

## City of South Lake Tahoe

### 6.55.350 Retail sale of dogs and cats in pet stores prohibited.

A. Findings and Intent. The city council, after several public meetings, finds as follows:

1. 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.).
2. 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 after 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.
3. 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.
4. 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.
5. 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”).

6. 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 doesn’t 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.

7. 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.

8. 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.

9. According to HSUS, most pet store puppies come from puppy mills and many pet store kittens come from kitten factories.

10. 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.

11. The city council finds that, in addition to state and federal laws, the city of South Lake Tahoe 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.

12. 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.

13. The city council finds that the retail sale of dogs and cats in pet stores in the city of South Lake Tahoe is inconsistent with the city's goal to be a community that cares about animal welfare.

14. 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.

15. The city council believes that a ban on 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.

B. Definitions. For purposes of this section, the following definitions have been assigned to the terms used:

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

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

"Legally existing nonconforming use" means any pet store or pet store operator that displayed, sold, delivered, offered for sale or adoption, bartered, auctioned, gave away, or otherwise disposed of cats or dogs in the city of South Lake Tahoe prior to January 27, 2009.

"Pet store" means a retail establishment open to the public and engaging in the business of selling animals at retail. Any person who sells, exchanges, or otherwise transfers only animals that were bred or raised, or both, by the person, or sells or otherwise transfers only animals kept primarily for reproduction, shall be considered a breeder and not a pet store.

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

C. Prohibition. No pet store operator or pet store shall display, sell, deliver, offer for sale or adoption, barter, auction, give away, or otherwise dispose of cats or dogs in the city of South Lake Tahoe.

D. Nonconforming Uses. Notwithstanding Article V of this chapter or any other provision in this code regarding nonconforming uses, a legally existing nonconforming use may continue in existence for a period of two years from the date the ordinance codified in this section becomes effective.

E. Penalties. In addition to the administration and enforcement provisions enumerated in this chapter, if any pet store operator or pet store is found to be operating their business in violation of this section, said

pet store operator and/or pet store is subject to having their business certificate revoked, their business closed, and/or a fine in the amount of \$5,000 imposed.

F. Severability. The city council declares that should any provision, section, paragraph, sentence, or word of this section be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this section shall remain in full force and effect.

G. Certification and Publication. The city clerk shall certify the passage and adoption of the ordinance codified in this section and shall cause the same or a summary thereof to be published and posted in the manner required by law. (Ord. 1001 § 1 (Exh. A). Code 1997 § 32-31.1)

Enacted 4-7-09