

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 2, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW SECTION 42.0706 RELATING TO THE PROHIBITION OF THE SALE OF DOGS, CATS, AND RABBITS IN PET SHOPS, RETAIL BUSINESSES, OR OTHER COMMERCIAL ESTABLISHMENTS IN THE CITY OF SAN DIEGO.

**§42.0706**

**Pet Shops – Prohibition of the Sale of Dogs, Cats, and Rabbits**

- (a) It is 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 the City of San Diego, unless the dog, cat, or rabbit was obtained from a city or county animal shelter or animal control agency, a humane society, or a non-profit rescue organization. All pet shops, retail businesses, or other commercial establishments selling dogs, cats, or rabbits shall 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 any other City employee charged with enforcing the provisions of this section.

- (1) For purposes of this section, a *commercial establishment* is defined as any for-profit business enterprise, including a sole proprietorship engaged in retail or wholesale commerce related to dogs, cats, and rabbits, including grooming parlors, canine day care, and boarding facilities.
- (2) For purposes of this section, a *non-profit rescue organization* is defined as any California non-profit corporation that is exempt from taxation under Internal Revenue Code section 501(c)(3), whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats, or rabbits; or any non-profit organization that is not exempt from taxation under Internal Revenue Code section 501(c)(3) but is currently an active rescue partner with a city or county shelter or humane society, whose mission is, in whole or in significant part, the rescue and placement of dogs, cats, or rabbits.
- (3) For purposes of this section, a *certificate of source* is defined as any document from the source city or county animal shelter or animal control agency, humane society, or *non-profit rescue organization* declaring the source of the dog, cat, or rabbit on the premises of the pet shop, retail business, or other *commercial establishment*.

(4) A breeder as defined by California Health & Safety Code section 122045(b) as “a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all or part of three or more litters or 20 or more dogs during the preceding 12 months that were bred and reared on the premises of the person, firm, partnership, corporation, or other association,” is exempt from this section.

(b) Nothing in this section shall prevent the owner, operator, or employees of a pet shop, retail business, or other *commercial establishment* located in the City of San Diego from providing space and appropriate care for animals owned by a city or county animal shelter or animal control agency, humane society, or *non-profit rescue organization* and maintaining those animals at the pet shop, retail business, or other *commercial establishment* for the purpose of public adoption.

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