

## **Sec. 6.03.005 Commercial animal sales permit**

(a) All persons engaged in the commercial sale of any animals, domestic or otherwise, including, but not limited to, pet stores and stores in which pets and animals are not the central item of sale within the store, such as department stores, drugstores and convenience stores, must apply for a commercial animal sales permit at the animal services department. The commercial animal sales permit shall be issued provided the applicant meets all the provisions of this section and shall be valid for one year from the date of issuance. The annual fee shall be set by the city council and is as shown in the animal services fee schedule maintained by the city secretary and as set forth in section A6.03.005 of the fee schedule in Appendix A to this code.

(b) Those persons currently engaged in the commercial sales of animals as described in this section are required to apply for the commercial animal sales permit prior to engaging in the sale of any animal within the city.

(c) Upon inspection of the premises by the animal services department, the permit shall be issued if, in the sole discretion of the animal control officer, all of the following conditions are met:

(1) The facility is adequate for the number and type of animals to be kept therein.

(A) The facility is of a sufficient size as to allow all animals in the facility to move about freely, considering the maximum possible size of the individual animal's height and weight that may be kept within the facility at any time.

(B) Adequate food and water is continuously provided so that each and all animals in the facility kept shall be maintained in good health and free of malnutrition and/or dehydration.

(C) The facility's premises are kept in a sanitary condition and reasonably free of animal waste, parasites, insects, rodents and flies that could be harmful to the animal's health and/or to the health of the general public.

(D) Nothing about the operation of the facility poses any public or private nuisance within the city's corporate limits.

(2) The animals and the facility shall, at all times, be kept free of odor or stench which is offensive to a person of ordinary sensibilities.

(3) The animals in the facility shall at all times be maintained in a manner that does not pose a danger to the health of the animals themselves, to adjacent animals within the facility, or to visitors or workers in the facility.

(4) The animals in the facility shall not cause noise(s) or other disturbances which are offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises.

(5) If an applicant for or a holder of a commercial animal sales permit has been convicted of a violation of this chapter on two separate occasions, the commercial animal sales permit may be revoked by the city, and issuance of or renewal of a commercial animal sales permit may be refused.

(d) The commercial animal sales permit may be revoked by the animal services department if, upon investigation, it is determined that the permit holder has failed to adhere to any of the above conditions listed in this section. Once the commercial animal sales permit has been revoked, neither the individual nor the store whose permit has been revoked may reapply for a period of six months, and they shall not engage in the sale of animals in the manner described in this section for that period.

(e) Upon revocation of the commercial animal sales permit, the animal services department shall notify the permit holder of such action in writing. Written notification shall be deemed made when a certified letter, return receipt requested, addressed to the last known mailing address of the permit holder, is deposited in the U.S. mail.

(f) Upon the expiration of ten (10) days after written notification of revocation is deposited in the U.S. mail, as provided above, the permit holder shall no longer keep, maintain or harbor animals within the city's corporate limits, and each 24-hour period that an animal with a revoked permit remains in the city shall constitute a separate violation of this article.

(g) Upon revocation of the commercial animal sales permit, the holder of the revoked commercial animal sales permit shall notify the animal services department of the location to which the animals are being removed.

(h) A holder of a commercial animal sales permit may appeal the decision of the director of animal services to revoke a permit, after the informal hearing is held by the director, by requesting, in writing, that the city manager or his designee hear an appeal of the director's decision. If the city manager determines that grounds exist for permanent or extended revocation or termination of the commercial animal sales permit, his/her decision on the matter is final and is not subject to further appeal.

#### **Sec. A6.03.005 Commercial animal sales permit**

Commercial animal sales permit: \$50.00