

violation of breeder certification provisions may correct the violation by obtaining the necessary Breeder Certificate(s) no later than thirty (30) days from the date of notification. This penalty shall be imposed in addition to any other applicable civil or criminal penalties.

(b) Any Breeder Certificate may be revoked if the owner is in violation of:

- (1) Any of the provisions of this Code relating to the keeping, care, or use of any animal;
- (2) Any State health or safety law or regulation regarding animal care or control; or
- (3) Any condition or requirement to pay any fee imposed under this Code.

(1064-CS, Added, 05/23/2006)

## **Article 7. Retail Sale of Dogs and Cats**

### **6-1-701 Findings.**

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The City Council of the City of Turlock hereby finds and declares that:

(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 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 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 (150%) percent 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 (3) litters or twenty (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, 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 immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers.

(g) A review of state and USDA inspection reports from more than one hundred (100) breeders who sold animals to the nation's largest retail pet store chain revealed that more than sixty (60%) percent of the inspections found serious violations of basic animal care standards, including sick or dead animals in their cages, lack of proper veterinary care, inadequate shelter from weather conditions, and dirty, unkempt cages that were too small.

(h) A 2005 undercover investigation of California pet stores revealed that nearly half of the pet shops 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.

(i) 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.

(j) According to USDA inspection reports, some additional documented problems found at puppy mills include:

- (1) Sanitation problems leading to infectious disease;
- (2) Large numbers of animals overcrowded in cages;
- (3) Lack of proper veterinary care of severe illnesses and injuries;
- (4) Lack of protection from harsh weather conditions; and
- (5) Lack of adequate food and water.

(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) Across the country, thousands of independent pet stores as well as large chains gain 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.

(n) While the City Council recognizes that not all dogs and cats retained 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.

(o) The City Council finds that the current state of retail sale of dogs and cats in pet stores in the City of Turlock is inconsistent with the City’s goal to be a community that cares about animal welfare.

(p) The City Council believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City.

(q) The City Council believes that elimination of 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.

(1148-CS, Amended, 02/24/2011; 1141-CS, Added, 06/08/2010)

### **6-1-702 Definitions.**

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For purposes of this chapter, the following definitions shall apply.

(a) “Animal shelter” shall mean 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.

(b) “Cat” shall mean an animal of the Felidae family of the order Carnivora.

(c) “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.

(d) “**Dog**” shall mean an animal of the Canidae family of the order Carnivora.

(e) “Existing pet store” shall mean 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 Turlock on the effective date of the ordinance codified in this chapter, and complied with all applicable provisions of the Turlock Municipal Code.

(f) “Pet store” shall mean a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.

(g) “Pet store operator” shall mean a person who owns or operates a pet store, or both.

(h) “Retail sale” shall mean the display, offer for sale, offer for adoption, barter, auction, give-away, or other transfer of any cat or **dog**.

(1141-CS, Added, 06/08/2010)

### **6-1-703 Prohibition.**

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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 Turlock on or after the effective date of the ordinance codified in this chapter.

(1148-CS, Amended, 02/24/2011; 1141-CS, Added, 06/08/2010)

#### **6-1-704 Existing pet stores.**

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An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer cats and dogs. Should an existing pet store be sold, bequeathed, or ownership otherwise transferred, the pet store will no longer be considered an “existing pet store” and will not be entitled to continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer cats and dogs.

(1141-CS, Added, 06/08/2010)

#### **6-1-705 Exemptions.**

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This chapter does not apply to:

- (a) 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;
- (b) A publicly operated animal control facility or animal shelter;
- (c) A private, charitable, nonprofit humane society or animal rescue organization; or
- (d) 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.

(1141-CS, Added, 06/08/2010)

#### **6-1-706 Adoption of shelter and rescue animals.**

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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.

(1141-CS, Added, 06/08/2010)