

**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 publicly operated animal control facility or animal shelter;
 2. A private, charitable, nonprofit humane society or animal rescue organization; or
 3. 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.

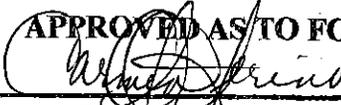
Adopted by the Council of the City of Glendale on the 23rd day of August, 2011.



Mayor

ATTEST: 

City Clerk

APPROVED AS TO FORM


General Counsel - Police
Date: 8/17/2011

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

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Ordinance No. 5748 was approved and adopted by the Council of the City of Glendale, California, at a regular meeting held on the 23rd day of August , 2011, and that the same was passed by the following vote:

Ayes: Manoukian, Najarian, Quintero, Weaver, Friedman

Noes: None

Absent: None

Abstain: None



City Clerk