

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT
HOT SPRINGS AMENDING SECTION 17.108.040, OF CHAPTER
17.108 “HOME OCCUPANCY PERMITS” OF THE CITY OF DESERT
HOT SPRINGS MUNICIPAL CODE PERTAINING TO ALLOWANCE OF
RESPONSIBLE BREEDING OF CERTAIN DOGS**

WHEREAS, the City of Desert Hot Springs (“City”) is a charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, under California Constitution Article XI, Section 7, the City's police power allows it to regulate animals in accordance with the health, safety, and welfare of the general public; and

WHEREAS, dog breeding has been a topic of public debate, in light of overpopulation and abandonment of dogs; and

WHEREAS, breeding used to be highly functional for herding or hunting, for example, but now, with dogs serving more of a companion role in society, many prospective dog owners are simply looking for specific features in their puppy; and

WHEREAS, breeding dogs to enforce a skill that is prevalent in a breed has been used for centuries and is a great benefit of breeding as it can help an entire society, for example, police dogs, hunting dogs and seeing eye dogs; and

WHEREAS, while the City encourages adoption of dogs, people should also have the option to purchase a purebred dog from a dedicated and responsible breeder; and

WHEREAS, responsible breeders have many duties when planning and breeding a litter, including health testing, improving the quality of the breed, proper birthing of puppies, quality physical care and socialization; and

WHEREAS, the American Kennel Club (“AKC”), is a reputable organization that advocates for the responsible breeding of dogs; and

WHEREAS, among other qualifications, the AKC the development of a program – Breed with H.E.A.R.T.- for all breeders, which program's intent is to improve the health and well-being of purebred dogs by challenging breeders to meet health testing standards and participate in continuing education; and

WHEREAS, this City Council finds that responsible dog breeding is best for the public health, safety and welfare; and

WHEREAS, the City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance in question may have a significant effect on the environment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the foregoing recitals are true and correct and are herein adopted by this reference.

Section 2. AMENDMENT OF SECTOIN 17.108.040

Section 17.108.040 – “Prohibited home occupation uses” shall be amended to read as follows:

17.108.040 Prohibited home occupation uses.

The following are examples of uses that are not incidental to nor compatible with residential activities, and are prohibited:

- A. Barber and beauty shop;
- B. Businesses which entail the harboring, training, breeding, raising, or grooming of dogs, cats, or other animals on the premises **except for the breeding of dogs, so long as all of the following are met:**

1. Breeding Permits.

a. The owner/custodian of the dog to be bred shall apply for a Dog Breeder’s Permit on a City-issued form, shall pay all fees associated therewith, and shall comply with all conditions of the Breeding Permit. The Breeding Permit shall be valid for one year and renewed every year. The City shall administer an animal breeding permit program to allow the breeding of unaltered dogs consistent with the standards, guidelines and rules established by the American Kennel Club (“AKC”), United Kennel Club (“UKC”) or American Dog Breeders Association (“ADBA”). Under no circumstances shall such a permit be issued to a person who has been convicted of animal cruelty or neglect.

b. In addition to the criteria and procedures established by the AKC or equivalent all breeding permits shall contain the following terms and conditions:

- 1. The owner of an unaltered female dog shall not allow the whelping of more than one litter in any household within the permit year. Notwithstanding this provision, the City Manager,**

or his/her designee, is hereby authorized, upon application of a permittee, to allow on a one time basis the whelping of up to two dog litters per breeding animal within any domestic household within a permit year, if the permittee establishes, according to regulations promulgated by the City Manager, or his/her designee, that such breeding is required to protect the health of the animal or avert a substantial economic loss to the permittee. In the event that a permittee is forced to euthanize a litter of dogs, the City Manager, or his/her designee, may authorize the whelping of one additional litter of dogs within the same permit year by the permittee;

2. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least twelve weeks;

3. No offspring may be sold or adopted until immunized against common diseases. The sale or adoption of a dog shall include a statement signed by the seller or adopter attesting to the signatory's knowledge of the animal's health, and the animal's immunization history;

4. Any holder of a breeding permit who advertises to the public the availability of any dog for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the permit number in any such advertisement. Further, the breeding permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

5. Any breeding permit holder selling or otherwise transferring a dog or a cat, whether for compensation or otherwise, shall submit to the City the name, address, and telephone number of the animal's new owner within five days from the sale or other transfer, on a Department approved form; and

F. Any breeding permit holder which sells or otherwise transfers a dog, whether for compensation or otherwise, shall provide to the new animal owner City application(s) for a license and permit as well as written information regarding the license and permit requirements of the City applicable to such animal.

2. Business License. The owner/custodian of the dog to be bred shall apply for and obtain a valid City-issued Business License, shall pay all fees associated therewith, and shall comply with all conditions of the Business License.

3. Dog(s) must be bred in strict accordance with the standards, guidelines and rules established by the American Kennel Club ("AKC"),

United Kennel Club (“UKC”) or American Dog Breeders Association (“ADBA”) (“Breeding Standards”). If the Breeding Standard conflict with anything in this subsection, this subsection shall control.

4. The owner/custodian of the dog to be bred shall provide to the City verification that the dog is registered with the appropriate registry for the breed, including AKC, UKC, ADBA, or other valid registry.

5. The owner/custodian of the dog to be bred shall provide to the City verification by a licensed veterinarian that the dog(s) is in good health to be bred.

6. The owner/custodian of the dog to be bred shall provide to the City verification that s/he has completed the Breed with H.E.A.R.T. offered by the AKC, or equivalent program.

- C. Carpentry and cabinet making;
- D. Medical and dental offices, clinics, and laboratories;
- E. Mini-storage;
- F. Repair, fix-it, or plumbing shops;
- G. Storage of equipment, materials, and other accessories to the construction and service trades;
- H. Vehicle repair (body or mechanical), upholstery, and painting;
- I. Welding and machining; and
- J. Any other use determined by the Director to be not incidental nor compatible with residential activities. (Prior code § 159.54.040)

Any violation of this subsection B shall be enforced by remedy deemed appropriate by the City in accordance with Chapter 4.04. Any revocation or suspension of a permit issued in accordance with subsection B, shall be enforced by the applicable procedures in Chapter 4.36.

Section 3. SEVERABILITY

That, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code, including Title 6 of the County Code, as adopted by the City, as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 5. AMENDING OF BAIL SCHEDULE

That the City Attorney’s Office is hereby directed to determine whether this ordinance necessitates amendment of the City’s Bail Schedule and to cause such

necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 6. **EFFECTIVE DATE**

That this ordinance shall be effective thirty days after the second reading of the ordinance.

Section 7. **CERTIFICATION**

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ____ day of _____, 2020 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Scott Matas, Mayor

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney