

**TOWN OF RIDGWAY, COLORADO
ORDINANCE NO. 02-2025**

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO,
AMENDING CHAPTER 11 OF THE RIDGWAY MUNICIPAL CODE
CONCERNING THE SALE OF DOGS AND CATS BORN OR
RAISED IN INHUMANE COMMERCIAL BREEDING FACILITIES**

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town’s Home Rule Charter; and

WHEREAS, Section 31-15-501, C.R.S., authorizes municipalities to prohibit any offensive or unwholesome business practice; and

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, these mills produce animals for sale, oftentimes at retail stores; and

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

WHEREAS, the Town Council desires to exercise its authority to address the sale of dogs and cats in retail stores that come from these mills, all as more fully provided in this ordinance; and

WHEREAS, the Town Council finds that this ordinance furthers and is necessary to promote the health, safety and general welfare of the Ridgway community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Amendment of Subsection 11-1-14 - Penalty. Subsection 11-1-14 - *Penalty* of the Ridgway Municipal Code is hereby changed to Subsection 11-1-15 - *Penalty*.

Section 3. Addition of Subsection 11-1-14. Chapter 11 of the Ridgway Municipal Code is hereby amended with the addition of a new Subsection 11-1-14, to read as set forth in *Exhibit A*.

Section 3. Codification of Amendments. The Town Clerk, as the codifier of the Town's Municipal Code, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Ridgway Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications 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. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after the date of final passage in accordance with Article 3-7 of the Ridgway Charter.

Section 6. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Ridgway, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 8. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Article 3-7 of the Ridgway Charter.

INTRODUCED AND REFERRED TO PUBLIC HEARING on March 12, 2025, and set for public hearing on April 9, 2025, at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

John I. Clark, Mayor

Pam Kraft, Town Clerk

ADOPTED on April 9, 2025.

BY:

ATTEST:

John I. Clark, Mayor

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney

EXHIBIT A

11-1-14 – SALE OF ANIMALS FROM INHUMANE COMMERCIAL BREEDING FACILITIES.

(A) As used in this Subsection, the following words shall have the following meanings:

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.

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.

Cat means any animal of the species *Felis catus* or any hybrid thereof.

Dog means any animal of the family *Canidae*, regardless of sex, including, without limitation, those related to the wolf, fox, coyote, or any other domestic canid hybrid thereof.

Offer for Sale means to sell, offer for sale or adoption, advertise for sale of, barter, auction, give away, or otherwise dispose of a dog or cat.

Pet Shop means a retail establishment where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail. Such definition does not include an animal care facility or animal rescue organization as defined in this Subsection.

Person means any public or private corporation, firm, partnership, limited liability entity of any kind, association, organization, government or any other group acting as a unit, as well as a natural person.

(B) No Pet Shop shall sell, deliver, offer for sale, barter, auction, or otherwise dispose of a dog or a cat.

(C) A Pet Shop may offer space for the adoption of dogs or cats, and shall post, in a conspicuous location on the enclosure of each such animal, a sign listing the name of the Animal Care Facility or Animal Rescue organization from which the Pet Shop acquired each dog or cat.

(D) Each violation of this Subsection shall constitute a separate offense.

(E) It is unlawful and a misdemeanor offense for any person to violate any provision of this Section. Any person convicted of violating any provision of this Section shall be

punished as provided in Subsection 11-1-15 of this Chapter and Chapter 5 of the Ridgway Municipal Code.

- (F) The operation of a pet shop in violation of this Subsection is declared to be a public nuisance and is subject to abatement as provided by law. In any case in which the Town prevails in a nuisance abatement action initiated pursuant to this Subsection, the Town may recover its reasonable attorney fees plus costs of the proceeding.