

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

ORDINANCE NO. ORD-06-0012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADDING SECTION 6.16.085 AND AMENDING SECTIONS 6.16.080 AND 6.16.190 OF THE LONG BEACH MUNICIPAL CODE RELATING TO DOG BREEDING, AMENDING SECTION 9.65.060 OF THE LONG BEACH MUNICIPAL CODE RELATING TO ADMINISTRATIVE PENALTIES, AMENDING SECTION 6.16.060 OF THE LONG BEACH MUNICIPAL CODE RELATING TO PET SHOPS, AND AMENDING SECTION 21.51.210 OF THE LONG BEACH MUNICIPAL CODE RELATING TO HOUSEHOLD PETS.

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 6.16.080 of the Long Beach Municipal Code is amended to read as follows:

6.16.080 Breeding prohibited.

No person, as principal, agent, employee or otherwise, shall breed any dog, cat or other animal at any place within the City, except as provided in Section 6.16.190. "Breeding" shall be deemed to have occurred upon the production of offspring, whether such offspring result from sexual activity or artificial insemination, and whether such sexual activity was intentional or the result of improper confinement.

\\
\\
\\

1 Sec. 2. The Long Beach Municipal Code is amended by adding Section
2 6.16.085 as follows:

3 6.16.085 Unaltered cats prohibited.

4 No person who owns, or has in custody or control, a cat over the age of
5 four months shall allow such cat to remain unaltered, unless the cat is certified
6 by a licensed veterinarian as not being suitable for spaying or neutering due to
7 health reasons.

8
9 Sec. 3. Section 6.16.190 of the Long Beach Municipal Code is amended
10 to read as follows:

11 6.16.190 Restricted dog breeding and dog and cat transfer.

12 A. No person, as principal, agent, employee or otherwise, shall
13 establish or maintain any dog kennel for breeding purposes, keep any dog
14 for breeding purposes, or breed any dog which is owned, harbored or kept
15 within the City, without first applying to and receiving a breeding permit to
16 do so from the Department of Health and Human Services, Animal
17 Control Division. "Breeding" shall be deemed to have occurred upon the
18 production of a litter, whether such litter results from sexual activity or
19 artificial insemination, and whether such sexual activity was intentional or
20 the result of improper confinement.

21 B. The application for a breeding permit shall be filed by all of the
22 owners and/or handlers of both dogs to be bred, including persons who
23 may reside outside of the City, and shall contain such information as is
24 requested by the City, including without limitation the following:

25 1. A complete description of the nature and extent of the
26 breeding to be conducted and for which application is made, including the
27 breed of dogs proposed to be bred;

28 2. The address of the location at which breeding will occur

1 and, if different from the breeding address, the address of the location at
2 which the litter shall be whelped;

3 3. The name and address of the applicant(s); and

4 4. A statement by the applicant(s) stating that each
5 applicant(s) owns either of the dogs to be bred and that there are no other
6 owners.

7 5. A statement by the applicant(s) stating that at least one of the
8 litter is intended to be offered for sale.

9 6. Evidence that the dogs to be bred do not have the same sire or
10 dam.

11 7. Evidence that the dam to be bred is at least two years old and
12 not older than seven years old.

13 8. A copy of a valid certificate of health for the dam.

14 9. Evidence that both dogs to be bred have Electronic Animal
15 Identification Devices implanted.

16 10. Written authorization to breed and/or whelp from the owner(s)
17 of the properties at which the dogs will be bred and/or whelped, if such owners
18 are not the applicant(s).

19 11. A statement by the applicant(s) stating that the applicant(s)
20 have reviewed and will comply with all applicable rules and regulations regarding
21 breeding and keeping animals on private property.

22 12. Such other information as may be required by the
23 director, or designee, consistent with the purposes of this Chapter, this
24 Code, and applicable law.

25 C. The Chief of Police and/or director shall conduct a background
26 check of any applicant(s) for a breeding permit. The City shall not issue a
27 breeding permit to any applicant for whom the Chief of Police or director
28 determines the background to be unacceptable. Breeding permits shall

1 not be issued to applicant(s) who are under the age of eighteen, or who
2 have violated this Section 6.16.190, Section 6.16.080, Section 6.16.110,
3 Section 21.51.210 of this Code, or any of Sections 596 through 599 of the
4 California Penal Code, or to owners of dogs which have been declared
5 vicious under Section 6.16.250 or otherwise have previously bitten any
6 person, or to owners of any breed of dog which is disproportionately
7 responsible for dog bite complaints within the City, or to owners of any
8 breed of dog which is disproportionately euthanized within the City.
9 Breeding permits shall not be issued for the purposes of breeding any dog
10 breeds that are not recognized by the American Kennel Club (or any other
11 organization determined by the director to be a generally recognized
12 leading national breeding organization) and shall not be issued for the
13 purpose of mixing breeds.

14 D. Prior to processing the application the director shall receive the
15 required breeding permit application fee, and such application fee shall be
16 non-refundable. The breeding permit application fee shall be determined
17 by the City Council by resolution. After processing the application but
18 prior to issuing a breeding permit, the director shall receive the required
19 breeding permit fee, and such permit fee shall be non-refundable. The
20 breeding permit fee shall be determined by the City Council by resolution.
21 The following dogs are exempt from both the application fee and breeding
22 permit fee requirements but are subject to the other requirements of this
23 Section to the extent such requirements do not conflict with state or
24 federal law:

- 25 1. Dogs documented as having been appropriately trained and
26 actively used by law enforcement agencies for law enforcement or rescue
27 activities, the offspring of which are to be used for the same purposes.
- 28 2. Dogs documented as guide, signal or service dogs pursuant to

1 the California Penal Code or the California Business and Professions Code, the
2 offspring of which are to be used for the same purposes.

3 E. The breeding permit shall be valid for one year and shall not be
4 transferable or assignable from one person or entity to another or from
5 one household to another household, and only one breeding permit shall
6 be issued per year per household, regardless of how many dogs or
7 persons may reside in such household.

8 F. Once permitted by the City, the breeding permittee shall comply
9 with each of the following operating restrictions:

10 1. Only one litter per year per dog per household may be
11 whelped.

12 2. Proper shelter shall be provided for all dogs and litters.
13 "Proper shelter" shall be defined as an enclosure with four walls, a roof
14 and a raised floor which adequately protects from exposure to cold, heat
15 and water, and which gives access to an enclosed yard or other open
16 outdoor space.

17 3. Clean and reasonably temperate water shall be provided
18 to all dogs at all times.

19 4. Nutritious food sufficient to properly nourish the dam and
20 her litter shall be provided.

21 5. Dogs' living quarters and yards shall be properly
22 maintained at all times, including without limitation removal of feces and
23 urine to prevent odors from entering surrounding areas.

24 6. Dogs shall be kept in a manner which prevents barking
25 from disturbing occupants or users of surrounding areas.

26 7. Births shall be reported to the director within ten days of their
27 occurrence.

28 8. No offspring shall be sold or otherwise transferred, whether for

1 compensation or otherwise, until it has reached the age of eight weeks, has been
2 immunized against common diseases and has been issued a certificate of
3 health.

4 9. All offspring must have an Electronic Animal Identification
5 Device implanted before the age of eight weeks.

6 G. No person, as principal, agent, employee or otherwise, shall sell or
7 transfer, for compensation or otherwise, any dog or cat within the City, without
8 first applying to and receiving a transfer permit to do so from the Department of
9 Health and Human Services, Animal Control Division. Dog owners who have
10 received a breeding permit under this Section shall not be required to apply for a
11 transfer permit under this Section. One transfer permit shall be issued per litter,
12 unless the applicant for a transfer permit operates a pet store or is a validly
13 incorporated 501(c)(3) animal rescue organization, in which case the transfer
14 permit shall be issued annually.

15 H. The application for a transfer permit shall be filed by all of the owners
16 of the dogs or cats to be transferred, and shall contain such information as is
17 requested by the City, including without limitation the following:

18 1. The name and address of the breeder(s) of the dogs or
19 cats to be transferred or offered for transfer, or if unknown, evidence that
20 the applicant is a validly incorporated 501(c)(3) animal rescue
21 organization.

22 2. The address of the location at which the dog or cat litter
23 was whelped, or if unknown, evidence that the applicant is a validly
24 incorporated 501(c)(3) animal rescue organization.

25 3. Such other information as may be required by the
26 director, or designee, consistent with the purposes of this Chapter, this
27 Code, and applicable law.

28 I. Prior to processing the application the director shall receive the required

1 transfer permit application fee, and such application fee shall be non-refundable.
2 The transfer permit application fee shall be determined by the City Council by
3 resolution. After processing the application but prior to issuing a transfer permit,
4 the director shall receive the required transfer permit fee, and such permit fee
5 shall be non-refundable. The transfer permit fee shall be determined by the City
6 Council by resolution. The following dogs and/or applicant(s) are exempt from
7 both the application fee and transfer permit fee requirements but are subject to
8 the other requirements of this Section to the extent such requirements do not
9 conflict with state or federal law:

10 1. Dogs documented as having been appropriately trained and
11 actively used by law enforcement agencies for law enforcement or rescue
12 activities, the offspring of which are to be used for the same purposes.

13 2. Dogs documented as guide, signal or service dogs pursuant to
14 the California Penal Code or the California Business and Professions Code.

15 3. Validly incorporated 501(c)(3) animal rescue organizations.

16 J. The following provisions shall apply to the sale, adoption or other
17 transfer of dogs and cats, whether or not a transfer permit is required under this
18 Section:

19 1. Any person who offers or provides any dog or cat for sale or
20 transfer, whether for compensation or otherwise, shall disclose to the transferee
21 in writing information regarding the dog's or cat's immunization history and the
22 license and permit requirements of the City applicable to the transferred animal.

23 2. No person shall sell or otherwise transfer any dog without such
24 dog having an Electronic Animal Identification Device implanted, which such
25 device shall identify the breeding permit number under which the dog was bred
26 or the transfer permit number, as applicable, and a description of the transferred
27 dog including the breed, gender, color and age.

28 3. No person shall sell or otherwise transfer any dog or cat without

1 reporting the name, address and phone number of the transferee to the director
2 within ten business days of the transfer.

3 4. Any advertisement to the public regarding the availability of any
4 dog which was bred within the City for sale or transfer, whether for compensation
5 or otherwise, shall prominently display the breeding permit number.

6 5. Any advertisement to the public regarding the availability of any
7 dog or cat for sale or transfer, which was bred outside the City, whether for
8 compensation or otherwise, shall prominently display the transfer permit number.

9 6. No person shall give away any dog or cat as a prize or as an
10 inducement to enter into any contest, lottery, drawing, auction, game or
11 competition.

12 7. No person shall give away any dog or cat as an inducement to
13 enter a place of business, or to enter into a business arrangement.

14 8. No person shall sell, barter, exchange or offer for adoption,
15 whether for compensation or otherwise, any dog or cat to any minor under the
16 age of eighteen.

17 9. Proper shelter shall be provided for all dogs and cats to be
18 transferred.

19 10. Clean and reasonably temperate water shall be
20 provided to all dogs and cats at all times.

21 11. Nutritious food sufficient to properly nourish the dog or
22 cat shall be provided.

23 12. Dogs' and cats' living quarters and yards shall be
24 properly maintained at all times, including without limitation removal of
25 feces and urine to prevent odors from entering surrounding areas.

26 13. Dogs shall be kept in a manner which prevents barking
27 from disturbing occupants or users of surrounding areas.

28 14. A valid business license shall be required for all transfers made

1 for compensation.

2 K. Employees of the Animal Control Division shall have the right to
3 inspect, on more than one occasion, the property of any permittee used
4 for breeding, whelping or holding any animals during reasonable hours
5 and without advance notice.

6 L. Failure of any person to comply with all terms and conditions of the
7 breeding permit or the transfer permit and applicable law shall be grounds for the
8 revocation or suspension of said breeding permit or transfer permit and shall be
9 grounds for denial of future breeding and/or transfer permits.

10 M. Persons who violate any provision of this Chapter may be assessed
11 an administrative penalty under Section 9.65 of this Code, in addition to any
12 criminal penalties that may be assessed under Section 1.32 of this Code.

13 N. Possession of a valid breeding or transfer permit under this Chapter
14 does not entitle the permittee to engage in an activity which is otherwise
15 prohibited by law.

16
17 Sec. 4. Section 6.16.060 of the Long Beach Municipal Code is amended
18 to read as follows:

19 6.16.060 Animal Shop-Location restricted.

20 No person shall establish, conduct, or maintain any store or place of
21 business in which dogs, monkeys, cats, guinea pigs, mice or rats are sold or kept
22 for sale, or carry on the business of dealing in any of such animals within fifty
23 feet of any residence, dwelling house, hotel, theater, or within five hundred feet
24 of any schoolhouse or church, unless such person has been issued a permit to
25 breed at a residence under section 6.16.190 of this code.

26
27 Sec. 5. Section 21.51.210(A) of the Long Beach Municipal Code is
28 amended to read as follows:

1 A. Number. A total of not more than four (4) weaned household pets may
2 be kept at one site, unless any of the weaned pets are dogs bred pursuant to a
3 permit issued under section 6.16.190 of this code, in which case all such weaned
4 dogs may be kept at one site until such dogs have reached the age of four (4)
5 months. This limitation shall not apply to fish, rodents (other than rabbits), or
6 caged birds (provided the birds are not allowed to fly free and are maintained in
7 accordance with all applicable health regulations).

8
9 Sec. 6. Section 9.65.060(D) of the Long Beach Municipal Code is
10 amended to read as follows:

11 D. Fines shall be assessed in the following amounts for Code violations
12 committed by the same responsible person:

- 13 1. A fine not exceeding \$100.00 for each initial violation;
- 14 2. A fine not exceeding \$200.00 for each instance of a second violation of
15 the same Code section within one year from the date of the first violation;
- 16 3. A fine not exceeding \$500.00 for each additional violation of the same
17 Code section within one year from the date of the first violation;
- 18 4. A fine not exceeding \$1,000.00 for each violation of Municipal Code
19 section 21.41.170 relating to illegal garage conversions;
- 20 5. A fine not exceeding \$500.00 for each violation of Municipal Code
21 section 21.51.227 relating to illegal automotive work;
- 22 6. A fine not less than \$350.00 but not exceeding \$700.00 for an initial
23 violation of Municipal Code sections 6.16.080 or 6.16.190 relating to animal
24 breeding and transfer or a fine not less than \$700.00 but not exceeding
25 \$1,000.00 for each instance of subsequent violation of said Code sections.

26 \\
27 \\
28

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Sec. 7. The City Clerk shall certify to the passage of this Ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of March 7, 2006, by the following vote:

Ayes: Councilmembers: Colonna, O'Donnell, Kell,
Richardson, Reyes Uranga,
Gabelich, Lerch.

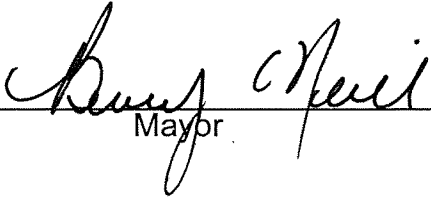
Noes: Councilmembers: None.

Absent: Councilmembers: Lowenthal.



City Clerk

Approved: 3-9-06



Mayor

RFA:kjm 02/13/06 #05-03679
L:\APPS\CtyLaw32\WPDOCS\D014\P005\00084420.WPD