

ORDINANCE NO. ____

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

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 over-population 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 has developed 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, on June 9, 2020, Planning Commission held a public hearing on this Ordinance; and

WHEREAS, the City Council finds that this Ordinance is consistent with the General Plan; 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 SECTION 17.108.040 “PROHIBITED HOME OCCUPATION USES” OF CHAPTER 17.108 “HOME OCCUPANCY PERMITS” OF TITLE 17 “ZONING” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.108.040 (“Prohibited home occupation uses”) of Chapter 17.108 (“Home Occupancy Permits”) of Title 17 (“Zoning”) 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 as pursuant to chapter 6.08 of this Code;**
- 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.

Section 3. **ADDITION OF CHAPTER 6.08 “ANIMAL BREEDING” TO
TITLE 6 “ANIMALS” OF THE DESERT HOT SPRINGS
MUNICIPAL CODE**

Chapter 6.08 (“Animal Breeding”) shall be added to Title 6 (“Animals”) and to read entirely as follows:

Section 6.08.010 Permits and Conditions.

A. Breeding Permits. No person shall establish or maintain any dog kennel for breeding purposes, keep any dog for breeding purposes, or breed any dog which is owned, harbored or kept within the City without first obtaining a Breeding Permit.

1. The Breeding Permit shall be valid for one year and may be renewed every year prior to expiration. Each applicant shall pay an application fee as established by resolution of the City Council.

2. Breeding Permits shall only be issued to persons maintaining the dogs on a premises located in a R-L district, with a .25 acre minimum lot size.

3. A Breeding Permit shall not be issued to a person who has violated any provision of Title 6 of this Code or who has been convicted of any section of California Penal Code Sections 596 through 599.

4. A Breeding Permit shall not be issued to a person who has not complied with all licensing and vaccination standards and must show valid proof of same.

5. The City Manager or designee shall develop procedures to administer an animal breeding permit program to allow the breeding of unaltered dogs consistent with this Code and the standards, guidelines and rules established by the American Kennel Club (“AKC”).

B. In addition to the criteria and procedures established by the City Manager or designee, all breeding permits shall contain the following terms and operating conditions:

1. The Breeding Permit holder is limited to no more than one (1) breeding female per household. Additional unaltered/breeding females are not permitted on the premises unless they are there solely for the purposes of

stud services, in which case they may not remain on property for more than 48 hours.

2. No person with an unaltered female dog shall allow the whelping of more than one litter in any household within the permit year. Notwithstanding this provision, the City Manager or designee is 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 designee, that such breeding is required to protect the health of the animal.

3. 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. 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 as well as microchipped prior to the sale.

4. All offspring must be removed from the premises no later than twelve (12) weeks from the date of birth should they cause the household to exceed the four (4) dog per household maximum. Excess dogs kept in violation of this subsection are subject to impoundment.

5. 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.

6. Any Breeding Permit holder selling or otherwise transferring a dog, 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 City-approved form.

7. Any Breeding Permit holder who 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.

8. 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.

9. Breeding Permits shall not be transferrable.

10. Premises are subject to inspection by the City Animal Control pursuant to Section 6.08.120 of Title 6 of the County of Riverside Code, as may be amended.

11. Business License. Permitholders 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.

12. Dog(s) must be bred in strict accordance with the standards, guidelines and rules established by the American Kennel Club ("AKC"). If the AKC breeding standard conflicts with anything in this chapter, this chapter shall control.

13. Permitholders shall provide to the City verification that the dog is registered with the appropriate registry for the breed, including AKC, or other valid registry.

14. Permitholders shall provide to the City verification by a licensed veterinarian that the dog(s) is in good health to be bred.

15. 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.

16. Any animal not subject to this Chapter must be spayed or neutered pursuant to Chapter 6.10 of Title 6 of the County of Riverside Code, as may be amended.

Section 6.08.020 Violations and Penalties.

A. Any violation of any provision in this Chapter is unlawful and a public nuisance and the City may pursue any and all administrative, civil, or criminal remedies, as provided by law or equity, including all remedies under Title 4 of this Code.

B. Failure of any person to comply with all terms and conditions of the Breeding Permit and applicable law shall be grounds for the revocation or suspension of such Breeding Permit pursuant to Chapter 17.108 and shall be grounds for denial of future Breeding Permits.

Section 4. 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 5. GENERAL PLAN CONSISTENCY FINDINGS

The City Council finds this amendment is consistent and compatible with the General Plan.

Section 6. GENERAL FINDINGS

The City Council finds this Ordinance is not detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 7. 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 8. 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 9. EFFECTIVE DATE

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

Section 10. 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