

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: March 13, 2017
Item No.: 7.b

Department Approval

City Manager Approval



Item Description: Consider Adoption of Ordinance Prohibiting the Sale of Dogs and Cats in Pet Stores

BACKGROUND

At the January 30, 2017 meeting, the City Council reviewed a draft ordinance that would prohibit the sale of dogs and cats by a pet store but would allow for a collaboration between a pet store and animal shelter or rescue organization to showcase adoptable dogs and cats. The minutes from that meeting are included as Attachment A.

As a result of the review and discussion by the City Council of the draft ordinance, several changes were directed to be made. They were as follows:

- Replaced the multiple “Whereas” clauses in Section 1 of the ordinance with the statement “The City Council finds that...”.
- Added language in Section 1 stating that the City of Roseville does not have adequate resources to safeguard the health and well-being of dogs and cats at the point of sale.
- Removed language in Section 1 that referenced adoption of the ordinance would reduce costs to the City and its residents and protect citizens of the City who purchase dogs and cats from pet store.
- Modified the definition of Animal Rescue Organization in Section 2 to simply state that it is an organization whose mission and practice is the rescue and placement of animals and does not breed animals. Previous language stated that that animal rescue organizations could not obtain

animals from a breeder or broker. That reference has been removed as animal rescue organizations may rescue dogs and cats from breeders and brokers.

- Added language in Section 3 [501.25(B)] to state that dogs being showcased for adoption cannot be boarded overnight in a pet store and cats being showcased can only be boarded overnight if provision for care and monitoring have been arranged.

The full ordinance with these changes has been included as Attachment B.

As part of this ordinance, a violation is considered to be an Administrative Offense under City Code Section 102.01(C). The City fee schedule needs to be modified to include a fine amount for a violation of the proposed ordinances provisions. The fee schedule is proposed to be modified in a later agenda item on March 13th. As part of that action, staff is recommending that the fine for a violation of this ordinance be \$500 for the first occurrence, and \$1,000 for the second occurrence, and \$2,500 for the third and subsequent violations within a rolling 12 month period.

POLICY OBJECTIVE

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

FINANCIAL IMPACTS

City costs cannot be determined at this time. Enforcing the ordinance will require staff time to ensure compliance. Adoption of the fine structure described above will help defray some of enforcement costs when violations occur.

STAFF RECOMMENDATION

Staff suggests that the City Council review the draft ordinance, take public comment regarding the ordinance, and consider taking action on the ordinance.

REQUESTED COUNCIL ACTION

Review the draft ordinance, take public comment and consider taking action on the ordinance.

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

Attachments: A: City Council Minutes dated January 30, 2016
B: Draft Ordinance regarding the sale of dogs and cats by pet stores drafted by the City Attorney.

Roll Call

Ayes: Laliberte, McGehee, Willmus, Etten and Roe.

Nays: None.

b. Proclamation of Optimist Day

Mayor Roe read a proclamation celebrating Optimist Day throughout the world on the first Thursday of every February, sponsored by the Members of Optimist International, to promote efforts in helping and recognizing young people who make a difference in their communities and encouraging a greater exchange of ideas between young people and adults.

Mayor Roe noted that City Manager Trudgeon was among the charter members of this newly formed group in Roseville; with City Manager Trudgeon subsequently introducing another charter member, David Schaps, in tonight's audience.

McGehee moved, Willmus seconded, proclaiming the first Thursday of February 2017 as Optimist Day in the City of Roseville, encouraging pride in the impact of the city's optimists in making a difference in the community and lives of community members, *as amended with typographical corrections*.

Roll Call

Ayes: Laliberte, McGehee, Willmus, Etten and Roe.

Nays: None.

6. Items Removed from Consent Agenda

7. Business Items (Action Items)

a. Review of Draft Ordinance Prohibiting the Sale of Dogs and Cats in Pet Stores

City Manager Trudgeon briefly summarized tonight's discussion before deferring to City Attorney Gaughan; as detailed in the Request for Council Action (RCA) and attachments.

City Attorney Gaughan reviewed changes since the last iteration, specifically addressing the formatting and language of the preamble and alterations to the penalty phase providing a non-criminal approach. As City Attorney Gaughan reviewed the revised draft ordinance, City Manager Trudgeon displayed those changes for the benefit of the public (Attachment B).

Page 1, Section 1 (Background)

City Attorney Gaughan noted this section remained essentially unchanged from the previous draft given no clear direction from the City Council at that time. Mr. Gaughan noted that this section involved recitals related to action by the City Council to restrict unlawful business. Mr. Gaughan provided examples from oth-

er sections of city code that would provide consistency when the final draft ordinance is brought back for formal adoption. Mr. Gaughan suggested that one of those alterations be framing recitals as "City Council findings." City Attorney Gaughan noted the importance that the City Council's findings provide sufficient basis and substance to regulate sales of dogs and cats.

Page 3, Line 108, Section 501.25.C.1 (Pet Stores)

City Attorney Gaughan stated that the substance of the proposed ordinance was largely the same as the previous draft other than this particular line, with the ordinance citing that sale of dogs and cats was prohibited. While the previous draft described purchasers, Mr. Gaughan advised that that term was inappropriate, and therefore he changed it to the adopter receiving a Certificate of Source, since dogs and cats would no longer be permitted for "sale" under this ordinance.

Page 3, Lines 116 – 118, Section 501.25.D

Specific to this penalty provision, City Attorney Gaughan noted the State of Minnesota mandate for misdemeanor criminal penalties and fines, with another approach being for a municipal administrative offense. As provided in Section 102 of existing city code, specific to municipal penalties for code violations, Mr. Gaughan noted its reference to administrative penalties and fines, and thus he had included similar language accordingly. Mr. Gaughan advised that he had included Chapter 102 as Attachment C for reference by the City Council and public. Mr. Gaughan noted that the provision was for any fine to be levied against the pet store operator versus an employee on shift if and when a violation should occur, essentially holding the owner liable versus an employee.

Mr. Gaughan noted that, as indicated in Chapter 102, an appeal process would also be in place for this ordinance provision, with the City Manager serving as arbiter. Mr. Gaughan advised that any administrative fine would be appropriate for inclusion in the city's fee schedule, reviewed and adopted annually, as deemed appropriate under current circumstances and to appropriately cover administrative costs for monitoring and enforcement of these provisions.

City Attorney Gaughan clarified that he wasn't taking a position or advocating one penalty over another; but referenced past discussions on hurdles in pursuing criminal offenses, with the city then held to the strictest burden of proof, in an already overloaded criminal court system. Having served as a prosecutor in Minnesota for thirteen years, Mr. Gaughan advised that such a criminal offense was considered a low priority for judges; with staff already struggling to have code violation cases heard when a criminal citation was filed to obtain compliance. Mr. Gaughan suggested this may provide rationale for the City Council to consider an administrative fine to keep the process internal and resolved sooner rather than later.

Page 3, Lines 120-121, Section 4 (Effective Date)

City Attorney Gaughan advised that he had changed the effective day from the previous 30 days to the proposed 180 days to provide affected business owners with time to make other arrangements for their business, recalling that lag time as previously discussed by the City Council. However, Mr. Gaughan noted that this was up to the City Council's discretion tonight.

City Council Questions

Mayor Roe referenced the two sections of language provided via email by Ms. Coughlin of the Humane Society included as a bench handout, defining "Animal Rescue Organizations;" with additional edits and also addressing rationale in not allowing overnight boarding of dogs and/or cats at a pet store overnight.

"ANIMAL RESCUE ORGANIZATION: ANY NOT-FOR-PROFIT ORGANIZATION WHICH HAS TAX-EXEMPT STATUS UNDER SECTION 501(C) (3) OF THE U.S. 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, ~~does not obtain animals from a breeder or broker for payment or compensation,~~ AND WHICH DOES NOT BREED ANIMALS"

"DOGS SHALL NOT BE KEPT OVERNIGHT AT A PET STORE. CATS, AS DEFINED IN THIS ORDINANCE FROM ANIMAL RESCUE ORGANIZATIONS, ANIMAL SHELTERS OR ANIMAL CONTROL AUTHORITIES TO BE SHOWCASED FOR ADOPTION, SHALL NOT BE KEPT OVERNIGHT AT A PET STORE WITHOUT PROVISION FOR THEIR CARE AND MONITORING OUTSIDE OF STORE HOURS."

Based on discussion at a previous meeting specific to concerns with overnight boarding of animals, Mayor Roe noted that the concern appeared to be different as it relates to dogs and cats, thus the proposed language. However, Mayor Roe sought City Attorney Gaughan's input from a legal perspective based on his review.

City Attorney Gaughan advised that he had not had a chance to review the language as yet, but his initial reaction was that he didn't see a concern for equal protection between cats and dogs; and as long as the basis is articulated if there was such distinction between animals, the city would need to clearly articulate why.

City Council Comments/Discussion

Regarding the preamble, with so much language addressing where animals were bred or housed within their first eight weeks, Councilmember Laliberte also noted previous conversations about conditions at locations where they were for sale. However, Councilmember Laliberte noted that she didn't see that in this draft language, opining there may be too much emphasis on the original breeding situation and not enough emphasis on the sale location and conditions. Councilmem-

ber Laliberte suggested that, if the city found conditions in a store were key to the life-long health of an animal, the city needed to be in a position to monitor that as well.

Mayor Roe opined that made sense and suggested it also related to the city's concern in how to regulate conditions and whether a licensing inspection program may get to that goal; whether two separate findings or combined as one finding.

In addition, Councilmember McGehee noted that there were no federal or state regulations in place to monitor conditions once the animals were in that retail location.

Councilmember Willmus agreed, and also opined that of the paragraphs making up the preamble, he didn't think the first three were uniquely germane to Roseville, while the remaining five paragraphs were and therefore, could serve as a more factual basis for findings.

City Attorney Gaughan referenced page 1, lines 32-33, suggesting additional language if the city believed that findings at the point of sale were unregulated, unhealthy or unsafe for animals and at issue.

While not having the capability for the city to confirm or ensure those conditions, Mayor Roe suggested adding language at that point such as "... and the City of Roseville does not have the resources to address it;..."

Councilmember McGehee reviewed her preferred language revisions as follows:
Lines 25 – 30

"WHEREAS ~~[the]~~ inhumane conditions in mass breeding facilities ~~[may]~~ lead to health and behavioral issues in the animals bread 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 ~~[some]~~ pet stores in some cases..."

Lines 51 – 55

"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 ~~[discourage]~~ ~~[reduce costs to the City and its residents, protect he 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."

Line 110

Councilmember McGehee opined that requiring businesses to retain "Certificate of Source" records for each dog or cat for at least one year may prove burdensome for such a vigorous business; and instead suggested a shorter timeframe (e.g. 180 days).

For clarification purposes, Councilmember Etten noted that the issues and concerns initially brought up at the Har Mar Pet Shop were related to conditions of the site itself and not necessarily the sources of the animals housed at the store. With a number of breeding facilities throughout the country, he suggested it might be more appropriate to create a fee schedule and contract with a local veterinarian for monthly inspections to deal with breeder conditions. Councilmember Etten opined that ordinance as proposed did not deal with the initial concerns. While this may prove a relatively easy ordinance to adopt and enforce, Councilmember Etten reiterated his concern that it didn't address the immediate concerns in the city.

Mayor Roe suggested that another similar option might be to contract with a city having more regulation resources to perform the same service for the City of Roseville, with cost recovery from related businesses depending on City Council agreement.

Councilmember Laliberte suggested another way to identify what was being monitored would be to limit the number of animals in an enclosure, even if for adoption purposes, and the length of time they're there. If those issues were not addressed, Councilmember Laliberte cautioned that it seemed to provide a way to avoid the system.

Mayor Roe advised that this was his rationale in the provision to not allow boarding animals overnight. If too many animals are housed in a cage during the day, Mayor Roe opined that this didn't seem to him as problematic as they would be boarded overnight in a store versus in a shelter where they're used to dealing with various situations.

Councilmember McGehee recognized the issues brought forward by Councilmember Etten, but stated that she wasn't sure she was willing to enthusiastically embark on an inspection program of any frequency, noting there were three other pet stores using the adoption model in Roseville that had presented no problems to-date. Councilmember McGehee stated that all would need to be inspected and fall under the same and consistent regulations; thus necessitating the need for additional inspections that she wasn't sure was feasible for the city or appropriate. Councilmember McGehee noted that most shelter animals are only at another site for a few hours to be showcased for possible adoption, and then returned to their foster homes usually by their handlers. Councilmember McGehee opined that this ordinance would be the least expensive way to address a problem that had been brought to the city's attention.

Councilmember Willmus also recognized Councilmember Etten's perspective; but beyond that, stated that he looked at the problem at the point of sale and beyond and as a mechanism for animals arriving there in the first place. Councilmember Willmus noted that the proposed ordinance dealt with a major number of those issues; thus his support for it as drafted.

Mayor Roe suggested that one way to avoid regulating all pet stores would be to specify "...related to the *[sale]* of pets or dogs." Mayor Roe opined that then any store not currently using that business model would not need to comply.

For those cities doing inspecting, Councilmember Etten suggested a draft of that language for City Council review by comparison, noting that the city may be trying to solve a situation in the wrong way. While being against puppy mills, Councilmember Etten noted that the city had no evidence that the Har Mar Pet Shop was using this practice, and again reiterated that therefore, the city may not be addressing the problem initially brought before it.

Mayor Roe sought consensus on the time to keep "Certificate of Source" records and the proposed effective date of the ordinance (lines 110 and 122).

Councilmember Willmus agreed with Councilmember McGehee that one year may be too long.. Specific to the effective date, Councilmember Willmus stated that he would support no less than 180 days.

Councilmember Laliberte preferred 180 days in both applications.

Councilmember McGhee stated her support to keep records for 180 days; and agreed with the effective date of 180 days, but also stated she would be agreeable with the effective date being up to a year.

Councilmember Etten agreed with the suggestions made by Councilmember Willmus as to timing.

Mayor Roe suggested modification to the proposed overnight boarding restriction as follows:

"Dogs *[and cats]* shall not be kept overnight at a pet store, without provision for their care and monitoring outside of store hours."

Specific to the definition of animal rescue organizations provided as suggested language by the Humane Society, City Manager Trudgeon referenced their interest in including breeding organizations in that definition to avoid rejection in such cases.

Public Comment

Written comment, attached hereto and made a part hereof, included an email dated January 28, 2017 from Christine Coughlin, representing the Humane Society and providing suggested language revisions; recent emails from Cynthia Eskandary, Tara Bollmann, Terisa Winters Steiber, Brenda Moore, Vicki Mineo, Matt Burns, and Sue Swanigan, each speaking in opposition to a ban on commercial breeders selling and their sales to pet stores; a letter from Arlene Menoke

and John King in opposition to and alleging that the city was attempting to drive the Har Mar Pet Shop out of business; a letter from Brandon Sinn, DVM at Lambert Vet Supply in Fairbury, NE, speaking against attempts to shut down regulated parts of the industry in support of non-regulated parts; a letter from Jim Foster, VDM at Red Barn Veterinary Services in Shelbina, MO in support of breeding operations; a letter from A. G. Beukleman, DVM, MPVM at Avenue Veterinary Clinic in Sioux Center, IA in support of pet stores and professional breeders; and a letter from Mindy Patterson, President of The Calvary Group in Grover, MO in support of the city's rejection of a ban on pet sales.

Kristin Smith, Blaine, MN and Vanessa Rojos, St. Paul, MN (Pet Store Operators)

Regarding proposed language in the submitted individual paragraphs, Ms. Rojos questioned the term "pet store" when discussing overnight boarding and if rescues were exempt so their animals could be sheltered overnight; and sought a definition for "provision."

Ms. Smith noted the distinction between leaving puppies in a store overnight and adult dogs or cats.

Ms. Rojos and Ms. Smith further questioned the definition of "Animal Rescue Organizations" and the rationale in specifying a not-for-profit organization with tax-exempt status under Section 501.C.3 of the IRS code; opining that any animal rescue organization should not receive a negative mark dependent on their tax status and seeking fairness across the board within the industry.

Elaine Hansen, MN Pet Breeder's Association and MN Council of Dog Clubs

Providing a description of the organizations she represents as commercial breeders and trainers of show dogs for performance competitions, Ms. Hansen addressed several concerns. Ms. Hansen called attention to several things already in law, seeking city review as they deliberate further of MN Statute 325.F.9.1 providing consumer protection of dogs and cats sold by retail pet stores or any person except rescues and shelters under 501.C.3 non-profit status. Ms. Hansen opined that their experience had found less protection for animals at the time of sale if sold by a non-profit versus a retailer or breeder.

Ms. Hansen expressed further concern for the earlier-stated term "sale or purchase" being replaced by "adoption, with adoption also being considered a sale if consideration was exchanged for an animal, and if subject to sales tax, and still having the same literal affect.

Under MN State Statute 347.31, Ms. Hansen stated that a kennel licensed by the Board of Animal Health could have the owner liable for any non-compliance with those applicable standards, whether or not the animals on the premise were owned by him or not. While a shop owner was required to absorb all costs related to conducting his business (e.g. maintaining his premises, equipment, sales, employ-

ees and maintenance), Ms. Hansen noted that he could receive no compensation or control over the source or inventory of non-profits selling on his premises. Ms. Hansen questioned the viability of that business plan model, without her benefit of having heard from the owner of the Har Mar Pet Shop and ramifications to his business.

Gary Papineau, Owner of Har Mar Pet Shop

Mr. Papineau opined that variety was a good thing for Roseville; and further opined that licensing would serve to add to that diversity. Mr. Papineau noted that he had attended several of these meetings where animal rights groups had made comments about puppy mills and him and his business specifically.

Mr. Papineau stated that he was proud of his store and the animals he sold there. While hearing from opponents at these meetings, Mr. Papineau noted that his regular, satisfied customers weren't present stating that they were unhappy with their pet purchase. Mr. Papineau opined that licensing would work better than a ban.

Ann Olson, Executive Director, Animal Folks MN, St. Paul, MN

Ms. Olson thanked the city for drafting this ordinance, opining that it addressed their concerns as brought forward previously. As far as specifics with the proposed ordinance, Ms. Olson stated that they agreed with the 180 day effective date; with other minor points for discussion off line but not impacted by state law. Ms. Olson noted that, based on their experience in the industry, animals obtained from mass breeding facilities without any knowledge of their genetic conditions, was at the core of rationale in not obtaining animals there. As mentioned by her at the last meeting, Ms. Olson noted considerable data was available and records on large breeders in MN and IA and volunteered to share that information with the city to further support their position. Ms. Olson advised that those records would document the purchase of dogs and puppies by the Roseville pet store in question from those large breeders.

Specific to criminal or administrative offenses, Ms. Olson asked that any penalty or fee should be high enough to serve as a true deterrent and relative to the sales price of animals.

Ms. Olson spoke in support of the city continuing with the ordinance revisions; opining it was an efficient and economical way to address the issues.

Kathy Maken, Animal Humane Society

Ms. Maken agreed with the comments of Ms. Olson, and draft ordinance as originally introduced, with revision to 180 days for an effective date. Ms. Maken agreed this would address the problem being faced with pet stores. Ms. Maken also offered additional information or clarification on how their shelters were run and pet licensing.

Christine Coughlin, MN State Director, The Humane Society of the U.S., Minneapolis, MN

Ms. Coughlin offered the Society's support for the ordinance as drafted and commended the City Council in addressing the source of the problem in a meaningful way. Ms. Coughlin also offered to provide additional information; expressing her confidence that this served as the best solution for multiple communities across the country that were also considering such an ordinance versus simply a "band aid" approach. Ms. Coughlin stated that their organization had proof that the humane model works, with major retailers, with the exception of one, already having switched to this model.

City Council Deliberation

Councilmember Willmus spoke in support of moving forward, recognizing the considerable comment to-date from Roseville residents seeking such action. Given the discussion on the draft ordinance to-date, and revisions made along the way, Councilmember Willmus stated his support for those changes, taking into account City Attorney Gaughan's recommendation to clean-up the preamble of this draft in accordance with tonight's discussion. Councilmember Willmus questioned if there was consensus regarding the length of time for keeping records.

Councilmember McGehee sought comment from City Attorney Gaughan regarding State Statute 325.F.9 as brought up during public comment tonight specific to consumer protections.

While not having a copy of the Statute before him, based on his recollection of the statute, City Attorney Gaughan responded that the chapter references neglect of animals and more generally the treatment of animals, and wasn't specifically focused toward retail establishments, while it may reference conditions at breeding locations.

Without objection, Mayor Roe asked City Attorney Gaughan to provide more detail in a response when this item next comes before the City Council.

McGehee moved, Willmus seconded, revising language on page 3, line 110 of the draft ordinance, that "Certificate of Source" records be retained for 180 days.

Councilmember Willmus also advised that he was going to suggest the original, non-amended language from the Humane Society specific to dogs, stating that he had no issue with cats and their boarding.

Mayor Roe noted that if dogs are not kept overnight, language would cover puppies as well for clarity. Mayor Roe asked if the intent of the makers of the motion was to revise language as brought forward in the two separate paragraphs related to including dogs and cats as defined in this ordinance as well as animal rescue organizations.

Specific to the rescue organization, Councilmember McGehee stated that it didn't define by purchase; and she noted several instances in Minnesota where there had been action taken against a particular breeder. Since the animals all ended up going to rescue for adoption, Councilmember McGehee noted her observations of this occurrence more than one time in Minnesota.

Mayor Roe clarified that the motion now included the two items of language provided as bench handouts with respect to overnight boarding and the definition of Animal Rescue Organizations, as presented and without changes.

At the request of City Attorney Gaughan for the purposes of clarification, without objection, including language in the Whereas clauses or preamble related to "point of sale" was included in the motion.

Councilmember McGehee expressed her interest in further amending the motion to address the "WHEREAS language in lines 51 – 55 to delete language related to costs to the city and residents and for their protection as she previously stated (page 2). Mayor Roe, on consultation with the maker and seconder of the motion, confirmed inclusion of Councilmember McGehee's requested change in the motion.

Councilmember Laliberte appealed to the makers of the motion to keep records for one year (lines 109-110, page 3). Given that a pet's health issues may not always be known or apparent even within that timeframe, Councilmember Laliberte opined that she didn't think it would prove burdensome for a business to keep those records longer.

Amendment

Laliberte moved, Willmus seconded, retaining language as originally presented in lines 109-110 for retaining records for one year.

Discussion ensued, with Mayor Roe subsequently calling for a vote on the amendment to retain records for one year.

Roll Call (Amendment – Record Retention at one year)

Ayes: Laliberte, Willmus, Etten and Roe.

Nays: McGehee

Roll Call (Original Motion, as amended, with Language Revisions as Noted)

Ayes: Laliberte, Willmus and Roe.

Nays: None.

Abstentions: McGehee and Etten

Motion carried.

Without objection, Mayor Roe directed staff to return with revisions as discussed and amended for future consideration by the City Council, at which time staff and

City Attorney Gaughan were asked to include staff recommendations for a administrative penalty administrative penalty as similar to liquor license violations.

b. Consider Amending City Code, Chapter 304: Lawful Gambling

Finance Director Chris Miller referenced the staff report detail and revised Chapter 304 (Lawful Gambling) outlined in Attachment, based on previous discussions on this issue. As previously noted by Mayor Roe to Mr. Miller, lines 100-101 of the draft were corrected to delete "bingo hall license" references as well as they had been updated in other areas of the ordinance.

While staff recommendation was for deletion of Section H (Employment of Certified Public Accountants), since this was a requirement for this type of organization, Finance Director Miller advised its inclusion or omission could still be at the discretion of the City Council.

Section 304.04.B, page 5, lines 145-148, (Contributions)

Specific to the trade area, Finance Director Miller noted requirements per State Statute related to defining a trade area, and revised language identifying that trade area for expenditure of gambling profits in and around Roseville. As defined in Statute, Mr. Miller advised that the surrounding cities or townships had to be contiguous to Roseville, and those ten were listed in Section B accordingly.

Finance Director Miller also noted staff's recommendation to strike redundancy in Section B as noted.

Specific to the percentage of remaining net profits, currently at 3%, Finance Director suggested leaving out reference to an exact percentage, leaving it at "up to 3%," subject to annual review. Mr. Miller suggested this could then be addressed annually on the fee schedule review to ensure that the city's administrative costs were being covered.

At the request of Mayor Roe, Finance Director Miller and City Attorney Gaughan confirmed that the city could require 100% of the profits be spent within that trade area. Mr. Miller also confirmed that the current draft of the ordinance continued with two versus the previously requested three locations at this point.

Councilmember Willmus asked if the city was bound by State Statute or had the option to guide contributions toward youth athletics specifically.

City Attorney Gaughan advised that State Statute didn't reference such a restriction and the city had the authority to adopt more stringent regulations than outlined in state law. While Mr. Gaughan opined that the city could probably reference particular youth recreational activities, he wasn't going to advise that it would never be subjected to a legal challenge, but since it wasn't specifically addressed in state law, he thought the city should have that authority to stipulate where the contributions went.

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, The City Council finds that 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 City Council finds that 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 City Council finds that 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 sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, The City Council finds that current Federal and State regulations do not properly address the sale of dogs and cats in pet stores, while the City of Roseville does not possess adequate resources to safeguard the health and well being of dogs and cats at the point of sale; and

WHEREAS, The City Council finds that 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, The City Council finds that 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, ~~The City Council finds that~~ 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 finds that 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. Dogs that are showcased for adoption shall not be kept overnight at a pet store. Cats that are showcased shall not be kept overnight at a pet store without provision for care and monitoring outside of pet store business hours.
- 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.

Ordinance – Title of Ordinance -

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager