

1 **SECTION 1.** City Code Amendment. The City Council hereby adds Section 7.24 (“Pet
2 Shop and Kennel Regulations”) to Title 7 (“Animals”) of the Chico Municipal Code to read as
3 follows:

4 **Chapter 7.24 PET SHOP AND KENNEL REGULATIONS**

5 **ARTICLE I. PURPOSE AND DEFINITIONS.**

6 **7.24.010 Purpose**

7 **7.24.020 Designated Definitions**

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18 **7.24.110 Standard of Care Guidelines in Maintaining Pet Shop and Kennel**

19 **ARTICLE IV. PENALTY**

20 **7.24.120 Violation – Penalty**

21 **7.24.130 Severability**

22 **7.24.010 Purpose**

23 A. Existing state and federal laws regulate dog and cat breeders, as well as pet stores that sell
24 dogs and cats. These include the Lockyer-Polanco-Farr Pet Protection Act (California Health
25 and Safety Code Section 122125 et seq.); the Polanco-Lockyer Pet Breeder Warranty Act
26 (California Health and Safety Code Section 122045 et seq.); the Pet Store Animal Care Act
27 (California Health and Safety Code Section 122350 et seq.); and the Animal Welfare Act
28 (“AWA”) (7 U.S.C. Section 2131 et seq.).

 B. The Lockyer-Polanco-Farr Pet Protection Act (California Health and Safety Code Section
122125 et seq.) requires pet dealers (i.e., retail sellers of more than fifty (50) dogs or cats in
the previous year; not including publicly operated 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 (15) days from purchase a dog or cat becomes ill due
to an illness that existed at the time of sale, or if within one (1) year after purchase a dog or

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

4 C. The Pet Store Animal Care Act (California Health and Safety Code Section 122350 et seq.)
5 requires every pet store that sells live companion animals and fish to formulate a documented
6 program consisting of routine care, preventative care, emergency care, disease control and
7 prevention, veterinary treatment, and euthanasia.

8 D. The Polanco-Lockyer Pet Breeder Warranty Act (California Health and Safety Code
9 Section 122045 et seq.) offers protection similar to that of the Lockyer-Polanco-Farr Pet
10 Protection Act, except that it applies only to dog breeders who sold or gave away either three
11 (3) litters or twenty (20) dogs in the previous year.

12 E. The Animal Welfare Act (“AWA”) (7 U.S.C. Section 2131 et seq.) requires, among other
13 things, the licensing of certain breeders of dogs and cats. These breeders are required to
14 maintain minimum health, safety, and welfare standards for animals in their care. The AWA is
15 enforced by the United States Department of Agriculture (“USDA”).

16 F. According to The Humane Society of the United States, American consumers purchase
17 dogs and cats from pet stores that the consumers believe to be healthy and genetically sound,
18 but in reality, the animals often face an array of health problems including communicable
19 diseases or genetic disorders that present immediately after sale or that do not surface until
20 several years later, all of which lead to costly veterinary bills and distress to consumers.

21 G. The purpose of this chapter is to regulate Pet Shops and Kennels (as defined herein) and
22 provide clear guidelines on the standard of care required within the city to adequately protect
23 the health, safety, and public welfare of the community when purchasing animals from a Pet
24 Shop and/or Kennel.

25 **7.24.020 Designated Definitions**

26 As used in this chapter, the following words and phrases have the meanings set forth in this
27 section, unless the context in which any such word or phrase is used clearly requires another
28 meaning:

- 29 A. “ANIMAL” means any nonhuman vertebrate species housed, offered for sale or
30 adoption, or both, in the pet store, including, but not limited to, mammals, birds,
31 reptiles, amphibians, fish, and also invertebrates housed, sold, or adopted as pets.

- 1 B. "ANIMAL RESCUE GROUP" or "HUMANÉ SOCIETY" mean any not-for-profit
2 organization that has tax-exempt status under Section 501(c)(3) of the Internal
3 Revenue Code, whose mission and practice is, in whole or significant part, the
4 rescue and placement of animals into permanent homes, and that meets the following
5 requirements:
6 (i) Does not breed animals.
7 (ii) Does not obtain animals in exchange for payment or compensation from
8 any person that breeds or brokers animals.
- 9 C. "ANIMAL SERVICES" means the City of Chico Animal Services division under
10 the Chico Police Department, which includes Chico Animal Control and the Chico
11 Animal Shelter.
- 12 D. "ANIMAL SERVICES MANAGER" or "MANAGER" means the head of Animal
13 Services or his/her authorized designee
- 14 E. "ANIMAL SHELTER" means any facility operated by or under contract with any
15 governmental entity for the purpose of impounding or harboring seized, stray,
16 homeless, abandoned, or unwanted dogs, cats, rabbits, or other animals. .
- 17 F. "CAT" means a *Felis domesticus* of either sex, altered or unaltered.
- 18 G. "DOG" means a *Canis familiaris* of either sex, altered or unaltered; or any other
19 member of the *Canis genus* if owned, kept, or harbored.
- 20 H. "EXISTING PET STORE" means any pet store or pet store operator that displayed,
21 sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave
22 away, or otherwise transferred cats or dogs in the City of Chico on the effective date
23 of this chapter, and complied with all applicable provisions of the Chico Municipal
24 Code
- 25 I. "HOBBY KENNEL" means the owning or breeding of up to five (5) dogs , four (4)
26 months of age or older primarily for personal use. Such use may include, but shall
27 not be limited to: household pets; the participation in recognized on formation
28 shows; field and obedience trials; racking; scenting; specialized hunting or working
trials, and water trials; service training; for the purposes of improving the physical
soundness, temperament, and conformation of a given breed to a standard; or for
rescue/foster purposes. Hobby kennels are limited to breeding and selling no more
than two litters per 12 month period regardless of the number of dogs and/or cats
owned or providing no more than five instances of the performance of services to
animal owners within a 12-month period. Dogs used in herding livestock incidental
to a permitted agricultural use are excluded.
- J. "KENNEL" means any lot or adjacent lot(s), or any building(s), structure(s),
enclosure(s) or premises on the same or adjacent lot(s), wherein a total of four (4) or
more dogs, four (4) months of age or over, are kept or maintained for any purpose by
a person including, but not limited to, any agency organized or operated for the
welfare of animals, and where animals are kept to be bred, shown, sold, purchased,

1 boarded, trained, with the exception of Pet Shop. The term "kennel" shall not
2 include a public animal control agency or shelter operated or established by the city
3 or a veterinary hospital operated by a veterinarian licensed by the State of California
4 or a Hobby Kennel as defined herein.

5 K. "KENNEL OPERATOR" means any person who owns, controls, or operates a
6 kennel or any person who is responsible for or who participates in the control or
7 operation of a Kennel.

8 L. "PERSON" means an individual, partnership, firm, joint-stock company,
9 corporation, association, trust, estate, or other legal entity.

10 M. "PET SHOP" or "PET STORE" means any retail or commercial establishment,
11 facility, store or department of any store, or any place of business open to the public
12 where animals, including but not limited to dogs, cats, rabbits, birds, reptiles, rodents
13 or any other animals are kept and offered for adoption, sale, for hire, or offered for
14 use as pets or animals intended as food for other animals irrespective of the age of
15 the animal; provided that the facility operates pursuant to a pet shop permit issued by
16 Animal Services or any other city department vested with such authority, and is not
17 used for the breeding of dogs, cats or rabbits or the commercial boarding of animals.
18 "Pet Shop" or "Pet Store" does not include a retail establishment open to the public
19 and selling or offering for sale animals to agricultural operations for purposes that
20 are directly related to the raising of livestock or poultry on a farm or ranch. a person
21 who sells, exchanges, or otherwise transfers only animals that were bred or raised, or
22 both, by the person, or sells or otherwise transfers only animals kept primarily for
23 reproduction, shall be considered a breeder and not a pet store pursuant to Health &
24 Safety §§ 122350 et seq.

25 N. "PET STORE OPERATOR" means a person who owns or operates a pet store, or
26 both.

27 O. "PRIMARY ENCLOSURES" means an area of confinement such as a cage, run,
28 kennel, stall, or pen, where an animal eats, sleeps, and spends more than four (4)
hours per day.

P. "TEMPORARY ENCLOSURES" means a temporary enclosure is defined as a
structure used to restrict a pet, including, but not limited to, a crate or cage, that does
not provide for the effective separation of a pet from the pet's waste product, used to
house an animal when it is not in its primary enclosure for a period not to exceed
four (4) consecutive hours.

7.24.030 Pet Shop and Kennel Permit; Required

Any person, firm, or corporation proposing to operate a Pet Shop or Kennel shall first
apply to Animal Services for a permit for such activity. A Pet Shop or Kennel permit shall be
granted only after Animal Services or designee has determined:

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- A. The Pet Shop or Kennel meets the standards set forth in California Health and Safety Codes §§ 122350 et seq., is not in violation of Penal Code § 597, and meets the requirements set forth in Section 7.24.110 (“Standard of Care Guidelines in Maintaining Pet Shop and Kennel”) under this chapter;
 - B. The location of the Pet Shop or Kennel is a permitted use under applicable city zoning laws and regulations, or the required zoning permits have been obtained, including, but not limited to, a variance and/or a conditional use permit; and
 - C. Has paid and/or is up to date with the current year's Pet Shop Permit Fee. The permit fee for a pet store shall be purchased annually and shall be due on January 2nd of each year.

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7.24.040 Pet Shop and Kennel Permit; Operation Without

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It shall be unlawful to operate a Pet Shop or Kennel governed by the terms of this Chapter without a valid permit as provided herein.

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7.24.050 Permit Fees Generally

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The amount of any charge, fee and penalty relating to Animal Services shall be set by the City Council by resolution.

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7.24.060 Permits Not Transferable

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No Pet Shop or Kennel permit issued pursuant to this chapter is transferable and only covers the premises designated and the person to whom the permit was originally issued.

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7.24.070 Permits Lost or Destroyed

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If any Pet Shop or Kennel permit is lost or destroyed, a new Pet Shop or Kennel license shall be procured within ten (10) days from the Manager upon the payment of the fee established by resolution of the City Council.

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7.24.080 Permit Revocation

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- A. When conditions exist which an animal control officer, health officer or inspector, peace officer or similarly authorized personnel believes warrant the revocation of a Pet Shop or Kennel license, such facts shall be reported to the Manager with a recommendation that such license be revoked. A licensee’s refusal to permit reasonable inspection of the licensed premises shall constitute a valid ground for revocation. The Manager may revoke a kennel

1 license if, based upon substantial evidence, the Manager believes that one (1) or more of the
2 following conditions exist:

- 3 1. There is reason to be believe that the Pet Shop or Kennel is being operated in a
4 manner which constitutes a public nuisance;
- 5 2. It has determined by inspection that the Pet Shop or Kennel fails to meet any
6 of the conditions of the permit, this chapter, or applicable state law.
- 7 3. There is reason to believe that the applicant or licensee has willfully withheld
8 or falsified any information required for the Pet Shop or Kennel permit.

9 B. Upon a determination of the Manager to revoke a Pet Shop or Kennel permit, the Manager
10 shall mail to or personally serve upon the licensee, a notice of revocation, advising the
11 licensee that the Manager intends to revoke the Pet Shop or Kennel permit unless a
12 hearing is requested as set forth herein.

13 C. If a licensee disputes the proposed revocation of a Pet Shop or Kennel permit, the licensee
14 may appeal the decision of the Manager the City Council (or designated hearing officer as
15 authorized by the City Council) by filing a written request for a hearing with the City
16 Clerk within ten (10) calendar days of the date the notice of revocation was mailed to the
17 licensee by certified mail or the date that the licensee was personally served. After receipt
18 of such appeal, the City Council shall set a time and place at which it shall hear the matter
19 and the City Clerk shall notify the licensee of the same. The action of the city council shall
20 be final. This section shall not be interpreted to limit any power granted the health officer
21 under any other provision of law.

22 D. If a permit has been denied or revoked, the City may not accept a new permit application
23 from the same person for the same activity at the same location during the twelve-month
24 (12-month) period after such denial or revocation, unless the applicant shows, and the
25 Manager finds by inspection or investigation, that the grounds upon which the previous
26 application was denied or the permit revoked no longer exist.

27 **7.24.090 Pet Shop and Kennel Permit – Display**

28 Pet Shop or Kennel permit issued as required by this chapter shall be conspicuously
displayed upon the Pet Shop and Kennel premises.

7.24.100 Applicability of Zoning Regulations

This chapter shall not apply outside of the city’s jurisdictional boundaries.

1 **7.24.110 Standard of Care Guidelines in Maintaining Pet Shop and Kennel**

2 A. Primary Enclosures

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4 1. In addition to those standards of care outlined in Lockyer-Polanco-Farr Pet
5 Protection Act (California Health and Safety Code Section 122125 et seq.), the
6 Polanco-Lockyer Pet Breeder Warranty Act (California Health and Safety Code
7 Section 122045 et seq.), the Pet Store Animal Care Act (California Health and
8 Safety Code Section 122350 et seq.), and the Animal Welfare Act (“AWA”) (7
9 U.S.C. Section 2131 et seq.), Pet Shop and Kennel must adhere to the following
10 guidelines:

- 11 a. A Primary Enclosure, as defined under Section 7.24.020, must be structurally
12 sound and maintained in a safe, working condition to properly confine animals,
13 prevent injury, keep other animals out, and enable the animals to remain dry
14 and clean. There must not be any sharp edges, gaps or other defects that could
15 cause an injury or trap a limb or other body part. Secure latches or other
16 closing devices must be present. Wire-mesh bottoms or slatted floors in cages
17 are not acceptable for primary enclosures for cats, rabbits, or dogs.
- 18 b. The Primary Enclosure should protect animals from disease exposure, provide
19 good air quality, and be readily cleaned and disinfected. Enclosures should
20 facilitate the monitoring of health and behavior and permit efficient and low-
21 stress daily care. Enclosures that permit care and cleaning without removal of
22 the animal (e.g. double-sided or compartmentalized enclosures) should be
23 provided for recently admitted or ill animals and those who are younger than
24 twenty (20) weeks of age.
- 25 c. A Primary Enclosure shall permit the provision of clean water and food
26 without contamination from urine, feces or litter and must allow animals to sit,
27 sleep and eat away from areas of their enclosures where they defecate and
28 urinate. Cats and rabbits should be provided with a litter box that will
comfortably accommodate their entire body. Elevated resting places should be
provided whenever possible, as long as this would not restrict animal
movement within the enclosure. A soft resting place should be made available
for all animals to provide comfort as well as prevent pressure sores from
developing. Primary Enclosures should allow animals to see out but should
also provide at least some opportunity to avoid visual contact with other
animals.
- d. Primary Enclosures must provide animals with the opportunity to express
normal behavior, such as (depending on species and housing unit) hiding,
perching, walking, running, jumping, scratching, playing, and interacting with
or avoiding conspecifics and people. At minimum, primary enclosures shall

1 provide sufficient space to allow each animal, regardless of species, to make
2 normal postural adjustments e.g. to turn freely and to easily stand, sit, stretch,
3 move their head, without touching the top of the enclosure, lie in a comfortable
4 position with limbs extended, move about and assume a comfortable posture
5 for feeding, drinking, urinating and defecating. In addition, cats and dogs
6 should be able to hold their tails erect when in a normal standing position.

- 7 e. Excreta shall be removed from primary enclosures as often as necessary to
8 prevent contamination of the animals contained therein and to control disease
9 hazards and odors. When water or cleaning and disinfecting products will be
10 sprayed in or near the area of the primary enclosure, animals must be removed
11 from the cage or kennel, or separated from the area being cleaned by a solid
12 partition to prevent splatter or soaking of the animal. It is an unacceptable
13 practice to spray down kennels or cages while animals are inside them.
14 Animals shall not be placed in empty primary enclosures previously inhabited
15 by other animals unless the enclosure has first been cleaned and disinfected.
- 16 f. Animals showing signs of contagious illness shall be removed from rooms and
17 enclosures containing healthy animals and housed in a separate isolation room.
- 18 g. Animals shall not be tied to fences or cages in lieu of being housed in primary
19 enclosures.
- 20 h. Vehicles used to transport animals must protect the animals from the elements,
21 provide adequate ventilation and climate control, and be structurally sound to
22 prevent injury to animals. Animals must be transported in compatible groups of
23 the same species. In addition, the transport enclosure must be kept clean and
24 must be of sufficient space to allow the animals to move freely (turn around, lie
25 down, and stand up).

2. Unpermitted Primary Enclosures

- 26 a. Cages or crates intended for short-term, temporary confinement or travel (e.g.
27 airline crates, transport carriers, cages or crates designed to restrict mobility
28 during a defined period for recovery or treatment including small stainless steel
cages less than 2 ft x 2 ft), are unacceptable as primary enclosures. Crates or
cages must not be stacked upon each other in a manner that increases animal
stress or discomfort, compromises ventilation, or allows waste material to fall
from the cage above into the cage below.
- b. Animals housed in the same Primary Enclosure shall be maintained in
compatible groups, with the following additional restrictions:
 - 1. Females shall not be housed in the same primary enclosure with
sexually intact males;
 - 2. Any animal exhibiting a vicious disposition shall be housed
individually in a primary enclosure;

3. Immature animals shall not be housed in the same Primary Enclosure with adults other than their mothers; and
4. Animals of different species shall not be housed in the same Primary Enclosures.

7.24.120 Penalty.

A. Violations- Generally

Unless otherwise specified, any violations of this chapter shall be deemed an infraction.

B. Infractions

1. Unless otherwise specifically provided in this chapter or prescribed by law, every violation determined to be an infraction is punishable by a fine or penalty imposed by the court of appropriate jurisdiction.
2. Each offense shall constitute a separate infraction. Any person cited for an infraction in violation of this chapter within three (3) prior convictions of the same section within a twelve-month (12-month) period may be charged with a misdemeanor.
3. An infraction is punishable by a fine not to exceed two hundred fifty dollars (\$250) per violation.

C. Misdemeanors

1. A Pet Shop or Kennel that violates any provision of the Pet Store Animal Care Act, Chapter 9 (commencing with section 122350), Part 6 of the Health and Safety Code that is not specified in subdivision (a) of section 122356 and is not prescribed by section 122354.5 is guilty of a misdemeanor. A misdemeanor is punishable by imprisonment in the county jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000.00) per violation, or both. The court shall weigh the gravity of the offense in setting the penalty.

D. Cumulative remedies

1. Remedies set forth in this chapter are not exclusive. Nothing in this chapter shall preclude the city from enforcing the provisions of this chapter by any other criminal, civil, or administrative proceeding.

SECTION 2. This Ordinance will not be detrimental to the public interest, health, safety, convenience, or welfare.

1 **SECTION 3.** CEQA. The City Council, on the basis of the whole record and exercising
2 independent judgment, finds that this Ordinance is not subject to environmental review pursuant
3 to Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the
4 California Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to
5 activities that will not result in a direct or reasonably foreseeable indirect change to the
6 environment and that are not defined as a project under Section 15378.

7 **SECTION 4.** Severability. If any section, subsection, line, sentence, clause, phrase, or
8 word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as
9 applied, by a decision of any court of competent jurisdiction, such decision shall not affect the
10 validity of the remaining portions of this Ordinance. The City Council of the City of Chico hereby
11 declares that it would have passed this Ordinance, and each and every individual section,
12 subsection, line, sentence, clause, phrase, or word without regard to any such decision.


13 **SECTION 5.** Effective Date. The Ordinance shall be effective 30 days after adoption by
14 the City Council.

15 **SECTION 6.** Certification. The City Clerk shall certify to the passage and adoption of
16 this Ordinance and shall cause the same to be published or posted in the manner required by law.


17 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its
18 duly noticed meeting held on March 1, 2022, by the following vote:

19 AYES: Bennett, Brown, Morgan, O'Brien, Tandon, Reynolds, Coolidge
20 NOES: None
21 ABSENT: None
22 ABSTAINED: None
23 DISQUALIFIED: None

24 **ATTEST:**

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26 _____
27 Deborah R. Presson, City Clerk

28 **APPROVED AS TO FORM:**



Vincent C. Ewing, City Attorney*

*Pursuant to The Charter of the City of
Chico, Section 906(E)