

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Allan L Roeder	From:	Maria Stipe	
Dept.:	Interim City Manager	Dept.:	City Manager	
Subject:	CONSIDERATION OF PROHIBITING THE SALE OF PETS FROM COMMERCIAL BREEDING FACILITIES IN THE CITY OF GARDEN GROVE		Date:	January 27, 2015

OBJECTIVE

The purpose of this report is for the City Council to consider prohibiting the sale of pets from commercial breeding facilities within the city of Garden Grove.

BACKGROUND

At the January 13, 2014, City Council Meeting, Council Member Beard requested the matter of prohibiting the sale of pets from commercial breeding facilities within the city of Garden Grove be listed on the January 27, 2014, City Council Agenda for consideration.

DISCUSSION

A number of cities in Orange County and throughout the State have passed ordinances that ban pet stores from selling animals that come from large-scale commercial breeders. They are typically only allowed to offer rescued animals from shelters, the Humane Society, and licensed animal rescue organizations. Advocates of bans maintain that many commercial breeders breed dogs and cats in relatively inhumane conditions. These breeders are commonly referred to as "puppy mills" or "kitten factories." Animals bred by these types of commercial breeders are more likely to have behavior and/or health problems. A sample ordinance from the City of Huntington Beach, agenda report and ordinance from the City of Glendale, and municipal code section from the City of Aliso Viejo are attached for information.

FINANCIAL IMPACT

Prohibiting the sale of pets from commercial breeding facilities could result in negative financial impacts to affected businesses. City staff has not researched the numbers of businesses that potentially could be impacted by the adoption of such an ordinance.

RECOMMENDATION

It is recommended that the City Council:

- Provide direction to staff as appropriate.


 MARIA STIPE
 Deputy City Manager

Approved for Agenda listing


 Allan L. Roeder
 Interim City Manager

Attachment: Sample ordinance, agenda report and municipal code citation

ORDINANCE NO. 3941

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 7.12 OF THE HUNTINGTON BEACH MUNICIPAL
CODE RELATING TO MISCELLANEOUS ANIMAL CARE AND CONTROL

The City Council of the City of Huntington Beach does hereby ordain as follows:

Section 1. Findings and Intent. The city council, after several public meetings, finds as follows:

A. State and federal laws that regulate dog and cat breeders and pet stores that sell dogs and cats include: the Lockyer-Polanco-Farr Pet Protection Act (California Health and Safety Code, Section 122125 et seq.); the Polanco-Lockyer Pet Breeder Warranty Act (California Health and Safety Code, Section 122045 et seq.); the Pet Store Animal Care Act (California Health and Safety Code, Section 122350 et seq.); and the Animal Welfare Act ("AWA") (7 U.S.C. Section 2131 et seq.).

B. The Lockyer-Polanco-Farr Pet Protection Act requires pet dealers (i.e., retail sellers of more than 50 dogs or cats in the previous year; not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. If after 15 days from purchase a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one year after purchase a dog or cat has a congenital or hereditary condition that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to 150 percent of the purchase price of the puppy or kitten.

C. The Pet Store Animal Care Act, effective in 2009, requires every pet store that sells live companion animals and fish to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.

D. The Polanco-Lockyer Pet Breeder Warranty Act offers protection similar to that of the Lockyer-Polanco-Farr Pet Protection Act, except that it applies only to dog breeders who sold or gave away either three litters or 20 dogs in the previous year.

E. The Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats. These breeders are required to maintain minimum health, safety and

welfare standards for animals in their care. The AWA is enforced by the United States Department of Agriculture ("USDA").

F. According to the Humane Society of the United States ("HSUS"), inspection records show that many USDA-licensed breeders breed dogs or cats in relatively inhumane conditions. These breeders are commonly referred to as "puppy mills" or "kitten factories." Documented problems of puppy mills include: over breeding, inbreeding, veterinary care that doesn't meet the same standards as other breeders, relatively poor quality of food and shelter, lack of human socialization, and overcrowded cages. Dogs bred in puppy mills are more likely to have behavior and/or health problems. While kitten factories are not as common as puppy mills, similar problems are reported regarding kitten factories.

G. According to the American Society for the Prevention of Cruelty to Animals ("ASPCA"), fearful behavior and lack of socialization with humans and other animals are common characteristics of dogs from puppy mills and kittens from kitten factories.

H. According to the Coalition Against Misery, hundreds of thousands of puppies are raised each year in commercial kennels. These puppies generally do not receive the same standard of care as provided by other breeders.

I. According to HSUS, most pet store puppies come from puppy mills and many pet store kittens come from kitten factories.

J. According to the city of Los Angeles animal services department, there are hundreds of thousands of puppy mills around the world that produce untold millions of puppies annually, while at the same time more than 4,000,000 pets die in U.S. shelters each year. With rare exceptions, when consumers buy puppies or kittens from pet stores there is a strong likelihood that consumers are supporting the puppy mill or kitten factory industry.

K. The city council finds that, in addition to state and federal laws, the city of Huntington Beach has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs and cats. The city council believes that a community that promotes animal welfare will be a healthier community.

L. While the city council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a "puppy mill" or "kitten factory," it is the city council's belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores.

M. The city council finds that the retail sale of dogs and cats in pet stores in the city of Huntington Beach is inconsistent with the city's goal to be a community that cares about animal welfare.

N. The city council believes that a ban on the retail sale of dogs and cats in pet stores will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the city.

O. The city council believes that a ban on the retail sale of dogs and cats in pet stores in the city will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals.

SECTION 2. Section 7.12.180 of the Huntington Beach Municipal Code is hereby added to read as follows:

7.12.180 Prohibition on retail sale of dogs and cats.

A. No commercial establishment shall display, sell, deliver, offer for sale, barter, or auction dogs or cats, except dogs and/or cats obtained from a shelter, or humane society or rescue organization. Cats obtained by donation from a local resident for no charge may also be displayed, sold, and offered for sale or adoption. The pet shop owner shall notify in writing the Orange County Animal Services Office of any sale of a local donated cat.

B. A pet shop that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred or disposed of dogs or cats in the City of Huntington Beach as of the effective date of this section, and whose operations complied with all applicable provisions of the Huntington Beach Municipal Code, may continue to display, offer for sale, offer for adoption, barter, or auction of dogs and cats until the two year anniversary of the effective date of the ordinance codified in this section.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

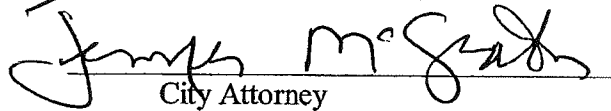
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

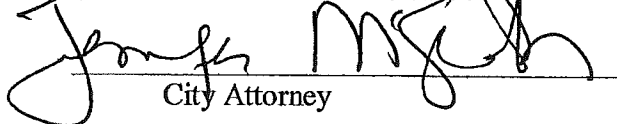


City Attorney

REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:



City Attorney



CITY OF GLENDALE CALIFORNIA
REPORT TO CITY COUNCIL

August 16, 2011

AGENDA ITEM

Report: Proposed Ordinance Amending the Glendale Municipal Code, 1995, to Prohibit the Retail Sale of Dogs and Cats.

- 1) Ordinance for Introduction

COUNCIL ACTION

Public Hearing [] Ordinance [X] Consent Calendar [] Action Item [] Report Only []
Approved for August 16, 2011 calendar

ADMINISTRATIVE ACTION

	Signature
Submitted Scott H. Howard, City Attorney.....	<u>Michael J. Garcia</u>
Prepared Carmen O. Merino, General Counsel – Police.....	<u>Carmen Merino</u>
Approved James E. Starbird, City Manager.....	<u>William K. Powell</u>
Reviewed Michael J. Garcia, Chief Assistant City Attorney.....	<u>Michael J. Garcia</u>
Hassan Haghani, Director of Community Development.....	By <u>Philip S. Lanzetta</u> PHILIP S. LANZETTA ME

RECOMMENDATION

It is recommended that the City Council introduce the proposed ordinance.

SUMMARY

On June 14, 2011, staff took a report to the City Council discussing the adoption of an ordinance that would restrict or prohibit the sale or transfer of all dogs and cats by a retail pet store in the City of Glendale. The City Council unanimously passed a motion directing staff to prepare a proposed ordinance prohibiting the sale of all dogs and cats by a retail pet store in the City of Glendale.

The City of Glendale has received inquiries regarding outlawing puppy mills and staying off business from puppy mills within the City. Puppy mills are substandard breeding facilities that operate with an emphasis on maximizing profits above animal welfare. Dogs bred in puppy mills and cats bred in kitten factories are more likely to have behavioral and/or health problems. Because the sale of dogs and cats is an interstate business and can be conducted over the internet, it is difficult to outlaw puppy mills outright. Adopting an ordinance that would prohibit the sale of all dogs and cats by companion pet stores is the most direct way to protect the welfare and safety of companion animals because it reduces the demand for animals bred in such substandard facilities. Therefore, staff recommends that Council adopt the proposed ordinance prohibiting the sale of all dogs and cats in retail pet stores within the City of Glendale.

Specifically, the proposed ordinance:

- States no pet store within the City of Glendale shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats.
- Provides a one year amortization or grandfathering clause for any legally existing pet store with dogs and cats on the date of adoption of the proposed ordinance, in order to comply with the ordinance's requirements.

FISCAL IMPACT

The enactment of an ordinance prohibiting the sale of all dogs and cats from retail pet stores within the City of Glendale would not have any direct financial impact to the City.

BACKGROUND

On June 14, 2011, the City Council unanimously voted to direct staff to prepare the proposed ordinance.

Federal Law

Commercial breeding of dogs is regulated on the federal level. The laws discussed below are civil laws, distinct from animal cruelty laws, which are criminal laws.

Animal Welfare Act (7 U.S.C. §2131 *et seq.*)

The Animal Welfare Act ("AWA") is a federal law passed in 1966, which regulates certain animal activities, including commercial dog and cat breeding. The AWA defines the minimum standards of care for dogs, cats, and certain other species of animals bred for commercial resale and exhibition. It also requires that certain commercial breeders be licensed and routinely

inspected by the United States Department of Agriculture ("USDA").

However, it has been found that AWA violations often go unpunished and that there are many loopholes. For example, only animal-breeding businesses considered "wholesale" operations, those that sell animals to stores for resale, are overseen by the USDA. The AWA's licensing and inspection requirements therefore do not apply to facilities that sell directly to the public, including the thousands that now do so over the internet.

Puppy Uniform Protection Statute

There have been three consecutive Congressional attempts to pass the Puppy Uniform Protection Statute ("PUPS"). The Act was most recently re-introduced on March 1, 2011. The bill would require any breeder who sells or offers to sell more than 50 dogs annually directly to the public, including over the internet, to be licensed and inspected by the USDA. The PUPS Act seeks to close the AWA "wholesale" loophole and would require all licensed dog breeders to exercise every dog, every day.

State Law

In California, there are several state laws which seek to protect pet buyers and set standards for pet store conditions.

Lockyer-Polanco-Farr Pet Protection Act (California Health & Safety Code § 122125 et seq.)

Requires pet dealers (i.e. retail sellers of more than fifty (50) dogs or cats in the previous year, not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. It also imposes a "Puppy Lemon law," protecting consumers by stating that if after fifteen (15) days from purchase a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one (1) year after the purchase a dog or cat has a congenital or hereditary condition that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to one hundred and fifty percent (150%) of the purchase price of the puppy or kitten.

Polanco-Lockyer Pet Breeder Warranty Act (California Health & Safety Code § 122045 et seq.)

This Act offers similar protection to that of the Lockyer-Polanco-Farr Protection Act, except it applies only to dog breeders who have sold or given away all or part of three or more litters or 20 or more dogs in the previous year.

Pet Store Animal Care Act (California Health & Safety Code § 122350 et seq.)

Requires every pet store that sells live companion animals and fish to maintain the facility in good repair, provide proper care to animals, and clean grooming areas daily. The law mandates that dogs and cats must be over eight weeks of age and weaned prior to sale. It also requires pet store operators to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.

Assembly Bill 241

AB 241 was a statewide attempt to regulate dog and cat commercial breeders. Termed an "anti-puppy mill" bill, it sought to limit commercial dog and cat breeders to a total of 50 breeding animals. Governor Schwarzenegger vetoed the bill on October 12, 2009. The bill would have

allowed counties and cities to impose more restrictions.

Local Efforts

Currently three California cities have banned the retail sale of all dogs and cats in companion pet stores. These cities are South Lake Tahoe, West Hollywood, and Hermosa Beach. Proponents of such bans seek to reduce the demand and market for animals from puppy mills that supply some pet stores, and increase the adoption of animals from local shelters. Other cities, including La Mesa and Irvine are considering adopting a similar type ban. Instead of adopting an ordinance banning the retail sale of dogs and cats, Los Angeles County recently adopted an ordinance that limits the number of adult dogs in breeding facilities and includes requirements for staffing, inspection, evacuation plans, medical care, protection for pregnant and nursing dogs and puppies, record keeping, micro-chipping or tattooing within its unincorporated areas.

Investigation by the Companion Animal Protection Society (CAPS) within the City of Glendale

An undercover investigation of the largest dog brokering facility in the country by the national nonprofit group Companion Animal Protection Society ("CAPS"), revealed inhumane and substandard breeding facilities with multiple and repeat violations of the Animal Welfare Act. It was found that the brokers and/or breeders did not meet the minimum standards of care under USDA regulations.

On June 23, 2011, CAPS engaged in an inspection of a retail pet store within the City of Glendale. This store is the only remaining pet store within the City that currently sells companion animals from commercial breeding facilities. While there were no dogs in the store at the time of inspection, CAPS was informed that the store could order any kind of puppy and that some of the dogs were obtained from the same large dog brokering facility mentioned above.

Implications of an Ordinance Banning the Sale of All Dogs and Cats in Retail Pet Stores

Given that animals can be purchased over the internet from other states, it is difficult to adopt a local ordinance that would truly outlaw puppy mills or kitten factories. However, by banning the retail sale of dogs and cats in pet stores, the City would be able to reduce some of the demand for dogs from puppy mills and cats from kitten factories. Prohibiting the sale of dogs and cats in retail pet stores within the City is the most direct way to stave off business from puppy mills. Additionally it encourages pet adoptions from local animal shelters, which in turn reduces the number of animals euthanized every year.

While Los Angeles County's ordinance seeks to protect the welfare and safety of companion animals by limiting the number of adult dogs in breeding facilities and by imposing requirements for staffing, inspection, evacuation plans, medical care, protection for pregnant and nursing dogs and puppies, record keeping, micro-chipping or tattooing within its unincorporated areas, the financial and staffing burdens it would impose if the City of Glendale adopted a similar ordinance are unknown. Although the existence of puppy mills can be limited by applying and strongly enforcing standards to breeding facilities, more information is required to assess what additional costs, if any, inspections and training would impose. Thus, at this time, the most effective option for limiting business from puppy mills is to prohibit the sale of all dogs and cats by retail pet stores located within the City.

Such a ban would be rationally related to the City's goal of protecting animal welfare because puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores. A ban would also promote community awareness of animal welfare which in turn fosters a more humane environment in the City. It will encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals.

Proposed Ordinance

Puppy mills are difficult to outlaw completely because the sale of dogs and cats has become an interstate business facilitated by and conducted over the internet. Thus, it is staff's view that the most direct way to protect the welfare and safety of companion animals is to adopt an ordinance that would prohibit the sale of all dogs and cats in retail pet stores within the City of Glendale. Such an ordinance will assist in reducing the demand for animals bred in such substandard facilities. Therefore, staff recommends that Council adopt the proposed ordinance in order to promote community awareness of animal welfare and foster a more humane environment within the City of Glendale community.

Acknowledgements

Staff would like to thank Carole Davis and CAPS for their assistance and interest in this important issue.

Additionally, the City Attorney's office wishes to acknowledge volunteer attorney Suparna Jain for her assistance with this project.

EXHIBIT(S)

No attached exhibits.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GLENDALE, CALIFORNIA
ADDING CHAPTER 6.10 TO THE GLENDALE MUNICIPAL CODE TO PROHIBIT THE SALE
OF ALL DOGS AND CATS BY A RETAIL PET STORE

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

SECTION 1. Chapter 6.10 (Retail Sale of Dogs and Cats) to Title 6 of the Glendale Municipal Code, 1995, is hereby added to read as follows:

Chapter 6.10

RETAIL SALE OF DOGS AND CATS

Sections:

6.10.010	Findings.
6.10.020	Retail Sale of Dogs and Cats.

6.10.010 Findings.

- a. Existing state and federal laws regulate dog and cat breeders, as well as pet stores that sell dogs and cats. These include the Lockyer-Polanco-Farr Pet Protection Act (California Health & Safety Code section 122125 *et seq.*); the Polanco-Lockyer Pet Breeder Warranty Act (California Health & Safety Code section 122045 *et seq.*); the Pet Store Animal Care Act (California Health & Safety Code section 122350 *et seq.*); and the Animal Welfare Act ("AWA") (7 U.S.C. § 2131 *et seq.*).
- b. The Lockyer-Polanco-Farr Pet Protection Act requires pet dealers (i.e. retail sellers of more than fifty (50) dogs or cats in the previous year; not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. If after fifteen (15) days from purchase a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one (1) year after purchase a dog or cat has a congenital or hereditary condition that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to one hundred and fifty percent (150%) of the

- purchase price of the puppy or kitten.
- c. The Pet Store Animal Care Act requires every pet store that sells live companion animals and fish to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.
 - d. The Polanco-Lockyer Pet Breeder Warranty Act offers protection similar to that of the Lockyer-Polanco-Farr Pet Protection Act, except that it applies only to dog breeders who sold or gave away either three litters or 20 dogs in the previous year.
 - e. The Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats. These breeders are required to maintain minimum health, safety and welfare standards for animals in their care. The AWA is enforced by the United States Department of Agriculture ("USDA"). However, the AWA's licensing and inspection requirements do not apply to facilities that sell directly to the public, including the thousands that now do so over the internet.
 - f. According to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories," that mass-produce animals for sale to the public; and many of these animals are sold at retail in pet stores. Because of the lack of proper animal husbandry practices at these facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.
 - g. According to USDA inspection reports, some additional documented problems found at puppy mills include: (a) sanitation problems leading to infectious disease; (b) large numbers of animals overcrowded in cages; (c) lack of proper veterinary care for severe illnesses and injuries; (d) lack of protection from harsh weather conditions; and (e) lack of adequate food and water.

- h. According to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present themselves immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers.
- i. A 2005 undercover investigation of California pet stores revealed that nearly half of the pet stores visited displayed animals that showed visible signs of illness, injury, or neglect, and nearly half of the stores also sold animals showing clear symptoms of psychological distress.
- j. While "puppy mill" puppies and "kitten factory" kittens were being sold in pet stores across the Los Angeles area during the past year, more than 100,000 dogs and cats were euthanized in Los Angeles city and county shelters.
- k. The homeless pet problem notwithstanding, there are many reputable dog and cat breeders who refuse to sell through pet stores and who work carefully to screen families and ensure good, lifelong matches.
- l. Responsible dog and cat breeders do not sell their animals to pet stores. The United Kennel Club ("UKC"), the second oldest all-breed registry of purebred dog pedigrees in the United States and the second largest in the world, asks all of its member breeders to agree to a Code of Ethics which includes a pledge not to sell their puppies to pet stores. Similar pledges are included in Codes of Ethics for many breed clubs for individual breeds.
- m. The cities of South Lake Tahoe, West Hollywood and Hermosa Beach have all adopted ordinances prohibiting the retail sale of dogs and cats.
- n. Across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal sheltering and

rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

- o. An undercover investigation by the national nonprofit organization Companion Animal Protection Society ("CAPS") revealed that the largest dog brokering facility in the country was replete with inhumane and substandard breeding facilities with multiple and repeat violations of the Animal Welfare Act. It was found that the brokers and/or breeders did not meet the minimum standards of care under USDA regulations.
- p. A local inspection done by CAPS found that there was one pet store within the City of Glendale that obtains some of its puppies from this large dog brokering facility.
- q. The City Council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a "puppy mill" or "kitten factory." However, it is the City Council's belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores.
- r. The City Council believes that the elimination of the retail sale of dogs and cats from pet stores in the City will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals.
- s. In light of the City's goal to be a community that cares about animal welfare, the City Council finds that the adoption of an ordinance prohibiting the sale of dogs and cats by a retail pet store is necessary to promote community awareness of animal welfare and foster a more humane environment within the City of Glendale community.

6.10.020 Retail Sale of Dogs and Cats.

- a. *Definitions.* For the purposes of this Chapter, the following definitions shall apply:
 - 1. "Animal shelter" means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or

surrendered animals, and which does not breed animals.

2. "Cat" means an animal of the Felidae family of the order Carnivora.
3. "Certificate of source" shall mean a document declaring the source of the dog or cat sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.
4. "Dog" means an animal of the Canidae family of the order Carnivora.
5. "Existing pet store" means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred cats or dogs in the City of Glendale on the effective date of this Chapter, and complied with all applicable provisions of the Glendale Municipal Code.
6. "Pet store" means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.
7. "Pet store operator" means a person who owns or operates a pet store, or both.
8. "Retail sale" includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer any cat or dog.

b. *Prohibition.* No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Glendale on or after the effective date of this Chapter.

c. *Existing Pet Stores.* A legally existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer cats and dogs for a period of one year from the date the ordinance codified in this Chapter becomes effective.

d. *Exemptions.* This Chapter does not apply to:

1. A person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;
2. A publicly operated animal control facility or animal shelter;

3. A private, charitable, nonprofit humane society or animal rescue organization; or
4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

e. Adoption of Shelter and Rescue Animals. Nothing in this Chapter shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

SECTION 2. Severability.

If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of law, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Glendale hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof regardless of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 3. This ordinance becomes effective one year after its adoption.

Adopted by the Council of the City of Glendale on the _____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Ordinance No. _____ was approved and adopted by the Council of the City of Glendale, California, at a regular meeting held on the ____ day of _____, 2011, and that the same was passed by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk

6.02.120 Prohibition on retail sale of dogs and cats.  **SHARE**

A. No commercial animal establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the city on or after the effective date of the ordinance codified in this section.

B. This section shall not apply to:

1. A commercial animal rescue shop that offers dogs or cats for an adoption fee;
2. A publicly operated animal control facility or animal shelter;
3. A private, charitable, nonprofit humane society or animal rescue organization; or
4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet shop.

C. Nothing in this section shall prevent a pet shop or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet shop for the purpose of adopting those animals to the public.

D. A pet shop or its owner who provides space to a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency for the purpose of adopting animals to the public shall ensure that the publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency complies with the requirements of AVMC 6.02.110 and all state laws pertaining to the health and safety of animals. [Ord. 2012-142 § 6; Ord. 2010-126 § 1 (Exh. A); Ord. 2009-108 § 1 (4-1-12)].

Cross-reference: business license required, AVMC 6.04.460.

