| 1  | ORDINANCE BILL NO  |
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| 2  | AN ORDINANCE RELATING TO THE SALE OF LIVE ANIMALS ON CITY PROPERTY                                 |
| 3  | AND IN THE PUBLIC RIGHT OF WAY; CREATING NEW PROVISIONS; AMENDING                                  |
| 4  | SRC 95.720; AND DECLARING AN EMERGENCY   |
| 5  | The City of Salem ordains as follows:  |
| 6  | Section 1. Findings.   |
| 7  | (a) Whether, and under what conditions, a certain type of commercial conduct should be             |
| 8  | regulated within the City of Salem is a decision of the City Council, and subject to the           |
| 9  | general and police powers of the City;   |
| 10 | (b) Sales of live animals that do not occur at a retail pet store are unregulated, and may lead    |
| 11 | to animal abuse in the form of a lack of veterinary care and inhumane conditions for the           |
| 12 | animals;   |
| 13 | (c) A prohibition on the sale of live animals on city property and in the public right of way      |
| 14 | discourages the unregulated sale of live animals;  |
| 15 | (d) The City Council believes it is in the best interests of the health, safety, and welfare of    |
| 16 | the citizens of Salem to prohibit the sale of live animals on city property and in the public      |
| 17 | right of way within the City of Salem, subject to limited exceptions.                              |
| 18 | Section 2. Section 95.025 is added to and made a part of the Salem Revised Code, Title VIII,       |
| 19 | Chapter 95, as Animals; Prohibiting Sale of Live. SRC 95.025 shall read:                           |
| 20 | 95.025. Animal Sales. It shall be unlawful for any person to display, sale, deliver, give away, or |
| 21 | dispose in any other method a live animal on city property or the public right of way within the   |
| 22 | City of Salem. Adoption events conducted or sponsored by a registered animal control agency,       |
| 23 | humane society, or animal shelter if authorized by a duly issued right of way permit are exempt.   |
| 24 | Section 3. Section 95.720 is amended to read:  |
| 25 | 95.720. Violations.  |
| 26 | (a) Violation of SRC 95.010, <u>95.025</u> , 95.190, 95.200, 95.210, 95.220, 95.300, 95.340,       |
| 27 | 95.440, 95.510, 95.520, 95.530, 95.610, 95.640 or 95.710 is an infraction.                         |
| 28 | (b) Violation of SRC 95.580 is a misdemeanor punishable by a fine of not more than                 |
| 29 | \$250, imprisonment for a period not to exceed thirty days, or by both such fine and               |
| 30 | imprisonment.  |

| 1  | (c) Except as provided in subsections (a) and (b) of this section, violation of any other            |
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| 2  | provision of SRC 95.010-95.720 is a misdemeanor.   |
| 3  | Section 4. Codification. In codifying this ordinance the City Recorder may change the word           |
| 4  | "ordinance," "code," "article," "section," or "chapter" to reflect the proper terminology; may       |
| 5  | renumber sections, subsections, paragraphs and clauses to reflect proper sequencing; may correct     |
| 6  | any cross-references; and may correct any typographical errors in the text which do not affect the   |
| 7  | meaning of text.   |
| 8  | Section 5. Severability. Each section of this ordinance, and any part thereof, is severable, and     |
| 9  | if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of |
| 10 | this ordinance shall remain in full force and effect.  |
| 11 | PASSED by the City Council this day of, 2014.  |
| 12 | ATTEST:  |
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| 14 |  |
| 15 | City Recorder  |
| 16 | Approved by City Attorney:   |
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| 18 | Checked by:  |
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