



# OLR RESEARCH REPORT

August 20, 2013

2013-R-0328

## **MUNICIPALITIES THAT BAN PET STORE SALES OF DOGS**

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You asked for (1) a list of U.S. municipalities that have ordinances banning the retail sale of dogs and (2) an overview of San Diego, California's recently adopted ordinance. You also want to know where pet stores obtain the dogs that they offer for sale.

### **SUMMARY**

At least 28 U.S. municipalities have ordinances banning the retail sale of dogs. Thirteen of these are in California; seven in Florida; four in New Jersey; and the rest are in Texas, Colorado, and New Mexico.

The San Diego, California ordinance makes it unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog, cat, or rabbit in any pet shop, retail business, or other commercial establishment located in San Diego. But the ordinance allows for these establishments to sell animals (1) obtained from a city or county animal shelter or animal control agency, humane society, or nonprofit rescue organization or (2) bred on the premises. It also allows them to maintain certain animals on their premises for the purpose of public adoptions.

Retail pet stores usually obtain their dogs from a number of sources, including breeders regulated by the U.S. Department of Agriculture and smaller, hobby breeders who are not subject to federal regulation, according to the Pet Industry Joint Advisory Council, which represents pet stores across the country. (See OLR Research Report 2013-R-0309

for information about breeders.) Animal advocates, including the Humane Society of the United States, believe that pet stores obtain many of their animals from “puppy mills” and “kitten factories,” places where dogs and cats are bred and raised in cramped, unhealthy, inhumane conditions.

### **MUNICIPALITIES THAT BAN PET STORE SALES OF ANIMALS**

At least 28 U.S. municipalities have ordinances banning the retail sale of live animals (usually dogs and cats), based on information the Humane Society of the United States provided us. Thirteen of these municipalities are in California; seven in Florida; four in New Jersey; and the rest are in Texas, Colorado, and New Mexico.

Table 1 lists each municipality, the ordinance citation, the year the ordinance was enacted, and the animals that are banned.

**Table 1: U.S. Municipalities that Have Banned the Retail Sale of Pets**

<i>City and State</i>	<i>Ordinance §</i>	<i>Year Enacted</i>	<i>Pet Store Animal Sales Banned</i>
Albuquerque, New Mexico	9-2-4-4	2010	“Companion animals,” defined as cats and dogs
Alisa Viejo, California	6.02.120	2012	Cats and dogs
Austin, Texas	3-2-3	2010	Cats and dogs
Brick, New Jersey	98-70	2012	Cats and dogs
Burbank, California	5-1-1439	2012	Cats and dogs
Chula Vista, California	6.08.108	2012	Cats and dogs
Coral Gables, Florida	10-33	2011	Dogs
Dana Point, California	10.10.140	2012	Cats and dogs
El Paso, Texas	7.14.020	2010 (took effect 2011)	Cats and dogs
Flagler Beach, Florida	5-17	2011	Live animals
Fountain, Colorado	6.04.100	2011	Cats and dogs

Table 1 (continued)

<i>City and State</i>	<i>Ordinance §</i>	<i>Year Enacted</i>	<i>Pet Store Animal Sales Banned</i>
Glendale, California	6.10.020	2011	Cats and dogs
Hallandale, Florida	6-12	2012	Cats and dogs
Hermosa Beach, California	6.16.020	2010	Cats and dogs
Hoboken, New Jersey	93.15	2013	Cats and dogs
Huntington Beach, California	7.12.180	2012	Cats and dogs
Irvine, California	4-5-506	2011	Cats and dogs
Laguna Beach, California	6.12.160	2012	Cats and dogs
Lake Worth, Florida	6-8	2011	Cats and dogs
Lauderdale Lakes, Florida	10-36	2011	Dogs
Los Angeles, California	53.73	2012	Cats, dogs, and rabbits
Manasquan, New Jersey	5-12	2012	Cats and dogs
North Bay Village, Florida	91.11	2011	Dogs
Opa-Locka, Florida	5-35	2011	Dogs
Point Pleasant Beach, New Jersey	5-23.2	2012	Cats, dogs, and other mammals (other than hamsters, guinea pigs, mice, rabbits, gerbils, rats, and ferrets)
San Diego, California	42.0706	2013	Cats, dogs, and rabbits
South Lake Tahoe, California	32-31.1	2009 (took effect in 2011)	Cats and dogs
West Hollywood, California	9.50.020	2010	Cats and dogs

Sources: The Humane Society of United States and individual municipal ordinances

## **SAN DIEGO, CALIFORNIA ORDINANCE**

On August 5, 2013, the San Diego, California city council passed an ordinance to prohibit, with certain exceptions, the retail sale of dogs, cats, and rabbits within the city. It takes effect on September 4, 2013 (30 days after passage) and is available here:  
[http://docs.sandiego.gov/council\\_reso\\_ordinance/rao2013/O-20280.pdf](http://docs.sandiego.gov/council_reso_ordinance/rao2013/O-20280.pdf).

The ordinance makes it unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog, cat, or rabbit in any pet shop, retail business, or other commercial establishment (collectively “establishments”) located in San Diego. But these establishments may sell dogs, cats, and rabbits obtained from a city or county animal shelter or animal control agency, a humane society, or a nonprofit rescue organization.

All establishments selling dogs, cats, or rabbits must maintain a “certificate of source” for each of the animals and make it available upon request to animal control officers, law enforcement, code compliance officials, or other city employees enforcing the ordinance. A “certificate of source” is a document from the city or county animal shelter or animal control agency, humane society, or nonprofit rescue organization declaring it is the source of the animal.

The ordinance does not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats, or rabbits from the premises on which they were bred and reared.

Additionally, the ordinance states that it does not prevent the owner, operator, or employees of an establishment from (1) providing space and appropriate care for animals owned by a city or county animal shelter or animal control agency, humane society, or nonprofit rescue organization and (2) maintaining those animals at the establishment for the purpose of a public adoption.

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