

ORDINANCE 2024-14

**TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ANIMALS”**

**– Re: Amending Chapter 7.16 (Commercial Animal Establishment Permits); Chapter 7.54
(Fees); and Chapter 7.56 (Enforcement Procedure)**

WHEREAS, Title 7 of the Bloomington Municipal Code (“BMC”) sets forth provisions regarding the care and control of animals through the Animal Care and Control Department for the City of Bloomington (City); and

WHEREAS, House Enrolled Act (HEA) 1412 was passed by the Indiana General Assembly and then signed by Indiana Governor Holcomb on March 4, 2024;

WHEREAS, HEA 1412 adds a new section to Indiana Code (I.C. 15-21-6-2) that expressly preempts local units of government from prohibiting retail pet stores from selling dogs acquired from specific types of dog breeders and dog brokers; and

WHEREAS, any ordinance prohibiting retail sales of dogs under these terms will become void and unenforceable when HEA 1412 goes into effect, on July 1, 2024;

WHEREAS, the City of Bloomington Common Council passed Ordinance 21-45 on December 1, 2021, and it was signed by the Mayor on December 3, 2021; and

WHEREAS, Ordinance 21-45 prohibits the retail sale of both dogs and cats within City limits; and

WHEREAS, pursuant to HEA 1412, portions of Ordinance 21-45 will become void and unenforceable on July 1, 2024; and

WHEREAS, this ordinance updates the Bloomington Municipal Code in conformity with the mandates of state law;

WHEREAS, HEA 1412 does not prohibit local units from adopting an ordinance or regulating a retail pet store for inspections, business licenses, or other applicable local ordinances, as long as the ordinances do not outright prohibit the sale of dogs; and

WHEREAS, the issues presented by Ordinance 21-45 still exist, and in bringing back the ability for retail stores to sell dogs, the City still wishes to regulate all that is permissible under state law, including a continued prohibition on the sale of cats; and

WHEREAS, in conformity with the mandates of HEA 1412, this ordinance reinstates the consumer protection requirements that were previously included in the Bloomington Municipal Code before their repeal by Ordinance 21-45 and updates these requirements in conformity with state code; and

WHEREAS, this ordinance institutes a new fee to obtain a commercial animal establishment permit to sell dogs, in accordance with the additional city staff time that will be required to conduct inspections and enforce applicable provisions of the Bloomington Municipal Code; and

WHEREAS, this ordinance clarifies the existing requirements to display dogs and cats from a shelter or rescue organization now that the sale of dogs will be allowed within the City subject to a permitting process; and

WHEREAS, this ordinance also institutes a uniform fine for offense violations for which the permit is free because currently such offenses correspond with fines that amount to \$0;

WHEREAS, the Animal Care and Control Commission supported passage of this ordinance at its meeting on May 13, 2024;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY THAT:

Section 1. Title 7 (“Animals”) of the Bloomington Municipal Code (BMC) shall be amended by adding a new Section 7.16.015 “Applicability of state laws.” to state as follows:

7.16.015 - Applicability of state laws.

Every commercial animal establishment and nonmunicipal animal shelter/sanctuary that obtains a commercial animal establishment permit shall be subject to the state laws concerning animals as set out in Title 15 of the Indiana Code.

Section 2. BMC Section 7.16.040, entitled “Standards for commercial animal establishments”, shall be amended by inserting a new subsection (f) and renumbering subsequent subsections as follows:

(f) If it is a pet shop that sells dogs, post the name and address of the breeder of all dogs for sale on the dog’s kennel;

Section 3. Title 7 (“Animals”) of the BMC shall be amended by adding a new Section 7.16.045 “Consumer protection requirements” to state as follows:

7.16.045 - Consumer protection requirements.

- (a) This section applies to the sale of dogs by pet shop permit holders.
- (b) Pet shops that sell dogs shall provide a purchaser of a dog with a health record for the animal at the time of sale. The health record shall include the following:
 - (1) The dog’s breed. If the breed is unknown or mixed, the health record shall so indicate. If the dog is advertised or represented as registerable, the following information shall be provided: the breeder’s name and address; the name and registration number of the dam and sire of the purchased dog’s litter; and the name and address of the pedigree registry organization where the dam and sire are registered. Providing registration papers, if available, shall meet this requirement;
 - (2) The dog’s age and date of birth;
 - (3) The dog’s sex, color, and markings;
 - (4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person, business, or entity who administered them, if known, up to the date of sale;
 - (5) A record of any known disease, illness, or condition with which the dog is or has been afflicted at any point while in possession of the pet shop;
 - (6) A record of any veterinary treatment or medication received by the dog;
 - (7) The date, dosage, and type of any anti-parasitic medicine, if known, that was administered;
 - (8) Disclosure that the dog has been microchipped; and
 - (9) The name, address, and signature of the pet shop permit holder’s representative.

Section 4. BMC Section 7.16.070 “Sale of dogs and cats by pet shops prohibited” shall be amended by removing the prohibition on the sale of dogs in the title of the section and in subsection (a) and by deleting all remaining subsections except subsection (e), which is to be relettered to subsection (b), such that the entire section now reads as follows:

Section 7.16.070 - Sale of cats by pet shops prohibited.

- (a) No pet shop shall sell cats or offer cats for sale.
- (b) Each sale or offer for sale made in violation of subsection (a) of this section shall constitute a separate violation subject to the penalties set forth under Chapter 7.56.

Section 5. Title 7 (“Animals”) of the BMC shall be amended by adding a new Section 7.16.080 “Display of shelter or rescue dogs and cats by host pet shops.” to state as follows:

Section 7.16.080 - Display of shelter or rescue dogs and cats by host pet shops.

- (a) A pet shop, offering space to a municipal animal shelter or to an animal rescue organization, as defined in Section 7.01.010, may display the animal shelter’s or rescue organization’s dogs and cats for adoption.
- (b) No part of any fees associated with the display or adoption of dogs or cats from a municipal animal shelter or animal rescue organization, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any legal entity affiliated with or under common ownership with the host pet shop.
- (c) The host pet shop shall not have any ownership interest in any of the dogs or cats from a municipal animal shelter or animal rescue organization displayed for adoption.

Section 6. BMC Section 7.54.030, entitled “Commercial animal establishment permit fees”, is amended by adding the words “that does not sell dogs” to the sixth commercial animal establishment permit listed, deleting the last commercial animal establishment permit “for each nonmunicipal animal shelter/sanctuary,” and adding a new commercial animal establishment permit “for each pet shop that sells dogs” and corresponding permit fee to the table contained in subsection (a):

(6) For each pet shop that does not sell dogs	\$250.00
(7) For each pet shop that sells dogs	\$750.00

Section 7. BMC Section 7.54.030, entitled “Commercial animal establishment permit fees” is amended by inserting, within subsection (b), the words “nonmunicipal animal shelter/sanctuary,” after the words “municipal animal shelter” such that it reads as follows:

- (b) No fee shall be required of any municipal animal shelter, nonmunicipal animal shelter/sanctuary, research laboratory, or government-operated zoological park.

Section 8. BMC Section 7.56.030, entitled “Penalties”, is amended by removing references to “sale of dog” in the violation table contained in subsection (b), such that the following violation now reads as follows:

Sale of cat by pet shop in violation of Section 7.16.070	\$500.00
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Section 9. BMC Section 7.56.030, entitled “Penalties”, is amended by adding a new subsection (c), and renumbering subsequent subsections, with the new subsection to read as follows:

- (c) For any of the above-described offenses in which the fine is double or triple the applicable permit fee, and for which the applicable permit fee is \$0, the fine for the first of any such offense shall be \$50. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most recent offense.


Section 10. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 11. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

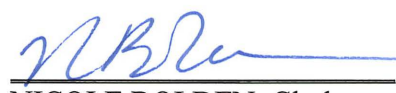
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 12 day of June, 2024.


ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:


NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 13th day of June, 2024.


NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this 14 day of June, 2024.


KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmembers Piedmont-Smith and Rollo. It comes in the wake of action by the Indiana General Assembly, which has preempted local units from prohibiting the sale of dogs by retail pet shops through passage of House Enrolled Act 1412, which will go into effect July 1, 2024. This ordinance reinstates the requirements, present in the Bloomington Municipal Code before passage of Ordinance 21-45, with which pet shops must comply in order to sell dogs. This ordinance updates those requirements in conformity with the newly-enacted state code. It also clarifies the continued prohibition on the sale of cats and the requirements for the display of shelter or rescue animals by host pet shops; institutes a new permit fee for pet shops that wish to sell dogs; and clarifies the penalties for violations of Title 7, including instituting a uniform penalty for violations in which the permit is free or costs \$0.

Distributed to: Clerk, Council Attorney, Legal, and Mayor.