

Chapter 7.16 RETAIL SALE OF DOGS AND CATS PROHIBITED**7.16.010 Retail sale of dogs and cats prohibited.**

- A. Definitions. For 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. “Dog” means an animal of the Canidae family of the order Carnivora.
 4. “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 Carlsbad on the effective date of the ordinance codified in this chapter, and complied with all applicable provisions of the Carlsbad Municipal Code.
 5. “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.
 6. “Pet store operator” means a person who owns or is designated by an owner to operate a pet store, or both.
 7. “Retail sale” includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer of any cat or dog.
 8. “Certificate of source” means 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.
 9. “Non-commercial breeding establishment” means a person, firm, partnership, corporation or other entity that has sold, transferred or given away all or part of three or fewer litters, or less than 20 dogs, or less than 20 cats during the preceding 12 months that were bred and reared on the premises of the person, firm, partnership, corporation, or other association.
- 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 Carlsbad.
- C. Exemptions. This chapter does not apply to:
1. A person or establishment that engages in the retail sale of dogs or cats that are obtained from a non-commercial breeding establishment.
 2. 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;
 3. A publicly operated animal control facility or animal shelter;
 4. A private, charitable, nonprofit humane society or animal rescue organization; or
 5. 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.
- D. 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.
- E. Certificate of Source. A pet store operator shall post and maintain in a conspicuous place, on or within three feet of each dog’s or cat’s kennel, cage or enclosure, a certificate of source for each dog or cat offered for retail sale

ensuring the dog or cat was obtained in full compliance with this chapter, and the pet store operator shall provide a copy of such certificate of source to the purchaser or transferee of any dog or cat.

F. Existing Pet Stores. An existing pet store may continue to engage in the retail sale of dogs and cats until November 10, 2016. (Ord. CS-296 § 2, 2016)

7.16.020 Notice of violations of chapter.

This chapter shall be enforced by the San Diego County department of animal services. Any person who violates any of the provisions of this chapter may be served with written notice of such violation by any law enforcement officer of the county. Notice may be served upon such person personally, by mail or by posting such notice for five days in a conspicuous place where the violation occurs. (Ord. CS-296 § 2, 2016)

7.16.030 Violations after notice deemed misdemeanor.

A. Every pet store operator violating any provision of this chapter who has been served with written notice of such violation as prescribed by Section [7.16.020](#) and who refuses to comply with such notice is guilty of a misdemeanor.

B. Each animal simultaneously displayed, offered for sale or sold in violation of this section constitutes a separate violation of this section. Furthermore, the display, offer for sale, offer for adoption, barter, auction, giving away, or otherwise transferring of cats or dogs after the date a citation has been issued shall also constitute a separate violation. (Ord. CS-296 § 2, 2016)

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