

REPORT TO THE PLANNING COMMISSION



DATE: June 9, 2020

TITLE: An Ordinance of the City Council of the City of Desert Hot Springs Amending Section 17.108.040 "Prohibited Home Occupation Uses" of Chapter 17.108 "Home Occupancy Permits" of Title 17 "Zoning" And Addition of Chapter 6.08 "Breeding Animals" of Title 6 "Animals" of the City of Desert Hot Springs Municipal Code Pertaining to Allowance of Responsible Breeding of Dogs

Prepared by: Jennifer Mizrahi, City Attorney
At the direction of City Council

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from the Planning Commission
- 3) Open Public Hearing;
- 4) Take testimony from the Public
- 5) Close the Public Hearing;
- 6) Planning Commission discussion and questions to Staff; and
- 7) Planning Commission recommend to City Council approval of " An Ordinance of the City Council of the City of Desert Hot Springs Amending Section 17.108.040 "Prohibited Home Occupation Uses" of Chapter 17.108 "Home Occupancy Permits" of Title 17 "Zoning" And Addition of Chapter 6.08 "Breeding Animals" of Title 6 "Animals" of the City of Desert Hot Springs Municipal Code Pertaining to Allowance of Responsible Breeding of Dogs"

BACKGROUND

At the January 21, 2020 City Council meeting, the Council agreed to place this item on the agenda for discussion purposes only; and then on February 4, 2020, the City Council directed that the City Attorney draft a proposed Ordinance for Planning Commission, and ultimately City Council consideration.

DISCUSSION

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. Currently, the City prohibits the backyard breeding of dogs. Staff has drafted a Draft Ordinance to be considered. This Ordinance would allow home-occupation dog breeding in a responsible manner, as so provided.

Highlights of the draft Ordinance:

1. A Breeding Permit is needed for dog breeding pursuant to several conditions, including (not an exhaustive list):
 - a. In R-L district, with a .25 acre minimum lot size.
 - b. Permits not to be issued to persons who have been convicted on animal cruelty
 - c. All animals must be licensed and vaccinated.
 - d. Breeding must be in strict compliance with DHSMC and the standards, guidelines and rules established by the American Kennel Club ("AKC").

- e. Strict adherence to terms and operating conditions of Breeding Permit including (the below is not an exhaustive list):
 - i. no more than one (1) breeding female per household.
 - ii. No person with an unaltered female dog shall allow the whelping of more than one litter in any household within the permit year.
 - iii. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight (8) weeks and has been immunized against common diseases.
 - iv. Any dog sold or transferred pursuant to this chapter must be spayed or neutered pursuant to Title 6 of this Code. All spaying and neutering of dogs must be done pursuant to Section 6.08.120 of Title 6 of the County of Riverside Code, as may be amended.
 - v. Breeders must obtain business license.
 - vi. Dog(s) must be bred in strict accordance with the standards, guidelines and rules established by the AKC.
 - vii. Permitholders shall provide to the City verification that she or he has completed the Breed with H.E.A.R.T. offered by the AKC, or equivalent program.

FISCAL IMPACT

Fees from license and permits.

EXHIBIT(S)

1) Proposed Ordinance