



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

C-17

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November 1, 2005

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Request the City Attorney to prepare an amendment to Sections 6.16.080 and 6.16.190 of the Long Beach Municipal Code to allow for permitted dog breeding.

DISCUSSION

The Department of Health and Human Services Animal Control Division is responsible for the enforcement of Title 6 of the Long Beach Municipal Code (L.B.M.C.), which includes Sections 6.16.080 and 6.16.190 that regulate animal breeding. As currently written, these Municipal Code sections prohibit any breeding of animals within the City of Long Beach.

Over the past three years, City of Long Beach residents who wish to breed their dogs, as well as national organizations that promote the continuation of dog breeds through responsible breeding, have approached the City, requesting a reconsideration of the City's total ban on dog breeding. As a result of the inquiries, Department of Health and Human Services Animal Control staff reviewed the history of Title 6 of the L.B.M.C.

In reviewing Title 6 of the L.B.M.C., staff found that Section 6.16.190 was re-titled from "Breeding Kennels a Nuisance" to "Dog Breeding Prohibited" during the recodification process of 1982. The recodification process was intended to only reorganize and renumber the existing Long Beach Municipal Code, and not modify or affect in any manner the scope, meaning or intent of the Code. In re-titling Section 6.16.190, however, the meaning and interpretation of the section was inadvertently changed to prohibit any breeding of dogs by private individuals, which was not the intent of the L.B.M.C., as originally enacted.

Before recommending an amendment to the City's animal breeding ordinance, Animal Control Division staff conducted a telephone survey of nine major cities and counties throughout the United States to determine what, if any, restrictions were placed on animal breeding in their jurisdictions. While no locale had a specific law banning the breeding of domestic animals, most agencies within these jurisdictions attempted to control the irresponsible breeding of animals with permits and fees. The Department of Health and Human Services is very aware of the pet overpopulation problem in our society and

recognizes that thousands of animals are euthanized each year in animal shelters across the country. However, with proper restrictions that allow for limited, controlled breeding of dogs by permit, it is unlikely that the amendments to L.B.M.C. Sections 6.16.080 and 6.16.190 will add to the dog overpopulation problem in Long Beach. As responsible dog owners are permitted to breed their animals under stringent requirements, it is hoped that fewer unwanted dogs will be dropped off at the shelter.

Staff is recommending that the City Council request the City Attorney to amend L.B.M.C Sections 6.16.080 and 6.16.190 to better define when dog breeding will be permitted in the City. Specific recommendations include:

- A. Allowing dog breeding under specified conditions, including requiring an application for and the issuance of a permit;
- B. Requiring a permit from the City to ensure dog breeding is occurring in a humane and legal manner;
- C. Limiting breeding to one litter per permitted household per calendar year;
- D. Allowing for breeding site inspections by Animal Control staff; and
- E. Prohibiting dog breeding of the following: owners of known vicious animals; dog breeds disproportionately responsible for dog bites in the city; animal abusers; or others who violate the dog breeding ordinances.

This letter was reviewed by Deputy City Attorney Richard F. Anthony on October 24, 2005 and Budget Management Officer David Wodynski on October 21, 2005.

TIMING CONSIDERATIONS

Council action on this matter is not time critical.

FISCAL IMPACT

It is estimated that one hundred (100) dog breeding permits will be issued annually at a fee of \$140 per permit, producing annual revenues of \$14,000 to recover the costs of providing the inspection and permitting activities.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



RONALD R. ARIAS
DIRECTOR
HEALTH AND HUMAN SERVICES

APPROVED:



GERALD R. MILLER
CITY MANAGER