



## City Council Report

915 I Street, 1<sup>st</sup> Floor

Sacramento, CA 95814

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**File ID:** 2017-00670

May 16, 2017

**Consent Item 03**

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**Title: Ordinance Amending Article IX of Chapter 9.44 of the Sacramento City Code Relating to the Sale and Advertisement of Dogs and Cats (Passed for Publication 05/09/2017; Published 05/12/2017)**

**Location:** Citywide

**Recommendation:** Pass an Ordinance amending Article IX of Chapter 9.44 of the Sacramento City Code relating to the sale and advertisement of cats and dogs in commercial establishments.

**Contact:** Gina Knepp, Animal Care Services Manager (916) 808-8333, Community Development Department

**Presenter:** None

**Attachments:**

1-Description/Analysis

2-Ordinance (Redline)

3-Ordinance (Clean)

## Description/Analysis

**Issue Detail:** Most dogs and cats sold in pet stores come from commercial breeding operations, also known as “puppy” or “kitten mills,” where dogs and cats are generally kept in overcrowded and unsanitary conditions without adequate veterinary care, food, water, or socialization. Dogs and cats born in such mills are prone to illnesses that can be life-threatening and expensive to treat, and the unwitting consumers who purchase them are often left heartbroken. Thus, many of these dogs and cats end up in shelters, placing further strains on a community’s animal welfare resources.

In response to greater awareness about the sources that pet stores draw their dogs and cats from, many cities throughout the country have enacted ordinances that strictly prohibit the retail sale of dogs and cats, but permit pet stores to collaborate with municipal and nonprofit shelters to offer space for adoptable dogs and cats. In California, more than 30 jurisdictions have taken similar action, examples include San Francisco, Los Angeles, Long Beach, and Irvine.

Amending Article IX will encourage the adoption of shelter animals, reduce overpopulation of unwanted animals, reduce the development of disease in the companion animal population, and minimize the number of animals that ultimately enter the sheltering system.

Only two pet stores in Sacramento currently sell dogs and cats. This ordinance would require those stores to adopt a new, more humane business model that does not rely on the sale of dogs and cats from commercial breeders. Stores that stop selling dogs and cats from mills, and instead collaborate with shelter and rescues, and offer quality products and services, often thrive. Their communities, that once protested outside of their stores, now embrace them. The largest and most successful pet store chains in the county (PetSmart and PetCo) do not sell dogs and cats, nor do the large majority of small, local pet stores.

**Policy Considerations:** The ordinance is consistent with national trends relative to eliminating the inhumane practice of mill production, reducing animal suffering, and supporting rescue or shelter pet adoption.

**Economic Impacts:** Minimizing the number of dogs and cats entering the sheltering system ultimately reduces costs associated to the care of stray and unwanted dogs and cats currently supported by the General Fund. Reduction of intake also allows for improved care of the dogs and cats that appropriately enter the shelter.

**Environmental Considerations:** Not applicable.

**Sustainability:** Not applicable.

**Commission/Committee Action:** On April 25, 2017, the Law and Legislation Committee received this item and voted it to move forward to City Council for approval.

**Rationale for Recommendation:** Eliminating the sale of dogs and cats in commercial establishments is an attempt to minimize commercial breeding operations and reduce backyard breeding. Backyard breeding is prolific in the city, which is evidenced by the amount of pet sales on Sacramento Craigslist. Breeders often provide low cost litters to retail establishments without regard for the impact to the Sacramento community. This legislative trend is a national effort that began over a decade ago. There are nearly 200 cities across the United States that have enacted similar legislation. This ban will support the belief that commercial breeding is inhumane. There are insufficient safeguards relative to spaying and neutering requirements, along with standards for appropriate veterinary care, all of which ultimately impact shelter intake. There are over 7 million companion animals - traditionally defined as domesticated pets, typically dogs, cats and rabbits - entering U.S. shelters annually. Of those, approximately 2.7 million are euthanized. Restricting pet store sales of cats and dogs aligns with the City's ultimate goal of lifesaving, which is a primary mission of animal sheltering.

**Financial Considerations:** Not applicable.

**Local Business Enterprise (LBE):** None.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

[Date Adopted]

**AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 9.44 OF THE  
SACRAMENTO CITY CODE RELATING TO THE SALE AND ADVERTISEMENT OF DOGS AND CATS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

**SECTION 1.**

Article IX of Chapter 9.44 of the Sacramento City Code is amended to read as follows:

**Article IX. Sale and Advertisement of Dogs and Cats**

**9.44.780 Sale of puppies and kittens.**

A. No ~~puppy or kitten person~~ shall ~~be sold sell~~ or transferred ~~under the age of eight weeks a puppy or kitten without unless, the~~ prior ~~to any physical transfer of the puppy or kitten from the seller or transferor to the new owner, the puppy or kitten is written~~ approved ~~for sale, as evidenced by written documentation from of~~ a California licensed veterinarian ~~licensed to practice in California.~~

B. For the purposes of this section, the sale of a puppy or kitten shall not be considered complete unless and until the seller or transferor physically transfers the puppy or kitten to the new owner.

C. For purposes of this section, a puppy or kitten means an animal that is under the age of eight weeks.

**9.44.790 Advertisements for sale and transfer of dogs and cats.**

A. ~~Except as provided in subsection A.3, no~~Any person shall ~~who~~ advertises to the public the availability of any dog or cat for sale or transfer, whether for compensation or otherwise, ~~unless the advertisement complies with the following: shall prominently display the animal's license number in the advertisement except as provided in subsection (A)(3) of this section.~~

1. If the person is advertising the sale ~~or transfer~~ of a litter of ~~puppies dogs or kittens cats~~ under the age of four months, the license number of the mother shall be prominently displayed.

2. If the person is advertising the sale or transfer of a dog or cat over the age of four months, the license number of the animal that is being sold or transferred shall be prominently displayed.

3. The provisions of this subsection A shall not apply to the following:

a. To a person who ~~he~~ advertises ~~ment for the~~ sale or transfer of an individual puppy dog or kitten cat under the age of four months and who discloses, ~~provided that the person selling the puppy or kitten shall disclose,~~ upon request of the buyer or animal care personnel, the name and address, (including city, state and country, ~~)~~ of the person from whom the puppy animal was obtained.

b. Government agencies or animal rescue organizations that have demonstrated to the animal care services manager that they have implemented an ongoing sterilization program as well as ~~an~~ adoption programs, ; or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section sections 10400 and the Nonprofit Public Benefit Corporation Law in Part part 2 of the California Corporations Code, beginning at Section section 5110 and successor sections ~~et seq.,~~ or ~~to~~ veterinary facilities.

B. Except as provided in subsection B.1 or B.2, ~~The a~~ seller or transferor of the dog or cat shall provide the dog or cat license number to any purchaser and shall include the license number on any receipt of sale or transfer document.

1. If the animal being sold or transferred is under the age of four months and was bred within the city limits, the seller shall provide the license number of the mother on any receipt of sale or transfer document.

2. If the puppy dog or kitten cat was bred from an animal residing outside the city limits, then the seller shall provide the name and address of the source of the dog or cat and any other pertinent information required by the animal care services manager.

C. No person shall present any dog or cat for sale or transfer, whether for compensation or otherwise, in any public place. As used in this subsection C, ~~The the~~ term public place shall include but not be limited to streets, highways, sidewalks, carnivals, boardwalks, swap meets, flea markets, outdoor markets, and areas in front of commercial establishments. This shall not apply to government agencies or animal rescue organizations that have demonstrated to the animal care services manager that they have implemented an ongoing sterilization program as well as ~~an~~ adoption program, ; or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section sections 10400 and the Nonprofit Public

~~Benefit Corporation Law in Part part 2 of the California Corporations Code, beginning at Section section 5110 et seq. and successor sections, ; or to veterinary facilities.~~

D. No person shall present any dog or cat for sale or transfer, whether for compensation or otherwise, at any auction.

E. No person shall transfer any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game, competition, or auction.

F. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

~~G. — A commercial establishment selling locally bred dogs or cats on the premises shall prominently display the license number(s) of the dogs or cats that are being sold in the establishment and any other pertinent information required by the animal care services manager.~~

~~1. — If the commercial establishment is selling a litter of puppies or kittens under the age of four months, the license number of the mother must be displayed.~~

~~2. If the commercial establishment is selling a dog or cat over the age of four months, the license number of the animal that is being sold or transferred must be displayed.~~

~~3. — If the commercial establishment is selling an individual puppy or kitten under the age of four months, the commercial establishment shall display name and address, including city, state and country, of the person from whom the puppy was obtained.~~

~~4. — If a commercial enterprise is advertising the commercial enterprise itself and not an animal for sale or transfer then no license number is required to be displayed in said advertisement.~~

~~H. — A commercial establishment selling dogs or cats on the premises that were bred within the state but not within the city shall make available during regular business hours to animal care personnel the name and address of the source of such dogs or cats and any other pertinent information required by the animal care services manager.~~

~~G.~~ Notwithstanding ~~Section~~ section 9.44.780, no person shall sell or transfer a dog or cat under the age of four months ~~of age~~ that was bred outside the state without first providing animal care with a California health certificate for each animal intended to be sold or transferred within the city.

**9.44.800. Prohibition of sale in commercial establishments.**

A. Except as provided in subsection B, a commercial establishment shall not sell or otherwise transfer a cat or dog within the limits of the city.

B. A commercial establishment does not violate subsection A if the dog or cat that is offered for sale or transfer is owned by:

1. An animal care services shelter;

2. An animal rescue organization that has demonstrated to the animal care services manager that it has implemented an ongoing sterilization program and an adoption program; or

3. A humane society or society for the prevention of cruelty to animals if such society is incorporated under the provisions of California Corporations Code sections 10400 and 5110 *et seq.*

C. In addition to any other remedy allowed by law, any person who violates this section is subject to the criminal penalties set forth in section 9.44.210, and may, in addition, be subject to administrative penalties set forth in section 9.44.215.

ORDINANCE NO.

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BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article IX of Chapter 9.44 of the Sacramento City Code is amended to read as follows:

Article IX. Sale and Advertisement of Dogs and Cats

9.44.780 Sale of puppies and kittens.

- A. No person shall sell or transfer a puppy or kitten without the prior written approval of a California licensed veterinarian.
- B. For the purposes of this section, the sale of a puppy or kitten shall not be considered complete unless and until the seller or transferor physically transfers the puppy or kitten to the new owner.
- C. For purposes of this section, a puppy or kitten means an animal that is under the age of eight weeks.

9.44.790 Advertisements for sale and transfer of dogs and cats.

- A. Except as provided in subsection A.3, no person shall advertise to the public the availability of any dog or cat for sale or transfer, whether for compensation or otherwise, unless the advertisement complies with the following:
  - 1. If the person is advertising the sale or transfer of a litter of dogs or cats under the age of four months, the license number of the mother shall be prominently displayed.
  - 2. If the person is advertising the sale or transfer of a dog or cat over the age of four months, the license number of the animal that is being sold or transferred shall be prominently displayed.
  - 3. The provisions of this subsection A shall not apply to the following:
    - a. To a person who advertises the sale or transfer of an individual dog or cat under the age of four months and who discloses upon request of the buyer or animal care personnel,



the name and address (including city, state and country) of the person from whom the animal was obtained.

b. Government agencies or animal rescue organizations that have demonstrated to the animal care services manager that they have implemented an ongoing sterilization and adoption programs; or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code sections 10400 and 5110 et seq.; or veterinary facilities.

B. Except as provided in subsection B.1 or B.2, a seller or transferor of the dog or cat shall provide the dog or cat license number to any purchaser and shall include the license number on any receipt of sale or transfer document.

1. If the animal being sold or transferred is under the age of four months and was bred within the city limits, the seller shall provide the license number of the mother on any receipt of sale or transfer document.

2. If the dog or cat was bred from an animal residing outside the city limits, then the seller shall provide the name and address of the source of the dog or cat and any other pertinent information required by the animal care services manager.

C. No person shall present any dog or cat for sale or transfer, whether for compensation or otherwise, in any public place. As used in this subsection C, the term public place shall include but not be limited to streets, highways, sidewalks, carnivals, boardwalks, swap meets, flea markets, outdoor markets, and areas in front of commercial establishments. This shall not apply to government agencies or animal rescue organizations that have demonstrated to the animal care services manager that they have implemented an ongoing sterilization program and an adoption program; or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code sections 10400 and 5110 et seq.; or veterinary facilities.

D. No person shall present any dog or cat for sale or transfer, whether for compensation or otherwise, at any auction.

E. No person shall transfer any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game, competition, or auction.

F. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

G. Notwithstanding section 9.44.780, no person shall sell or transfer a dog or cat under the age of four months that was bred outside the state without first providing animal care

with a California health certificate for each animal intended to be sold or transferred within the city.

9.44.800. Prohibition of sale in commercial establishments.

A. Except as provided in subsection B, a commercial establishment shall not sell or otherwise transfer a cat or dog within the limits of the city.

B. A commercial establishment does not violate subsection A if the dog or cat that is offered for sale or transfer is owned by:

1. An animal care services shelter;

2. An animal rescue organization that has demonstrated to the animal care services manager that it has implemented an ongoing sterilization program and an adoption program; or

3. A humane society or society for the prevention of cruelty to animals if such society is incorporated under the provisions of California Corporations Code sections 10400 and 5110 et seq.

C. In addition to any other remedy allowed by law, any person who violates this section is subject to the criminal penalties set forth in section 9.44.210, and may, in addition, be subject to administrative penalties set forth in section 9.44.215.