

CITY COUNCIL ORDINANCE NO. 11-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING SECTIONS 4-5-506, 4-5-1111 AND 4-5-1112 TO THE IRVINE MUNICIPAL CODE AND AMENDING SECTIONS 4-5-101, 4-5-501 AND 4-5-515 OF THE IRVINE MUNICIPAL CODE RELATING TO THE PROHIBITION OF RETAIL SALE OF DOGS AND CATS IN COMMERCIAL ESTABLISHMENTS, AND THE PROHIBITION OF CIRCUSES DISPLAYING OR EXHIBITING WILD OR EXOTIC ANIMAL ACTS AND RODEOS

The City Council of the City of Irvine DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Short title. This Ordinance shall be known as the Animal Welfare Ordinance.

SECTION 2. Purpose. This Ordinance is intended to ratify and memorialize the City's commitment to the humane treatment of animals within the City.

SECTION 3. Findings and declarations. The City Council finds and declares:

A. The City of Irvine is recognized as a humane and animal friendly city. It is known for its nationally recognized animal care facility and standards of practice relating to animals including publicly and privately supported programs that provide extended care to hard-to-adopt animals, animals with medical challenges, and a "third chance" for highly adoptable animals rescued from other shelters in which the likelihood of euthanasia was imminent.

B. Although the State of California is a leader in regulating animal welfare, the City of Irvine sets for itself a higher standard to prevent the possibility of abuse, neglect and cruelty towards animals.

C. The residents of Irvine, as responsible pet owners who, when made aware of the benefits of spaying and neutering dogs will undertake this method of population control for their own dogs to help decrease the possibility of accidental breeding, overcrowding at animal shelters and, to a certain extent, euthanasia rates in Irvine and Orange County.

D. It is important to protect the public against hazards that wild and exotic animals used in entertainment pose to society, and to protect wild and exotic animals from inhumane treatment.

E. While not all retail stores that sell dogs and cats, circuses that have wild and exotic animals, and rodeos engage in practices that could be considered

inhumane, the current state of these industries in the City is inconsistent with the City's goal to be a community that cares about animal welfare.

F. A prohibition on the retail sale of dogs and cats, circuses that display or exhibit wild or exotic animals, and rodeos will foster a more humane environment in the City.

SECTION 4. Section 4-5-506, to be entitled "Prohibition on retail sale of dogs and cats," is hereby added to the Irvine Municipal Code to read in its entirety as follows:

Sec. 4-5-506. Prohibition on retail sale of dogs and cats.

- A. No commercial establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City on or after the effective date of the ordinance codified in this section.
- B. A pet shop that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred or disposed of dogs or cats in the City of Irvine as of the effective date of this section, and whose operations complied with all applicable provisions of the Irvine Municipal Code, may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer or dispose of dogs and cats until the one-year anniversary of the effective date of the ordinance codified in this section.
- C. This section shall not apply to:
  - 1. A commercial animal rescue shop that offers dogs or cats for an adoption fee;
  - 2. A publicly operated animal control facility or animal shelter;
  - 3. A private, charitable, nonprofit humane society or animal rescue organization; or
  - 4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet shop.
- D. Nothing in this section shall prevent a pet shop 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 stop for the purpose of adopting those animals to the public.

SECTION 5. Section 4-5-1111, to be entitled "Prohibition on rodeos and similar events," is hereby added to the Irvine Municipal Code to read in its entirety as follows:

Sec. 4-5-1111. Prohibition on rodeos and similar events.

No person shall sponsor, conduct, operate, or participate in a rodeo or similar event on public or private property within the City of Irvine.

SECTION 6. Section 4-5-1112, to be entitled "Prohibition on circuses displaying or exhibiting wild or exotic animal acts," is hereby added to the Irvine Municipal Code to read in its entirety as follows:

Sec. 4-5-1112. Prohibition on circuses displaying or exhibiting wild or exotic animal acts.

No person shall sponsor, conduct, operate, or participate in a circus that offers for display or exhibit any wild or exotic animal acts for public entertainment, amusement or benefit on public or private property within the City.

SECTION 7. Section 4-5-101 ("Definitions") of the Irvine Municipal Code is hereby amended to add a definition of "adoption fee" to read in its entirety as follows:

Adoption fee: Any compensation or monetary exchange for the purpose of taking ownership or custody of an animal.

SECTION 8. Section 4-5-101 ("Definitions") of the Irvine Municipal Code is hereby amended to add a definition of "commercial animal rescue shop" to read in its entirety as follows:

Commercial animal rescue shop: A commercial establishment that offers dogs and/or cats for a non-profit adoption fee, and such dogs and/or cats are made available to the establishment by non-profit humane societies, animal shelters, bona fide animal rescue organizations, or the City of Irvine Animal Care Center.

SECTION 9. The definition of "commercial establishment" in Section 4-5-101 ("Definitions") of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

Commercial establishment: Any commercial breeding or boarding kennel or cattery, commercial aviary, pet shop, grooming parlor, stable, riding academy, pony ride, guard dog and/or sentry dog service, commercial animal rescue shop, zoo, animal menagerie, animal exhibition, ~~rodeo~~, circus featuring animals not otherwise prohibited by Section 4-5-1112, pet show, miscellaneous animal reptile establishment, or animal dealer who operates for profit or not that provides such services in the City.

SECTION 10. The definition of "pet shop" in Section 4-5-101 ("Definitions") of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

*Pet shop:* A person or establishment that buys for resale and sells at retail, animals (excluding dogs and cats) bred by others, whether as owner, agent, or on consignment, and that sells or offers to sell to the general public at retail.

SECTION 11. The definition of “rodeo” in Section 4-5-101 (“Definitions”) of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

*Rodeo:* A public exhibition or competition between persons which includes ~~two or more~~ any of the following events: bareback bronc riding, saddle bronc riding, bull riding, calf roping, steer wrestling, team roping, tie-down roping, or like any similar event.

SECTION 12. Section 4-5-501 (“Permit required”) of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

Sec. 4-5-501. Permit required.

No person shall conduct or operate within the City any commercial breeding or boarding kennel or cattery, commercial aviary, domestic animal care facility, pet shop, grooming parlor, commercial stable, riding academy, pony ride, guard dog and/or sentry dog service, commercial animal rescue shop, zoo, animal menagerie, animal exhibition, ~~rodeo~~, circus featuring animals not otherwise prohibited by Section 4-5-1112, pet show, miscellaneous animal reptile establishment, or operate as an animal dealer, without first obtaining an animal establishment permit from the Director of Public Safety or his or her designee in accordance with the provisions of this Chapter. For the purpose of this section, guard dog and/or sentry dog services located outside the City but providing service within the City on a regular basis shall be included. In addition to the permit required by this Chapter, each commercial establishment shall:

1. Obtain and maintain a valid City business license in accordance with Division 6 of this title;
2. Obtain, where applicable, a Conditional Use Permit as required by Zoning Ordinance Section 3-3-1; and
3. Comply with any applicable federal, state, or local law, regulation, or ordinance.

SECTION 13. Section 4-5-515 (“Humane animal care”) of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

Sec. 4-5-515. Humane animal care.

Every person who owns, conducts, manages or operates any commercial animal establishment or commercial animal rescue shop for which a permit is required pursuant to this Chapter shall comply with each of the following conditions:

- A. No dog or cat under the age of eight weeks shall be bought, shipped into the City for the purpose of resale adoption, and no such dog or cat

shall be offered for sale adoption by any ~~pet shop or dealer~~ or commercial animal rescue shop.

- B. Every ~~puppy dog or kitten~~ cat offered for sale an adoption fee must be examined by a State-licensed veterinarian and be certified free of congenital defects, distemper, worms, skin disease, skin and ear mites, and other diseases or conditions which would be injurious to the animal or a potential owner.
- C. Every ~~puppy dog or kitten~~ cat offered for sale an adoption fee shall have been vaccinated against distemper and parvo by a State-licensed veterinarian. A ~~certificate providing the name of the veterinarian and the date and treatment~~ vaccination record providing the date of vaccination, lot number, and manufacturer must be provided to the purchaser person adopting the puppy or kitten at the time of sale adoption.
- D. No animal shall be transported by a commercial kennel, pet shop, commercial animal rescue shop, or dealer, whether by private or public means, unless housed in a container designed for that purpose including provisions for adequate ventilation and food and water.
- E. No animals shall be without attention more than 18 consecutive hours.
- F. Every reasonable precaution shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means. Any tack, equipment, device, substance, or material that is or could be injurious or cause unnecessary cruelty to any animal is prohibited. Animals which are natural enemies or are temperamentally or otherwise are incompatible shall not be housed or quartered together or so near each other as to cause injury or torment.
- G. Every animal establishment shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- H. Every building or enclosure wherein animals are maintained, shall be constructed of material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.
- I. Any animal shall be taken to a veterinarian for treatment if the animal services officer or any person authorized to enforce this Chapter finds such treatment is necessary in order to maintain the health of the animal and orders the owner or custodian to do so. When the owner or custodian is unable or unwilling to transport an animal for such

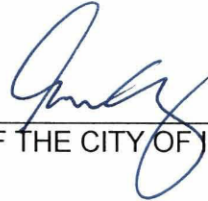
treatment, the animal may be impounded pursuant to this Chapter for the purpose of having it examined and/or treated by a licensed veterinarian in order to maintain the health of the animal. The cost of impoundment and the veterinarian expenses shall be the responsibility of the owner or custodian.

- J. All animal rooms, cages, kennels, shopping containers, and runs shall be of a sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. As a minimum, sufficient space must be provided for every animal within an enclosure to separately and together, stand up, lie down, and turn around in a natural position free of obstruction.
- K. No animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition shall be displayed to the public.
- L. Clean potable water shall be available to all animals in conformance with the principles of good animal husbandry, unless restricted by a veterinarian. Proof of such veterinarian restrictions shall be presented to the animal services officer upon request. Water receptacles, containers or dispensers shall be kept in a clean and sanitary state at all times.
- M. Food receptacles shall be accessible to all animals unless restricted by a veterinarian and shall be located so as to minimize contamination by excreta. Proof of any veterinarian restrictions shall be presented to the animal services officer upon request. Food contaminated by urine shall be discarded and replaced with fresh uncontaminated food. Disposable receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food, and they shall be kept clean and free of mold, deterioration and the caking of food.
- N. Any other applicable federal, state, or local law, regulation or ordinance.

SECTION 14. If any portion of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 15. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 25<sup>th</sup> day of October, 2011.

  
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MAYOR OF THE CITY OF IRVINE

ATTEST:

  
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CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF IRVINE )

I, Sharie Apodaca, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on October 11, 2011, and duly adopted at a regular meeting of the City Council of the City of Irvine held on the 25<sup>th</sup> day of October, 2011, by the following vote:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Krom and Kang  
NOES: 1 COUNCILMEMBERS: Lalloway  
ABSENT: 0 COUNCILMEMBERS: None

  
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CITY CLERK OF THE CITY OF IRVINE