

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA ADDING SECTION 5.22-2 TO ARTICLE I OF CHAPTER 5 (ANIMALS AND FOWL) AND AMENDING SECTION 5-22.1 (MISTREATING BABY FOWL OR RABBITS) OF CHAPTER 5 (ANIMALS AND FOWL) OF THE SOUTH PASADENA MUNICIPAL CODE TO PROHIBIT THE SALE OF COMMERCIAL BRED DOGS, CATS, AND RABBITS IN PET STORES, RETAIL BUSINESSES, OR OTHER COMMERCIAL ESTABLISHMENTS IN SOUTH PASADENA

WHEREAS, the City Council has determined that it desires South Pasadena to be a place to be a humane example for others cities and counties to follow; and

WHEREAS, the City Council finds that the backyard breeding and subsequent sales of commercially bred dogs, cats, and rabbits contribute to the proliferation of homeless or unwanted animals that end up in public animal shelters and humane societies; and

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

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, retail businesses, or other commercial establishments; and

WHEREAS, on May 17, 2017, the City Council directed that South Pasadena Municipal Code (SPMC) Section 5.22-2 be added to prohibit the sale of commercially bred dogs, cats, and rabbits in pet stores, retail businesses, or other commercial establishments in South Pasadena; and

WHEREAS, on May 17, 2017, the City Council approved for first reading and introduction an ordinance adding SPMC Section 5.22-2 to prohibit the sale of commercially bred dogs, cats, and rabbits in pet stores, retail businesses, or other commercial establishments in South Pasadena.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. SPMC Section 5.22-2 is added to Article 1 of Chapter 5 of the South Pasadena Municipal Code to read as follows:

5.22-2 Sale of commercially bred dogs, cats, and rabbits in pet stores, retail businesses, or other commercial establishments prohibited.

(a) It shall be unlawful for any person to sell any live dog, cat, or rabbit in any pet store, retail business, or other commercial establishment located in the City of South Pasadena, unless the dog, cat, or rabbit was obtained from an animal shelter, or a non-profit rescue and humane organization.

(b) This Section shall not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific or other rescue organization, or directly from a breeder of breed-specific pedigreed dogs or cats where the consumer can see the conditions in which the dogs or cats are bred or can confer with the breeder concerning those conditions.

(c) For purposes of this Section, the following terms shall have the following meanings:

“Animal shelter” means a public animal shelter operated by any city or any county or other public agency, or an entity operating under contract with any city or county, such as a humane society, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

“Rescue and humane organization” means a California non-profit corporation that is exempt from taxation under Internal Revenue Code Section 501 (c)(3) and which participates in early age spay/neuter of animals; complies with State and local laws regarding the humane treatment of animals; and whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

“Person” means an individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

“Sale” or “sell” means to sell, auction, barter, or otherwise transfer for money or other compensation.

SECTION 2. Section 5-22.1 (Mistreating Baby Fowl or Rabbits) of Article 1 of Chapter 5 (Animals and Fowl) is amended to read as follows:

5.22-1 Mistreating baby fowl or rabbits.

A business licensee shall not:

- (a) Sell, offer for sale, barter or give away, as pets, toys, premiums or novelties any baby chickens, ducklings or other fowl under three months of age, or rabbits under two months of age; or
- (b) Color, dye, stain or otherwise change the natural color of the above described fowl or rabbits; or
- (c) Bring or transport the above described fowl or rabbits into the city for sale or resale.

SECTION 3. SEVERABILITY. If any provision, section, paragraph, sentence or word of this Ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

PASSED, APPROVED, AND ADOPTED ON this 7th day of June, 2017.

Michael A. Cacciotti, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk

Teresa L. Highsmith, City Attorney

Date: _____