

CHAPTER 6.10 — RESCUE-ONLY PET STORE STANDARDS; EXTENSION TO BIRDS

6.10.001 Adoption of State Rescue-Only Standards

The City of Lemon Grove hereby incorporates and adopts the rescue-only requirements established under California Health and Safety Code §122354.5, which regulate the sourcing of dogs, cats, and rabbits offered for sale in pet stores. These provisions establish the State of California's rescue-only model for pet stores, requiring that covered animals be obtained exclusively from animal shelters, humane societies, or nonprofit rescue organizations.

6.10.005 Purpose and Findings

A. The City of Lemon Grove finds that California has adopted a statewide rescue-only pet store model applicable to dogs, cats, and rabbits (Health and Safety Code §122354.5) to address concerns relating to animal welfare, breeding practices, consumer deception, and transparency in sourcing.

B. The purpose of this chapter is to **extend California's rescue-only pet store model to include birds**, thereby promoting consistency with state policy, strengthening consumer protections, and ensuring that birds offered to the public in Lemon Grove pet stores are obtained exclusively from humane, noncommercial sources.

C. The City further finds that complaints from Lemon Grove residents and animal control inspection records demonstrate recurring welfare concerns associated with the retail sale of commercially bred birds.

D. This chapter does not regulate poultry or birds sold for agricultural or backyard flock purposes.

E. The City further finds that adopting and extending the California rescue-only model to birds will reduce abandonment, protect consumers, and advance the humane treatment of companion birds within the City of Lemon Grove.

6.10.010 Definitions

For the purposes of this chapter, the following definitions apply:

“Animal control agency” means a public agency or department of a city or county, or an entity acting under contract with a city or county, that enforces animal-related laws and regulations, including the investigation of animal welfare complaints.

“Animal control facility” means a facility operated by or under contract with a city or county for the purpose of impounding, caring for, or placing stray, abandoned, or relinquished animals, including birds.

“Animal rescue organization” means a nonprofit organization, as defined under Section 501(c)(3) of the Internal Revenue Code, that rescues, rehabilitates, and rehomes animals and does not breed animals.

“Animal shelter” means a municipal or county-operated animal shelter, or a duly incorporated nonprofit organization engaged in the rescue, care, or adoption of stray, abandoned, or surrendered animals, and which does not breed animals.

“Bird” means any member of the class *Aves* commonly kept as companion animals, including but not limited to parrots, parakeets, cockatiels, finches, doves, and similar species.

“Bird” does not include poultry sold for agricultural or backyard flock purposes, including chickens, ducks, geese, or turkeys.

“Humane society” means a nonprofit organization incorporated under California law that is dedicated to the prevention of cruelty to animals and the rescue, care, or adoption of animals, and that does not breed animals.

“Pet store” means any retail establishment open to the public that sells, offers for sale, or displays for sale any live animal, whether or not compensation is involved.

“Pet store operator” means any person or entity that owns, manages, controls, or operates a pet store.

“Retail sale” means to sell, display for sale, offer for sale, offer for adoption with any compensation, barter, auction, give away, deliver, or otherwise transfer ownership or control of any bird, whether or not compensation is involved.

“Retail sale” does not include the adoption of a bird from an animal shelter or nonprofit rescue when the pet store receives no monetary or nonmonetary benefit.

6.10.020 Rescue-Only Requirement for Birds

A. Consistent with the rescue-only sourcing requirements established under California law for dogs, cats, and rabbits, beginning on the operative date set forth in Section 6.10.050, no pet

store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer any bird within the City of Lemon Grove unless the bird was obtained from an animal shelter, animal control agency, humane society, or nonprofit rescue organization, and the pet store receives no direct or indirect compensation or financial benefit for such adoption.

B. A pet store that provides space and care for birds owned by an animal shelter, humane society, or nonprofit rescue organization for purposes of adoption shall not be deemed to be engaged in retail sale under this chapter.

6.10.030 Exemptions

This chapter does not apply to:

- A. A publicly operated animal control facility or animal shelter, as defined in this chapter;
 - B. A private, charitable, nonprofit humane society or nonprofit animal rescue organization;
 - C. 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, provided the organization has obtained City approval and the activity is consistent with the intent and purpose of this chapter.
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6.10.040 Enforcement and Penalties

- A. Each bird sold, displayed, or offered in violation of this chapter constitutes a separate offense.
 - B. Every violation of this chapter is punishable as an infraction.
 - C. The City, any authorized animal services agency, the health officer, and any peace officer may enforce this chapter.
 - D. Remedies under this chapter are cumulative and not exclusive.
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6.10.050 Effective Date

This ordinance shall take effect upon adoption.

The operative provisions of this chapter shall become enforceable six (6) months after the date of adoption, whether adopted by the City Council or by the voters.

6.10.060 Severability

If any section, subsection, sentence, clause, or phrase of this chapter is held invalid or unconstitutional, the remaining portions shall continue in full force and effect.

The People of the City of Lemon Grove declare that they would have adopted this chapter and each of its parts irrespective of the validity of any one part.