

ORDINANCE NO. 1853

AN ORDINANCE relating to Chapter 6 (Animals) of the Munster Municipal Code, adding a new section to be numbered 6-11.

BE IT ORDAINED BY THE TOWN COUNCIL OF MUNSTER, INDIANA:

Section 1. That Chapter 6 of the Munster, Indiana Code be amended by adding a new section, 6-11, to read as follows:

Sec. 6-11 – Prohibition on the Retail Sale of Dogs or Cats by Pet Shops.

(a) Definitions.

For purposes of this section and notwithstanding any other provision of law:

(1) “Pet shop” means a retail establishment where animals are sold or offered for sale on the premises. The term “pet shop” does not include any animal shelter, as defined in this chapter, or any animal rescue organization, as defined in this section.

(2) “Sell” means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer an animal.

(3) “Offer for sale” means to proffer for acceptance by another person.

(4) “Animal rescue organization” means a not-for-profit organization having tax-exempt status under 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 into permanent homes. The term animal rescue organization does not include any person that: (1) breeds animals; (2) is located on the same premises as a person that breeds animals; (3) has any personnel in common with a person that breeds animals; (4) obtains, in exchange for payment or compensation, dogs or cats from a person that breeds animals; or (5) facilitates the sale of dogs or cats that were obtained, in exchange for payment or compensation, from a person that breeds animals.

(6) “Person” shall mean an individual, corporation, partnership, association, or any other entity.

(7) “Cat” means any member of the species *Felis catus*.

(8) “Dog” means any member of the species *Canis familiaris*.

(b) Retail Sale of dogs or cats by pet shops prohibited.

(1) Notwithstanding any other provision of this Code, it is unlawful for a pet shop, as defined in subsection (a), to sell or offer for sale a dog or cat.

(2) Nothing in this section shall be construed to prohibit a pet shop from providing space on the pet shop’s premises for an animal shelter or animal rescue organization to adopt out a dog or cat.

(c) Penalties.

A pet shop that sells or offers for sale a dog or cat in violation of subsection (b)(1) shall be fined \$500. Each unlawful sale or offer for sale shall constitute a separate offense.

Section 2. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 3. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 4. Effective date _____