



City Council Staff Report

DATE: October 7, 2015 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1888
ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL
CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN
THE CITY OF PALM SPRINGS AND CEQA EXEMPTION

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1888.

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1888, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS."

STAFF ANALYSIS:

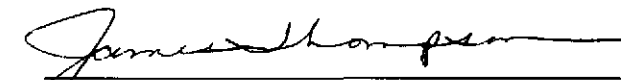
On September 16, 2015, Ordinance No. 1888 was introduced for first reading, as noted below:

ACTION: Introduce on first reading Ordinance No. 1888, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS."

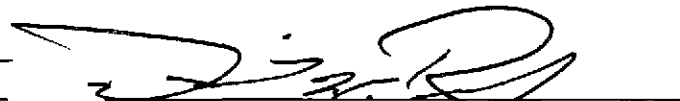
Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried 4-0 on a roll call vote.

AYES: Councilmember Foat, Councilmember Mills, Mayor Pro Tem Lewin,
and Mayor Pougnet
NOES: None
ABSENT: Councilmember Hutcheson

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.



James Thompson
City Clerk



David H. Ready, Esq., Ph.D.
City Manager

/kdh

Attachments: Ordinance No. 1888

ORDINANCE NO. 1888

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS.

City Attorney Summary

This Ordinance prohibits the sale of dogs and cats from retail establishments within the City of Palm Springs, subject to certain exceptions commencing on the date of its adoption.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. Section 10.24.021 is added to the Palm Springs Municipal Code to read:

10.24.021 Retail Sale of Dogs and Cats

(a) *Definitions.* For purposes of this Section, the following definitions shall apply:

1. "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.

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

3. "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.

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

5. "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.

6. "Pet store operator" means a person who owns or operates a pet store, or both.

7. "Retail sale" includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer any cat or dog.

(b) *Prohibition.* 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 Palm Springs.

(c) *Exemptions.* This Section 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.

(d) *Adoption of Shelter and Rescue Animals.* Nothing in this Section 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.

SECTION 2. CEQA. The City Council finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance will have a significant effect on the environment because this Ordinance only regulates certain sales of animals within the City. This Ordinance is therefore exempt from environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Upon the effective date of this Ordinance, Urgency Ordinance No. 1887 is repealed and no longer in effect.

SECTION 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect (3) days after passage.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 7th DAY OF OCTOBER, 2015.

ATTEST:

STEPHEN P. POGNET, MAYOR

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Ordinance No. 1888 is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 16TH day of September, 2015, and adopted at a regular meeting of the City Council held on the 7th day of October, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California