

AN ORDINANCE AMENDING SECTIONS 3-1-1 AND 3-2-3 OF THE CITY CODE RELATING TO COMMERCE IN LIVE ANIMALS;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Part 1. Section 3-1-1 (Definitions) of the City Code is amended to add the following definitions and renumber the remaining definitions accordingly.

- a. *Definitions.* For purposes of this chapter, the following definitions shall apply.
- (2) CAT means an animal of the Felidae family of the order Carnivora
 - (4) DOG means an animal of the Canidae family of the order Carnivora.
 - (6) EXISTING PET STORE means any pet store or pet store operator that displayed, sold, delivered, offered for sale, bartered, auctioned, gave away, or otherwise transferred cats or dogs in the City of Austin on the effective date of this Chapter, and complied with all applicable provisions of the City of Austin Municipal Code.
 - (12) PET STORE means a retail establishment open to the public and engaging in the business of offering for sale animal related goods, services and/or the of selling of animals at retail.
 - (13) PET STORE OPERATOR means a person who owns or operates a pet store, or both.
 - (16) RETAIL SALE includes display, offer for sale, barter, auction, give away or other transfer any cat or dog.

Part 2. Section 3-2-3 (*Commerce in Live Animals*) of the City Code is amended to add Subsections (F), (G), (H), and (I) to read:

f. Prohibition. No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Austin on or after the effective date of this chapter.

g. *Existing Pet Stores.* An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer cats and dogs until January 1st, 2011

h. *Exemptions.* This chapter does not apply to:

1. A person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;
2. A publicly operated animal control facility or animal shelter;
3. A private, charitable, nonprofit humane society or animal rescue organization; or
4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

i. *Adoption of Shelter and Rescue Animals.* Nothing in this chapter shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____, 2010 _____

Lee Leffingwell
Mayor

APPROVED: _____ ATTEST: _____

Karen Kennard
Acting City Attorney

Shirley A. Gentry
City Clerk