

**TOWN OF TRUCKEE  
California**

**ORDINANCE 2016-01**

**AN ORDINANCE ADDING CHAPTER 8.02 OF THE  
TRUCKEE MUNICIPAL CODE REGARDING PROHIBITION OF THE SALES OF DOGS AND  
CATS IN PET STORES**

**WHEREAS**, state and federal laws exist that regulate dog and cat breeders and pet stores that sell dogs and cats include: the Lockyer-Polanco-Farr Pet Protection Act (California Health & Safety Code, § 122125 *et seq.*); the Polanco-Lockyer Pet Breeder Warranty Act (California Health & Safety Code, § 122045 *et seq.*); the Pet Store Animal Care Act (California Health & Safety Code, § 122350 *et seq.*); and the Animal Welfare Act ("AWA") (7 U.S.C. § 2131 *et seq.*); and

**WHEREAS**, the Town Council recognizes that, in addition to state and federal laws, the Town of Truckee has a local responsibility to promote animal welfare and encourage best practices in the breeding and purchasing of dogs and cats. The Town Council believes that a community that promotes animal welfare will be a healthier community; and

**WHEREAS**, while the Town 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," it is the Town 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; and

**WHEREAS**, the Town Council finds that the retail sale of dogs and cats in pet stores in the Town of Truckee is inconsistent with the Town's goal to be a community that cares about animal welfare; and

**WHEREAS**, the Town 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 Town; and

**WHEREAS**, the Town Council believes that a ban on the retail sale of dogs and cats in pet stores in the Town 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;

*The Town Council of the Town of Truckee Does Ordain as Follows:*

**Section 1.**

Title 8 of the Truckee Municipal Code is hereby amended to add Chapter 8.02 to read as follows:

**Chapter 8.02 -- Retail Sale of Dogs and Cats in Pet Stores**

**8.02.010 Definitions**

For the purpose of this chapter unless it is plainly evident from the context that a

different meaning is intended, the following terms are defined as follows:

- (a) "Cat" shall mean all domesticated felines.
- (b) "Dog" shall mean all domesticated canines.
- (c) "Pet Store" shall mean a retail establishment open to the public and selling or offering for sale animals, including, but not limited to, animals for use as pets or animals intended as food for other animals. A 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.
- (d) "Pet Store Operator" shall mean a person who owns and/or operates a pet store.

#### **8.02.020 Retail Sale of Dogs and Cats in Pet Stores Prohibited**

No pet store operator or pet store shall display, sell, deliver, offer for sale or adoption except in conjunction with an established tax-exempt animal rescue group, barter, auction, give away, or otherwise dispose of cats or dogs in the Town of Truckee.

#### **Section 2.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council of the Town of Truckee hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

#### **Section 3.**

The Town Clerk is hereby directed to publish this ordinance in accordance with the law

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**The foregoing ordinance was introduced at a regular meeting of the Truckee Town Council held on the 26th day of January 2016, and adopted at a regular meeting of the Truckee Town Council, on the 9<sup>th</sup> day of February, 2016, Council Member moved for the adoption, the motion was seconded by and was carried by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

ATTEST:

\_\_\_\_\_  
Judy Price, MMC, Town Clerk

\_\_\_\_\_  
Joan deRyk Jones, Mayor

APPROVED AS TO FORM:

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Andy Morris, Town Attorney