

## ORDINANCE NO. 534

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, ADDING CHAPTER 5.82 TO THE LA QUINTA MUNICIPAL CODE TO PROHIBIT CERTAIN RETAIL SALES OF DOGS AND CATS IN THE CITY OF LA QUINTA

**WHEREAS**, the City Council of the City of La Quinta recently adopted amendments to the animal code provisions of the City's municipal code to provide a greater level of safety to the community after receiving feedback from residents at community outreach meetings;

**WHEREAS**, the amended animal code currently bans the backyard breeding (as defined) of dogs;

**WHEREAS**, the City Council finds that the backyard breeding and subsequent sales of dogs and cats from such breeders contributes to the proliferation of homeless or unwanted animals that end up in public animal shelters and humane societies;

**WHEREAS**, existing state and federal laws, including 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 (7 U.S.C. § 2131, *et seq.*), illustrate society's trend towards promoting the humane treatment of animals by regulating dog and cat breeders, as well as pet shops and stores;

**WHEREAS**, the need exists to regulate pet shops, retail businesses, and other commercial establishments that sell dogs and cats from backyard breeding practices or from other substandard breeding practices, such as inhumane, commercial breeding facilities where the health of dogs or cats is disregarded in order to maintain a low overhead and maximize profits;

**WHEREAS**, 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 these substandard breeding facilities, known as "puppy mills" or "kitten factories," which mass-produce animals for sale to the public, and many of these animals are sold at retail pet stores;

**WHEREAS**, due to the lack of proper animal husbandry practices at these facilities, animals born and raised at these "puppy mills" or "kitten factories" are more likely to have genetic disorders and lack adequate socialization, and animals bred at

such facilities are often subject to inhumane housing conditions and indiscriminately disposed of when they reach the end of their profitable breeding cycle;

**WHEREAS**, 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 become apparent immediately after sale or may not become apparent until several years later, which may lead to costly veterinary bills and distress to consumers;

**WHEREAS**, prohibiting the unregulated sale of dogs and cats in pet shops, retail businesses, or other commercial establishments may lower the sale of dogs and cats from inhumane backyard breeding practices or substandard breeding facilities like “puppy mills” or “kitten factories,” may lower the shelter animal euthanasia rate, and may lead to a greater adoption rate of shelter animals;

**WHEREAS**, the homeless pet problem notwithstanding, the City Council recognizes there are many reputable dog and cat breeders who refuse to sell through pet stores, who refuse to engage in backyard breeding, and who work carefully to screen families and ensure good, lifelong homes for dogs and cats;

**WHEREAS**, there has been significant community activity within the City of La Quinta and across the Coachella Valley to convince local pet store operators to convert from unregulated puppy sales to humane business models for offering adoptable homeless dogs and cats to their customers;

**WHEREAS**, 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, and many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises;

**WHEREAS**, 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,” but the City Council also recognizes 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;

**WHEREAS**, the City Council seeks to prohibit the retail sale of dogs and cats in pet stores, retail businesses, and commercial establishments unless the animals are obtained from a reputable breeder who has not engaged in backyard breeding or from a city or county animal shelter or animal control agency, humane society, or non-

profit rescue organization so as to prevent to the maximum extent possible any incentive for backyard breeding, puppy mills, and kitten factories;

**WHEREAS**, the City Council believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City;

**WHEREAS**, the City Council of the City of La Quinta believes that elimination of 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; and

**WHEREAS**, the City Council of the City of La Quinta finds that, in addition to state and federal laws, the City of La Quinta has a local responsibility to promote animal welfare. The City Council believes that a community that promotes animal welfare will be a healthier community.

**NOW THEREFORE**, the City Council of the City of La Quinta does hereby ordain as follows:

**SECTION 1.** The above recitals are true and correct and incorporated herein.

**SECTION 2.** This Ordinance shall be known and may be cited as the "La Quinta Prohibition of the Retail Sale of Dogs and Cats Ordinance."

**SECTION 3.** Chapter 5.82 shall be added to the La Quinta Municipal Code as written in Exhibit A attached hereto.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

**SECTION 5.** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 6.** The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published within fifteen (15) days after passage in accordance with law, and shall cause this Ordinance and its certification, together with proof of publication, to be entered into the Book of Ordinances of the City of La Quinta.


**PASSED, APPROVED and ADOPTED,** at a regular meeting of the La Quinta City Council held this 5th day of April, 2016 by the following vote:

**AYES:** Council Members Franklin, Osborne, Peña, Radi, Mayor Evans

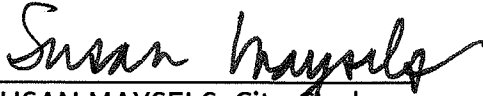
**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

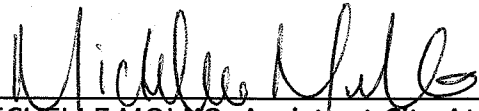
  
LINDA EVANS, Mayor  
City of La Quinta, California

**ATTEST:**

  
SUSAN MAYSELS, City Clerk  
City of La Quinta, California

(CITY SEAL)

**APPROVED AS TO FORM:**

  
MICHELLE MOLKO, Assistant City Attorney  
City of La Quinta, California

## EXHIBIT A

### CHAPTER 5.82 Prohibition of certain retail sales of dogs and cats.

#### 5.82.010 Purpose and intent.

The purpose and intent of this chapter is to promote animal welfare and encourage best practices in the breeding and purchasing of dogs and cats offered for retail sale in the City of La Quinta.

#### 5.82.020 Definitions.

The following definitions shall govern the meaning of words and phrases used in this chapter, unless it is plainly evident from the context that a different meaning is intended:

- A. "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.
- B. "Backyard breeding" has the same meaning in Section 10.04.160 of the La Quinta Municipal Code, as may be amended from time to time.
- C. "Cat" means an animal of the Felidae family of the order Carnivora.
- D. "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.
- E. "Dog" means any member of the canine family.
- F. "Pet store" means a retail or commercial establishment open to the public and engaging in the business of, or having as a component of a business, the offering for sale and/or selling animals at retail.
- G. "Pet store operator" means a person who or entity (whether for-profit or nonprofit, corporation, limited liability company, unincorporated association or any other type of organization) that owns and/or operates a pet store.

- H. "Retail sale" includes display, offer for sale, sell, deliver, offer for adoption, barter, auction, give away, or otherwise transfer any cat or dog.

**5.82.030 Prohibition of the retail sale of dogs and cats.**

- A. No pet store operator shall offer for retail sale any live dog or cat in any pet store located in the City of La Quinta, unless the dog or cat was obtained from a city or county animal shelter or animal control agency, a humane society, or a non-profit rescue organization. In no event shall any pet store operator offer for retail sale any live dog or cat in any pet store from a source that has engaged in backyard breeding as prohibited pursuant to Section 10.24.140 of the La Quinta Municipal Code, as may be amended from time to time.
- B. All pet stores selling dogs or cats shall maintain a certificate of source for each of the animals and make it available upon request to animal control officers, law enforcement personnel, code enforcement officials, or any other City employee charged with enforcing the provisions of this chapter. It shall be the responsibility of the pet store operator to ensure compliance with this provision.

**5.82.040 Exemptions.**

This chapter does not apply to:

- A. 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, provided that the person or establishment has not engaged in prohibited backyard breeding pursuant to Section 10.24.140;
- B. An animal shelter, as defined in this chapter;
- C. A private, charitable, nonprofit humane society or animal rescue organization; or
- D. 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.

**5.82.050 Adoption of shelter and rescue animals.**

Nothing in this chapter shall prevent a pet store operator or pet store located in the City of La Quinta 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 public adoption.

**5.82.060 Public Nuisance.**

Any violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the city pursuant to Section 731 of the California Code of Civil Procedure or any other remedy available at law.

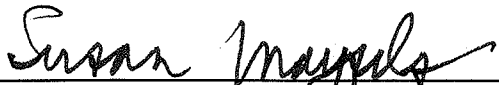
**5.82.070 Civil Penalties.**

In addition to any other enforcement permitted by the La Quinta Municipal Code, the city attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF LA QUINTA     )

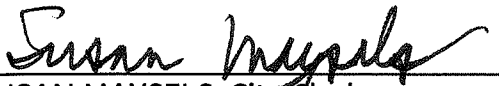
I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. 534 which was introduced at a regular meeting on the 15th day of March, 2016, and was adopted at a regular meeting held on the 5th day of April, 2016, not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in City Council Resolution No. 2014-013.

  
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SUSAN MAYSELS, City Clerk  
City of La Quinta, California

#### DECLARATION OF POSTING

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on April 11, 2016 pursuant to Council Resolution.

  
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SUSAN MAYSELS, City Clerk  
City of La Quinta, California