



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 6663

File Number: 2023-740

AMENDMENT: §92.04(C) PET STORE OPERATIONS:

AN ORDINANCE TO AMEND § 92.04 (C) OF THE FAYETTEVILLE CODE TO CONFORM THIS SUBSECTION WITH THE JUST ENACTED ACT 730 OF THE 94TH GENERAL ASSEMBLY

WHEREAS, when the City Council passed Ordinance 6587 and enacted §92.04(C) last year to prohibit pet stores in Fayetteville from selling puppies produced by mass breeding operations that treat dogs like livestock rather than pets, no state law was contrary to or in conflict with this ordinance; and

WHEREAS, the sponsor of House Bill 1591 which has now been passed to become Act 730 of 2023 publicly acknowledged that he sponsored this bill to invalidate and preempt the City of Fayetteville ordinance which enacted §92.04 (C) of the *Fayetteville Code*; and

WHEREAS, since Act 730 of 2023 does indeed preempt and invalidate our City's former authority and power to regulate the sale of puppies obtained from mass breeding operations or puppy dealers which are regulated and in compliance with 7 U.S.C. §2132 and associated USDA regulations, the City of Fayetteville has no choice but to amend §92.04(C) to conform to the newly passed Act 730 of 2023.

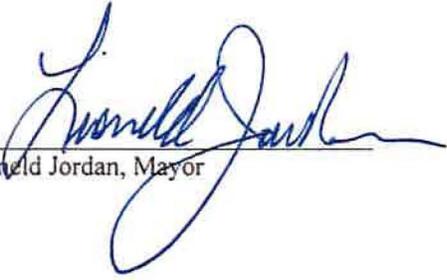
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 92.04(C) of the *Fayetteville Code* by repealing it in its entirety and enacting a replacement (C) as follows:

“(C) A retail pet store shall only be allowed to sell a puppy or kitten if it has been acquired from a cattery, kennel or dealer as defined in 7 U.S.C. §2132 and pursuant to the dictates of Act 730 of 2023 codified as A.C.A §4-97-109 **Applicability to other laws – Preemption** and any later amendments thereto. A retail pet store may assist the Fayetteville and Washington County Animal Shelters and nonprofit dog and cat rescue organizations by displaying animals or their photos for adoption in the pet store.”

PASSED and APPROVED on May 16, 2023

Approved:



Lioneld Jordan, Mayor

Attest:



Kara Paxton, City Clerk Treasurer

