

SUBJECT: **ORDINANCE NO. 18-1046 (2ND READING) "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTIONS 5.18.010 (DEFINITIONS) AND 5.18.030 (OPERATING REQUIREMENTS) OF CHAPTER 5.18 (ANIMAL GROOMING) OF THE WEST HOLLYWOOD MUNICIPAL CODE. "**

INITIATED BY: **ADMINISTRATIVE SERVICES DEPARTMENT**
Yvonne Quarker, City Clerk's Division, City Clerk *YQ*
Melissa Crowder, City Clerk's Division, Assistant City Clerk *MC*

STATEMENT ON THE SUBJECT:

The City Council will waive further reading and adopt Ordinance No. 18-1046, an Ordinance of the City of West Hollywood amending Sections 5.18.010 (Definitions) and 5.18.030 (Operating Requirements) of Chapter 5.18 (Animal Grooming) of the West Hollywood Municipal Code.

RECOMMENDATION:

Waive further reading and adopt Ordinance 18-1046, "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTIONS 5.18.010 (DEFINITIONS) AND 5.18.030 (OPERATING REQUIREMENTS) OF CHAPTER 5.18 (ANIMAL GROOMING) OF THE WEST HOLLYWOOD MUNICIPAL CODE."

BACKGROUND / ANALYSIS:

On October 15, 2018, the City Council introduced on first reading Ordinance No. 18-1046.

Ayes: Councilmember Heilman, Councilmember Horvath, Councilmember Meister, Mayor Pro Tempore D'Amico, and Mayor Duran.

Noes: None.

Abstain: None.

Absent: None.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- OSP-2: Institutional Integrity.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- G-2: Maintain transparency and integrity in West Hollywood's decision-making process.

EVALUATION PROCESSES:

N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

N/A

COMMUNITY ENGAGEMENT:

N/A

OFFICE OF PRIMARY RESPONSIBILITY:

ADMINISTRATIVE SERVICES DEPARTMENT / CITY CLERK DIVISION

FISCAL IMPACT:

None.

ATTACHMENT:

Attachment A: Ordinance 18-1046

ORDINANCE NO. 18-1046

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING SECTIONS 5.18.010 (DEFINITIONS) AND 5.18.030 (OPERATING REQUIREMENTS) OF CHAPTER 5.18 (ANIMAL GROOMING) OF THE WEST HOLLYWOOD MUNICIPAL CODE.

The City Council of the City of West Hollywood does hereby ordain as follows:

SECTION 1: Chapter 5.18.010 "Definitions" is hereby amended to read as follows:

5.18.010 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

1. "Animal grooming" shall mean any permanent or mobile commercial establishment where an animal may be cleaned, styled or have appearance maintained, with the exception of preparation for medical purposes or procedures.
2. "Animal groomer(s)" shall mean persons engaged in the cleaning, styling, and appearance maintenance of animals, or the handling of animals in preparation for these services.
3. "Grooming loop" shall mean any tethering device where a loop is placed around the head or neck of an animal but the amount that it tightens is limited or restricted when pressure is applied.
4. "Grooming noose" shall mean any tethering device where a loop is placed around the head or neck of an animal but the amount that it tightens is not limited or restricted when pressure is applied.
5. "Nationally recognized organization" shall include, but is not limited to, International Professional Groomers, International Society of Canine Cosmetologists or National Dog Groomers Association of America. Such organization shall adhere to standards of care, safety and sanitation that are similar or equivalent to those set forth by the Professional Pet Groomers and Stylists Alliance.
6. "Tethering device" shall mean any device used to restrain or tether an animal to a grooming table or other surface.

SECTION 2: Chapter 5.18.030 "Operating Requirements" is hereby amended to read as follows

5.18.030 – Operating Requirements

1. Staff Requirements.

- a) Any animal grooming facility shall have a responsible person on the premises

to act as manager and supervise employees during all business hours.

- b) Groomers that are employed by the licensee on or after the effective date of this ordinance shall not work unsupervised on any animal unless the groomer has:
 - i. Obtained certification for their level of responsibility from a nationally recognized organization; or
 - ii. Graduated from an animal grooming school and have a minimum of one year of practical, professional animal grooming experience; or
 - iii. Completed an animal grooming apprenticeship program commensurate with their level of responsibility.

2. Inspection Authority.

- a) Any city official, city employee, or employee of Los Angeles County Animal Care and Control, authorized to enforce the provisions of this chapter of the West Hollywood Municipal Code may conduct an inspection of the premises licensed under this chapter at any reasonable time to ensure compliance with the provisions of this chapter.

3. General Facility Requirements.

- a) Facilities for animals must be constructed, equipped, and maintained so as to continuously provide a healthful and sanitary environment for the animals kept or to be kept therein. Equipment shall be maintained in accordance with all applicable laws and industry standards.
- b) Animal holding or drying areas shall be large enough to allow the animal to stand, lie down and turn around.
- c) Cages and grooming areas such as tables, benches, and tubs shall be structurally sound and maintained in good repair.
- d) Animal enclosures, cages or other restraint devices shall be constructed to prevent injury to the animals. Enclosures may have wire flooring provided that the wire is of adequate gauge to prevent sagging under the weight of the animals, and the mesh is small enough to prevent their feet from passing through.
- e) Grooming personnel must be within five feet of the animal during all bathing or grooming procedures, and within three feet if the animal is tethered.
- f) A consultation with the customer shall take place prior to the grooming to discuss health and temperament concerns and to establish the animal's previous grooming history.
- g) All tethering devices shall be equipped with a quick-release feature.
- h) Grooming nooses, chokers, slip collars, pinch collars, and prong collars shall not be used as tethering devices.
- i) Any tethering device, harness, or restraint used shall be of appropriate style, size, and strength for the animal to which it is attached.

- j) Animals with a collapsed trachea or other breathing problems shall neither be tethered nor restrained in such a manner as to inhibit its ability to breathe and all reasonable efforts shall be made to reduce or prevent pressure to the neck of such animal.
- k) Grooming loops and tethering devices shall be fastened to the animal in a manner that minimizes discomfort to the animal. Animals with known medical or temperament issues shall be tethered in a manner that does not create unnecessary discomfort for the animal.
- l) Grooming arms, by which the animal is restrained, shall be animal friendly and secure.
- m) Video recording devices shall be installed and maintained in good working order in all bathing and styling areas of grooming facilities. All recordings shall be maintained for a period of no less than seven days. Any recording of animal mistreatment, injury or death shall be preserved for a period of no less than three years.
- n) Grooming tabletops shall be equipped with a non-slip surface that is easy to clean.
- o) Bath tubs and the floor immediately outside of the tub shall be covered in a non-slip surface.

4. *General Operating Requirements.*

- a) The business shall take every reasonable precaution to ensure that animals are not abused, mistreated, neglected or endangered in any manner made to suffer by any persons or means. Any tack, equipment, device, substance or material that is or could be injurious or cause unnecessary cruelty to any animal is prohibited.
- b) All pet animal grooming facilities shall have a working relationship and written acknowledgement from a veterinarian to provide timely veterinary care as appropriate for illness or injury. The name, address and phone number, and hours of operation, of the veterinarian will be available to the inspector upon request, and shall be posted.
- c) Anti-bark collars and sedatives shall not be used on any animal without written permission of the guardian of the animal.
- d) Animals which are natural enemies, temperamentally unsuited, or otherwise incompatible shall not be quartered together or so near each other as to cause injury or torment.
- e) Animals shall not be boarded at the facility, and shall only be kept at the facility for a reasonable time in order to perform the business of grooming.
- f) Each animal shall be kept in an individual cage unless grouping of animals is requested by pet guardian(s).

5. *Cleanliness Requirements.*

- a) The interior facility surfaces, walls, cages, counters, and tables shall be constructed and maintained so that they are water resistant and can be cleaned and sanitized.
- b) All cages, benches, tables, tubs, etc. shall be sanitized after one animal ceases to occupy the space, before another occupies the same space.
- c) Equipment such as brushes, combs and clipper blades shall be sanitized between uses on different animals.
- d) The hair or fur on the floor around each grooming station shall be removed after each animal. Common areas of the facility shall be kept in good repair and cleaned each business day.
- e) Hair, waste and refuse shall be removed from the facility and disposed of daily so as to minimize odors, disease hazards and vermin infestation.

6. *Water.*

- a) Potable water shall be provided for drinking purposes.
- b) Water shall be offered to animals at the facility at least once every hour.
- c) Water dishes shall be cleaned and sanitized between uses by other animals.

7. *Dryers.*

- a) Cage dryers with a fully enclosed drying chamber in which the animal is placed, and without safety air vents, are prohibited.
- b) Dryers must be located and oriented to be in clear and full view at all times.
- c) Dryers must be monitored by an animal groomer at all times while in operation.
- d) All dryers must be equipped with a timer that will automatically shut off the dryer after fifteen minutes, unless it is a hand-held dryer or a dryer directly attended by a person.
- e) Dryers must be maintained and kept in top operating condition. They shall be replaced if the dryer shows signs of malfunction, which is not or cannot be repaired.

8. *Records.*

- a) Current and up to date animal files must be kept at the facility, at all times, which shall include injuries, severe illness, seizure and/or death which occur at the grooming facility. The incident file shall cover the most recent three-year period. The records shall be available to the public, upon request during regular business hours.

9. *Reporting.* The manager or person in charge must report all grooming-related injuries requiring medical attention and the deaths of any animal at the facility within twenty-four hours of the occurrence of such incident. Notification is to be made to the City of West Hollywood Code Compliance Manager by telephone. Such notification must include the name, address and phone number of the

guardian of the injured or deceased animal.

10. *Mobile Animal Groomers*. Mobile animal grooming businesses shall be required to have an animal grooming license and comply with all provisions of this chapter. In addition to these standards, mobile animal grooming businesses shall be required to maintain and provide proof of valid vehicle registration.

SECTION 3: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of West Hollywood hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 4. Effective Date. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 5. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of West Hollywood's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 5th day of November, 2018 by the following vote:

AYES:	Councilmember:	Heilman, Horvath, Meister, Mayor Pro Tempore D'Amico, and Mayor Duran.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

JOHN J. DURAN, MAYOR

ATTEST:

YVONNE QUARKER, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 18-1046 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 5th day of November, 2018, after having its first reading at the regular meeting of said City Council on the 15th day of October, 2018.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 6th DAY OF NOVEMBER, 2018.

YVONNE QUARKER, CITY CLERK