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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2, TULSA REVISED ORDINANCES, CHAPTER 1, "DEFINITIONS; REGULATIONS GENERALLY," BY ADDING A DEFINITION TO SECTION 100 AND ADDING SECTION 119, "RETAIL SALES OF DOGS AND CATS"; PROHIBITING SALES BY RETAIL PET STORES; AUTHORIZING *BONA FIDE* ADOPTIONS; PROVIDING FOR ENFORCEMENT, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE

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

WHEREAS, some animals sold at pet stores come from inhumane commercial breeding facilities, for which the animals' health and welfare are not adequately provided. Humane World for Animals estimates that approximately 10,000 puppy mills operate in the United States, producing millions of puppies annually, and that many puppies sold in pet stores originate from puppy mills;

WHEREAS, documented abuses at inhumane breeding facilities can include overbreeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise;

WHEREAS, the inhumane conditions in mill facilities can contribute to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet stores because information about breeding conditions and animal health may be incomplete or misleading. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose substantial financial and emotional costs on consumers;

WHEREAS, according to research published in JAMA Network Open and investigations by the Centers for Disease Control and Prevention, antibiotic-resistant *Campylobacter* infections linked to pet store puppies pose a public health threat, have been documented over multiple years and have caused illness among pet store customers and staff;

WHEREAS, prohibiting the retail sale of dogs and cats from pet stores is intended to reduce the local retail market for animals from such facilities;

WHEREAS, prohibiting the retail sale of dogs and cats from pet stores may encourage adoption of pets from animal shelters and rescue organizations and contribute to broader efforts to address animal overpopulation and associated public costs;

WHEREAS, prohibiting the retail sale of dogs and cats from pet stores may help protect local consumers from misinformation and a lack of information about the source and health of animals provided by retail pet stores;

WHEREAS, this Ordinance will not affect consumers' ability to obtain a pet of their choice directly from a breed-specific rescue organization or a shelter, or through lawful direct transactions with breeders, subject to applicable law; and

WHEREAS, the Tulsa City Council believes it is in the best interests of the City to adopt reasonable regulations to address costs to the City and its residents, protect the citizens of Tulsa who may purchase cats or dogs 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 Tulsa;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF TULSA, OKLAHOMA:

Section 1. ENACTMENT. That Title 2, Tulsa Revised Ordinances, Chapter 1, Section 100, "Definitions," is amended by adding the following definition in its appropriate alphabetical location:

"'Retail pet store' means a commercial animal establishment (Type B), or other commercial establishment, that offers animals to the public from premises within the City and sells or offers dogs or cats acquired from another person for sale or other commercial transfer to customers. The term does not include an animal shelter or rescue organization acting in its own capacity, or a person transferring only dogs or cats bred and raised by that person directly to the ultimate owner without acting as a retail outlet for another breeder or broker."

Section 2. That Title 2, Tulsa Revised Ordinances, Chapter 1, is amended by adding Section 119, to read as follows:

"**Section 119. Retail sales of dogs and cats.**

A. Prohibition. No retail pet store shall sell, offer for sale, or display for sale a dog or cat at premises within the City, regardless of the animal's place of origin.

B. *Bona fide* adoptions. A retail pet store may provide space, without charge, to an animal shelter or qualifying rescue organization to display dogs or cats for adoption if:

1. the shelter or organization retains ownership or lawful custody until adoption;

2. the shelter or organization independently selects adopters and executes adoption agreements;

3. adoption fees are paid directly to and retained by the shelter or organization; and

4. the retail pet store neither owns the animal nor receives compensation contingent upon an adoption.

A retail pet store may sell supplies or services in the ordinary course of business, but no person may use an adoption arrangement to evade the prohibition in subsection A.

C. Qualifying organizations. For purposes of this section:

1. “animal shelter” means a facility operated by or under contract with a governmental entity to care for or place stray, abandoned, surrendered, or homeless animals; and

2. “qualifying rescue organization” means a Rescue Organization as defined in Section 100, which possesses a valid Animal Shelter License issued by Oklahoma Department of Agriculture, Food and Forestry; *provided* that Subsection 119(B) shall not apply to any animal the organization purchases or otherwise acquires from a breeder or broker for money or other consideration for transfer through a retail pet store.

D. Construction. A commercial animal establishment (Type C) license under Section 110 does not authorize sales prohibited by this section. Nothing herein restricts a lawful direct breeder-to-consumer transaction outside a retail pet store or excuses compliance with other licensing, care, recordkeeping, or state-law requirements. The nonprofit exemption in Section 110(E) does not exempt a retail pet store from this section.

E. Violations. Any person who knowingly violates any of the provisions of this section shall be guilty of an offense and, upon conviction, shall be punished by imprisonment in jail for a period of not more than six months (6) months and/or a fine of not more than One Thousand Two Hundred Dollars ($1,200.00), excluding costs, fees and assessments, or both such fine and imprisonment. Each completed prohibited transfer is a separate offense. A continuing offer or display of the same animal constitutes no more than one offense per calendar day.”

Section 3. REPEALER. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

Section 4. SEVERABILITY. If any provision or application of this ordinance is held invalid, the remaining provisions and applications shall remain in effect.

Section 5. EFFECTIVE DATE. This ordinance shall become effective one (1) year after adoption, approval, and publication.

Adopted by the Council _____.
Date

_____
Chair of the Council

OFFICE OF THE MAYOR

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____, at _____.
Date Time

_____
Monroe Nichols IV, Mayor

(Seal)

ATTEST:

_____
City Clerk

Approved:

_____
City Attorney