

ORDINANCE NO. 25-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA APPROVING AMENDMENTS TO CHAPTER 9.50 OF THE MUNICIPAL CODE PROHIBITING THE RETAIL SALE OF LIVE ANIMALS

The City Council of the City of West Hollywood does ordain as follows:

SECTION 1. Amendment Chapter 9.50, "Retail Sale of Dogs and Cats," of Title 9 of the West Hollywood Municipal Code is hereby renamed to "Chapter 9.50 Retail Sale of Live Animals".

SECTION 2. Amendment. Section 9.50.010 of Chapter 9.50 of Title 9 of the West Hollywood Municipal Code is hereby amended to read as follows, with deletions shown in ~~strike through~~ and additions shown in **bold italics**:

"9.50.010 Findings.

- a. Existing state and federal laws regulate ***the breeding, sale and welfare of animals such as*** dog and cat breeders, as well as pet stores that sell dogs, ~~and cats~~ ***and other household pets***. These include ***Assembly Bill 485 (AB 485)***, the Lockyer-Polanco-Farr Pet Protection Act (California Health and Safety Code Section 122125 et seq.); the Polanco-Lockyer Pet Breeder Warranty Act (California Health and Safety Code Section 122045 et seq.); the Pet Store Animal Care Act (California Health and Safety Code Section 122350 et seq.); and the Animal Welfare Act ("AWA") (7 U.S.C. Section 2131 et seq.)
- b. ***AB 485, passed in 2017, added Health and Safety Code section 122354.5 which bans the sale of dogs, cats and rabbits in pet stores. AB 485 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, or similar organization, and requires pet store operators to maintain specific documentation on the source of each dog, cat, or rabbit the pet store sells or provides space for. Pet store operators who violate these regulations are subject to civil penalties.***
- c. The Lockyer-Polanco-Farr Pet Protection Act requires pet dealers (i.e., retail sellers of more than fifty dogs or cats in the previous year; not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. If after fifteen days from purchase a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one year after purchase a dog or cat has a congenital or hereditary condition

that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to one hundred and fifty percent of the purchase price of the puppy or kitten.

- bd. ***Existing California Regulations places regulations on the importation, transportation, breeding, sale, and/or possession of reptiles and amphibians native to the state of California, live aquaculture products, and wild animals, and permits the California Department of Fish and Game to regulate the same, but largely does not regulate the importation, transportation, breeding, sale, and/or possession of non-native reptiles, non-native amphibians, golden hamsters and dwarf hamsters, rats or mice, guinea pigs, and chinchillas. (See, for example, Cal. Code Regs., tit. 14, § 40; Cal. Code Regs., tit. 14, § 43; Cal. Code Regs., tit. 14, § 227; Cal. Code Regs., tit. 14, § 236; Cal. Code Regs., tit. 14, § 238; Cal. Code Regs., tit. 14, § 671; Cal. Code Regs., tit. 14, § 671.1; Cal. Code Regs., tit. 14, § 651; Code Regs., tit. 14, § 654.)***
- ee. The Pet Store Animal Care Act requires every pet store that sells live companion animals and fish to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.
- df. The Polanco-Lockyer Pet Breeder Warranty Act offers protection similar to that of the Lockyer-Polanco-Farr Pet Protection Act, except that it applies only to dog breeders who sold or gave away either three litters or twenty dogs in the previous year.
- eg. The Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats. These breeders are required to maintain minimum health, safety and welfare standards for animals in their care. ***However, the AWA does not currently regulate the breeding, captivity, transfer, or sale of other animals such as reptiles, amphibians, fish, mice, or rats.*** The AWA is enforced by the United States Department of Agriculture ("USDA").
- fh. According to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers. ***Similar problems occur with animals purchased from pet stores such as reptiles, amphibians, hermit crabs, small mammals such as hamsters, guinea pigs, and rats, and birds. Additionally, many exotic animals imported to later be sold as pets die in transit due to poor conditions and inhumane treatment.***

- gi.* A review of state and USDA inspection reports from more than one hundred breeders who sold animals to the nation's largest retail pet store chain revealed that more than sixty percent of the inspections found serious violations of basic animal care standards, including sick or dead animals in their cages, lack of proper veterinary care, inadequate shelter from weather conditions, and dirty, unkempt cages that were too small.
- hj.* A 2005 undercover investigation of California pet stores revealed that nearly half of the pet shops visited displayed animals that showed visible signs of illness, injury, or neglect, and nearly half of the stores also sold animals showing clear symptoms of psychological distress.
- ik.* According to The Humane Society of the United States, hundreds of thousands of dogs, ~~and~~ cats, **and small mammals** in the United States have been housed and bred at substandard breeding facilities known as "puppy mills," or "kitten factories," or "**small mammal mills**" that mass-produce animals for sale to the public; and many of these animals are sold at retail in pet stores. Because of the lack of proper animal husbandry practices at these facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.
- jl.* According to USDA inspection reports, some additional documented problems found at puppy mills **and small animal mills** include: (1) sanitation problems leading to infectious disease; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water.
- km.* While "puppy mill" puppies and "kitten factory" kittens were being sold in pet stores across the Los Angeles area ~~during the past year~~ **prior to the passage of this ordinance and AB 1485**, ~~more than thirty-five thousand~~ **thousands of** dogs and ~~sixty-seven thousand~~ cats were euthanized in Los Angeles city and county shelters **each year**.
- n.* **Conservation and public health studies reveal that the wildlife trade affects the extinction or decline of numerous native species. The legal and illegal trade of animals is estimated to affect one in four mammal and bird species globally. Not only does the import of invasive species affect the conservation of native animals, but the removal of animals from the wild for use as pets results in population decrease and collapse for many species. Reptiles comprise roughly 20% of the global live animal trade.**

- lo. The homeless pet problem notwithstanding, there are many reputable dog, ~~and cat~~, **small mammal, reptile, amphibian, bird, arachnid, and hermit crab** breeders who refuse to sell through pet stores and who work carefully to screen families and ensure good, lifelong matches.
- mp. Responsible ~~dog and cat~~ **pet** breeders do not sell their animals to pet stores. **For example, the** The United Kennel Club (UKC), the second oldest all-breed registry of purebred dog pedigrees in the United States and the second largest in the world, asks all of its member breeders to agree to a code of ethics which includes a pledge not to sell their puppies to pet stores. Similar pledges are included in codes of ethics for many breed clubs for individual breeds.
- qp. ~~Within the past year~~ **Prior to the City's prohibition of the retail sale of dogs and cats**, there has **had** been significant community activity within the City of West Hollywood and across the Los Angeles metropolitan area to convince local pet store operators to convert from puppy sales to a humane business model offering adoptable homeless dogs and cats to their customers. **These efforts have additionally spread to support the prohibition on the sale of other animals, including small mammals, reptiles, amphibians, birds, arachnids, and hermit crabs.**
- er. Across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of ~~animals~~ **dogs and cats**. Many of these stores collaborate with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.
- ps. While the City Council recognizes that not all dogs and cats, **or other animals** retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs, ~~or cats~~, **small mammals, or other animals** to pet stores as a "puppy mill," ~~or~~ "kitten factory," **"small mammal mill," or an otherwise inhumane breeder**, it is the City Council's belief that puppy mills, ~~and~~ kitten factories, **small mammal mills, and inhumane breeders** continue to exist in part because of public demand and the sale of dogs, ~~and~~ cats, **and other animals** in pet stores.
- qt. The City Council finds that the current state of retail sale of ~~dogs and cats~~ **animals** in pet stores in the City of West Hollywood is inconsistent with the city's goal to be a community that cares about animal welfare.
- ru. The City Council believes that eliminating the retail sale of ~~dogs and cats~~ **animals** in pet stores in the city **to the extent permitted under state law** will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the city.

- sv. The City Council believes that elimination of the retail sale of ~~dogs and cats~~ **animals** in pet stores in the city **to the extent permitted under state law** will also encourage pet consumers to adopt dogs, ~~and cats,~~ **and other pets** from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals."

SECTION 3. Amendment. Section 9.50.020 of Chapter 9.50 of Title 9 of the West Hollywood Municipal Code is hereby amended to read as follows, with deletions shown in ~~strikethrough~~ and additions shown in **bold italics**:

"9.50.020 Retail Sale of *Live Animals Dogs and Cats.*

- a) Definitions. For purposes of this chapter, the following definitions shall apply:

"Amphibian" means a member of the Amphibia class, subclass Lissamphibia, including, but not limited to, frogs, toads, salamanders, and axolotls. A "non-native amphibian" is an amphibian of a species not native to the State of California. An amphibian native to the State of California is defined consistent with Title 14, section 1.67 of the California Code of Regulations, as may be amended from time to time.

"Arachnid" means a member of the Arachnida class, including, but not limited to, spiders and scorpions.

"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.

"Bird" means a member of the Aves class, including, but not limited to, parrots, canaries, cockatiels, and chickens.

"Cat" means an animal of the Felidae family of the order Carnivora.

~~"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.~~

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

"Existing pet store" means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred cats or dogs in the City of West Hollywood on the effective date of this chapter, and complied with all applicable provisions of the West Hollywood Municipal Code.

“Fish” means a cold-blooded strictly aquatic craniate vertebrates that include bony fishes and cartilaginous fishes. Fish include, but are not limited to, goldfish, betta fish, tetras, sharks, and rays.

“Hermit crab” means a decapod crustacean belonging to the infra-order Anomura and superfamily Paguroidea.

“Mammal” means a member of the class mammalia, including, but not limited to, dogs, cats, rodents, and rabbits.

“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.

“Pet store operator” means a person who owns or operates a pet store, or both.

“Reptile” means a member of the class Reptilia, including, but not limited to, snakes, lizards, and turtles. “Non-native reptile” is a reptile of a species that is not native to the State of California. A reptile native to the State of California is defined consistent with Title 14, section 1.67 of the California Code of Regulations, as may be amended from time to time.

“Retail sale” includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer ~~any cat or dog~~ ***of any amphibian, arachnid, bird, fish, hermit crab, mammal (including any cat, dog, or rabbit), or reptile.***

b) Prohibition.

- 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 West Hollywood on or after the effective date of the ordinance codified in this chapter. In addition, no pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of rabbits, pursuant to Health & Safety Code Section 122354.5.***
- 2. Starting on May 1, 2026, no pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of amphibians, arachnids, birds, fish, hermit crabs, mammals not otherwise prohibited in subsection b(1), or reptiles in the City of West Hollywood.***

- c) Existing Pet Stores. An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer until .

- d) Exemptions. This chapter does not apply to:
 - 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 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.

- e) Adoption of Shelter and Rescue Animals. Nothing in this chapter 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.

- f) **Limited Waiver of Requirements. The City Manager or designee may grant a waiver from the prohibition under subsection (b)(2) of this section 9.50.020 to any pet store operator who demonstrates that compliance would conflict with state laws or regulations related to a specific animal. The City Manager shall grant such a waiver only after reviewing documentation supporting the request explaining why the waiver is required. A determination by the City Manager to grant or deny a request for waiver under this section may be appealed to a hearing officer in accordance with established city practices.**

SECTION 4. Amendment. Subsection 1.08.010(d) of Chapter 1.08 of Title 1 of the West Hollywood Municipal Code is hereby amended to reflect the amendment of Chapter 9.50 as follows, with deletions shown in ~~strike through~~ and additions shown in **bold italics**:

“Chapter 9.50, Retail Sale of ~~Dogs and Cats~~ ***Live Animals***;”

SECTION 5. Environmental Review. The City Council finds that the Ordinance is not subject to the California Environmental Quality Act (“CEQA”) because it is not a project under CEQA. This Ordinance merely revises regulations related to the retail sale or transfer of animals and will have no change to the physical environment.

SECTION 6. Effective Date. This Ordinance shall take effect thirty days after the date of its adoption.

SECTION 7. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this [redacted] day of [redacted], 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____, Mayor

Melissa Crowder, City Clerk
(seal)