

ORDINANCE NO. 279

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, ADDING CHAPTER 6.03 TO CREATE A RETAIL SALE OF DOGS AND CATS PROVISION TO THE CHINO HILLS MUNICIPAL CODE AND DETERMINING THAT THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- 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 (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 themselves immediately after sale or do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers.
- G. 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 used for breeding are subject to inhumane housing conditions and indiscriminately disposed of when they reach the end of their profitable breeding cycle.
- H. According to USDA inspection reports, some additional documented problems found at puppy mills include sanitation problems leading to infectious disease; large numbers of animals overcrowded in cages; lack of proper veterinary care for severe illnesses and injuries; lack of protection from harsh weather conditions; and, lack of adequate food and water.
- I. 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.
- J. 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 displaying adoptable homeless pets on their premises.

- K. As of the adoption of this Ordinance, to the City's knowledge, no pet store sells dogs and cats (all terms as defined below) within the City of Chino Hills in violation of the prohibition proposed in this Ordinance.
- L. The City Council believes that the prohibition 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.
- M. 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 Chino Hills community.
- N. The City Council finds and determines that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.), in that it is not a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378, because this Ordinance, will not have a substantial adverse impact on the environment. Further, the project is exempt from the California Environmental Quality Act (CEQA) as the activity is covered by the general rule that CEQA applies only to project which have the potential for causing a significant effect on the environment, pursuant to Section 15061 of the California Code of Regulations and Guidelines. In addition to the foregoing general exemptions, the following categorical exemption apply: Sections 15308 (actions taken to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard, or objective administered or adopted by the agency).

SECTION 2. The City Council of the City of Chino Hills does hereby add Chapter 6.03, Retail Sale of Dogs and Cats, to Title 6 of the Chino Municipal Code as follows:

Sections:

- 6.03.010 Definitions
- 6.03.020 Prohibitions.
- 6.03.030 Exemptions
- 6.03.040 Adoption of Shelter and Rescue Animals

Chapter 6.03 RETAIL SALE OF DOGS AND CATS

Chapter 6.03.010 DEFINITIONS

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

"Animal control enforcement agency" is that agency authorized by Section 6.04.010 of this title to enforce animal control laws, regulations, and the provisions of this title.

"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.

"Cat" means an animal of the Felidae family of the order Carnivora.

"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.

"Dog" means an animal of the Canidae family of the order Carnivora.

"Nonprofit animal humane society" is a group that aims to prevent animal suffering due to cruelty which does not breed animals.

"Nonprofit animal rescue organization" is a nonprofit (as defined in Section 501(c)(3) of the Internal Revenue Code) animal rescue or adoption organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.

"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.

"Pet store operator" means a person who owns or operates a pet store, or both.

"Retail sale" includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer any cat or dog.

Chapter 6.03.020 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 Chino Hills on or after the effective date of this chapter.

Chapter 6.03.030 EXEMPTIONS

This chapter does not apply to:

- A. An animal control enforcement agency or animal shelter
- B. A private, charitable, nonprofit humane society or animal rescue organization

- C. A publicly operated animal shelter, nonprofit animal humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

Chapter 6.03.040 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 organization and maintained at the pet store for the purpose of adopting those animals to the public.

SECTION 3. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code, as the same were adopted by Reference by City Ordinances Nos. 91-01 and 92-02.

SECTION 4. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 5. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

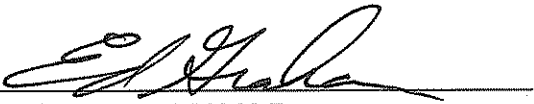
SECTION 6. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Chino Hills Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Chino Hills Municipal Code provision or other City Ordinances to remain in full force and effect for all purposes.

SECTION 7. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original Ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 8. This Ordinance will take effect on the 30th day following its final passage and adoption.

SECTION 9. The City Clerk shall certify as to the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED this 28th day of October,
2014.


ED GRAHAM, MAYOR

ATTEST:


MARY MCDUFFEE, CITY CLERK

APPROVED AS TO FORM:


MARK HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, MARY M. McDUFFEE, City Clerk of the City of Chino Hills, DO
HEREBY CERTIFY that Ordinance No. 279 was duly introduced at a regular
meeting held October 14, 2014, and adopted at a regular meeting of the City
Council held on the 28th day of October, 2014 by the following roll call vote, to
wit:

AYES: COUNCIL MEMBERS: GRAHAM, MORAN, BENNETT,
MARQUEZ, ROGERS.

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE



MARY M. McDUFFEE, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 279 duly
passed and adopted by the Chino Hills City Council at their regular meeting held
on October 28, 2014, and that Summaries of the Ordinance were published on
October 18, 2014 and November 1, 2014 in the Chino Hills Champion
newspaper.



MARY M. McDUFFEE, CITY CLERK

(SEAL)

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
CITY OF CHINO HILLS) §.
COUNTY OF SAN BERNARDINO)

Mary M. McDuffee, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Chino Hills;

That in compliance with the State laws of the State of California, a certified copy of the full text of proposed Ordinance No. 279, being:

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attached hereto and made a part hereof, was caused to be posted in the Office of the City Clerk.

Dated this 28th day of October, 2014.


MARY M. MC DUFFEE
CITY CLERK

(SEAL)