meeting to formally consider the ordinance.

22 **REQUESTED COUNCIL ACTION**

23 Provide feedback to the current draft ordinance and schedule a public hearing to formally consider the
24 ordinance.

Prepared by: Patrick Trudgeon, City Manager (651) 792-7021 pat.trudgeon@cityofroseville.com

Attachments: A: City Council Minutes dated December 5, 2016
B: Draft Ordinance regarding the sale of dogs and cats by pet stores drafted by the City Attorney.
C: Section 102.01 (C) of the Roseville City Code regarding Administrative Offenses.

Mayor Roe noted the grey area in needing to balance the humaneness and theoretical habitat that could be supported with those who enjoyed having the deer within the community, each having their own valid points of view.

Roll Call

Ayes: Willmus, Etten, Laliberte and Roe.

Nays: McGehee.

Motion carried.

Mayor Roe thanked the Parks & Recreation Commission and Mr. Brokke for their work on this issue; and thanked the public for their feedback and public discussion throughout the process.

15. Business Items – Presentations/Discussions

a. Pet Store Licensing

As detailed in the RCA and related attachments, City Manager Trudgeon provided an updated draft ordinance regarding the sale of dogs and cats by pet stored (Attachment B), as modeled by the Humane Society of America, Animal Folks Minnesota and the Animal Humane Society. Since this citizen-requested ordinance was a result of media coverage about conditions of animals being sold at the Har Mar Mall Pet Store in Roseville, Mr. Trudgeon advised that the owner was in attendance tonight, as he had been at the September 19, 2106 City Council meeting (Meeting minutes attached as Attachment A), to present his viewpoint. Mr. Trudgeon sought direction to staff; noting that City Attorney Gaughan had reviewed the draft ordinance and may also have additional comments.

Mayor Roe recognized City Attorney Gaughan at this time, who advised that his review at this point had not been in-depth depending on the direction of the City Council. However, Mr. Gaughan encouraged the City Council to think about what it was trying to accomplish before getting into too deep of a discussion about a potential ordinance, given that this is ordinance would serve as a criminal ordinance, with past discussions having taken place as to the limitations of such a law used as a regulatory enforcement mechanism. Once the City Council defines its preferred intent and direction to staff, Mr. Gaughan advised that he could then highlight some of those limitations and points within this proposed ordinance.

As part of his review of public comment protocol and process, Mayor Roe clarified that the City Council was not being asked to adopt an ordinance tonight, but simply to provide feedback and direction to staff in the context of this proposed ordinance model. Mayor Roe stated that he was interested to hear additional public comment tonight from the audience, at which time things could change further.

Councilmember McGehee stated that the most helpful thing to her at this point would be to hear in particular from people with experience in ways to handle this situation or suggestions to help the City Council in their subsequent discussion rather than elaborating on the background of puppy mills, but to provide useful information from which to frame future discussions or action.

Mayor Roe agreed that was a very well-stated objective put forth by Councilmember McGehee.

Public Comment

Written email comment specific to this issue had been received and provided as bench handouts, attached hereto and made a part hereof, as follows:

Dated December 4, 2016 Diane Hilden; Roseville resident, in support of a humane pet store model; dated December 1, 2016 from Bonnie, Roseville resident, in support of an ordinance prohibiting the sale of dogs and cats acquired from breeding facilities; dated December 1, 2016 from Ward & Cindy Schwie, Roseville residents, in support of a humane ordinance in Roseville; and dated December 5, 2016 from Sara Barsel and Randy Neprash, Roseville residents, in support of a human pet store ordinance model.

Christine Coughlin, MN State Director, The Humane Society of the United States, 2615 34th Avenue S, Mpls., MN (HSA)

Ms. Coughlin referenced her previous attendance at the September 2016 City Council meeting and discussion at that time around this humane model ordinance regulating Roseville pet stores. Ms. Coughlin advised that this model was a collaborative effort of the HSA, addressing the origin of pets arriving for sale and responsible breeders not selling to pet stores. Ms. Coughlin reviewed challenges with the well-established pipeline offering pets from mass breeding facilities to pet stores, and their lack of compliance with federal standards; noting their organization received a constant stream of complaints about those facilities. Ms. Coughlin stated her confidence that their model ordinance worked, and provided for a viable business-friendly option through collaboration with shelters and rescues to offer pets to the public. Ms. Coughlin assured the City Council and Roseville community that the ordinance had been drafted thoughtfully, and proven to work as it had been upheld in district and state courts on its constitutional grounds. Ms. Coughlin noted other speakers from tonight's audience to offer their real world experience with this issue; and advised that since the September discussion, twenty-five more American cities had passed an ordinance similar to this model, now making that total 205.

Angel Duarte, Angel's Pet World, with locations in two Wisconsin communities

Ms. Duarte reviewed her experience with their stores, with the first opened in 2003/2004 and their subsequent decision in 2010 to go the humane route to acquire puppies.

Ms. Duart stated that, in the six to seven years they sold puppies, they were initially unaware about mills and rescues, but in the end realized they were frequently and repeatedly dealing with multiple health issues from puppies purchased from mass breeders. Ms. Duart noted those health problems often required 24/7 care by staff from a variety of problems and diseases related to neglect, and many from genetic conditions whether or not that could be proven. Ms. Duart advised that this became very expensive for them as well as new pet owners with veterinary care; and therefore they had decided to get away from that practice. Ms. Duart reported that the State of Wisconsin didn't have similar regulatory laws at that time, but followed those already established in Minnesota. Ms. Duart noted that she frequently covered veterinary bills for new pet owners; and typically was unable to prove genetic conditions even with a veterinarian's concurrence to seek recourse from the larger breeders, and if then typically only up to a \$400 purchase price. Ms. Duart noted that it wasn't unusual for their company to have from \$45,000 to \$80,000 in veterinary bills annually, not counting those covered by pet owners themselves.

Ms. Duart admitted it was scary when first going the humane route; but also noted that if a pet was returned to the mass breeder it was typically put down anyway; so in taking a big leap of faith, they did so. To this day, Ms. Duart reported that they had developed great relationships and partnerships as a result of their decision to go the cat and dog rescue and adoption route; developed creative ideas for marketing and selling; and continued to grow their customer base and sales.

Ms. Duart clarified that a certification from mass breeders didn't mean much at all; and had proven to not be right for animals or for customers.

Ann Frenchick, 449 Woodhill Drive

Ms. Frenchick provided her summary of dialogue and comments from Roseville residents that she had extracted from NextDoor.com, presented as a bench handout, attached hereto and made a part hereof. Ms. Frenchick advised that, since she didn't have permission from those submitting statements to the online site, she hadn't identified the authors, but assured the City Council that they were direct quotes since the September 2016 discussion by the city.

Ms. Frenchick asked the City Council to support an ordinance to stop pet sales in Roseville from commercial breeding facilities. Ms. Frenchick spoke to her personal experience from observing the Har Mar Pet Shop, especially the stench that initially got her involved. Ms. Frenchick opined this HSA model ordinance was a good model to follow and would allow the current practice in Roseville by offering adoption events in a humane manner that every pet store should follow. Ms. Frenchick stated that she wanted Roseville to be a leader in humane pet sales.

Anne Sumner, 228 W County Road B

Ms. Sumner expressed her agreement with the previous speakers, stating that she felt strongly about this too.

Ann Olson, Executive Director, Animal Folks Minnesota – legislative Action, 892 Osceola Avenue, St. Paul, MN

Ms. Olson referenced her personal research on puppy mills and stated her full support for the model ordinance to avoid harm to animals and consumers. Ms. Olson reported on kennels and their length, stating that Minnesota had some of the largest, with approximately 1,000 breeders in several Minnesota communities, along with other USDA licensed breeders and others throughout the United States and supplying pet stores. Ms. Olson opined that this ordinance provided a huge opportunity for the city to promote a humane business model and prevent consumers from purchasing sick pets.

When assisting to construct and support this HSA model ordinance, Ms. Olson noted their research about canine and feline health to keep animals well, which this model supported, under advisement of their attorney's.

Ms. Olson encouraged the City Council to keep the ordinance brief and pattern legal language similarly to that of the model, but primarily focusing on three areas: prohibiting purchase from commercial facilities; allowing for an adoption phase; and requiring a certificate of source (e.g. cage card). Ms. Olson offered her organization's assistance to the city with additional research at their request.

Mary LaHay, 1321 – 41st Street, Des Moines, IA

Ms. LaHay noted that pet stores originated in USDA-licensed facilities in her state of Iowa; and advised that having the misfortune of being home to the second largest number of breeders in the nation, actions taken by Minnesota also directly affected the kennel situation in Iowa.

Ms. LaHay reported that she had been monitoring kennels for eight years; and opined that the reality was even worse than those issues being reported or than most people were aware of. Having visited several kennels that had recently passed USDA inspections, Ms. LaHay reported on some of the things she had witnessed, opining the conditions and findings would not be acceptable to any reasonably compassionate person. Ms. LaHay admitted that compliance at those facilities was woefully inadequate with conditions seriously affecting dogs; and asked that the City of Roseville adopt an ordinance, reiterating that it would impact conditions in Minnesota and in Iowa.

Damaris Welles, 224 Cottonwood N, St. Paul, MN, Metro Chair of Red Lake Rosie's Rescue

Ms. Welles reported that for the last nine years, she had worked to bring unwanted and stray animals from the Red Lake Indian Reservation to the Twin Cities for fostering and adoption, averaging about 830 animals annually. Ms. Welles ad-

vised that their organization relied on adoption opportunities with Petco and Chuck & Don's, garnering valuable interaction and partnerships. Ms. Welles noted that many of the animals had special needs, having experienced trauma and abuse, and while all their rescue animals are highlighted online, many people overlook them in that venue versus meeting them along with other animals and discovering their wonderful personalities perfect for companionship. Ms. Welles noted that these stores promote events, which also brings in additional customers for them. However, without those adoption events (e.g. Cages for Cats), it would be much harder to find good homes for animals. Ms. Welles opined that this model ordinance was easy to implement and would provide a win-win for the community and consumers.

Katy Mock, Chief Government Affairs and Community Engagement Officer, Animal Humane Society, 402 Ford Road, St. Louis Park, MN

Ms. Mock reported that their organization has a 95% placement rate in other metropolitan communities using this type of ordinance model; and stated she and many involved in the organization were present in tonight's audience to lend their support to encourage the City Council to pass this ordinance to require that all pet stores in Roseville transition into this humane pet store model. Ms. Mock reported that the HSA has two full-time investigators working to stop the sale of puppy mill dogs in Minnesota; and opined that this was a great opportunity for the City of Roseville to take a leadership role in that effort.

Daniel Bade, 1106 – 62nd Avenue N, Brooklyn Center, MN, Happy Tails Rescue in Fridley

Mr. Bade reported on the work of his organization in providing a solution to rescue animals. Mr. Bade noted that just last week, the organization had received a call from Texas where a significant number of dogs were scheduled to be euthanized, but instead had been transported to Minnesota. Mr. Bade advised that each animal receives a health certificate before their transport, and upon arrival, they are vetted by over 200 volunteers. Mr. Bade assured the City Council that by approving this ordinance they wouldn't be taking away the supply of dogs, but opined that the humane model worked, and provide fully vetted and healthy dogs; and would more keep the supply going and a pet store thriving.

Lindsay Madvig, 245 – 17th Avenue NW, New Brighton, MN

Based on her personal experience in purchasing pet store dogs, Ms. Madvig reported on expensive health issues she'd undertaken. Ms. Madvig reported that she now served to foster pets through a rescue, and noting how heartbreaking some of the situations were, asked that the City Council take under serious consideration making this decision.

Carol Kough, Roseville

Having been involved in animal rescue for over thirty years and investigating for the USDA for five years, Ms. Kough addressed some of her experiences with

these USDA inspected mass breeders given a limited number of inspectors in the U.S., and dogs she'd encountered that had been sold for research. Ms. Kough noted that she had worked with the U of MN and the Mayo Clinic; and asked the City Council to do something about this mass breeding situation. Ms. Kough opined that Minnesota was the worst puppy mill place in entire nation with the most puppy mills and USDA inspections being meaningless. When purchasing an animal, Ms. Kough encouraged consumers to insist on inspecting the kennels to determine the reality of housing the animals.

Gary Papineau, Owner of Har Mar Pet Shop

Mr. Papineau noted the information tonight about rescues, and further noted that three of the four pet shops in Roseville already provided an opportunity for consumers to get a rescue dog. However, Mr. Papineau advised that to receive a pure-bred puppy, consumers came to his shop. Mr. Papineau reported that he personally inspected the breeders he uses, and would stand behind the dogs he sold; with customers confirming the dogs purchased from him were the best dogs they'd ever had. Mr. Papineau stated that he had asked those customers to provide their testimonials to the City Council since this issue came up in September and their experience using his pet shop. Mr. Papineau further reported that the kittens sold in his shop were neighborhood rescues.

Mr. Papineau opined that there should be a choice and a variety of options for pet purchase in Roseville. Mr. Papineau suggested pet store licensing versus an ordinance, opining that he was all for licensing and willing to pay a fee, as well as being willing to have his store inspected by a veterinarian monthly or quarterly. Mr. Papineau advised that he was open to any kind of licensing, but an ordinance outright banning sale of puppies from breeders wasn't the way to go.

Council Direction to Staff

Councilmember Willmus thanked those speaking tonight. Councilmember Willmus stated that he had been supportive of looking at something the city could do to limit the sale of dogs and cats coming from mills, something he'd long been concerned about. As a dog owner, Councilmember Willmus reported that he considered them members of the family, and obtained them through fosters or adoptions. When purchasing them, Councilmember Willmus advised that he looked for people with a dog recently having puppies versus large commercial breeding operations. Councilmember Willmus stated he was supportive of putting an ordinance in place prohibiting the sale of dogs and cats at pet stores; and would support the foster program. While not yet knowing if this draft ordinance is the best for Roseville, Councilmember Willmus stated his interest in leaving tonight's meeting with some direction to staff to bring something back that would work for Roseville with the intent to get to the root to prohibit sales and move toward the foster model.

Councilmember Laliberte noted that the last time this issue was addressed she had also expressed her support for an ordinance similar to this model that would encourage adoption models as used in other Roseville pet stores. Councilmember Laliberte clarified that she wasn't looking to put anyone out of business, but stated everyone needed to adapt to the changing environment. As a lifelong dog owner, Councilmember Laliberte noted that she had procured them in a number of different ways, usually for a particular breed from a particular breeder. However, Councilmember Laliberte noted that some of her family members had also used the adoption route with success. Councilmember Laliberte stated that she wasn't sure if she was comfortable with the draft model ordinance as presented, but was open to input from the City Attorney regarding the criminal aspect of it and how this model would move the city toward a humane model versus another approach. Councilmember Laliberte suggested staff review pet ordinances of other cities, consult with the City Attorney, and then bring something back to the City Council that will work for Roseville.

In terms of an ordinance, Councilmember McGehee stated that she wasn't sure if this model was the right one or not, particularly with a criminal or non-criminal aspect if there wasn't an alternative way to accomplish the same thing. Councilmember McGehee stated she was not in favor of puppy mills, having housed many rescue animals at her home, and in agreement with Ms. Kough about the sparse visitations and inspections and inadequate housing of pets for sale. Councilmember McGehee opined that the model from the Wisconsin speaker provided a more aggressive use of rescues and puppies and kittens available in-store most of the time, but not housed there necessarily, but rotating the sites with volunteers from rescue agencies. Noting Mr. Papineau's perspective, Councilmember McGehee stated her interest in a solution for both sides.

Councilmember Etten stated his support for finding a way to not allow a supply of dogs and cats from puppy mills, such as using a program like "Paws to Paws Adoption." Councilmember Etten expressed his interest in the care of animals proposed by Mr. Papineau with licenses and veterinary inspections; and noted the draft model ordinance did not allow for multi-day housing for animals in consideration of their health.

Mayor Roe concluded that the two basic concerns seemed to be sourcing of animals through puppy mills, and breeding operations not being up to par. While that is something the city has to be concerned about, Mayor Roe noted the need to also preserve another business model besides only that of adoption; questioning if that needs to be preserved in Roseville. Citing the larger cities of Minneapolis and St. Paul sure with greater capability for inspections, licensing and a regulatory environment for that type of business model based on their larger staffs and areas of expertise, Mayor Roe noted that if the city went to that model, it would in effect be eliminating any other business model in Roseville across the board. Mayor Roe noted his interest in weighing a long-term business in the community

against the pros and cons of what is best for the community as a whole. Mayor Roe stated he was also concerned with the misdemeanor penalty under state law or if there were other options available.

Mayor Roe noted mention of the "Cattery," and one of his concerns since the beginning of this discussion in the welfare of pets while at a pet store. Therefore, Mayor Roe stated his interest in eliminating the possibilities of overnight boarding of animals at a pet store, even rescue animals, based on concerns for their welfare, and assuming that those hosting animals at a pet store would be doing so for a period of time. If it was still necessary to do so, Mayor Roe suggested that the length of time be limited and the responsibility of shelter partners to provide assurances of the proper care of those animals being housed. If the city considers an ordinance, Mayor Roe stated that he wanted it to address how that worked and ensure that no long-term boarding of animals took place in pet stores, since it affected the health and welfare of the animals themselves.

Councilmember McGehee spoke to animals staying in the store, noting that the relationship between Petco and the Companion Rescue for housing the rabbits, but volunteers came in daily to exercise the rabbits and clean cages.

Councilmember Laliberte noted previous discussions also allowed her to share her concerns in the city's ability to inspect or enforce an ordinance. Since then, Councilmember Laliberte noted that the city had entered into a contractual relationship with a local veterinarian to take in stray dogs; and questioned if some type of arrangement could be added for this purpose, while still defining what was being inspected, and as noted by Mayor Roe, how often those inspections were performed by a veterinarian.

As with Councilmember McGehee's comments, Councilmember Laliberte noted that Petco housed rabbits and cats; and from her understanding they were housed in cat cubes for 2-3 days at the most and then switched out, with store personnel feeding them each morning, and adoption volunteers exercising them and spending time with them socially. At the most, Councilmember Laliberte stated that two cats shared a cube, typically because they were litter mates.

Regarding Councilmembers McGehee and Laliberte comments regarding a longer term presence of animals at a site, Mayor Roe questioned if an ordinance needed to require a certain time period or specify that arrangements were made for provider's accountability for that.

Councilmember Laliberte opined that wasn't a work around situation, but should be set by the City Council.

If the intent was to require further oversight on behalf of those organizations looking to adopt out regarding the licensing aspect, Councilmember Willmus stated

that he wasn't sure he was in favor of going that route. Councilmember Willmus opined that the changes being considered could be accomplished just as effectively through an ordinance versus licensing or inspections, since the city was not in a position to address that nor did it have the expertise to know what it was needing to inspect.

Councilmember McGehee agreed with Councilmember Willmus, suggesting setting up a contractual arrangement between stores and rescues and putting rescues in charge of that oversight, it would provide adequate protection for the animals.

City Attorney Gaughan noted several points that immediately rose to his attention when considering the specificity of criminal penalties and in language of the draft ordinance (Attachment B) prohibiting the sale of dogs or cats. Mr. Gaughan also addressed Section 502.25 C.1 regarding a Certificate of Source provided to purchasers that contradicted a law that doesn't exist in the Roseville ordinance. Also, Mr. Gaughan noted that the ordinance references pet store operations as the person subject to criminal penalties as the person involved in the business (owner or operator), but asked if that included their employees if the business owner or operator wasn't on site, and questioned whether criminal charges could also be brought absent those employees or vicariously, or how appropriate it may be on a case by case scenario if the employee violated company policy; in other words, in that case who was the responsible party, the owner or the employee. Mr. Gaughan cautioned the City Council to consider these things very carefully when taking steps to pursue criminal charges, and possibly taking away the liberties of an individual; especially when a government body was held to the highest standard beyond a reasonable doubt. Mr. Gaughan also noted, in the understaffed court arena with an already overworked case load, this type of case would most likely end up at the bottom of the docket and not be considered a high priority for prompt action.

Mayor Roe noted that some of the city's penalties were more on the administrative side.

City Attorney Gaughan agreed that overwhelming code violations provided for both criminal and/or civil sanctions depending on the type of violation, making those options available to consider whether civil abatement or criminal prosecution was the most appropriate; with the city typically steering away from criminal prosecution unless the behavior doesn't cease. However, Mr. Gaughan reminded the City Council that those actions carried all sorts of complexities; but offered his willingness to work with staff to further flesh out the issues.

Without objection, Mayor Roe noted the City Council's support for the City Attorney and staff to perform that due diligence and provide recommendations for the more appropriate scheme to penalize behavior through an ordinance such as this.

At the request of the council, City Manager Trudgeon opined that staff could have something prepared by the January 30, 2017 City Council meeting for discussion and issues to consider in a revised draft ordinance.

If other pertinent issues came up between now and then, Mayor Roe allowed that staff could defer this item if so indicated.

City Attorney Gaughan counseled that the city should have some sort of reference incorporated into the ordinance as a basis through formatting similar to existing city ordinances (preambles versus “whereas’s”).

Councilmember McGehee stated her lack of interest in the prosecutorial aspect; opining that Mr. Papineau cared for animals, and suggested a lighter hand in assisting him in transitioning his business model.

Mayor Roe clarified that the City Council was not making any presumption that anyone was violating the ordinance if and when it went into effect.

City Attorney Gaughan suggested that, if and when criminal activity is observed, the city could propose to seek criminal sanctions, if indications are that someone is profiteering, and perhaps fine penalties may be all that are needed.

Councilmember Willmus suggested including a trigger for criminal sanctions, thorough documentation of repeated violations; with Mayor Roe agreeing in a process similar to that used for code enforcement issues such as a continual or repeated nuisance situation.

Recess

Mayor Roe recessed the meeting at approximately 9:43 p.m., and reconvened at approximately 9:44 p.m.

b. City Facility Needs Discussion

*A bench handout was received via email dated December 4, 2016 related to this item from Roger Hess, Jr., a Roseville resident, **attached hereto and made a part hereof.***

As a result of discussions at the November 14, 2016 City Council meeting, City Manager Trudgeon noted staff’s further analysis and four options outlined on page 2 of the RCA of today’s date.

Councilmember Willmus reported that last week he had met with Public Works Director Marc Culver and toured the maintenance facility. After that tour, Councilmember Willmus opined that the city should take a serious look at the potential of renovating what was already available on that footprint; and if they hadn’t yet done so, encouraged his colleagues to tour the facility as well. Councilmember Willmus opined that there was an opportunity to increase storage capacity on that

**City of Roseville
ORDINANCE NO.**

AN ORDINANCE AMENDING

TITLE [REDACTED], SECTION [REDACTED]

**AN ORDINANCE CREATING AN ADMINISTRATIVE OFFENSE FOR THE
SALE OF DOGS AND CATS BY A RETAIL ESTABLISHMENT**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Background:

WHEREAS, a significant number of puppies and kittens sold at pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for; and

WHEREAS, the documented abuses endemic to mass breeding facilities 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; lack of adequate exercise; no or limited screening of genetic diseases; inadequate transportation and shipping protocols of puppies and kittens; and indiscriminate disposal of breeding dogs and cats who have reached the end of their profitable breeding cycle; and

WHEREAS, the inhumane conditions in mass breeding facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet stores due to both a lack of education on the issue and misleading tactics of pet stores in some cases. These health and behavioral issues, which may not present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not properly address the sale of dogs and cats in pet stores; and

WHEREAS, due in large part to pet overpopulation, numerous dogs and cats are euthanized. Restricting the retail sale of puppies and kittens is likely to increase demand from animal shelters and rescue organizations, which will likely reduce the burden on such agencies and reduce financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet stores 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 commercially bred dogs or cats. Many of these stores 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 consumers' ability to obtain a dog or cat of their choice directly from an animal shelter, or breed-specific rescue organization, or from a breeder where the consumer can see directly the conditions in which the dogs or cats are bred or can confer directly with the breeder concerning those conditions; and

WHEREAS, the City Council for the City of Roseville believes it is in the best interests of the City of Roseville to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase dogs or cats from a pet store or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City.

SECTION 2. Section 501.01 (Definitions) is hereby amended as follows:

501.01: DEFINITIONS:

Except where the term is expressly defined by other provisions or sections within this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

ANIMAL CONTROL AUTHORITY: Any governmental entity which is responsible for animal control operations in its jurisdiction.

ANIMAL RESCUE ORGANIZATION: 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 of animals and the placement of those animals in permanent homes, and which does not obtain animals from a breeder or broker for payment or compensation, and does not breed animals.

ANIMAL SHELTER: Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, which (1) accepts animals into a physical facility; (2) is devoted to the rescue, care, and adoption of stray, abandoned, unwanted or surrendered animals; (3) places animals in permanent homes or with animal rescue organizations; and (4) does not breed animals.

CAT: A mammal that is wholly or in part of the species *Felis domesticus*.

CERTIFICATE OF SOURCE: A document from an animal control authority, animal rescue organization, or animal shelter which shall provide a brief description of the dog or cat, and shall list the name, address, and telephone number of the source (animal control authority, animal rescue organization, or animal shelter) of the dog or cat.

DOG: A mammal that is wholly or in part of the species *Canis familiaris*.

PET STORE: Any retail establishment, or operator thereof, which displays, sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers companion animals in the City of Roseville. This definition does not apply to animal control authorities, animal shelters, or animal rescue organizations.

PET STORE OPERATOR: A person or business entity who owns or operates a pet store.

SECTION 3. Section 510.25 is renumbered as section 501.26, and section 501.25 is hereby amended as follows:

501.25 PET STORES

- A. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs.
- B. Nothing in this section shall prohibit pet stores from collaborating with animal shelters, animal rescue organizations, and animal control authorities to offer space for such entities to showcase adoptable dogs and cats inside pet stores. Such animals shall not be younger than 8 weeks old.
- C. A pet store shall post and maintain a Certificate of Source in a conspicuous place on or within three feet of each dog's or cat's kennel, cage, or enclosure.
 1. A Certificate of Source shall be provided to the adopter of any dog or cat.
 2. Certificate of Source records for each dog or cat shall be maintained by a pet store for at least one year from the last date that a dog or cat appeared in the store.
 3. Pet stores shall make Certificates of Source immediately available for review upon the request of a peace officer or animal control authority, or a humane agent pursuant to Minnesota Statutes section 343.06 acting on behalf of the City.
 4. Falsification of a Certificate of Source shall be deemed a violation of this section.
- D. A violation of this section shall constitute an Administrative Offense under Section 102.01.C of City Code and subject the Pet Store Operator to the to the procedures and penalties contained therein.

SECTION 4. Effective Date: This amendment to the Roseville City Code shall take effect 180 days after passage and publication.

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Signatures as follows on separate page:

Ordinance – Title of Ordinance _____

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

CHAPTER 102

GENERAL PENALTY

SECTION:

- 102.01 General Penalty
 102.02 Issuance of Ordinance Violation Summons

102.01: GENERAL PENALTY:

- A. General Offense: Unless otherwise provided in City Code, any person violating any provision of the City Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00, or by imprisonment not to exceed 90 days, or both, or any different amounts adopted by statute. In either case the costs of prosecution may be added¹. (Ord. 1067, 9-25-89; amd. 1995 Code)
- B. Petty Misdemeanor Offense: A petty misdemeanor offense is an offense which is prohibited by statute which does not constitute a crime and is classified as a petty misdemeanor for which a sentence of a fine of not more than \$300.00 or any different amounts adopted by statute may be imposed². (1995 Code)
- C. Administrative Offense:
1. Purpose: Administrative offense procedures, established pursuant to this Section, are intended to provide the City with an alternative to traditional criminal charges for violations of certain ordinance provisions.
 2. Definitions:
 - a. Administrative Offense: A violation of a provision of this Code that is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Subsection 11., hereafter, and which may or may not have associated compliance requirements.
 3. Notice: Any officer of the Police Department or any other person employed by the City, authorized under Section 102.02 of this Code shall, upon determining that there has been a violation of ordinance or Code, notify the violator or, in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, the amount of the scheduled penalty and required compliance actions, if applicable.
 4. Recovery of Administrative Costs: The owner of the premises, where an administrative offense ticket has been issued by the City's Community Development Department, shall be personally liable for the cost of the City for inspection of said property and administrative costs as allowed per Minnesota Statute 429.101. Staff shall prepare a bill for the cost and mail it to the owner. The amount shall be immediately due and payable at the office of the City Manager.
 5. Notice Contestation and Hearing: Any person contesting an administrative offense may, within seven days of the time of issuance of the notice, request, in writing, a hearing. The Hearing Officer shall forthwith conduct an informal hearing to determine if a violation has occurred. The Hearing Officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the Hearing Officer, the violator shall pay the

¹ M.S.A. §§412.231, 609.033(3), 609.033 and 609.034

² M.S.A. §609.0332

penalty imposed.

6. Hearing Officer: The City Manager shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section.

7. Payment of Penalty: Once notice is given, the alleged violator must pay the specified fine within seven days of the time of issuance of the notice, unless contesting the notice pursuant to Subsection 5. of this Chapter. The amount of the fine shall be set forth on the schedule of penalties for the violation as adopted by the City Council. The penalty may be paid in person or by mail and payment shall be deemed to be an admission of the violation.

8. Failure to Pay Penalty and/or Administrative Costs: In the event a party charged with an administrative offense fails to pay the penalty when due, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. In the event a party does not pay the monetary penalty and/or administrative costs, the City may seek to collect the costs of the administrative offense procedures per Section 407.07 and/or 906 of this Code.

a. If the penalty and/or administrative cost is unpaid, the City Manager shall, on or before September 1, list the total unpaid charges along with all other such charges, as well as other charges for current services to be assessed under Minnesota Statute 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year, or in annual installments not exceeding ten, as the City Council may determine in each case.

9. Failure to Comply: If a violation requires code compliance within a set period of time and the compliance does not occur by the deadline specified, the City may initiate an abatement process, as provided in Chapter 407 of the City Code, and/or charge the party with a misdemeanor.

10. Disposition of Penalties: All penalties collected pursuant to this Section shall be paid to the City Treasurer and may be deposited in the City's general fund.

11. Offenses and Penalties: Offenses that may be charged as administrative offenses are infractions to the City Code. Monetary penalties associated with offenses shall be identified in the City's Fee Schedule. Subsection 314.05

12. Subsequent Offenses: In the event a party is charged with a subsequent administrative offense within an 18 month period for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 100% above the previous administrative penalty.

The City shall only increase the penalty twice within this period. (Ord. 1134, 1-24-94)

(Ord. 1366, 4-21-2008)

102.02: ISSUANCE OF ORDINANCE VIOLATION SUMMONS:

The persons hereinafter named, as employees or agents of the City, shall have power to issue summons with complaints incorporated therein (citations) in the form adopted by rule by the Municipal Court, but such issuance by those named shall relate only to offenses involving the City Code; building construction, operation or maintenance; fire and fire prevention; public health and sanitation; and zoning. No such employee or agent hereinafter authorized to issue said summons shall be authorized to arrest or otherwise take a violator into custody or to secure a promise to appear in court in lieu of arrest.

Those authorized are as follows:

Fire Marshal
Fire Inspector