

ATTACHMENT A

ORDINANCE NO. 2440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, AMENDING AND/OR TEMPORARILY SUSPENDING CERTAIN PROVISIONS OF CHAPTERS 7.04 AND 7.05 OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE FOR THE PURPOSES OF ADDRESSING AN IMMINENT LACK OF ANIMAL SHELTERING CAPACITY AND FACILITIES IN THE CITY, REVISING FEE PROVISIONS, AND UPDATING REFERENCES TO RESPONSIBLE PERSONNEL

WHEREAS, the City Council of the City of Victorville (“City”) has previously established by ordinance the provisions of Title 7 (Animals) of the Victorville Municipal Code (“VMC”), to protect the general health, safety and welfare of animals within the City, including provisions requiring the licensing of dogs and cats, spaying and neutering, rabies vaccinations, and providing sheltering services and facilities in the interest of protecting persons who own, care for or interact with animals in the City and to ensure humane animal care; and

WHEREAS, said Title 7 further provides the authority for the City to charge certain fees to fund the costs of administering its animal licensing system, and its animal pickup and sheltering services and facilities which the City has historically provided to its residents; and

WHEREAS, the Victor Valley Animal Protective League, which had provided low-cost animal spay/neuter and vaccination services to the community and served as the City’s primary animal sheltering and care facility for decades, unexpectedly gave the City notice at the end of March that it would be terminating its agreement with the City and all of its shelter operations effective April 30, 2023; and

WHEREAS, although City staff have vigorously been exploring alternative arrangements for animal sheltering and working to expand the limited animal sheltering capacity of the temporary facility owned by the City (the “**Emergency Shelter**”), said Emergency Shelter currently has only sixty-two dog kennels and nine catteries, which are quickly filling to capacity; and

WHEREAS, due to the type of temporary kennels the City has been compelled to use and a lack of drainage systems to efficiently support them, the Emergency Shelter will require significant regulatory maintenance efforts by City Animal Care and Control staff (“City Staff”). Although the City has enlisted the assistance of the Best Friends Humane Organization to provide additional best practices guidelines to care for the animals during the City’s temporary operation, limiting of the number of animals at the Emergency Shelter will reduce potential illness outbreaks; and

WHEREAS, to ensure that the Emergency Shelter is not stretched beyond its current capacity or overloaded to the point that sheltering conditions could endanger the health and welfare of the animals being sheltered, as well as those providing for their care, it is necessary for the City to amend certain provisions of Title 7 and temporarily waive others; and

WHEREAS, revising the VMC provision which **requires** City Staff to pick up animals when requested to do so by pet owners who find they no longer want or are unable to care for them is necessary to ensure that the Emergency Shelter maintains capacity for animals requiring quarantining due to bite or cruelty investigations; and

WHEREAS, likewise revising the VMC provision which **requires** City Staff to impound animals found running loose or at large in public places or on private property or premises other than those of the person owning or having custody of said animal will further ensure that the Emergency Shelter maintains capacity to respond to Police/Fire Department requests relating to arrests or need for animal containment upon emergency response; and

WHEREAS, 2023 statistics from Forbes Advisor indicate that 66% of U.S. households own at least one dog or cat. The City has currently issued approximately 4,500 dog licenses (cat licensure in the City is encouraged, but voluntary) leaving approximately 12,000 unlicensed animals in the City; and

WHEREAS, adopting a temporary waiver (through the end of calendar year 2023) on the charging of first-time fees for the licensing of animals is needed to increase licensure of dogs and cats (which includes microchipping and rabies vaccination verification). Such temporary fee waiver is expected to minimize economic hardship and incentive residents to procure initial licenses and microchipping to enhance the likelihood of identifying and linking lost and impounded animals to pet owners in the City; and

WHEREAS, adopting a temporary stay (through the end of calendar year 2023) on the charging of late fees/penalties to persons not obtaining initial licensing of dogs and on the charging of certain “return to owner” fees associated with specific types of stray cat and dog impoundments is also needed to encourage residents to promptly seek licensure without being subject to late fees and to reduce the economic hardship associated with reclaiming impounded animals; and

WHEREAS, City staff is recommending the VMC be amended in order to implement the above described amendments and temporary stays/waivers to avoid overcrowding and unhealthy conditions from developing at the Emergency Shelter, and to encourage City residents to seek proper animal licensure; and

WHEREAS, this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15378(b)(5), and 15301 of the CEQA Guidelines as set forth further as findings herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals.

The recitals set forth above are true and correct and are hereby incorporated and made a substantive part of this Ordinance by this reference, including any definitions set forth therein.

Section 2. Amendment of Subsection 7.04.050(9) of Chapter 7.04 of Title 7 of the VMC

SUBSECTION (9) OF SECTION 7.04.050 (DOG LICENSE) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

(9) Waiver of License Fee For First Year. For animals adopted through an animal shelter or veterinarian's office, or purchased or adopted at a commercial establishment, a license is required, however, the license fee is waived for the first year after adopting or purchasing the animal. The first-year fee waiver applies to pets that are spayed or neutered, microchipped, and have a current rabies shot at time of purchase or adoption. After the first year, the license fee shall be as stipulated in Section 7.04.060.

Section 3. Addition of New Section 7.04.055 to Chapter 7.04 of Title 7 the VMC

A NEW SECTION 7.05.055 IS HEREBY ADDED TO CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE (ANIMALS) TO READ AS FOLLOWS:

7.04.055 Temporary Waiver of First-Time Licensing Fees and Certain Other Fees and Penalties.

(a) To encourage pet owners in the City to microchip and procure licenses for their dogs and/or cats and to reduce the number of unvaccinated and lost animals requiring sheltering in City facilities, the City has temporarily adopted the following provisions:

(1) Fees associated with the first-time licensing of dogs or cats, including the cost of microchipping, and license issuance, but excluding the City's cost of rabies vaccination, are temporarily waived, provided animal owner agree to have their animals microchipped.

(2) If an owner applies for first-time licensing of a dog that is already over four months of age, late penalties shall be waived provided the license application is submitted before December 31, 2023, and the owner agrees to have the dog microchipped.

(3) The fee and late penalty waivers in Sections 7.04.055(a)(1) and (2) shall not apply to any dog or cat license renewals and shall automatically become inoperative as of December 31, 2023, unless the City Council takes action by ordinance or resolution to extend the fee and late penalty waivers beyond the end of 2023.

(b) To encourage the licensing of dogs and cats, provide economic relief to owners of licensed animals that stray and become impounded, and reduce the amount of time licensed animals spend in City sheltering facilities, the City has temporarily adopted the following provisions:

(1) Impound-related fees which owners are required to pay before reclaiming their dogs or cats pursuant to Section 7.04.160 of this Chapter, shall be waived through December 31, 2023, but only with respect to the first two impoundments of any licensed dog or cat.

(2) Subject to obtaining an animal license prior to release of the animal to the animal owner and excluding the City's cost for rabies vaccination, impound-related fees which owners are required to pay before reclaiming their dogs or cats pursuant to Section 7.04.160 of this Chapter, shall be waived through December 31, 2023, but only with respect to the first impoundment of any unlicensed, altered dog or cat.

(3) The fee waivers in Sections 7.04.055(b)(1) and (b)(2) shall not apply to the impoundment of any unlicensed, unaltered dogs or cats, nor to the State-mandated fines charged for impoundments of unaltered dogs and cats pursuant to California Food and Agriculture Code Sections 30804.7 and 31751.7. The fee waivers in Section 7.04.055(b)(1) shall automatically become inoperative as of December 31, 2023, unless the City Council takes action by ordinance or resolution to extend them beyond the end of 2023.

Section 4. Amendment of Section 7.04.060 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.060 (LICENSE FEES) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.060 Licenses and other fees.

All fees and charges referred to in this Chapter shall be adopted and revised from time to time by City Council resolution and set forth in the City's most recent master fee schedule.

Section 5. Amendment of Section 7.04.065 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.065 (DOG LIMITATIONS) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.065 Dog Limitations.

(1) No person may keep or permit to be kept any dog without first having obtained a license pursuant to this Chapter.

(2) No person shall keep, harbor or maintain upon his premises within the city more than three dogs or cats unless said person shall comply with the commercial kennel requirements of Section 7.04.100 or unless said person comes within one of the following conditions:

(A) Any person who keeps or permits to be kept at his premises a dog for a temporary period as defined in subdivision (B) of this subsection shall obtain a dog license as is required by Section 7.04.050;

(B) Any person who keeps or maintains for a temporary period any dog must obtain from the Victorville City Manager, or his/her designee (hereinafter collectively the "City Manager"), a written authorization, in such form as is created by the City to temporarily keep or maintain said dog. "Temporary" means a period not to exceed thirty days. The City Manager may grant additional extensions to permit the temporary keeping or maintaining of dogs at his or her sole discretion. The decision of the City Manager is final and is nonappealable. Under no circumstances may a dog be temporarily kept or maintained at a person's premises for a period in excess of ninety days, consecutive or nonconsecutive.

Section 6. Amendment of Section 7.04.100 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.100 (COMMERCIAL KENNELS) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.100 Commercial Kennels.

(a) For the purpose of this chapter, a "commercial kennel" is defined as a place where five or more dogs are kept for the purpose of boarding, breeding, training or marketing. Excluded from such definition shall be licensed and practicing veterinarians who are boarding or caring for dogs who are individually licensed by their owners.

(b) For the purpose of this chapter, "other animal establishments" are defined as rodeos, animal exhibits, stables, petting zoos, pet shops and grooming parlors.

(c) Every person, firm or corporation engaged in the business of operating a commercial kennel as defined in this section shall pay an annual inspection fee as set forth in Section 7.04.060. This fee will be in addition to the fee for obtaining a business license.

(d) All dogs owned by a commercial kennel shall be subject to the provisions of this chapter upon attaining the age of four months.

(e) The sale of each dog by a commercial kennel before it has attained the age of four months shall be reported by each commercial kennel operator on a form to be furnished by the animal control division, which form shall include information as to the name and

address of the person to whom the dog is sold, a description of the dog, age of the dog and other such pertinent data as the animal control division may require. The animal control division shall have the power, upon the giving of ten days' notice by United States mail to any licensee under this section, and an opportunity to be heard, to revoke any license granted to a commercial kennel operator for violation of this chapter. A commercial kennel operator may appeal such revocation of a license to the city council, in which case the revocation shall not become effective until such time as the city council has heard and considered the appeal and acted to confirm, modify or set aside the action of the animal control officer. Boarding dogs in kennels shall be vaccinated and licensed in the name of the owner. Failure to comply with these requirements is considered a violation of this chapter by the dog owner.

Section 7. Amendment of Section 7.04.130 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.130 (RELEASE OF ANIMAL TO CITY) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.130 Release of animal to City.

If adequate animal sheltering facilities are available in the City, the animal control officer shall pick up a dog or cat on request of the owner. The owner shall be required to sign a written release of the animal before the animal is taken. Any owner wishing to release an animal to the city shall confine the animal for the convenience of the animal control officer. The fees will be as set forth in Section 7.04.060 of this Chapter.

Section 8. Amendment of Section 7.04.140 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.140 (ABANDONMENT OF ANIMAL) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.140 Abandonment of animal.

It is a violation of this chapter for any owner or custodian of any animal to deposit or abandon said animal in any building, lot, enclosure, lane, square or street, school ground, playground or any other public place or private premises in the city. When any animal is found to be abandoned, the animal may be impounded under provisions of this section. The owner of the animal may be charged fees as set forth in Section 7.04.060 of this Chapter for care and housing.

Section 9. Amendment of Section 7.04.150 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.150 (DOGS LOOSE OR AT LARGE) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.150 Dogs or animals loose or at large.

It is a violation of this Chapter for any owner or custodian of any dog or other animal to permit such dog or other animal to roam at large or loose and not physically restrained on any public street, sidewalk, lane, alley, court or other public place or any private property or premises other than those of the person owning or having custody of said animal. Animals found running loose or at large and unrestrained as set forth in the preceding sentence, shall be subject to impoundment and such owner, custodian, or other person responsible for said animal shall be subject to the penalties set forth in Section 7.04.280. Any dog that on two separate occasions within a six-month period is observed by an animal control officer unrestrained off its property, may be impounded and the owner charged impound and other fees pursuant to Section 7.04.160 of this Chapter for care and housing until a disposition is made on the animal's behalf.

Section 10. Amendment of Section 7.04.160 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.160 (IMPOUNDMENT, REDEMPTION AND SALE) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.160 Impoundment, redemption and sale.

(a) Redemption of an impounded animal shall be made by exhibiting satisfactory proof of ownership and by paying the following required fees and charges, the amounts of which are as set forth in Section 7.04.060 of this Chapter:

- (1) Impound fee;
- (2) Medical care fee, if required;
- (3) License, microchipping, and rabies vaccination fees, unless proof can be shown that the animal has been vaccinated, microchipped, and when required, licensed;
- (4) Apprehension fee.

(b) Any dog impounded and not wearing a valid dog license will be held in accordance with state law. Any dog impounded and wearing a valid license or other permanent

identification as described in subsection (5) of Section 7.04.050 will be held for a period of one hundred twenty hours after the registered owner of the dog has been notified that such dog has been impounded and then disposed of if not claimed by the owner and the fees paid. If the identified dog is unclaimed, the owner may be billed for cost recovery by the city. The registered owner shall be considered to have been notified when phone contact is made or an employee from animal care and control has posted a notice on their property.

(c) In the event any dog over four months of age who has been impounded has not been vaccinated, licensed, or microchipped, the owner will pay, in addition to impound and apprehension fees, fees for vaccination, microchipping, and the required license fee before the dog can be reclaimed. The provisions of California Food and Agriculture Code Section 31108.3 shall apply to the microchipping of dogs being reclaimed, as well to dogs that may be sold or adopted out by the City shelter.

(d) Stray cats which are impounded will be held in accordance with State law. In the event any cat over four months of age who has been impounded has not been vaccinated, or microchipped, the owner will pay, in addition to impound and apprehension fees, fees for vaccination and microchipping before the cat can be reclaimed. The provisions of California Food and Agriculture Code Section 31752.1 shall apply to the microchipping of cats being reclaimed, as well as to cats that may be sold or adopted out by the City shelter.

(e) Animals delivered to the animal shelter or other City authorized impound may be sold, transferred to an animal rescue , or put up for adoption based upon all the following conditions having been met:

(1) A period of more than seventy-two hours has elapsed (not including the day of impoundment) and the animal has not been claimed;

(2) If the animal is a dog or a cat, compliance with Sections 30503 and 31751.3 of the California Food and Agriculture Code relating to spaying and neutering, or any successor provisions, have been complied with;

(3) Permission of the animal control officer has been given;

(4) The purchaser of the animal shall be required to pay all license, vaccination, microchipping, and other fees required by this Chapter.

Section 11. Amendment of Section 7.04.280 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.280 (VIOLATIONS) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.280 – Violations and Penalties.

(a) Any person violating any of the provisions of or failing to comply with any of the requirements of this Chapter shall be guilty of a misdemeanor or an infraction in accordance with

the provisions of Chapter 1.04 of this Code and subject to the penalties and other provisions set forth therein.

(b) Any person violating any of the provisions of or failing to comply with any of the requirements of this Chapter may also be issued an administrative citation in accordance with the provisions of Chapter 1.05 of this Code and subject to the penalties and other provisions set forth therein.

(c) Each and every day such violation or failure to comply continues shall be regarded as a new and separate offense.

(d) In addition to the arrest or citation of the owner or custodian, the animal committing the violation or which is found to be in violation of this Chapter may be impounded. Any animal so impounded may be redeemed as provided for in Section 7.04.160.

Section 12. Repeal of Section 7.04.290 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.290 (INFRACTION VIOLATIONS) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND SHALL NOW READ FOLLOWS:

7.04.290 Reserved.

Section 13. Amendment of Section 7.04.300 of Chapter 7.04 of Title 7 of the VMC

SECTION 7.04.300 (LIVE ANIMAL TRAP RENTALS) OF CHAPTER 7.04 (ANIMAL AND RABIES CONTROL) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.04.300 Live animal trap rentals.

Live animal traps are available for use by the public. These traps will be provided at no cost with a fifty-dollar (\$50.00) deposit. Deposits will be refunded if the trap is returned in workable condition.

Section 14. Amendment of Section 7.05.040 of Chapter 7.05 of Title 7 of the VMC

SECTION 7.05.050 (LICENSE APPLICATION) OF CHAPTER 7.05 (BREEDING REGULATIONS FOR DOGS AND CATS) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.05.040 License application.

Applications for a breeding license or a renewal of a breeding license required by

this section shall be filed with the City Manager upon printed forms to be prescribed and supplied by the City. Each application, or renewal, shall be signed under penalty of perjury by the applicant.

Section 15. Amendment of Section 7.05.050 of Chapter 7.05 of Title 7 of the VMC

SECTION 7.05.050 (INSPECTION OF PREMISES) OF CHAPTER 7.05 (BREEDING REGULATIONS FOR DOGS AND CATS) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.05.050 Inspection of premises.

After receipt of a completed application, the City Manager shall make an inspection of the premises for which the breeding license is requested. No breeding license shall be issued or renewed until the City Manager ensures that the establishment is in good order and in sanitary condition, and is conducive for dog and/or cat breeding. As a condition to the issuance of the breeding license, the applicant shall agree to allow such entry and inspection, and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the applicant is present on the premises, and with such frequency as the City Manager deems appropriate. Willful refusal on the part of the applicant shall be grounds for summary denial of an application or renewal of a breeding license.

Section 16. Amendment of Section 7.05.060 of Chapter 7.05 of Title 7 of the VMC

SECTION 7.05.060 (LICENSE TERMS AND CONDITIONS) OF CHAPTER 7.05 (BREEDING REGULATIONS FOR DOGS AND CATS) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.05.060 License terms and conditions.

All breeding licenses shall contain the following terms and conditions:

- (1) The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter per female in any twelve-month period.

(A) Notwithstanding this provision, the City Manager is hereby authorized, upon application, to allow on a one-time basis the whelping of up to two dog or cat litters per breeding animal within any establishment or domestic household within a twelve-month period, if the applicant establishes that such breeding is required to protect the health of the animal or avert a substantial economic loss to the applicant. In the event that an applicant is forced to euthanize a litter of dogs or cats, the City Manager may authorize the whelping of one additional litter of dogs or cats within the same license year by the licensee.

- (2) No offspring may be sold until it has reached the age of at least eight weeks.
- (3) No offspring may be sold until immunized against common diseases. The sale of a dog or cat shall include a statement acknowledging the animal's health, and the animal's immunization history. This statement shall be signed by the breeder or attested to by the purchaser.
- (4) Any licensee who advertises to the public the availability of any dog or cat for sale must prominently display the breeding license number in any such advertisement. Further, the licensee must provide the license number to any person who purchases any animal from the licensee and include the license number on any receipt of sale or transfer document.
- (5) Commercial establishments selling locally bred dogs or cats shall prominently display their breeding license number. Commercial establishments selling dogs or cats which were not bred within the city of Victorville, shall prominently display the name and address of the breeder of such dogs and cats.
- (6) Any licensee selling a dog or a cat shall submit to the city of Victorville, department of public works, the name, address, and telephone number of the animal's new owner within five days from the date of sale or other transfer.
- (7) When an animal is temporarily in the city of Victorville for breeding purposes, the owner of such animal is required to have and present, when requested, a certificate of health signed by a licensed veterinarian within the prior thirty-day period.

Section 17. Amendment of Section 7.05.110 of Chapter 7.05 of Title 7 of the VMC

SECTION 7.05.110 (DENIAL OF BREEDING LICENSE) OF CHAPTER 7.05 (BREEDING REGULATIONS FOR DOGS AND CATS) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.05.110 Denial of breeding license.

- (a) The City Manager may deny the application or renewal of a breeding license for any of the following reasons:
 - (1) Applicant does not allow the reasonable inspection of the premises by the City Manager;
 - (2) Inspection of the premises reveals conditions not suitable for dog or cat breeding;
 - (3) Applicant made a false, misleading or fraudulent statement of a material fact in an application for a breeding license, or in any report or record required to

be filed with the city of Victorville;

(4) Applicant committed an act which violates any rule or regulation adopted by any governmental agency relating to the licensee's business, if any, including, but not limited to, failure to pay local taxes, fees or assessment imposed by the city, or any district created by the city;

(5) Applicant violated any condition or restriction of the breeding license;

(6) Applicant conducted the breeding of dogs and cats in a manner contrary to the health, safety and the general welfare of the public;

(7) Applicant has been convicted of or pled no contest to any crime involving animal cruelty or neglect.

(b) The decision of the City Manager shall be in writing. If the decision is to deny the application or renewal of a breeding license, he shall inform the applicant in writing by issuing a notice of denial. The notice of denial shall state the reasons for the denial, as well as a provision informing the applicant of his or her right to appeal the decision to the city council within ten days of the service of the notice of denial. The notice of denial shall be sent first class mail return receipt requested.

Section 18. Amendment of Section 7.05.120 of Chapter 7.05 of Title 7 of the VMC

SECTION 7.05.120 (APPEAL FROM DENIAL OF BREEDING LICENSE OR DENIAL OF RENEWAL OF BREEDING LICENSE) OF CHAPTER 7.05 (BREEDING REGULATIONS FOR DOGS AND CATS) OF TITLE 7 (ANIMALS) OF THE VICTORVILLE MUNICIPAL CODE IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

7.05.120 Appeal from denial of breeding license or denial of renewal of breeding license.

(a) The decision of the City Manager may be appealed to the city council by filing a request for appeal with the city clerk no later than ten days after the date of the service of the notice of denial. Upon a timely request for appeal, the city clerk shall set the appeal hearing for a regularly scheduled or special city council meeting not later than thirty days after receipt of the request for appeal. Notice of such appeal hearing shall be given to the appellant not fewer than five days prior to the hearing. The notice of the appeal hearing shall provide the date and time of hearing, the right of the appellant to be accompanied by counsel at the hearing, the right of the appellant to call and examine witnesses and to cross-examine opposing witnesses.

(b) After the expiration of the appeal period to the city council, the decision of the City Manager shall be final and conclusive unless an appeal was timely filed in accordance with the provisions set forth above.

(c) In considering the appeal, the city council shall conduct the hearing and may uphold, reverse, or amend any decision of the City Manager. The decision of the city council shall be delivered to applicant within ten days of the hearing on appeal either personally or by certified mail, and/or by regular U.S. mail, to the address last shown on the application for a license, unless the applicant has provided the city council with written notice of a change in address, in which case the notice shall be sent to such address. The decision shall be supported by written findings and shall include notification of Section 1094.6 of the California Code of Civil Procedure.

Section 19. Repeal of Conflicting Provisions.

All the provisions of the Victorville Municipal Code heretofore adopted by the City Council of the City of Victorville that are in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section 20. Severability.

The City Council declares 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 21. CEQA Exemption.

The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15060(c)(2), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) because the passage of said Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. The City Council further finds that passage of said Ordinance is also exempt as governmental administrative activity under Section 15378(b)(5), as it makes certain amendments to and establishes temporary fee waivers with respect to existing animal control provisions of the VMC. The City Council finds that the City's expansion of its Emergency Shelter facilities, while not a direct or indirect result of the passage of this Ordinance, is categorically exempt from CEQA under Section 15301 which permits minor alterations of existing public structures and facilities where the expansion of the current use is negligible.

Section 22. Effective Date.

This Ordinance shall take effect thirty (30) days after its final passage.

Section 23. Certification.

The City Clerk of the City of Victorville is hereby directed to certify to the passage and adoption of this Ordinance and to cause it to be published as required by law.