

ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE REPEALING TITLE 6 "ANIMALS" OF THE RANCHO MIRAGE MUNICIPAL CODE IN ITS ENTIRETY AND ADOPTING TITLE 6 "ANIMAL SERVICES."

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WHEREAS, Title 6 of the Municipal Code, "Animals," was originally adopted in 1988; and

WHEREAS, the current regulations set forth in Title 6 were initially provided by the County and is outdated in many ways due to changes in State law and changed social attitudes regarding animal care; and

WHEREAS, the purpose of this ordinance is to establish standards for the care, ownership, licensing, treatment and impoundment of animals maintained in the City to ensure that such animals will not endanger the health, peace and safety of the citizens of the City and that animals are kept in a clean, sanitary condition and not subjected to suffering, cruelty or abuse in a manner that is wholly consistent with current State law.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE DOES ORDAIN AS FOLLOWS:

Section 1. REPEAL OF TITLE 6 "ANIMALS"

Title 6 "Animals" of the Rancho Mirage Municipal Code is hereby repealed in its entirety.

Section 2. ADOPTION OF TITLE 6 "ANIMALS SERVICES"

The Rancho Mirage Municipal Code is hereby amended to add Title 6 "Animal Services" as follows:

TITLE 6

ANIMAL SERVICES

CHAPTER 6.05

GENERAL PROVISIONS

- 6.05.010 Purpose
- 6.05.020 Definitions
- 6.05.030 Disposal of Dead Animals
- 6.05.040 Retention of Animal Without Consent
- 6.05.050 Appeal of Administrative Decisions
- 6.05.060 Applicability of State Laws

**6.05.010 Purpose**

The purpose of this Title is to establish standards for the care, ownership, licensing, treatment and impoundment of animals maintained in the City to ensure that such animals will not endanger the health, peace and safety of the citizens of the City and that animals are kept in a clean, sanitary condition and not subjected to suffering, cruelty or abuse.

**6.05.020 Definitions**

"Altered" means a dog or cat that has been spayed or neutered.

"Animal" means any vertebrate creature, domestic or wild, and includes all of the following: birds, fish, mammals (including dogs and cats), amphibians and reptiles.

"Animal Services" means, collectively, the personnel, employed or contracted by the City, charged with implementing and enforcing the provisions of this Title.

"Animal Services Officer" means any person appointed by the Code Compliance Manager to assist in implementing and enforcing the provisions of this Title. "Animal Services Officer" includes, without limitation, the Code Compliance Manager, a Code Compliance Officer, Peace Officer, and any other person authorized by the City Manager or employed by the City to implement and enforce the provisions of this Title.

"At large" means any animal which is off the premises of its owner, custodian or caretaker and which is not under physical restraint by leash of a size and material appropriate to the size and temperament of the animal and which is held by a person capable of restraining the animal, or is not otherwise physically restrained by some other device or instrument, except that such device or instrument shall not include voice control, eye control or signal control of the animal by any person, device or instrument.

"City Animal Shelter" means the place designated by the City as a place for the keeping and safe holding of animals impounded pursuant to this Title.

"Code Compliance Manager" means the designated Code Compliance Manager of the City of Rancho Mirage, who shall act as the supervising animal services officer of the City or such person with whom the City has contracted to oversee the City Animal Shelter, including field animal services operations, and kennel and office operations. Any act required to be performed by the Code Compliance Manager pursuant to this Title may also be performed by his or her designee.

"Commercial animal establishment" includes, without limitation, a breeding or boarding kennel or cattery, pet shop, pet grooming parlor, commercial stable, riding academy, pony ride, guard-dog and/or sentry-dog service, animal menagerie, animal shelter, or miscellaneous animal or reptile establishment. For the purpose of this Title, guard-dog and/or sentry-dog services located outside the City, but providing service within the City on a regular basis, shall be included within the definition of commercial animal establishment.

"Dog kennel" means any building or premises upon or within which five or more dogs, four months of age or older, are kept or maintained.

"Enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

"Impound" or "impounded" means the status of an animal which has been received into the custody of an animal services officer or peace officer duly authorized by the law to receive custody of such animal, whether held in personal custody, in an animal shelter, or in a vehicle controlled by such officer.

"Operator" means the legal owner or person in actual control of any activities involving animals.

"Owner" means any person who is the legal owner, rescuer, harbinger, possessor or the custodian of an animal. Ownership is also established by a person registering as the owner on a license or other legal document or by a person claiming ownership and taking possession of an animal.

"Permanently non-fertile dog" means a dog that (1) has not been spayed or neutered, and (2) has been certified by a licensed veterinarian as a dog that cannot reproduce during its remaining life because of age or a permanent health condition.

"Person" means any individual, firm, partnership, joint venture, corporation, association, club, organization or other legal entity.

"Potentially dangerous dog" means any of the following: (1) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog; (2) Any dog which, when unprovoked, bites a person causing less than a severe injury. A "severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery; or (3) Any dog that, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

"Secure enclosure" means a fence or structure suitable to prevent the entry of young children or any part, limb or appendage of any child, and which is suitable to confine a potentially dangerous animal or a vicious animal in conjunction with other measures which may be taken by the owner or rescuer of the animal, or at the direction of the Code Compliance Manager. A secure enclosure shall be designed to prevent the animal from escaping and from preventing an adult or child from coming in contact with the animal.

"Service Animal" or "Service dog" means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or retrieving dropped items.

"Substantial physical injury" means a substantial impairment of the physical condition of a person or animal that requires professional medical treatment, including, but not

limited to: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, tissue tears or punctures, disfiguring lacerations, wound requiring multiple sutures, or any injury requiring corrective or cosmetic surgery.

"Unaltered dog" means any dog other than a permanently non-fertile dog that has not been spayed or neutered.

"Vicious dog" means any of the following: (1) Any dog seized as a "fighting animal" under Penal Code Section 599aa and upon the sustaining of a conviction of the owner or keeper under Penal Code section 597.5(a); (2) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being. "Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery; or (3) Any dog previously determined to be and currently listed as a potentially dangerous dog that, after its owner or keeper has been notified of this determination, continues the behavior of a "potentially dangerous dog" or is not restrained in the manner required by law.

#### **6.05.030 Disposal of Dead Animals**

A. An owner of a deceased animal may notify Animal Services and request pick up and disposal of said carcass. It shall be the duty of Animal Services to take custody of all dead animals from the owner when requested. A pick up and disposal fee in an amount established by resolution of the City Council may be charged for such service.

B. Animal Services shall be responsible for the disposal of all dead animals whose ownership cannot be established.

C. Whenever Animal Services picks up a deceased animal whose ownership is or may be readily established, the owner shall be notified if feasible and a notice shall be posted at the City Animal Shelter giving such information in an easily visible location. This section shall not apply when Animal Services picks up a deceased animal at the request of the owner.

#### **6.05.040 Retention of Animal Without Consent**

No person shall take possession of any animal found running at large without immediately surrendering the animal to Animal

Services, and providing a full description of the animal and the address of the place where the animal was found.

#### **6.05.050 Appeal of Administrative Decisions**

A. Unless otherwise provided herein, any person aggrieved by any administrative decision made under this Title may, upon the payment of a fee of \$150.00, appeal the determination to an administrative hearing officer appointed pursuant to the procedures set forth in Chapter 14.90 of this Code. Such fee shall be waived if the City determines that the aggrieved person is indigent. The standard for determining indigency under this section shall be the same as that utilized by the Superior Court of Riverside County for a determination that a person qualifies for a waiver of court fees and costs.

B. At the administrative hearing, all parties shall have the right to: (1) call and examine witnesses; (2) introduce documentary and physical evidence; (3) cross-examine opposing witnesses; (4) rebut evidence; and (5) to be represented by anyone who is lawfully permitted to do so.

C. Following the conclusion of the hearing, the administrative hearing officer or designee shall issue a written ruling with factual findings within ten (10) calendar days, which ruling shall be served on all interested parties. The decision of the administrative hearing officer shall be final.

#### **6.05.060 Applicability of State Laws**

Notwithstanding the provisions of this Title, the provisions of all applicable state laws and regulations relating to animal health, control and care, and rabies control shall apply when such provisions are more stringent than the provisions of this Title.

### **CHAPTER 6.10**

#### **ADMINISTRATION AND ENFORCEMENT**

- 6.10.010 Authority and Immunities**
- 6.10.020 Duties of Code Compliance Manager and Animal Services Officials**
- 6.10.030 Inspections**
- 6.10.040 Recordkeeping**
- 6.10.050 Unlawful Obstruction**

#### 6.10.010 Authority and Immunities

A. The Code Compliance Manager and animal services officers shall enforce state and local laws relating to the licensing of dogs and the care, ownership, treatment and impoundment of animals and shall have immunity from liability for acts performed in the course of such duties.

B. The Code Compliance Manager and animal services officers shall have authority to issue citations for violations of animal services laws. Violators of animal services laws shall be given the opportunity to be released on citation, rather than be taken into custody; however, any person who (i) fails to present his/her driver's license or other satisfactory evidence of his/her identity or (ii) refuses to sign a citation shall be taken into custody by peace officers and not by the Code Compliance Manager or animal services officers who are not peace officers.

C. In the performance of their duties, the Code Compliance Manager and animal services officers who are not peace officers shall have the power, authority and immunity of a public officer and employee as set forth in Penal Code Section 836.5 to make arrests without warrant whenever they have reasonable cause to believe that the person to be arrested has committed a public offense in their presence which is a violation of this Title, or of any ordinance of the City or penal law of this state relating to the care, ownership, licensing, treatment and impounding of animals.

D. The term "arrest" as used in this section shall mean the power to detain violators for a time sufficient to complete the processing of a citation and release pursuant to Sections 853.5 and 853.6 of the Penal Code, but shall not be construed as authority to take any such violators into custody.

E. The Code Compliance Manager, subject to the approval of the City Manager, may promulgate any necessary rules and regulations for the administration of the provisions of this Title.

F. Nothing in this chapter shall be construed as limiting the authority of the Code Compliance Manager or any animal services officer that may be granted or imposed by any other applicable law or regulation.

**6.10.020 Duties of Code Compliance Manager and Animal Services Officials**

The Code Compliance Manager and animal services officers shall be empowered and shall have the duty to follow the provisions of this Title and all state laws pertaining to the care, licensing, treatment and impoundment of animals maintained in the City.

**6.10.030 Inspections**

A. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Title, or whenever the Code Compliance Manager or an animal services officer has probable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Title or other applicable law, said official is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon an animal services officer by this Title or other applicable law, provided that:

1. If such property is occupied, the animal services officer shall first present proper credentials to the occupants and request entry, explaining the reasons therefor. If such entry is refused, the animal services officer shall have recourse pursuant to any remedy provided by law to secure lawful entry and inspect the property, including an inspection warrant; and
2. If such property is unoccupied, the animal services officer shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining the reasons therefor. If such entry cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal services officer shall have recourse pursuant to any remedy provided by law to secure lawful entry and inspect the property, including an inspection warrant.

B. Notwithstanding the foregoing, if the animal services



officer has probable cause to believe that the keeping or maintaining of any animal is so dangerous as to require immediate inspection to safeguard the life or safety of the animal, other animals, or the public, he/she shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, the animal services officer shall first present proper credentials to the occupant and demand entry, explaining the reasons therefor and purpose of the inspection.

#### **6.10.040 Recordkeeping**

All Animal Services records are the records of the office of the Code Compliance Manager and shall be maintained by the Code Compliance Manager and shall not be removed therefrom except upon written order from the City Manager or other duly constituted authority.

#### **6.10.050 Unlawful Obstruction**

It is unlawful and shall be a misdemeanor for any person to willfully resist, hinder, molest, delay or obstruct any person authorized to enforce this Title, while such person is engaged in the performance of his or her duties.

### **CHAPTER 6.20**

#### **LICENSING OF DOGS**

- 6.20.010 Administration
- 6.20.020 License Term, Conditions and Exceptions
- 6.20.030 Rabies Vaccination; Deferment
- 6.20.040 Application
- 6.20.050 Fees, Discounts, Waivers and Surcharges
- 6.20.060 Renewal; Late Fee; Penalty
- 6.20.070 Nontransferability and Refunds
- 6.20.080 Issuance of Duplicate Tags and Licenses
- 6.20.090 Unlawful Use of Tag
- 6.20.100 Service Dog Identification Tag
- 6.20.110 Disposition of Fees and Fines
  
- 6.20.010 Administration

A. The Code Compliance Manager shall be the issuing authority for dog licenses. Upon payment of the license fee provided in this chapter, and upon presentation of a valid vaccination certificate, as provided in this chapter, Animal Services shall issue a license certificate stating the year for which such license fee is paid, the date of payment, the name and resident address to whom such license is issued, the name, breed and sex of the dog licensed, and the serial number of the license tag issued. Such certificate shall be delivered to the person paying such license fee, and one copy shall be retained by Animal Services.

B. Animal Services shall at the same time issue and deliver to the person paying the license fee, a tag of such form and design as the Code Compliance Manager shall designate with the words, "City of Rancho Mirage Dog License" and a serial number and the licensing period for which the tag was issued plainly inscribed thereon. The license tag shall be securely affixed to a collar, harness, or other device that shall be at all times worn by such dog.

#### **6.20.020 License Term, Conditions and Exceptions**

A. Except as provided in this chapter, every owner of any dog over the age of four months in the City shall obtain a license for each such dog so owned, cared for, or controlled by such person.

B. All owners of dogs subject to the licensing requirements of this chapter shall obtain one of the following three types of dog licenses:

1. Altered dog license. An altered dog license shall be obtained for an altered dog as defined by this Title;
2. Permanently non-fertile dog license. A permanently non-fertile dog license shall be obtained for a permanently non-fertile dog as defined by this Title; and
3. Unaltered dog license. An unaltered dog license shall be obtained for an unaltered dog as defined by this Title.

C. An altered dog license and a permanently non-fertile dog license may be purchased for either a one-year, two-year or three-year period. An unaltered dog license may only be purchased for a one-year period.

D. A license shall be obtained and the fee therefor paid within 30 days after the day in which the dog is four months old, or within 30 days after acquisition of the dog, or within 30 days of moving into the City.

E. Written proof of neutering or spaying or proof that the dog permanently cannot reproduce must be provided at the time of the initial licensing for either an altered dog license or a permanently non-fertile dog license, but need not be produced for renewal of such licenses.

F. The license provisions of this section shall not apply to the following:

1. Dogs that are kept, harbored, or maintained by owners who are nonresidents and are staying within the City for 60 days or less, if kept, harbored, or maintained only during such temporary sojourn of their owners;
2. Dogs brought to the City exclusively for the purpose of participating in any dog show or exhibition, and which are actually entered in and kept at such show or exhibition;
3. Dogs under the treatment in the custody or control of animal hospitals;
4. Dogs on sale in duly licensed pet shops; and
5. Dogs owned, kept or controlled by any person having a permit to keep and maintain a dog kennel, provided that such dogs, when removed from such kennel, shall bear an identification tag attached to a collar, harness or other device, which tag shall be of a size and type designated by the Code Compliance Manager, and shall set forth the name and address of such kennel. Said tag shall be furnished at the sole expense of the kennel owner.

G. Notwithstanding the provisions of this chapter, any person moving into the City who is an owner of a dog possessing a valid, current dog license issued by another governmental agency within the County of Riverside shall not be required to apply for a City dog license for a period of six months from the date the owner moved into the City or the date of expiration of the license issued by the other governmental agency, whichever is earlier.

H. Upon request of an animal services officer, an owner of a dog for which a license is required shall present to such officer a current, valid certificate of vaccination or license tag for such dog.

#### **6.20.030 Rabies Vaccination; Deferment**

A. No dog shall be licensed without presentation of a certificate issued by a licensed veterinarian certifying that the dog to be licensed has been administered an anti-rabies vaccination within thirty days prior to the issuance of the license, or has received anti-rabies vaccination sufficient to immunize the dog against rabies for the entire licensing period.

B. The vaccination requirement for rabies shall not apply to any dog exempt from the vaccination requirement pursuant to Health and Safety Code Section 121690.

#### **6.20.040 Application**

Application for dog licenses shall be made in writing on forms to be provided by Animal Services that shall include the following information and documentation for each dog:

A. Name and address of owner.

B. Address where dog is kept.

C. Name, breed, age, sex and color of dog.

D. A current rabies vaccination certificate issued by a licensed veterinarian in accordance with this chapter.

#### **6.20.050 Fees, Discounts, Waivers and Surcharges**

A. All license fees imposed pursuant to this section shall be in the amounts established by resolution of the City

Council. Such amounts shall be in compliance with Government Code Section 38792 or its successor provisions.

B. The licensing fee shall be prorated on a quarterly basis for new residents, newly acquired dogs, or puppies at four months of age. Proof of new residency, purchase or adoption date of dog or dog's age must be presented at the time of licensing to be eligible for the prorated fee.

C. The dog license fee shall be waived for any service dog.

D. The dog license fee shall be waived for one altered dog kept in a household where the owner of the dog is over the age of 65. A senior status license fee waiver shall not apply for an unaltered dog license.

E. The dog license fee shall be waived for dogs owned and used by a public agency, regardless of reproductive status.

F. Owners of potentially dangerous and vicious dogs shall be assessed the supplemental licensing fees described in section 6.40.080 to provide for the increased costs of maintaining the records of such dogs.

#### **6.20.060 Renewal; Late Fee; Penalty**

A. Each dog license issued pursuant to this chapter may be renewed. Application for renewal shall be made to Animal Services not later than fifteen days after the expiration date on the license.

B. If application for a license renewal is made more than fifteen days after a dog license is required, the applicant shall pay, in addition to the regular license fees, such late fees as may be established from time to time by resolution of the City Council.

#### **6.20.070 Nontransferability and Refunds**

License tags shall not be transferable from one dog to another and no refunds shall be made on any license fee because of death of the dog or the owner leaving the City or the removal of the dog from the City before expiration of the license term.

#### **6.20.080 Issuance of Duplicate Tags and Licenses**

Whenever a dog license tag or license issued for the current year by Animal Services has been lost, or taken or stolen by parties unknown to the owner of the dog for which the same was issued, such owner may, on the payment of a fee and on making and subscribing to an affidavit of the loss of such tag or license, receive from Animal Services a duplicate dog license tag for the remaining portion of the term for which the original license was issued.

#### **6.20.090 Unlawful Use of Tag**

Pursuant to Food and Agriculture Code section 30952, it is unlawful for any person to attach a dog license tag to the collar of any dog except the dog that is described in the application for such license tag.

#### **6.20.100 Service Dog Identification Tag**

A. In accordance with Food and Agriculture Code section 30850, Animal Services shall endorse upon the application for a service dog identification tag, the number of the identification tag issued. All applications that have been endorsed shall be kept on file and shall be open to public inspection.

B. Whenever a person applies for a service dog identification tag, the person shall sign an affidavit stating as follows: "By affixing my signature to this affidavit, I hereby declare I fully understand that Section 365.7 of the Penal Code prohibits any person to knowingly and fraudulently represent himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide dog, signal dog, or service dog, as defined in subdivisions (d), (e), and (f), respectively, of Section 365.5 of the Penal Code and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, and that a violation of Section 365.7 of the Penal Code is a misdemeanor, punishable by imprisonment in a county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine."

C. Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to Animal Services.

## 6.20.110 Disposition of Fees and Fines

In accordance with Section 30652 of the Food and Agricultural Code, all fees for the issuance of dog license tags and all fines collected pursuant to Division 14 of the Food and Agricultural Code shall be paid to the City and shall be used for the purposes set forth at that section as the same may be amended from time to time.

## CHAPTER 6.30

### REGULATION OF DOGS

- 6.30.010 Abandoning of tethered dogs prohibited in public parks
- 6.30.020 Carrying Instrument for Removal of Dog Feces and Actual Removal of Such Feces Required
- 6.30.030 Restraint of dogs
- 6.30.040 Dogs in Public Playgrounds and Parks Prohibited; Exceptions
- 6.30.050 Unspayed Female Dogs Prohibited from Running at Large
- 6.30.060 Sale of Dogs Under Age of Eight Weeks Prohibited
  
- 6.30.010 Abandoning of tethered dogs prohibited in public parks

No dog shall be left abandoned in a public park by tethering such dog to any object. Such dog shall not be deemed abandoned if its custodian is within sight and voice command distance of such tethered dog.

- 6.30.020 Carrying Instrument for Removal of Dog Feces and Actual Removal of Such Feces Required

A. Any person having custody of a dog while on public property, including any easements, public sidewalks and public parks, and private property not owned by such person shall, at all times carry an instrument suitable for removing and disposing of any feces which may be deposited by said dog and shall remove any such feces which may be deposited by such dog while on such property.

B. The provisions of this section shall not apply to dogs being used by the blind as guide dogs, or service dogs that are assisting disabled persons who are unable to remove such feces.

- 6.30.030 Restraint of dogs

Except in an area specifically set aside and designated by the City Council as a "dog park," or "off-leash" area, no person owning or having charge, care, custody, or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, to be or run at large in or upon any public place or premises, or in or upon any private place or premises other than those of said owner except with the consent of the person in charge of said place or premises, unless such dog is securely restrained by a substantial leash not to exceed six feet in length and is in charge and control.

**6.30.040 Dogs in Public Playgrounds and Parks Prohibited; Exceptions**

A. It shall be unlawful to permit any dog to be in or upon sand or wood chip- covered play equipment areas of a public playground or park or in a public child play area under any circumstances.

B. This section shall not be applicable to dogs being used by disabled individuals as service animals.

**6.30.050 Unspayed Female Dogs Prohibited from Running at Large**

Pursuant to Food and Agriculture Code section 30954, it is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him or her, to run at large at any time during the period when the dog is in heat or breeding condition.

**6.30.060 Sale of Dogs Under Age of Eight Weeks Prohibited**

A. In accordance with Penal Code section 597z, it is unlawful for any person to sell one or more dogs under eight weeks of age, unless, prior to any physical transfer of the dog or dogs from the seller to the purchaser, the dog or dogs are approved for sale, as evidenced by written documentation from a veterinarian licensed to practice in California. For the purposes of this section, the sale of a dog or dogs shall not be considered complete, and thereby subject to the requirements and penalties of this section, unless and until the seller physically transfers the dog or dogs to the purchaser.

B. Any person who violates this section shall be guilty of an infraction or a misdemeanor. An infraction under this



section shall be punishable by a fine not to exceed two hundred fifty dollars (\$250). With respect to the sale of two or more dogs in violation of this section, each dog unlawfully sold shall represent a separate offense under this section.

C. This section shall not apply to any of the following:

1. A 501(c)(3) charitable organization or any other organization that provides, or contracts to provide, services as a public animal sheltering agency;
2. A pet dealer as defined by the California Health and Safety Code; and
3. A public animal control agency or shelter, a shelter organized by the society for the prevention of cruelty to animals or the humane society shelter, or a rescue group regulated under the Food and Agricultural Code.

#### CHAPTER 6.40

##### DANGEROUS AND VICIOUS ANIMALS

- 6.40.010 Wild, exotic, dangerous and nondomestic animals
- 6.40.020 Applicability and Adoption of State Code Provisions for Control of Potentially Dangerous and Vicious Dogs
- 6.40.030 Circumstances Under Which Dogs May Not Be Declared Potentially Dangerous Or Vicious
- 6.40.040 Investigation; Probable Cause Hearing Scheduled
- 6.40.050 Authority to Seize and Impound Animal Posing an Immediate Threat to Public Safety
- 6.40.060 Designation in the Records
- 6.40.070 Supplemental Licensing Fees
- 6.40.080 Disposition of Potentially Dangerous Dogs; Keeping of Potentially Dangerous Dogs
- 6.40.090 Disposition of Vicious Dogs; Keeping of Vicious Dogs
- 6.40.100 Effect of Prior Ordinance
  
- 6.40.010 Wild, exotic, dangerous and nondomestic animals

A. No person shall have, keep or maintain any wild, exotic, dangerous or nondomestic animal without first applying to and receiving a license from Animal Services. The Code Compliance Manager shall by regulation determine those animals

to be covered by this section. The keeping or maintenance of such animals shall also conform to the City's zoning regulations.

B. Animal Services shall issue a license to any person for the keeping or maintaining of any wild, exotic, dangerous or nondomestic animal upon receipt of the fee established by the City Council and when, in the Code Compliance Manager's opinion, such animal may be kept or maintained without endangering its safety and comfort and the safety and comfort of any person or property; provided, however, that the Code Compliance Manager may require any such animal to be properly caged or tethered and he or she may make such additional rules and regulations that may be necessary and proper under the circumstances. The Code Compliance Manager may revoke any such license for the violation of any of the provisions of this chapter or of any of the rules and regulations adopted pursuant thereto, or when in his or her opinion the safety or comfort of such animal or any person or property is endangered by the keeping of any such animal. The provisions of Section 6.05.050 of this Title shall govern appeals from the denial or revocation of a license under this section.

C. The owner or custodian of such animal shall give written notice to the Code Compliance Manager prior to the transfer, trade or barter of such animal or its progeny.

**6.40.020 Applicability and Adoption of State Code Provisions for Control of Potentially Dangerous and Vicious Dogs**

California Food and Agriculture Code sections 31601 - 31683 or their successor provisions shall be operative in the City for the control of potentially dangerous and vicious dogs in their entirety as supplemented below.

**6.40.030 Circumstances Under Which Dogs May Not Be Declared Potentially Dangerous Or Vicious**

A. No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.

B. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

C. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time of the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

#### **6.40.040 Investigation; Probable Cause Hearing Scheduled**

A. Whenever it is reported to Animal Services that an animal has attacked either a person engaged in a lawful activity or another animal, or caused a person of reasonable sensitivities to believe that he or she or a domestic animal in his or her custody and under proper restraint are in imminent danger of great bodily harm, the Code Compliance Manager shall cause the incident to be investigated.

B. If an animal services officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, a petition hearing shall be brought in the Superior Court for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious.

#### **6.40.050 Authority to Seize and Impound Animal Posing an Immediate Threat to Public Safety**

A. If upon investigation it is determined by any animal services officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal services officer or law enforcement officer may seize and impound the dog pending the Probable Cause hearing to be held in the Superior Court. The owner or custodian of the dog shall be liable for the costs and expenses of keeping the dog impounded if the dog is later adjudicated potentially dangerous or vicious. Such costs and expenses shall be paid prior to the release of the dog.

B. When a dog has been impounded and it is not contrary to public safety, the Code Compliance Manager or his or her designated representative shall permit the animal to be confined at the owner's expense in a kennel or veterinary facility approved by Animal Services.

**6.40.060 Designation in the Records**

If the Superior Court finds the dog to be potentially dangerous or vicious, the dog shall be so designated on the records of Animal Services. Such a designation shall be considered in future determinations involving the subject dog and/or owner.

**6.40.070 Supplemental Licensing Fees**

A. In accordance with the provisions of Food and Agricultural Code section 31641, the owner of a potentially dangerous dog shall in addition to the regular licensing fee, pay to Animal Services an annual fee in an amount established by the City Council to provide for the increased costs of maintaining the records of the dog.

B. The owner of a dog determined to be vicious shall, in addition to the regular licensing fee, pay to Animal Services an annual fee of an amount established by the City Council to provide for the increased costs of maintaining the records of the dog.

**6.40.080 Disposition of Potentially Dangerous Dogs; Keeping of Potentially Dangerous Dogs**

A. All potentially dangerous dogs shall be properly licensed, microchipped, and vaccinated at the owner's expense, prior to the release to the dog's owner or custodian. The licensing authority shall include the potentially dangerous designation in the registration records of the dog after the Superior Court has determined the potentially dangerous dog designation applies to the dog. The yard or enclosure must be inspected and approved in writing by Animal Services prior to release of the dog to its owner or custodian.

B. All potentially dangerous dogs, while on the owner's property, shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner's premises only if it is muzzled and restrained by a substantial leash, not exceeding six feet in length, and if it is under the control of a responsible adult who is capable of restraining and controlling the dog. At no time may the dog be left unattended while off the owner's premises.

C. If a potentially dangerous dog dies, or is sold, transferred, or permanently removed from the county where the owner or keeper resides, the owner of the potentially dangerous dog shall notify Animal Services of the changed condition and the new location of the dog in writing within two working days.

D. The owner or custodian of a potentially dangerous dog shall notify Animal Services within one working day if the dog is at large or has committed an attack on any person or animal.

E. A potentially dangerous dog may be required to complete an obedience course and provide proof of completion of such course to animal services within sixty days after the release of the dog to its owner or custodian. The course shall be paid for by the owner or custodian of the dog and shall be a course approved by Animal Services.

F. A potentially dangerous dog shall be spayed or neutered at the expense of the owner prior to the release of the dog to its owner or custodian.

G. A potentially dangerous dog may be required to wear a bright fluorescent yellow collar visible at fifty feet in normal daylight, which will be provided by Animal Services at the owner's expense.

H. The owner or custodian of a potentially dangerous dog may be required to maintain general liability insurance covering property damage and bodily injury caused by a potentially dangerous or vicious dog, with a combined single limit of three hundred thousand dollars (\$300,000.00) per occurrence, and may be required to show proof of such insurance within thirty days after the Superior Court has made its determination.

I. All charges for services performed by Animal Services pursuant to this section and all fines shall be paid prior to the release of a potentially dangerous dog to its owner or custodian. If the charges are not paid within thirty days after the date the services are performed or the fines are ordered to be paid, the dog shall be deemed to be abandoned.

J. The owner of a potentially dangerous dog shall pay a fine not to exceed five hundred dollars (\$500.00) for each separate basis upon which said determination was made. The fine shall be paid to Animal Services for the purpose of defraying

the costs of the implementation of this Chapter.

K. If there are no additional instances of the behavior described in Food and Agricultural Code Section 31602, within a thirty-six month period from the date of designation as a potentially dangerous dog, the dog shall be removed from the list of potentially dangerous dogs. The dog may, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the thirty-six month period if the owner or keeper of the dog demonstrates to Animal Services, that changes in circumstances or measures taken by the owner or keeper, such as the training of the dog, have mitigated the risk to the public safety.

L. The Code Compliance Manager may impose other reasonable conditions for the keeping of potentially dangerous dogs as are deemed necessary to protect the public safety and welfare.

M. The failure of an owner or custodian of a potentially dangerous dog to comply with any of the conditions imposed by the court is a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

#### **6.40.090 Disposition of Vicious Dogs; Keeping of Vicious Dogs**

A. A dog determined to be a vicious dog by the court may be destroyed by Animal Services if the court finds that the dog would create a significant threat to the public health, safety, and welfare.

B. If it is determined that a dog found to be vicious shall not be destroyed, the court may impose any of the conditions enumerated in section 6.40.080 upon the ownership or possession of the dog. Additionally, the court shall impose any other conditions necessary to protect the public health, safety, and welfare.

C. A vicious dog shall be kept in an enclosure which is enclosed on all sides, and which is locked by a padlock. The enclosure may be required to have a top and a concrete floor. The enclosure must be approved in writing by Animal Services prior to the release of the dog to the owner or the custodian.

D. The owner or custodian of a vicious dog must give

written notice of the vicious dog determination to the United States Post Office (local branch) and all utility companies which provide services to the premises where the dog is kept. The owner or custodian shall provide a copy of such notice to Animal Services within thirty days after the court's determination that the dog is vicious.

E. The owner or custodian shall post one or more signs on the premises at a location or locations approved by Animal Services stating that a vicious dog resides on the premises.

F. The owner or custodian of a vicious dog may be prohibited from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

G. The owner of a dog which has been determined to be a vicious dog pursuant to this Chapter shall pay a fine not to exceed one thousand dollars (\$1,000.00) for each separate basis upon which such determination was made. The fine shall be paid to Animal Services for the purpose of defraying the cost of the implementation of this chapter.

H. The failure of an owner or custodian of a vicious dog released after a hearing to comply with any of the conditions imposed by the Superior Court and/or Animal Services is a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

#### **6.40.100 Effect of Prior Ordinance**

All sanctions imposed on dogs determined potentially dangerous or vicious prior to the enactment of this ordinance shall remain in effect, except that any violations subsequent to the enactment of this Title shall be governed by this Title. In determining subsequent violations the following provisions shall apply:

A. Any dog previously determined potentially dangerous prior to the enactment of this section, shall be considered potentially dangerous as defined under the provisions of this ordinance and subject to all of its provisions governing the

regulation and disposition of potentially dangerous dogs.

B. Any dog previously determined vicious or dangerous prior to the enactment of this ordinance shall be considered vicious as defined under the provisions of this ordinance and subject to all of its provisions governing the regulation and disposition of vicious dogs.

## CHAPTER 6.50

### ANIMAL SHELTER AND IMPOUNDMENT

- 6.50.010 Animal Shelter Established
- 6.50.020 Impoundment Authority
- 6.50.030 Sale of Animals for Experimental Purposes Prohibited
- 6.50.040 Unauthorized Removal of Animals from Shelter
- 6.50.050 Fees Established
- 6.50.060 Fine Imposed for Impounded Unaltered Dogs and Cats
- 6.50.070 Identification of Animals; Notice to Owners; Returning Animals to Known Owners
- 6.50.080 Voluntary Surrender; Fees
- 6.50.090 Redemption by Owner; Abandonment
- 6.50.100 Holding Period
- 6.50.110 Placement of Unredeemed Animals
- 6.50.120 Adoption by Approved Organizations
- 6.50.130 Sterilization Required
- 6.50.140 Disposal
- 6.50.150 Diseased or Injured Animals
- 6.50.160 Information Provided Regarding Lost Animals
- 6.50.170 Recordkeeping

#### 6.50.010 Animal Shelter Established

There shall be provided a suitable enclosure or place for the purpose of keeping and safely holding animals impounded, which shall be designated as the City Animal Shelter; provided, that one or more suitable enclosures or places may be provided for the purpose of keeping and safely holding animals impounded, which places shall be designated as branches of the City Animal Shelter.

#### 6.50.020 Impoundment Authority

The Code Compliance Manager shall take up and impound all of the animals enumerated in this Title found running at large, pastured, herded, staked or tied in any street, park, or other



public place, or upon any private property, in violation of any of the provisions of this Title.

**6.50.030 Sale of Animals for Experimental Purposes Prohibited**

A. The City Animal Shelter or anyone in its employ shall not knowingly sell or give any impounded animal to any person, firm, corporation, association or school for the purpose of animal experimentation.

B. No person, firm, corporation, association or school shall by fraud, misrepresentation or coercion induce the City Animal Shelter or anyone employed by it to sell or give away any impounded animal for the purpose of animal experimentation.

**6.50.040 Unauthorized Removal of Animals from Shelter**

It shall be unlawful for any person to remove any impounded animal from the City Animal Shelter without the consent of the Code Compliance Manager or designee.

**6.50.050 Fees Established**

A. Fees for impounding animals shall be established by resolution of the City Council.

B. Fees for adoption of impounded animals shall be established by resolution of the City Council.

C. Fees for boarding or keeping impounded animals, which shall be charged in addition to the impounding fees referenced above, shall be established by resolution of the City Council.

**6.50.060 Fine Imposed for Impounded Unaltered Dogs and Cats**

A. Pursuant to California Food & Agriculture Code Section 30804.7, the owner of any impounded unaltered dog shall be subject to a fine in the amount of \$35 for the first occurrence; \$50 for the second; and \$100 for the third or any subsequent occurrence.

B. Pursuant to California Food & Agriculture Code Section 31751.7, the owner of any impounded unaltered cat shall be subject to a fine in the amount of \$35 for the first occurrence; \$50 for the second; and \$100 for the third or any subsequent occurrence.

C. Fines levied pursuant to this section shall be in addition to any other fees and penalties imposed pursuant to this Title.

**6.50.070 Identification of Animals; Notice to Owners; Returning Animals to Known Owners**

A. It shall be the duty of Animal Services to attempt to identify any impounded, found or turned-in animal via registration check, microchip, identification tags, lost reports and diligent search for any tattoo marks. When a microchip or tattoo is found, the appropriate registry shall be notified and additional, reasonable time provided for such registry to locate the owner prior to the animal being placed for sale or adoption or euthanized.

B. It shall be the duty of Animal Services to immediately notify any known owner of any impounded, found or turned-in animal. If the owner's telephone number is known or can be readily assessed, the owner shall be contacted by telephone; otherwise, the owner shall be contacted by regular mail to the owner's last known address.

C. When any animal is seized and its ownership is known to Animal Services, such animal need not be impounded, but any animal services officer may, at his or her own discretion, return such animal to its owner and issue a citation to the owner for violations of this Title.

**6.50.080 Voluntary Surrender; Fees**

A. Upon request, an owner may surrender his/her animal to Animal Services for placement for adoption.

B. Any owner relinquishing a dog shall comply with the provisions of Food and Agricultural Code Section 31108.5, by presenting sufficient identification to establish his or her ownership of the dog and by signing a statement that he or she is the lawful owner of the dog.

C. Any animal that is voluntarily surrendered to or deposited with Animal Services by the owner shall immediately thereafter become the property of the City. Placement or humane disposal of the animal shall be at the discretion of Animal Services.

D. Any owner of an animal who voluntarily surrenders an animal to Animal Services shall be subject to a fee for each animal over the age of four months. Litters of unweaned animals or animals less than four months of age shall be considered as one animal.

E. The surrender of an animal by an owner to Animal Services, subsequent to impoundment for a violation of this Title or any provisions of state law, shall not relieve the owner of the obligation to pay such charges as set forth in this section, prior to such surrender, plus accumulated boarding charges, veterinary charges or any other charges, related to the impounding and keeping of the animal.

F. Upon relinquishment, any animal may be made available for immediate euthanasia if it has a history of vicious behavior documented by Animal Services or any other agency charged with enforcing state and local animal laws.

#### **6.50.090 Redemption by Owner; Abandonment**

A. The owner or person entitled to the possession of any impounded dog or other animal shall have the right to redeem and have the possession of the same at any time prior to the placement or euthanizing thereof upon payment to the Code Compliance Manager of the costs and charges incident to the impounding, taking and keeping thereof, upon satisfactory proof of the ownership and right to possession of the dog or other animal being made to the Code Compliance Manager and, if sold, to receive all of the net proceeds of such sale in excess of the costs and charges for the taking, impounding, keeping and expenses of sale thereof. As an incident to the redemption of any dog, the owner or other person shall also pay the license tax, plus any penalty, for any dog for which a license tag has not been issued for the current year.

B. The refusal or failure of the owner of any such animal to pay the fees and charges, after due notification, shall constitute his/her abandonment of the animal. Any animal not claimed by its owner within the period specified in this chapter shall become the property of the City and shall be placed for adoption in a suitable home or humanely euthanized. Abandonment does not relieve the owner's obligation to pay all fees related to the impounding and keeping of the animal.

#### **6.50.100 Holding Period**

A. The required holding period for a stray dog impounded pursuant to this chapter shall be in accordance with Section 31108 of the Food and Agricultural Code or its successor provision.

B. The required holding period for a stray cat impounded pursuant to this chapter shall be in accordance with Food and Agricultural Code section 31752 or its successor provisions. The required holding period for a feral cat impounded pursuant to this chapter shall be in accordance with Food and Agricultural Code section 31752.5 or its successor provision.

C. The required holding period for any other animal impounded pursuant to this chapter shall be in accordance with Section 31753 of the Food and Agricultural Code or its successor provision.

#### **6.50.110 Placement of Unredeemed Animals**

Any impounded and unredeemed dog or cat eight weeks or older not suffering from any infections or communicable disease may be placed in a suitable home upon payment of a placement fee, as set by resolution of the City Council, a rabies vaccination fee and a dog license fee, if applicable. Except as otherwise provided by state law or by this chapter, any other animal eight weeks or older which has not been redeemed within three days shall be deemed abandoned and may be placed upon payment of a placement fee in an amount established by resolution of the City Council.

#### **6.50.120 Adoption by Approved Organizations**

Under special provisions to be adopted by the Code Compliance Manager, subject to the approval of the City Manager, specific breed clubs and humane organizations approved by the Code Compliance Manager shall have the option of adopting available animals from the City Animal Shelter for purposes of placement. Adoption fees to be paid by such approved organizations shall be established by resolution of the City Council.

#### **6.50.130 Sterilization Required**

A. In accordance with Section 30503 of the Food and

Agriculture Code, Animal Services shall not sell or give away to a new owner any dog that has not been spayed or neutered, unless otherwise provided by law.

B. In accordance with Section 31751.3 of the Food and Agriculture Code, Animal Services shall not sell or give away to a new owner any cat that has not been spayed or neutered, unless otherwise provided by law.

#### **6.50.140 Disposal**

No animal impounded by Animal Services may be euthanized except animals designated as vicious, constitute a threat to health and safety, or are determined to be diseased or injured pursuant to this Title.

#### **6.50.150 Diseased or Injured Animals**

A. Notwithstanding any provisions of this chapter, the Code Compliance Manager may, without waiting for any requisite holding period to elapse, cause any impounded animal to be humanely euthanized without delay under the following circumstances:

1. When the Code Compliance Manager reasonably determines that such animal is unfit for further use by reason of its having been injured, having become infected with a dangerous or communicable disease, having become incurably crippled or having become infirmed on account of advanced age; and
2. When a licensed veterinarian determines that such animal is suffering extreme pain due to disease or injury, and there is no reasonable probability that the animal will recover from its disease or injury.

B. Animal Services may humanely euthanize any animal found at large without transporting it first to the animal shelter or a veterinarian if the animal is too severely injured to move or if it would be more humane to euthanize the animal.

#### **6.50.160 Information Provided Regarding Lost Animals**

A. In accordance with Food and Agriculture Code section

32001, Animal Services shall provide the owners of lost animals and those who find lost animals with all of the following:

1. Ability to list the animals they have lost or found on "Lost and Found" lists maintained by Animal Services;
2. Referrals to animals listed that may be the animals the owners or finders have lost or found;
3. The telephone numbers and addresses of other pounds and shelters in the same vicinity;
4. Advice as to means of publishing and disseminating information regarding lost animals; and
5. The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.

#### 6.50.170 Recordkeeping

A. In accordance with Food and Agriculture Code section 32003, Animal Services shall keep accurate records on each animal taken up, medically treated, or impounded. The records shall include all of the following information and any other information required by the California Veterinary Medical Board:

1. The date the animal was taken up, medically treated, euthanized, or impounded;
2. The circumstances under which the animal was taken up, medically treated, euthanized, or impounded;
3. The names of the personnel who took up, medically treated, euthanized, or impounded the animal;
4. A description of any medical treatment provided to the animal and the name of the veterinarian of record; and
5. The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

B. These records shall be maintained for three years after the date the animal's impoundment ends.

## CHAPTER 6.60

### ANIMAL NUISANCES

- 6.60.010 Animal Nuisances Defined
- 6.60.020 Temporary Impoundment of Animal
- 6.60.030 Public Nuisance Declared; Reimbursement of Costs
- 6.60.040 Disposition of Public Nuisance

#### 6.60.010 Animal Nuisances Defined

A. The keeping or maintaining possession on any lot in the City, of an animal shall be deemed a public nuisance if the animal has committed any one or more of the following acts:

1. Barks, cries or makes other noises which are so loud and/or so frequent and/or continued over so long a period of time as to disturb the peace and quiet of nearby property or which would cause annoyance or discomfort to a reasonable person of normal sensitivity in the area;
2. Inflicts unprovoked damage to real or personal property of a person other than the owner which damage occurs off the property of the owner;
3. Molests or chases pedestrians, vehicles, bicycles or ridden horses while off the property of its owner;
4. Attacks or threatens other animals;
5. Is repeatedly "at large" or unrestrained; and
6. By its bodily waste odor or other unsanitary condition causes annoyance or discomfort to a reasonable person of normal sensitivity in the area.

B. Such a public nuisance may be abated in accordance with the procedures set forth in this chapter and Title 14 of this code. These procedures are in addition to any other remedies that may be available under the law. The procedures

set forth in Section 6.05.050 shall not apply to public nuisance hearings.

#### **6.60.020 Temporary Impoundment of Animal**

A. The Code Compliance Manager or designee shall have the power to temporarily impound the subject animal pending the outcome of an administrative hearing conducted pursuant to Title 14, section if:

1. After making a good faith effort, he/she is unable to contact the animal's owner and determines, at the time of inspection, that the offending noise, condition or behavior of the animal cannot be immediately abated and the peace and comfort of the neighborhood restored;
2. Determines, at the time of inspection, that the offending noise, condition or behavior of the animal cannot be immediately abated and the peace and comfort of the neighborhood restored; and
3. Determines that the public nuisance has not been abated within the time specified in the Notice of Public Nuisance.

B. The owner of the animal shall be responsible for all costs of impounding the animal, including but not limited to daily impoundment fees and any costs incurred in providing care and maintenance of the animal.

C. In lieu of impounding an animal, the animal services officer may permit the animal to be confined by the owner at the owner's expense in a veterinary facility, or in the case of a dog, in a dog kennel approved by the Code Compliance Manager.

#### **6.60.030 Public Nuisance Declared; Reimbursement of Costs**

The owner of any animal determined to be a public nuisance shall reimburse the City for all costs incurred in verifying compliance and enforcing the provisions of this chapter.

#### **6.60.040 Disposition of Public Nuisance**

A. Any hearing officer appointed pursuant to Title 14, or the Code Compliance Manager in the event a Notice of Public



Nuisance is not appealed within the applicable time frame, may order the owner of any animal declared to be a public nuisance to remove the animal from the City by a date certain if the owner:

1. Fails to abate the public nuisance within the time period specified by the hearing officer;
2. Fails to reimburse the costs of abating the public nuisance; and
3. Permits, suffers, or allows the public nuisance to occur again.

B. If the owner fails to remove the animal from the City by such date, Animal Services may impound the animal and not permit the reclaiming or redemption of the animal by the owner unless adequate arrangements acceptable to the Code Compliance Manager have been made by the owner to ensure abatement of the public nuisance. Such arrangements shall be agreed to in writing between the owner and the Code Compliance Manager prior to and as a condition of release of the animal to its owner. If such agreement is not made and executed within thirty days from the date of impoundment, then the animal may be considered abandoned and may be handled in the same manner as any other unclaimed stray animal.

C. If the written agreement referred to in paragraph B of this section is made and is subsequently breached by the owner, the Code Compliance Manager may immediately impound the animal and not permit the reclaiming or redemption of the animal by the owner unless the owner can make adequate, written assurances acceptable to the Code Compliance Manager that the owner shall commit no further violation of the agreement. If such further assurances are not made and executed within thirty days from the date of impoundment, then the animal may be considered abandoned and may be handled in the same manner as any other unclaimed stray animal.

D. Any person failing to comply with the hearing officer's order to abate a public nuisance, or with a Notice of Public Nuisance which is not appealed within the applicable time frame, shall be prohibited from keeping or harboring within the City an animal of the type, species, group or family to which the order applies (including the animal initially causing the nuisance) for a period of three years from the date of such

noncompliance; provided, however, that any person prohibited from keeping or harboring an animal pursuant to this section shall be entitled to appeal to a hearing officer pursuant to the provisions of Title 14. The scope of any such appeal hearing shall be limited to a determination regarding whether a failure to comply with the order has occurred.

#### CHAPTER 6.70

##### KEEPING, CARE AND TREATMENT OF ANIMALS

- 6.70.010 General requirements for animal care and treatment
- 6.70.020 Compliance with Zoning Requirements
- 6.70.030 Bee Keeping Prohibited
- 6.70.040 Prohibited Animals
- 6.70.050 Sales or Gifts of Animals
- 6.70.070 Rabies Suppression, Control and Quarantine

##### 6.70.010 General requirements for animal care and treatment

A. Every owner or keeper of an animal kept in the City shall see that such animal:

1. Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;
2. Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
3. Shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than twelve feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;

4. Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;
5. Shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease; and
6. Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the City and in effect from time to time.

#### **6.70.020 Compliance with Zoning Requirements**

Notwithstanding any other provision of this chapter, it is unlawful for any person to keep or maintain or cause to be kept or maintained any animal, unless the keeping of such is permitted in the particular district as provided in Title 17 of this Code. This provision shall not apply to service animals.

#### **6.70.030 Bee Keeping Prohibited**

It shall be unlawful for any person to have, keep, or maintain any hive or swarm of bees within the City. The provisions of this section shall not apply to the keeping of bees within an educational institution for study or observation or within a physician's office or laboratory for medical research, treatment, or other scientific purposes provided the bees are not permitted to fly at large.

#### **6.70.040 Prohibited Animals**

The Code Compliance Manager may prohibit any animal if findings are made that the keeping of such animals create an unsanitary condition or other public nuisance.

#### **6.70.050 Sales or Gifts of Animals**

No person under the age of eighteen shall place any dog,

cat, puppy or kitten on public display for the purpose of sale, offer for sale, barter or give-away upon any street, sidewalk, parking lot, shopping center walkway or other public place, and no transfer of any such animal shall be made in any such place to any person under the age of eighteen.

#### **6.70.070 Rabies Suppression, Control and Quarantine**

A. If it shall appear to the Code Compliance Manager that any animal has rabies, the Code Compliance Manager may destroy such animal forthwith pursuant to this chapter, or may hold such animal for further examination or observation for such time as the Code Compliance Manager may determine to be appropriate.

B. Whenever any animal has been bitten by an animal which has rabies or which exhibits any symptoms of rabies, or which is suspected of having or having been exposed to rabies, the owner or the person having custody of such bitten animal shall immediately notify the Code Compliance Manager, and shall immediately confine the animal within a secure enclosure and maintain that confinement until it is established that such animal does not have rabies. The Code Compliance Manager shall have the power to quarantine such animal, or impound it at the owner's expense if the owner or person having custody of such animal shall fail, refuse, or is unable, in the opinion of the Code Compliance Manager, to adequately confine such animal immediately, or in the event the owner of such animal is not readily accessible.

C. Whenever it is shown that any animal has bitten any person, the owner shall, upon the order of the Code Compliance Manager, quarantine such animal and keep it confined at the owner's expense for a minimum period of ten days for dogs and cats and fourteen days for all other animals, and shall allow the Code Compliance Manager to inspect and examine such animal at any time during such period of quarantine. Animals quarantined pursuant to this subsection shall not be removed from the premises upon which such animal is quarantined without permission of the Code Compliance Manager. The Code Compliance Manager is authorized to impound any animal at the owner's expense in the event the owner or person having custody of such animal fails or refuses or is unable to so confine such animal. Animals shall remain quarantined until notice is given by the Code Compliance Manager that such quarantine is terminated.

D. The Code Compliance Manager may, in her or his

discretion, post an appropriate sign on any premises where an animal is quarantined, to warn the public of such quarantine. It is unlawful for any person to remove such a sign without the permission of the Code Compliance Manager.

E. Whenever the Code Compliance Manager determines that an epidemic of rabies or any animal disease which threatens the public health or safety exists, or is threatened; he or she shall have the authority to take such measures as may be reasonably necessary to prevent the spread of the disease, including but not limited to the declaration of quarantine against any or all animals in any area of the city, for a period of not more than one hundred and twenty (120) days. An additional or extended quarantine period may be declared by the City Council if such period shall be deemed necessary by the Code Compliance Manager for the protection and preservation of the public health, peace and safety. Any quarantine declared pursuant to this subsection, other than as restricted in this chapter, shall be upon such conditions as the Code Compliance Manager may determine.

## CHAPTER 6.80

### COMMERCIAL ANIMAL ESTABLISHMENTS

- 6.80.010 Mandatory Permitting of Commercial Animal Establishments
- 6.80.020 Application
- 6.80.030 Investigation
- 6.80.040 Notice of Action
- 6.80.050 Commercial Animal Establishment Fee
- 6.80.060 Numerical Limitation
- 6.80.065 Sale of Commercially Bred Dogs, Cats and Rabbits Prohibited
- 6.80.070 Regulations Relating to Animal Establishments
- 6.80.080 Permit Nontransferable
- 6.80.090 Expiration and Renewal of Permit
- 6.80.100 Revocation, Suspension or Modification of Permit
- 6.80.110 Display of Permit
- 6.80.120 Emergency Information
- 6.80.130 Kennel Dogs Exempt for Individual License Tag Requirements; Identification Tag Required
  
- 6.80.010 Mandatory Permitting of Commercial Animal Establishments

A. No person shall conduct or operate within the City any commercial animal establishment or operate as an animal dealer without first obtaining a commercial animal establishment permit from the Code Compliance Manager issued pursuant to this chapter.

B. Any person desiring to conduct or operate within the City any commercial animal establishment or operate as an animal dealer shall first make application to the City's Planning Division for a written determination that the proposed animal establishment is in compliance with the applicable provision of the then-current zoning ordinance of the city.

C. Where an establishment is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises shall be submitted to the Planning Division at the time the application for a written determination is submitted.

D. Within thirty days of the issuance of a written compliance determination from the City's Planning Division, any person desiring to conduct or operate within the City a commercial animal establishment shall make application to the Code Compliance Manager for a commercial animal establishment permit.

#### **6.80.020 Application**

Each application for a commercial animal establishment permit shall be in writing upon a form to be furnished by the Code Compliance Manager or a designee. The application form shall contain such information as may reasonably be required by the Code Compliance Manager for the purposes of enforcement of this chapter, including but not limited to, the current home telephone number of the caretaker of the subject establishment, and another current telephone number for emergency use or messages when such caretaker is absent from the subject establishment. At the time of filing of the application for a commercial animal establishment permit, the applicant shall provide a copy of the Planning Division's written compliance determination.

#### **6.80.030 Investigation**

A. Prior to the issuance of a commercial animal establishment, the Code Compliance Manager, or his or her designee, shall conduct an inspection of the intended business

location and facilities and prepare a report for inclusion with the application for an original permit or a renewal. A permit shall be issued to the applicant if the Code Compliance Manager or designee finds that:

1. The keeping of animals, or the conduct of operation of the business for which the permit is requested, at the place set forth in the application, will not violate any law or ordinance of the City, or any law of the state;
2. The keeping of animals, or the conduct or operation of the business for which the permit is requested, will not endanger the health, peace or safety of the community;
3. The premises and establishment where animals are to be kept satisfy the conditions set forth at section 6.80.070 of this chapter, and animals will not be subject to suffering, cruelty or abuse; and
4. The applicant has not had a similar permit revoked within one year prior to the application.

B. The Code Compliance Manager may impose such conditions in granting a permit as he or she may deem necessary to protect the public and may limit the term of such permit.

#### **6.80.040 Notice of Action**

The applicant shall be notified in writing of the action of the Code Compliance Manager in either granting or denying the permit and, if the application has been denied, the notice shall advise the applicant of his or her right appeal the determination. Such denials are appealable to the City Manager or designee, whose decision shall be final. Service of the notice may be made by personal service or by registered mail. If service is made by mail, it shall be deemed complete upon deposit in the United States Mail directed to the applicant at his or her latest address shown on the application.

#### **6.80.050 Commercial Animal Establishment Fee**

A. The fee for a commercial animal establishment permit shall be set by resolution of the City Council and shall be paid

to the City before a permit is issued.

B. Nonprofit corporations formed pursuant to the provisions of the California Corporations Code for the prevention of cruelty to animals, and which have furnished proof of such incorporation to the Code Compliance Manager shall not be required to pay a fee for an animal establishment permit. However, all other provisions of this chapter shall be applicable to any such nonprofit corporation. Each corporation claiming to be exempt from fees pursuant to this subsection shall, before issuance of any permit, agree in writing to indemnify and hold the City and its officers, employees and agents harmless from all liability arising out of the exercise of the permit.

#### **6.80.060 Numerical Limitation**

A. Notwithstanding any other provisions of this chapter, the Code Compliance Manager upon application for issuance or renewal of a commercial animal establishment permit may limit the number of animals which are to be kept or maintained on the permitted premises. A numerical limitation may also be imposed by the City Planner when a land use approval is required for operation of the subject establishment.

B. At any time that there are more animals than a commercial animal establishment permit allows, the operator of any commercial animal establishment shall obtain a new permit which allows the keeping of the greater number of animals. The former permit shall be canceled and a credit for the canceled permit fee shall be allowed on the new permit.

#### **6.80.065 Sale of Commercially Bred Dogs, Cats and Rabbits Prohibited**

A. It shall be unlawful for any person to sell any live dog, cat or rabbit in any commercial animal establishment located in the City unless the dog, cat or rabbit was obtained from an animal shelter or City permitted animal rescue group.

B. A violation of this section may be prosecuted as a misdemeanor pursuant to Chapter 14.110 of this Code, or alternately may be subject to any other remedies provided for under this Code.

#### **6.80.070 Regulations Relating to Animal Establishments**



A. Every person who owns, conducts, manages or operates any animal establishment for which a permit is required shall comply with each of the following conditions:

1. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals. In the case of animals kept outdoors, sufficient shade shall be provided to prevent overheating or discomfort from sun exposure. Animals kept outdoors shall also be provided with access to shelter to allow them to remain dry during inclement weather;
2. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition with sufficient light provided to permit routine observation of animals and proper cleaning of the facilities;
3. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require;
4. Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals;
5. All reasonable precautions shall be taken to protect the public from the animals and animals from the public;
6. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals;
7. All animal rooms, cages and runs shall be of sufficient size to provide adequate and proper housing for animals kept therein;
8. All dog runs shall be of concrete or other impervious material and provided with adequate drainage into an approved sewage disposal

installation;

9. All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the Code Compliance Manager;
10. Adequate and effective vector control shall be established and maintained at all times; and
11. Every violation of applicable regulations shall be corrected within a reasonable time to be specified by the Code Compliance Manager.

B. Failure of an applicant to comply with any one of the foregoing conditions shall be deemed just cause for the denial of any permit, whether original or renewal.

#### **6.80.080 Permit Nontransferable**

A. A commercial animal establishment permit issued pursuant to the provisions of this chapter shall not be transferable.

B. The permit shall become void if the holder thereof changes the location of his or her place of business or sells, assigns, transfers or otherwise disposes of such business or his or her interest therein for a period of thirty days or more.

#### **6.80.090 Expiration and Renewal of Permit**

A. Any permit issued under this article shall expire at the end of the calendar year in which the permit is issued.

B. A commercial animal establishment permit issued under the provisions of this chapter shall be renewed within thirty days after the expiration thereof. The procedure for the renewal of a permit shall be the same as for an original permit.

#### **6.80.100 Revocation, Suspension or Modification of Permit**

A. Upon reaching the determination that a specific violation of this chapter and/or applicable statute, rule, code, regulation or permit condition warrants suspension, modification or revocation of a commercial animal establishment permit, the Code Compliance Manager or designee shall request such suspension, modification or revocation via the procedure

established in Chapter 14.170 of Title 14 of this Code.

B. If a commercial animal establishment permit is revoked for cause, the Code Compliance Manager shall not accept a new application by the same person for the same activity at the same location less than one year after such denial or revocation, unless the applicant affirmatively shows and the Code Compliance Manager finds, by inspection and/or investigation, that the grounds upon which the first application was denied or the permit was revoked no longer exist. On revocation of a permit, no part of the fee is refundable.

C. Notwithstanding any other provision in this section, prior to the holding of the administrative hearing, the Code Compliance Manager may, for good cause, revoke, suspend or modify any commercial animal establishment permit for a period not to exceed thirty days in the event it is reasonably necessary to protect against an immediate threat to the health or safety of the public or the animals held on the subject premises.

#### **6.80.110 Display of Permit**

All commercial animal establishment permits issued under the provisions of this chapter shall be displayed in a conspicuous place on the permitted premises.

#### **6.80.120 Emergency Information**

Each commercial animal establishment shall have posted, in such a place as to be legible from the exterior of the building, the names, addresses and telephone numbers of persons to be notified in case of emergency.

#### **6.80.130 Kennel Dogs Exempt for Individual License Tag Requirements; Identification Tag Required**

A. Where a commercial animal establishment permit has been issued to a dog kennel and is in effect, the dogs contained in such dog kennel shall be exempt from the requirements of individual license tags as provided by section 6.20.020 of this Title.

B. Any dog exempt from the requirements of an individual license tag shall wear an identification tag that shall be securely affixed to a collar, harness, or other device which

shall be at all times worn by such dog. The identification tag shall identify the name, address and telephone number of the kennel operator.

## **CHAPTER 6.90**

### **ANIMAL RESCUER PERMIT**

- 6.90.010 Animal Rescuer Permit Required**
- 6.90.020 Animal Rescuer Application**
- 6.90.030 Investigation; Grounds for Issuance of Permit**
- 6.90.040 Notice of Action**
- 6.90.050 Animal Rescuer Permit Fee**
- 6.90.060 Numerical Limitation**
- 6.90.070 Regulations Relating to Keeping Animals**
- 6.90.080 Expiration and Renewal of Permit**
- 6.90.090 Permit Nontransferable**
- 6.90.100 Revocation of Permit**

#### **6.90.010 Animal Rescuer Permit Required**

A. Any animal rescue group operating within the City shall make application for an Animal Rescuer Permit.

B. For purposes of this Chapter, an "animal rescue group" is a for-profit or not-for-profit entity, or a collaboration of individuals, with at least one of its purposes being the sale or placement of animals that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter or that have been previously owned by any person other than the original breeder of that animal.

#### **6.90.020 Animal Rescuer Application**

Each application for an animal rescuers permit shall be in writing upon a form to be furnished by the Code Compliance Manager or a designee. The application form shall contain such information as may reasonably be required by the Code Compliance Manager for the purposes of enforcement of this chapter, including but not limited to, the address and home telephone number of the applicant and the number and general description of all animals for which the permit is sought.

#### **6.90.030 Investigation; Grounds for Issuance of Permit**

A. Prior to the issuance of an animal rescuer permit, the Code Compliance Manager, or his or her designee, shall conduct an inspection of the applicant's premises where the permitted animals are intended to be kept and prepare a report for inclusion with the application for an original permit or a renewal.

B. A permit shall be issued to the applicant if the Code Compliance Manager or designee finds that:

1. The keeping of animals, or the conduct of operation of the business for which the permit is requested, at the place set forth in the application, will not violate any law or ordinance of the City, or any law of the state;
2. The keeping of animals, or the conduct or operation of the business for which the permit is requested, will not endanger the health, peace or safety of the community;
3. The proposed site is adequate in size and shape to accommodate the number and type of animals for which the permit is requested without harm to the animals or material detriment to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site;
4. The premises and establishment where animals are to be kept satisfy the conditions set forth at section 6.90.070 of this chapter, and animals will not be subject to suffering, cruelty or abuse; and
5. The applicant has not had a similar permit revoked within one year prior to the application.

B. The Code Compliance Manager may impose such conditions in granting a permit as he or she may deem necessary to protect the public and may limit the term of such permit.

#### **6.90.040 Notice of Action**

The applicant shall be notified in writing of the action of the Code Compliance Manager in either granting or denying the permit and, if the application has been denied, the notice shall

advise the applicant of his or her right appeal the determination. Such denials are acceptable to the City Manager or designee, whose decision shall be final. Service of the notice may be made by personal service or by registered mail. If service is made by mail, it shall be deemed complete upon deposit in the United States Mail directed to the applicant at his or her latest address shown on the application.

#### **6.90.050 Animal Rescuer Permit Fee**

The fee for an animal rescuer permit shall be set by resolution of the City Council and shall be paid to the City before a permit is issued.

#### **6.90.060 Numerical Limitation**

A. Notwithstanding any other provisions of this chapter, the Code Compliance Manager upon application for issuance or renewal of an animal rescuer permit may limit the number of animals which are to be kept or maintained on the permitted premises.

B. At any time that there are more animals than an animal rescuer permit allows, the permittee shall obtain a new permit which allows the keeping of the greater number of animals. The former permit shall be canceled and a credit for the canceled permit fee shall be allowed on the new permit.

#### **6.90.070 Regulations Relating to Keeping Animals**

A. Every person to whom an animal rescuer permit is issued shall comply with each of the following conditions:

1. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals. In the case of animals kept outdoors, sufficient shade shall be provided to prevent overheating or discomfort from sun exposure. Animals kept outdoors shall also be provided with access to shelter to allow them to remain dry during inclement weather;
2. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition with sufficient light provided

- to permit routine observation of animals and proper cleaning of the facilities;
3. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require;
  4. Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals;
  5. All reasonable precautions shall be taken to protect the public from the animals and animals from the public;
  6. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals;
  7. All animal rooms, cages and runs shall be of sufficient size to provide adequate and proper housing for animals kept therein;
  8. All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the Code Compliance Manager;
  9. Adequate and effective vector control shall be established and maintained at all times; and
  10. Every violation of applicable regulations shall be corrected within a reasonable time to be specified by the Code Compliance Manager.

B. Failure of an applicant for a permit to comply with any one of the foregoing conditions shall be deemed just cause for the denial of any permit, whether original or renewal.

#### **6.90.080 Expiration and Renewal of Permit**

A. An animal rescuer permit issued pursuant to the provisions of this chapter shall expire at the end of the calendar year in which the permit is issued.

B. An animal rescuer permit issued pursuant to the provisions of this chapter shall be renewed within thirty days after the expiration thereof. The procedure for the renewal of a permit shall be the same as for an original permit.

#### **6.90.090 Permit Nontransferable**

An animal rescuer permit issued pursuant to the provisions of this chapter shall not be transferable.

#### **6.90.100 Revocation of Permit**

A. Upon reaching the determination that a specific violation of this chapter and/or applicable statute, rule, code, regulation or permit condition warrants suspension, modification or revocation of an animal rescuer permit, the Code Compliance Manager or his or her designee shall request such suspension, modification or revocation via procedures established in Chapter 14.170 of this Code.

B. If an animal rescuer permit is revoked for cause, the Code Compliance Manager shall not accept a new application by the same person for the same activity at the same location less than one year after such denial or revocation, unless the applicant affirmatively shows and the Code Compliance Manager finds, by inspection and/or investigation, that the grounds upon which the first application was denied or the permit was revoked no longer exist. On revocation of a permit, no part of the fee is refundable.

C. Notwithstanding any other provision in this section, prior to the holding of the administrative hearing, the Code Compliance Manager may, for good cause, revoke, suspend or modify any animal rescuer permit for a period not to exceed thirty days in the event it is reasonably necessary to protect against an immediate threat to the health or safety of the public or the animals held on the subject premises.

### **CHAPTER 6.100**

#### **PENALTIES AND REMEDIES**

- 6.100.010 Public Nuisance**
- 6.100.020 Infraction Violation**
- 6.100.030 Civil Fines**
- 6.100.040 Administrative Citation**



**6.100.050 Administrative Fine**

**6.100.060 Modification, Suspension and/or Revocation of Validly Issued City Permit and/or City License**

**6.100.070 Additional Penalties**

**6.100.010 Public Nuisance**

Any person responsible for committing, causing or maintaining a violation of this Title that constitutes a public nuisance shall be subject to the provisions of Chapter 14.120 of this Code.

**6.100.020 Infraction Violation**

Except as otherwise provided by this Title or by state law, any person responsible for committing, causing or maintaining a violation of this Title that constitutes an infraction violation shall be subject to the provisions set forth in Chapter 14.100 of this Code, including but not limited to the imposition of any and all criminal penalties set forth therein.

**6.100.030 Civil Fines**

Any person convicted of an infraction shall, for each separate violation of this Title be subject to: (a) a fine in an amount not to exceed two hundred fifty dollars (**\$250.00**) for a first conviction of an offense; (b) a fine in an amount not to exceed five hundred dollars (**\$500.00**) for a second conviction of the same offense within a twelve (12) month period of the date of the first offense; and (c) a fine in an amount not to exceed seven hundred fifty dollars (**\$750.00**) for the third conviction of the same offense within a twelve (12) month period of the date of the first offense. The fine for a fourth and subsequent convictions of the same offense within a twelve (12) month period of the date of the first offense shall be one thousand dollars (**\$1,000.00**).

**6.100.040 Administrative Citation**

In lieu of issuing an infraction citation, the City may issue an administrative citation, pursuant to Chapter 14.80 of this Code, to any person responsible for committing, causing or maintaining an infraction violation of this Title. Nothing in this section shall preclude the City from also issuing an infraction citation upon the occurrence of the same offense on a separate day.

#### **6.100.050 Administrative Fine**

Any person issued an administrative citation pursuant to this chapter shall for each separate violation be subject to: (a) an administrative fine in an amount not to exceed one hundred dollars (**\$100.00**) for the first citation; (b) an administrative fine in an amount not to exceed two hundred fifty dollars (**\$250.00**) for a second citation issued for the same offense within a twelve (12) month period of the date of the first offense; and (c) a fine in an amount not to exceed five hundred dollars (**\$500.00**) for a third and any subsequent citation issued for the same offense within a twelve (12) month period of the date of the first offense.

#### **6.100.060 Modification, Suspension and/or Revocation of Validly Issued City Permit and/or City License**

Except as otherwise provided by this Title, a violation of any provision of this Title by the holder of a validly issued City permit and/or City license, shall constitute grounds for modification, suspension and/or revocation of said permit and/or license pursuant to the provisions set forth in Chapter 14.170 of Title 14.

#### **6.100.070 Additional Penalties**

Nothing in this Chapter shall preclude the City from pursuing the remedies provided by any provision of this Code, including but not limited to, as applicable, denial or revocation of certificates of occupancy, issuance of a stop work orders and injunctive relief.

#### **Section 2. CITY ATTORNEY REVIEW**

The City Attorney prepared and framed this Ordinance pursuant to Section 1.04.010 of the Municipal Code and finds that the City Council has the authority to adopt this ordinance, that the ordinance is constitutionally valid and that the ordinance is consistent with the general powers and purposes of the City as set forth in Section 1.04.031 of the Municipal Code.

#### **Section 3. 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 4. REPEAL OF CONFLICTING PROVISIONS**

All the provisions of the Rancho Mirage Municipal Code as heretofore adopted by the City of Rancho Mirage that are in conflict with the provisions of this ordinance are hereby repealed.

**Section 5. AMENDING OF MUNICIPAL CODE**

The City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Municipal Code 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 6. EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after its second reading by the City Council.

**Section 7. CEQA DETERMINATION AND FILING**

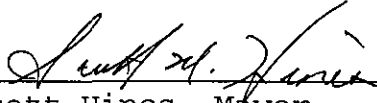
The City Council directs that a Notice of Exemption be filed with the County Clerk of the County of Riverside in accordance with the CEQA Guidelines since the City Council finds that this Ordinance meets the criteria of a General Exemption pursuant to Article IV, Section 15061, Subsection (b), Subdivision 3 of the California Environmental Quality Act (CEQA) since it will not have any potential for causing a significant effect on the environment in that it makes no changes to the City's existing Zoning regulations or Specific Plans, it clarifies certain regulations and/or uses that were previously ambiguous and contradictory and does not change the zoning where such uses are allowed nor enable any intensity of land use.

**Section 8. CERTIFICATION**


The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on February 7, 2013, by the following vote:

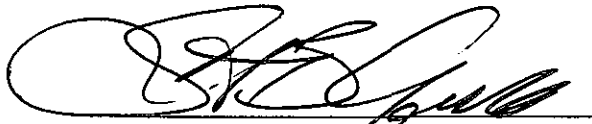
Ayes: Hobart, Kite, Smotrich, Weill, Hines  
Noes: None  
Abstain: None  
Absent: None

  
\_\_\_\_\_  
Scott Hines, Mayor

ATTEST:

  
for Bess McGladrey, Deputy  
Cynthia Scott, CMC  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Steven B. Quintanilla  
City Attorney

**ORDINANCE CERTIFICATION**

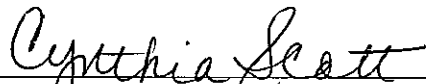
I, Cynthia Scott, City Clerk of the City of Rancho Mirage, California, do hereby certify under penalty of perjury, that the foregoing Ordinance No. 1052 was introduced by first reading at a regular meeting of the City Council held on January 17, 2013 by the following vote:

AYES: Kite, Hobart, Smotrich, Weill, Hines  
NOES: None  
ABSENT: None  
ABSTAIN: None

Ordinance No. 1052 was adopted at a regular meeting of the City Council held on February 7, 2013 by the following vote:

AYES: Hobart, Kite, Smotrich, Weill, Hines  
NOES: None  
ABSENT: None  
ABSTAIN: None

I further certify that I have caused the Ordinance to be posted and/or published as required by law (GC Sect. 36933).

  
\_\_\_\_\_  
Cynthia Scott, CMC  
City Clerk