

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF INDIO ADDING A NEW SECTION 92.10 TO THE INDIO MUNICIPAL CODE REGARDING THE RETAIL SALE OF DOGS AND CATS

THE CITY COUNCIL OF THE CITY OF INDIO DOES ORDAIN AS FOLLOWS:

**Section 1.** Findings and Intent.

A. Existing state and federal laws regulating dog and cat breeders and pet stores that sell dogs and cats, including the Lockyer-Polanco-Farr Pet Protection Act (Cal. Health & Saf. Code, § 122125 *et seq.*), the Polanco-Lockyer Pet Breeder Warranty Act (Cal. Health & Saf. Code, § 122045 *et seq.*), the Pet Store Animal Care Act (Cal. Health & Saf. Code, § 122350 *et seq.*), and the Animal Welfare Act (“AWA”) (7 U.S.C. § 2131 *et seq.*) demonstrate society’s interest in promoting the humane treatment of animals by regulating dog and cat breeders.

B. 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 commonly referred to as “puppy mills” or “kitten factories.”

C. Due to the lack of proper animal husbandry practices in breeding facilities, animals born and raised in “puppy mills” and “kitten factories” are more likely to suffer from over breeding, inbreeding, genetic disorders, inadequate veterinary care, relatively poor quality of food and shelter, lack of human socialization, overcrowded cages, and behavior and health related problems.

D. According to HSUS, most pet store puppies come from puppy mills and many pet store kittens come from kitten factories. While the City Council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions, it is the City Council’s belief that puppy mills and kitten factories continue to exist in part because of consumer demand and the sale of dogs and cats in pet stores.

E. The City Council believes that the prohibition of the sale of dogs and cats in pet stores may decrease the number of inhumane puppy mills and kitten factories and may lead to the increased adoption of shelter animals, thereby fostering animal welfare and reducing the cost to the public of sheltering animals.

F. The City Council finds, in addition to state and federal laws, the City of Indio 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.

**Section 2.** A new Section 92.10 is hereby added to Chapter 92 (Animals) of Title IX (General Regulations) of the Indio Municipal Code to read as follows:

**“§ 92.10 PROHIBITION OF THE SALE OF DOGS AND CATS**

**A. Purpose.** The purpose of this Section is to promote animal welfare and encourage best practices in the purchasing of dogs and cats offered for retail sale in the City of Indio.

**B. Definitions.** For purposes of this Section, the following definitions shall apply:

1. 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.
2. Cat means an animal of the Felidae family of the order Carnivora.
3. Certificate of Source means a document declaring the source of the dog or cat transferred by the pet store. The certificate of source shall include the name, address, and phone number of the source of the dog or cat.
4. Dog means an animal of the Canidae family of the order Carnivora.
5. Nonprofit animal rescue organization means any nonprofit corporation that is exempt from taxation under Internal Revenue Code Section 501(c)(3), whose mission and practice is, in whole or in significant part, the rescue, care, and adoption of stray, abandoned or surrendered animals, and which does not breed animals.
6. Pet Store means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.

**C. Prohibition of the Sale of Dogs and Cats**

1. No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Indio unless exempt under paragraph E of this Section .
2. All pet stores engaged in the adoption of dogs or cats pursuant to paragraph D.4 of this Section 92.10, shall post in a conspicuous place on each dog or cat kennel, cage, or enclosure, a certificate of source for each animal ensuring the animal was obtained in full compliance with this Section 92.10. The certificate of source shall be made available upon request to animal control officers, law enforcement, code enforcement officials, or any other entity charged with enforcing the provisions of this Section.

**D. Exemptions.** The following shall not be considered a pet store and shall be exempt from the provisions of this Section:

1. 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 person's or establishment's premises in compliance with the City's Animal Control Ordinance;
2. A publicly operated animal control facility or animal shelter;
3. A private, charitable, nonprofit animal rescue organization or nonprofit animal humane society; and
4. A publicly operated animal control agency, nonprofit animal humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

**E. Adoption of Rescue and Shelter Animals.** Nothing in this Section shall prevent the owner, operator, or employees of a pet store from providing space and appropriate care for animals owned by an animal shelter or publicly operated animal control facility, nonprofit animal humane society, or nonprofit animal rescue organization and maintaining those animals at the pet store for the purpose of public adoption.”

**Section 3.** CEQA. The City Council, in its independent judgment, finds that the adoption of this Ordinance is exempt from environmental review pursuant to Title 14, Section 15061(b)(3) of the California Environmental Quality Act as it can be seen with certainty that there is no possibility that the City’s regulation of dog and cat retail sales will have a significant effect on the environment.

**Section 4.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 5.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED, and ADOPTED this \_\_\_ day of \_\_\_\_\_ 2016, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
GLENN MILLER, MAYOR  
CITY OF INDIO, CALIFORNIA

ATTEST:

\_\_\_\_\_  
CYNTHIA HERNANDEZ  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
ROXANNE DIAZ  
CITY ATTORNEY