

ORDINANCE NO. 2855

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
PROHIBITING THE DISPLAY AND RETAIL SALE BY PET STORES OF DOGS AND CATS
OBTAINED FROM COMMERCIAL SOURCES***City Attorney Summary***

This Ordinance adds Section 6.04.080 to the Garden Grove Municipal Code prohibiting pet stores from displaying, selling, delivering, offering for sale, bartering, or auctioning dogs or cats in the city of Garden Grove, except dogs and/or cats obtained from a public animal control facility or shelter or a duly authorized nonprofit humane society or animal rescue organization, or cats donated by a local resident for no charge. This Ordinance gives existing pet stores one year to come into compliance with the new regulations.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings and Intent. The City Council, after several public meetings, finds and determines as follows:

- A. Existing 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 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 (AWA) 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 does not 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 Garden Grove 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 obtained from sources other than shelters or nonprofit humane societies, or animal rescue organizations by pet stores in the city of Garden Grove 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 display and retail sale of dogs and cats obtained from sources other than shelters or nonprofit humane societies or animal rescue organizations by 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. A new Section 6.04.080 is hereby added to Chapter 6.04 of Title 6 of the Garden Grove Municipal Code to read as follows:

6.04.080 Prohibition on retail sale of dogs and cats.

A. No pet store shall display, sell, deliver, offer for sale, barter, or auction dogs or cats in the city of Garden Grove, except dogs and/or cats obtained from a public animal control facility or shelter or duly authorized nonprofit humane society or animal rescue organization. Cats obtained by donation from a local resident for no charge may also be displayed, sold, and/or offered for sale; provided, however, that the pet store owner or operator shall notify in writing the Orange County Animal Services Office of any sale of any such locally donated cat.

B. A pet store that, as of the effective date of the Ordinance codified in this Section, displayed, sold, delivered, offered for sale, bartered, or auctioned dogs or cats in the city of Garden Grove, which were obtained from sources other than those permitted by Subsection A, and whose operations complied with all applicable provisions of the Garden Grove Municipal Code, may continue to display, sell, deliver, offer for sale, barter, or auction dogs and cats obtained from sources other than those permitted by Subsection A until the one year anniversary of the effective date of the Ordinance codified in this Section.

C. For purposes of this Section 6.04.080, the term "pet store" shall have the same meaning as set forth in California Health and Safety Code 122350, as it may be amended from time to time."

SECTION 3. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on March 10, 2015, with a vote as follows:

AYES: COUNCIL MEMBERS: (4) BEARD, BUI, JONES, PHAN
NOES: COUNCIL MEMBERS: (1) NGUYEN
ABSENT: COUNCIL MEMBERS: (0) NONE