

ORDINANCE NO. 771

AN ORDINANCE OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, ADDING A CHAPTER TO THE CATHEDRAL CITY MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF CATHEDRAL CITY, SUBJECT TO CERTAIN EXCEPTIONS.

WHEREAS, the City Council has determined that they would like Cathedral City to be a place to "Adopt, Not Shop" and to be a humane example for other cities and counties to follow.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. Add a Chapter to the Cathedral City Municipal Code to read:

Retail Sale of Dogs and Cats

(a) *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 sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.

4. "Dog" means an animal of the Canidae family of the order Carnivora.

5. "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.

6. "Pet store operator" means a person who owns or operates a pet store, or both.

7. "Retail sale" includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer any cat or dog.

(b) *Prohibition.* 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 Cathedral City.

(c) *Exemptions.* This Section does not apply to:

1. A person or establishment that sells, delivers, offers for retail 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;

2. A publicly operated animal control facility or animal shelter;

3. A private, charitable, nonprofit humane society or animal rescue organization; or

4. 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.

(d) *Adoption of Shelter and Rescue Animals.* Nothing in this Section shall prevent a pet store or its owner, operator, or employees 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 adopting those animals to the public.

SECTION 2. CEQA. The City Council finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance will have a significant effect on the environment because this Ordinance only regulates certain sales of animals within the City. This Ordinance is therefore exempt from environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. SIGNATURE. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, 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. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days from its passage by the City Council of the City of Cathedral City.

SECTION 6: PUBLICATION. The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

PASSED, APPROVED AND ADOPTED BY THE CATHEDRAL CITY CITY COUNCIL THIS 27TH DAY OF JANUARY, 2016.

ATTEST:


GARY E. HOWELL, CITY CLERK


STANLEY E. HENRY, MAYOR

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF CATHEDRAL CITY)


I, GARY F HOWELL, City Clerk of the City of Cathedral City, hereby certify that the foregoing Ordinance is a full, true and correct copy, and was introduced at a regular meeting of the Cathedral City City Council on the 13th day of January, 2016, and adopted at a regular meeting of the City Council held on the 27th day of January, 2016, by the following vote:

AYES: Council Members Aguilar, Carnevale and Kaplan; Mayor Henry

NOES: Mayor Pro Tem Pattis

ABSENT: None

ABSTAIN: None


GARY F. HOWELL, CITY CLERK
City of Cathedral City, California