

**ORDINANCE 496**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD AMENDING LAND USE CODE TABLE 4-4(1), SECTION 4-4 B.(6), AND ARTICLE 8 SECTION 8.1 FOR PET STORES**

**WHEREAS**, the Humane Society of the United States has determined that puppy and kitten mills are inhumane commercial breeding facilities which disregard the animals' health - both physical and emotional - in order to maximize profits; and

**WHEREAS**, according to the Humane Society of the United States, mills produce animals for sale, oftentimes at retail pet stores; and

**WHEREAS**, the Board of Trustees finds and determines that the sale of dogs and cats from mills is an unwholesome business practice and not in the best interest of the public welfare of the Town; and

**WHEREAS**, the Board of Trustees desires to exercise its authority to address the sale of dogs and cats in pet stores that come from mills, all as more fully provided in this ordinance; and

**WHEREAS**, this ordinance will provide specific language for pet stores.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO, THAT**

**TABLE 4-4(1) OF THE BAYFIELD LAND USE CODE IS HEREBY AMENDED BY ADDING THE FOLLOWING USE:**

*Table 4-4(1) Permitted Uses by Zoning District. (Insert after "Outdoor food/vendor court" and before "All other uses").*

Use Category	Specific Use	RESIDENTIAL										NONRESIDENTIAL					Notes	
		R-40	LDR	R-20	MDR	R-10	HDR	MF	TC	MHP	MHS	B	MS	I	T	CS		
Retail Sales and Service	Pet Stores												P	P	R	P		4-4(B)(6)

**THE BAYFIELD LAND USE CODE IS HEREBY AMENDED BY ADDING SECTION 4-4 B. (6) WHICH READS AS FOLLOWS:**

**Sec. 4-4 B. -Use-specific standards.**

(6) Restrictions on the sale of animals in pet stores.

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

**THE BAYFIELD LAND USE CODE ARTICLE 8 SECTION 8.1 IS HEREBY AMENDED BY ADDING THE FOLLOWING DEFINITIONS:**

**Article 8. –Definitions**

**Section 8.1 Terms defined.**

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.


*Animal rescue organization* means 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 and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

*Breeder* means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

*Broker* means a person that transfers a dog or cat from a breeder for resale by another person.

**ADOPTED AND TITLE ORDERED PUBLISHED THIS 6<sup>TH</sup> DAY OF FEBRUARY, 2024.**

*Attest:*

  
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Dustin Hayden, Town Clerk

**Mayor:**

  
\_\_\_\_\_  
Ashleigh Tarkington