

Article 2: Health Regulated Businesses and Activities

Division 7: Animals and Poultry

(“Animals” added 2-10-1953 by O-5486 N.S.)

(Retitled to “Animals and Poultry” on 5-12-1953 by O-5588 N.S.)

§42.0701 Pet Shops — Dealing in Animal Pets Regulated

Health regulated businesses shall include the business of trafficking in or raising, selling or exchanging any birds, cats, dogs or other pets, all of which, for the purpose of this Division, are called “pets.”

(Retitled to “Pet Shops— Dealing in Animal Pets Regulated” and amended 9-15-1980 by O-15327 N.S.)

§42.0702 Pet Shops — Conformance to Zoning Required

No Health Permit for the activities included in this Division shall be valid unless it shall have been approved by the Planning Commission as not being in conflict with ordinances and local regulations concerning planning and zoning.

(Retitled to “Pet Shops— Conformance to Zoning Required” and amended 9-15-1980 by O-15327 N.S.)

§42.0703 Pet Shops — Proximity to Residence—Soundproofing

All animals in pet shops shall be kept not less than twenty (20) feet from any door, window or opening of any private dwelling. If, however, any pet shop has been established in a congested area, the animals shall be held in a soundproof room.

(Retitled to “Pet Shops— Proximity to Residence—Soundproofing” and amended 9-15-1980 by O-15327 N.S.)

§42.0704 Pet Shops — Care of Pets

Suitable holding facilities shall be provided to protect pets from inclement weather.

Adequate feed and water shall be furnished to all pets. All feed shall be stored in ratproof containers tightly covered and protected against rats and other contamination. Meat shall be kept in a properly maintained refrigerator until used.

(Retitled to “Pet Shops— Care of Pets” and amended 9-15-1980 by O-15327 N.S.)

§42.0705 Pet Shops — Sanitary Regulations

The floors of all structures used for the purpose of housing or keeping pets must be impervious to moisture and be kept in a sanitary condition. All such structures must be whitewashed or painted a light color and maintained in good repair at all times. *(Retitled to “Pet Shops— Sanitary Regulations” and amended 9–15–1980 by O–15327 N.S.)*

§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 of San Diego 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*

- (b) This section shall 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.
- (c) 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.

(“Pet Shops – Prohibition of the Sale of Dogs, Cats, and Rabbits” added 8-5-2013 by O-20280 N.S.; effective 9-4-2013.)

§42.0708 Fowl, Rabbits, Racing and Homing Pigeons and Fancy Pigeon Regulated

Health regulated businesses shall include the keeping or maintenance of more than:

- (a) Twenty–five fowl and rabbits; or
- (b) 100 racing or homing or fancy pigeons; or
- (c) Any combination of (a) and (b) which exceeds 100.

*(Retitled to “Fowl, Rabbits, Racing and Homing Pigeons and Fancy Pigeons Regulated” and amended 1–27–1997 by O–18378 N.S.)
(Amended 2-22-2012 by O-20138 N.S.; effective 3-23-2012.)*

§42.0709 Fowl, Rabbits, Racing or Homing Pigeons or Fancy Pigeons, Maintenance—Regulations and Exceptions

- (a) No fowl or rabbits shall be kept or maintained within fifty feet of any building used for residential purposes, except as may be permitted in section 42.0709(e).
- (b) All food for fowl, rabbits or racing or homing or fancy pigeons shall be stored in containers which offer protection against rodents as required in this Chapter.
- (c) All fowl, rabbit or racing or homing or fancy pigeon droppings and food scraps shall be properly disposed of at least once a week or more frequently if, in the opinion of the Director of Public Health, it is necessary to prevent an unsanitary condition.

- (d) No person shall keep or maintain in a residential zone more than:
 - (1) Twenty-five fowl and rabbits; or
 - (2) 100 racing or homing or fancy pigeons; or
 - (3) Any combination of (1) and (2) that exceeds 100.

- (e) Keeping or maintaining chickens located on a premises zoned for a single dwelling unit, developed with a single dwelling unit, developed with a community garden in accordance with section 141.0203, or developed with a retail farm in accordance with section 141.0506, is subject to the following requirements, except that section 42.0709(e) shall not apply to single dwelling units located in agriculture base zones.
 - (1) No rooster shall be permitted on the premises.
 - (2) The number of chickens permitted and the location of the chicken coop are as follows:
 - (A) Up to five chickens may be kept on a premises, provided that the coop is located outside of all required setbacks as established by Chapter 13, Article 1 of this Code;
 - (B) Up to fifteen chickens may be kept on a premises, provided that the coop is located outside of all required setbacks, as established by Chapter 13, Article 1 of this Code, or 15 feet from the property line, whichever is greater; and
 - (C) Up to twenty-five chickens may be kept on a premises, provided that the coop and the enclosure are a minimum of 50 feet from any structure used for residential purposes.
 - (3) All chickens shall be housed in coop that is designed to be:
 - (A) Predator proof;
 - (B) Thoroughly ventilated;
 - (C) Watertight;
 - (D) Easily accessed and cleaned; and
 - (E) A minimum of six square feet of area per chicken.

- (4) Direct access from the coop to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
 - (A) Predator proof;
 - (B) Easily accessed and cleaned;
 - (C) Fenced to contain the chickens; and
 - (D) A minimum of ten square feet of ground area per chicken.

- (f) Nothing contained in this section shall be deemed or construed to prohibit the keeping of fowl, rabbits, or racing, homing, or fancy pigeons:
 - (1) In a coop, box or run located and kept within a schoolhouse, museum or zoo for the purpose of study or observation;
 - (2) In a coop, box or run located and kept within a physician's office or laboratory, for medical research, medical treatment or scientific purposes;
 - (3) On premises zoned for AG-1-1, AG-1-2, AR-1-1, AR-1-2, IL-3-1, and IH-2-1;
 - (4) On premises where the fowl, rabbits, or racing, homing, or fancy pigeons are sold in the ordinary and customary course of business, and are not raised, bred or grown on such premises.

*(Retitled to "Fowl, Rabbits, Racing or Homing Pigeons or Fancy Pigeons Maintenance— Regulations and Exceptions" amended 1-27-1997 by O-18378 N.S.)
(Amended 2-22-2012 by O-20138 N.S.; effective 3-23-2012.)
(Amended 2-22-2017 by O-20793 N.S.; effective 4-12-2017.)*

§42.0711 Diseased Pets — Notice to Health Department

Whenever any pets shall appear to have any communicable disease, the Health Department shall be notified immediately of such condition with such information as may be necessary and such pets shall be immediately isolated from healthy pets. If in the discretion of the Health Officer said pet is considered a menace to the health of other pets or people, he shall condemn said pet to be removed entirely from the premises and, if necessary, destroyed.

No diseased pets shall be sold or given away, nor shall they be otherwise disposed of except in the manner authorized by the Health Officer.

(“Diseased Pets — Notice to Health Department” added 2-10-1953 by O-5486 N.S.)

§42.0712 Pets — Noise, Odors — Declared Nuisance

The presence of obnoxious odors or unsanitary conditions, or the failure to muzzle or place in sound proof kennels all dogs barking excessively or to a degree that annoys the immediate neighborhood, is hereby declared to be a public nuisance and may be summarily abated by the Health Officer.

(“Pets — Noise, Odors — Declared Nuisance” added 2-10-1953 by O-5486 N.S.)