

SUBJECT: EXPANSION OF THE LOCAL CURRENT BAN ON THE RETAIL SALES OF DOGS AND CATS TO INCLUDE OTHER ANIMAL SPECIES

INITIATED BY: VICE MAYOR CHELSEA BYERS

PREPARED BY: COMMUNITY SERVICES DEPARTMENT

(Yvonne Quarker, Director)
(Andi Lovano, Manager, Community & Legislative Affairs Division)
(Hernan Molina, Governmental Affairs Liaison)

STATEMENT ON THE SUBJECT:

The City Council will consider directing the City Attorney to research the feasibility of expanding the current ban on retail sales of dogs and cats in West Hollywood to add other animal species to the list.

RECOMMENDATIONS:

1. Direct the City Attorney to research and analyze the feasibility of expanding the current ban on the retail sales of dogs and cats in West Hollywood to add additional animal species to the current ban.
2. If the research determines that the ordinance is appropriate and defensible, the City Attorney shall return to the City Council with the results of the analysis and recommendations for further consideration.

BACKGROUND / ANALYSIS:

The City of West Hollywood prides itself on being a “cruelty free” city. The City’s legislative priorities have, for many years, included an entire section focused on animal welfare, and as such, the City has taken positions on several legislative initiatives aiming to reduce animal cruelty and in furtherance of animal rights. In 2004, the City of West Hollywood was the first City in North America to ban the barbaric procedure of declawing

(onychectomy), which amounts to amputation of the phalanxes of cats and other species like bears. In 2023, the City Council also made history by adopting a local ordinance banning glue traps, and other localities are now using West Hollywood's ordinance as a model to adopt similar restrictions.

On February 17, 2010, the City Council adopted Ordinance No. 10-836 banning the retail sales of dogs and cats in West Hollywood's pet stores. The rationale for such a move was to prevent the sale of animals whose origins are not always clear from being sold in pet stores. The City Council also encouraged the adoption of animals to reduce the number of animals waiting for a loving home at animal shelters throughout Southern California. According to the Humane Society of the United States (HSUS), about 50% of people in the United States own a dog and about 34% own a cat. Yet only about 30% of pets in homes come from shelters and rescues. Three million adoptable dogs and cats are euthanized in shelters every year.

In 2017, the California Legislature approved Assembly Bill (AB) 485 Pet store operators: dogs, cats, and rabbits, and then Governor Jerry Brown signed it into law (Chapter 740, Statutes of 2017). The bill, which banned the sale of dogs, cats and rabbits in pet stores, went into effect on January 1, 2019. The bill makes an exemption to the ban on the sale of animals if a cat, dog or rabbit has been procured from an animal shelter, society for the prevention of animal cruelty, animal rescue group etc.

According to information provided by the World Animal Protection (WAP) organization, virtually all animals sold in pet stores come from mills — large-scale commercial breeding facilities — or importers that house hundreds or thousands of wild animals. These mills sell animals to dealers, which in turn, sell them to pet stores.

Many people are familiar with puppy mills — dog-breeding facilities where dogs are intensively bred in poor conditions, and are mostly kept in small, dirty cages, sometimes stacked on top of one another. Most animals housed in these conditions do not receive sufficient exercise, enrichment, or veterinary care, and many stores routinely mislead consumers about where puppies come from and their health. The American Veterinary Medical Association's Resource Guidance for Pet Purchase Protection Laws explains that about 21 states have "puppy lemon" laws that provide some recourse for consumers who

have purchased puppies who soon become ill or die. Similar problems occur at mills for other species such as reptiles, amphibians, birds, other small mammals, etc. Attachment A: “Animals Sold in Stores” was compiled by WAP and provides relevant information on how animals are bred and traded, and then sold in stores across the United States.

On May 15, 2024, City staff received correspondence from Madeline Bernstein, President of the Society for Prevention of Cruelty to Animals (spcaLA) with background on the retail sales of animals and in support of advancing the proposed expansion of the ban on retail sales of animals. The memo is hereby presented as Attachment B.

In West Hollywood, there is only one pet store, and that is Petco, located at 508 N. Doheny Drive. The store, in compliance with existing state law and the West Hollywood local ordinance, does not sell cats, dogs, or rabbits, but does sell hamsters, rats, mice, and a limited number of fish. The store has hosted animal adoption days in collaboration with animal rescue organizations.

This item aims to expand the current ban on retail sales of animals to prohibit the sale of arachnids, birds, other mammals, amphibians, and reptiles. This proposed expansion of the ban on the retail sales of animals is in line with the City’s longstanding support of animal rights and continues the City’s efforts to serve as a model for other jurisdictions in addressing animal cruelty and welfare.

STAFF ANALYSIS:

This item has a moderate impact on the City Attorney’s and staff’s workloads. If this item is approved, staff will work with the City Attorney’s office to ensure the ordinance is implemented properly and that the store impacted by this proposal is included in discussions related to the implementation of this ordinance.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- OSP-1: Adaptability to Future Change.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- G-1: Ensure that the community is active and engaged in the decision-making process.

EVALUATION PROCESSES:

N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

N/A

COMMUNITY ENGAGEMENT:

City staff have reached out to the local Petco store to make them aware of this proposed ordinance and will communicate with the store's management about any future hearings and decisions made by the City Council. In addition, City staff will provide information to the community on this item via the City's official communication outlets.

OFFICE OF PRIMARY RESPONSIBILITY:

CITY MANAGER'S DEPARTMENT / CITY ATTORNEY

FISCAL IMPACT:

None.

ATTACHMENTS:

Attached A: Animals Sold in Stores.

Attachment B: Letter from spcaLA President Madeline Bernstein in support of expanding the ban on retail sales of animals.