ORDINANCE NUMBER 1168

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, REVISING THE CITY'S ANIMAL CONTROL REGULATIONS

***WHEREAS*,** the City Council of the City of Perris has the authority to react when the potential exists for jeopardy to the public health, safety and general welfare of its citizens; and

WHEREAS, the City Council finds and determines that unregulated or dangerous animals pose a serious threat to the residents and the environment throughout the City of Perris; and

***WHEREAS*,** the City Council finds and is concerned over the increased number of reports of persons and other animals being injured or threatened by overly aggressive or dangerous animals throughout the City; and

***WHEREAS*,** the City Council finds that the regulation of animal ownership will facilitate the speedy return of lost animals to their owners and will assist animal control officers in identifying the ownership of dangerous animals and otherwise regulating animals within the City; and

***WHEREAS*,** the City Council believes that this ordinance will facilitate the control and abatement of animals on public and private property in situations involving the public health and safety; and

WHEREAS, this ordinance is intended to pertain to all persons residing within the City; and

***WHEREAS*,** the City Council believes that this ordinance is necessary for the protection of Perris residents, for the preservation of the public health, safety and general welfare, and to attain the foregoing objectives;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City Of Perris, California, as follows:

Section 1. Title 8 of the Perris Municipal Code is hereby amended by repealing Chapters 8.04, 8.05, 8.08, 8.12, 8.16, 8.20, 8.24, 8.28, 8.30, 8.32, 8.34 and 8.36.

Section 2. Title 8 of the Perris Municipal Code is hereby amended by adding a new Chapter 8.08 to read in its entirety as follows:

"Chapter 8.08

Animal Control

Sections:

8.08.010	**Definitions.**
8.08.020	**Abandoning animals.**
8.08.030	**Poisoning animals.**
8.08.040	**Sanitary conditions.**
8.08.050	**Keeping animals near residences.**
8.08.060	**Property damage.**
8.08.070	**Prohibited animals.**
8.08.080	**Disturbing the peace.**
8.08.090	**Mandatory dog licensing and vaccination.**
8.08.100	**Reporting suspected rabies.**
8.08.110	**Quarantine.**
8.08.120	**Cat licensing.**
8.08.130	**Limit on number of dogs and cats.**
8.08.140	**Kennels, catteries, animal refuges and minor development plan review permits.**
8.08.150	**Mandatory licensing of dog kennels, catteries and animal refuges.**
8.08.160	**Minor development plan review permits.**
8.08.165	**Denial, suspension and revocation of minor development plan review permits.**
8.08.170	**Pet shops.**
8.08.180	**Exotic animals and reptiles.**
8.08.190	**Permit to keep bees.**
8.08.200	**Location and keeping of apiaries.**
8.08.210	**Entry upon private property.**
8.08.220	**At large or stray animals.**
8.08.230	**Impounded animals.**
8.08.240	**Impoundment period.**
8.08.250	**Redemption of animals.**
8.08.260	**Owner Turn-In Fee.**
8.08.270	**Adoption of unredeemed animals.**
8.08.280	**Owner's right to redeem animal from purchaser.**
8.08.290	**Record of impounded animals.**
8.08.300	**Sale of unclaimed animals.**
8.08.310	**Neuter deposits for dogs and cats.**
8.08.320	**Loud animals.**
8.08.330	**Rabies suppression, control and quarantine.**
8.08.340	**Cruelty to dogs, cats and other animals.**
8.08.350	**Fighting animals.**

8.08.360 Owning, keeping or training animals for fighting.
8.08.370 Restraint of dogs.
8.08.380 Dogs on public property.
8.08.390 Public protection from dogs.
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8.08.430 Vicious animals.
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8.08.450 Declaration of potentially dangerous or vicious animal.
8.08.460 Criteria for declaring an animal to be vicious.
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8.08.490 Impounding potentially dangerous or vicious animals.
8.08.500 Administrative hearing to contest viciousness.
8.08.510 Surrender of animal upon demand.
8.08.520 Hearing procedures and charges.
8.08.530 Enforcement.
8.08.540 Violation.
8.08.550 Complaints.
8.08.560 Duties and powers of officers.
8.08.570 Grandfathering.
8.08.580 Issuance of citations by city officials.

8.08.010 Definitions.

Unless the context requires otherwise, the following words, when used in this Chapter, shall have the meaning set forth in this Section. Variants of defined terms shall be construed in the same manner as the defined terms themselves.

"Animal" means any vertebrate creature, domestic, exotic or wild, including, but not limited to, birds, fishes, reptiles and nonhuman mammals.

"Animal control officer" means any person appointed by the City as an authorized agent who is qualified to perform such duties under the laws of this State.

"Animal establishment" means any pet shop, grooming shop, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, kennel or animal shelter.

"Animal exhibition" means any display containing one (1) or more animals which are exposed to public view for entertainment, instruction or advertisement, excluding fairs, livestock shows, rodeos, purebred dog and pedigree cat shows, obedience trials and

competitions, field trials, and any other fair or exhibition intended to advance agricultural arts and sciences.

"Animal services" means the City-funded program that provides staffing, facilities and resources to operate the City animal control and animal shelter operations.

"Animal shelter" means any nonprofit private or publicly owned facility authorized to impound or care for animals held under the authority of this Chapter or State law.

"At large" means the status of any animal, other than a wild animal in its established habitat which is not tethered or otherwise confined on the property where it is authorized to be, or which is not on a leash held by a person physically capable of restraining such animal, or is not otherwise physically restrained to the same extent by some other device.

"Breeder" means an owner/lessor/breeder of any animal, including fowl, who is licensed to breed animals for resale, individually or in litter lots, whether any of these animals are also kept for personal use.

"Cattery" means any building, structure, enclosure or premises upon or within which four (4) or more cats, 4 months or older, are kept or maintained.

"Commercial purposes" means, in the context of a kennel or cattery, any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals.

"Dangerous animal" means any animal of a species which presents a threat to the safety of persons or property, as determined by the senior animal control officer.

"Dog kennel" means any building or premises upon or within which five or more dogs, 4 months of age or older, are kept or maintained.

"Domesticated animal" means a cat, dog, rabbit, mouse, turtle, fish, bird of the parrot family and/or a caged reptile which is permanently maintained within a residence.

"Euthanasia" means the humane death of an animal brought about by an authorized person and by a method approved by the senior animal control officer and local veterinary doctors.

"Exigent circumstances" means any circumstances in which an animal control officer, in his or her best judgment, determines that a life threatening or serious injury is likely to occur, if immediate action is not taken. For the purposes of this Title 8, examples of exigent circumstances include, but are not limited to, where an animal may die if not immediately transported to a veterinarian, or an animal may bite and seriously injure a human or other animal if not immediately impounded, or an animal may die if an officer does not immediately enter property to rescue the animal.

"Exotic animal" means any animal which is not normally domesticated in the United States including, but not limited to, any lion, tiger, bear, nonhuman primate (monkey, chimpanzee, etc.), wolf, coyote, fox, opossum, raccoon, ferret, weasel, cougar, badger, lynx, bobcat, ocelot, wildcat, skunk, emu, leopard, panther, a hybrid animal or venomous snake, irrespective of its actual or asserted state of docility, tameness or domesticity.

"Fowl" means any animal which is a bird.

"Guide dog" means a properly trained dog which has been certified, or is in training to be certified, by a licensed guide (seeing eye) dog agency and is actually being used by a sight-impaired person.

"Impounded" means the status of an animal which has been received into the custody of an animal control 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.

"Infectious disease" means any infectious, contagious or communicable disease sufficiently dangerous to the public health or to the health of animals within the City to warrant putting into effect the provisions of this Title and any rules or regulations adopted pursuant thereto.

"Large animal" means any horse, ostrich, sheep, goat, swine, bovine, ox, buffalo, cattle, llama, donkey and/or mule.

"Licensed animal" means an animal in respect to which a current valid license has been issued by the City or other agency of competent jurisdiction.

"Livestock" means any domesticated animal, other than a dog, cat or fish, including a horse, sheep, rabbit, goat, swine, bovine, ox, buffalo, cattle, ostrich, peacock, buffalo, chicken, pigeon, duck, goose, turkey, llama, donkey or mule which is kept in captivity under the control or ownership of any person for any purpose.

"Nuisance" means a condition in which an animal: damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous or offensive conditions; causes a disturbance by excessive barking or other noise making if confirmed by three (3) independent witnesses; or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

"Official police dog" means any canine trained for law enforcement purposes, when used by the police department for such purposes, and when so designated by the police chief by the issuance of distinguishing tags.

"Owner" means any person (except where a particular status is compelled by the context in which used) keeping, harboring, in possession of, or having custody or control over

any animal; any person having title to any animal; any person who has, harbors or keeps, or who causes or permits to be harbored or kept, an animal in the person's care; or any person who permits an animal to remain on or about the person's premises for a period of thirty (30) consecutive days or more.

"Permit" means an authorization from the City stipulating conditions under which animals may be kept in commercial and private establishments.

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

"Pet" means any animal kept for pleasure rather than utility.

"Pet Shop" means any person, whether operated separately or in connection with another business enterprise, except for a permitted and licensed kennel or cattery, that buys, sells, or boards any species of animal.

"Pigeon" means any bird described as a pigeon, homing pigeon or racing pigeon.

"Potentially dangerous animal" means any of the following:

A. Any animal which, when unprovoked, on any single occasion within the prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury;

B. Any animal which, when unprovoked, bites a person causing a less severe injury than a substantial injury; or

C. Any animal which, when unprovoked, on any single occasion within the prior thirty-six (36) month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury while attacking a domestic animal or person off the property of the owner or custodian of the attacking animal.

"Private animal refuge" means owners and harborers of unwanted animals of any species, including cross-breeds, who provide food, shelter, confinement, licensing and spaying/neutering for a group of animals.

"Public entity" means any state or any political subdivision, municipal corporation, body politic, public corporation or agency of a state.

"Public nuisance" means any animal(s) which: (a) molests passersby or passing vehicles; (b) attacks other animals; (c) trespasses on school grounds; (d) is repeatedly at large; (e) damages private or public property; or (f) barks, whines or howls in excessive, continuous or untimely fashion.

"Quarantine" means the strict confinement of an animal upon the premises of the owner or elsewhere as approved by the senior animal control officer.

"Secure enclosure" means a fence or structure suitable to prevent the entry of young children and/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 keeper of the animal or at the direction of the senior animal control officer. The enclosure shall be designed to prevent the animal from escaping and from preventing an adult or child from coming into contact with the animal. Chains, where a person can walk within the length of the chain, an electronic collar or an invisible fence are not sufficient restraints or enclosures. Such an enclosure must also comply with all City planning requirements for fencing and enclosures including, but not limited to, requirements for zoning, design, height and materials used.

"Senior animal control officer" means the supervising animal control officer of the City or the person duly authorized by such officer to enforce the provisions of this Chapter.

"Service dog" means any dog trained to aid a physically disabled person, including without limitation, a guide dog and a signal dog.

"Small animal" means any rabbit, peacock, chicken, pigeon, duck, goose, turtle or turkey.

"Substantial injury" means a substantial impairment of the physical condition of a person that requires professional medical treatment, including, but not limited to: loss of consciousness, concussion, bone fracture, protracted loss or impairment of the function of any bodily member or organ, tissue tears or punctures, disfiguring lacerations, a wound requiring multiple sutures, or any injury requiring corrective or cosmetic surgery.

"Vaccination" means an inoculation with a vaccine against rabies, in accordance with requirements of Section 1920 of the California Health and Safety Code.

"Veterinarian" means a person holding a currently valid license to practice veterinary medicine, dentistry and surgery.

"Vicious animal" means any animal that constitutes a physical threat to human beings or other animals. An animal is "known to be vicious" when said animal has previously attacked either a person engaged in lawful activity or another animal and such attack causes a substantial injury, when that animal has caused a person engaged in a lawful activity 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, or when that animal has been declared to be vicious pursuant to the provisions of this Chapter.

8.08.020 Abandoning animals.

It is unlawful to abandon any animal, dead or alive, within the boundaries of the City.

8.08.030 Poisoning animals.

It is unlawful to place, leave or expose in any place accessible to any pet with the intent to kill or harm such animals, any poisonous substance or ingredient, or any edible or any other substance or ingredient which has in any manner been treated or prepared with any poisonous substance or ingredient.

8.08.040 Sanitary conditions.

Any animal kept or maintained within the City shall be kept and maintained in a sanitary condition with all refuse and manure removed from the premises at least once each calendar week. All rules and regulations of the State Health Department pertaining to sanitary conditions and maintenance of premises must also be complied with.

It is unlawful for the owner or person having charge, custody or control of any animal to permit, either willfully or through the failure to exercise due care or control, any such animal to create a nuisance by leaving its excreta and to allow such nuisance to therefore remain on the following: (a) any public park in the City; (b) a public sidewalk, parkway or any other public property; (c) any entranceway, stairway or wall immediately abutting a public sidewalk; (d) the floor of any theater, shop, store, office building or other building used by the public; (e) any improved private property other than that of the owner or person who has custody or control of such animal; (f) the floor of any common hall in any apartment house, tenement house, motel or other multiple dwelling. Any owner or person found in violation of this Section shall be fined fifty dollars ($50.00), payable to the City, for each violation.

8.08.050 Keeping animals near residences.

It is unlawful for any person to keep or maintain on his or her premises, including leased premises, any animal within one hundred (100) feet of any other residence, his or her own not included, except as follows:

A. If expressly allowed by the zoning code; or

B. Domestic pets, including dogs, cats, caged birds, turtles, rabbits, mice, caged reptiles, fish aquariums or other similar household pets.

8.08.060 Property damage.

No person owning or having charge, care or custody of any animal shall permit such animal to damage or destroy the property of another person.

8.08.070 Prohibited animals.

A. It shall be unlawful for any person to have, keep, maintain, or have in his or her possession or under his or her control, on any property within the City, any small animal, fowl, bovine, sheep, buffalo, ox, ostrich, donkey, horse, mule, llama, goat or swine, unless:

The lot size of the property is not less than twenty thousand (20,000) square feet, and:

1. The animal is maintained at least one hundred fifty (150) feet from any building on adjacent property,

2. There are no more than a collective total of five (5) small animals or fowl (including pigeons, chickens, ducks, geese, turkeys and peacocks but excluding roosters), turtles and/or rabbits, and

3. There are no more than a collective total of two: horses, mules, buffalo, ostrich, llama, bovine, sheep, goats, ox, cattle, donkey or swine.

B. In addition, the keeping of large animals, such as horses, cows, sheep and pigs, shall be limited to the following densities:

1. 2 large animals on at least 20,000 square feet,

2. 3 large animals on at least 30,000 square feet,

3. 4 large animals on at least one (1) acre, and

4. More than 4 large animals shall only be allowed on property greater than one (1) acre provided that there is at least 20,000 square feet per animal.

C. It shall be unlawful for any person to have, keep, maintain or have in his or her possession or under his or her control, a rooster on any property not less than twenty thousand (20,000) square feet. No matter how large the property, it shall be unlawful for any person to have, keep, maintain or have in his or her possession or under his or her control more than two (2) roosters.

It shall be unlawful for any person to have, keep, maintain or have in his or her possession or under his or her control, on any property within the City, a horse, llama, buffalo, ostrich, sheep, goat, swine, bovine, ox, donkey or mule unless the property is zoned RA or A1.

8.08.080 Disturbing the peace.

It is unlawful and declared a nuisance for any person to keep, maintain or permit on any lot, parcel of land or premises under his or her control, any animal which may by any sound or cry disturb the peace and comfort of the inhabitants of the neighborhood or interfere

with the reasonable and comfortable enjoyment of life and property; provided, however, that nothing contained herein shall be construed to apply to reasonable noises emanating from legally operated veterinary hospitals, humane societies, animal shelters, farm or agricultural facilities within areas where the keeping of animals or fowls are permitted.

8.08.090 Mandatory dog licensing and vaccination.

A. It is unlawful, except as provided elsewhere in this Chapter, to keep any dog, four (4) months of age or older, in the City for a period of thirty (30) days or longer, unless such dog has a currently valid license tag which has been issued by or on behalf of the City.

B. No dog shall be licensed without proof of an approved rabies vaccination. A rabies vaccination certificate must be signed by a licensed veterinarian and shall remain valid for the entire registration period.

C. Each veterinarian, after vaccinating a dog, shall sign a certificate of vaccination in triplicate in the form prescribed by Section 2606.4 of Title 17 of the California Administrative Code or in such other form as may be acceptable to the senior animal control officer. The veterinarian shall keep one copy, give one copy of the form to the owner of the vaccinated dog, and, on a monthly basis, forward a copy of each completed certification of vaccination to the senior animal control officer.

D. Licenses shall be issued for a period of twelve (12), twenty-four (24) or thirty-six (36) months, depending on the duration of the vaccination certificate. Registrations may be issued for periods of time less than the minimum twelve (12) month period of time if the animal's rabies certificate expires sooner than the minimum registration period. No license may expire later than the expiration date of the rabies vaccination. License fees shall be as established from time to time by resolution of the City Council. Such license fee is neither refundable nor transferable.

E. Notwithstanding the provisions of Subsections B and D of this Section, if a dog has a short-term illness, is pregnant, or suffers from a long-term debilitating illness which in the opinion of a veterinarian contraindicates vaccination for rabies, such dog shall not be required to undergo vaccination during the period of such illness or pregnancy where a request for vaccination deferral has been approved by the senior animal control officer. Such request shall specify the duration of the requested deferral, the reason for the requested deferral and shall be signed by a veterinarian. The owner of such dog shall keep the dog confined for the duration of the deferral. Within fourteen (14) days after the expiration of the deferral, the owner shall present the senior animal control officer with a certificate of vaccination in accordance with the provisions of Subsection C of this Section. In lieu of such deferral, the senior animal control officer may issue a license which will expire on the date on which a deferral would have expired had it been granted. As a condition to granting deferral, the senior animal control officer may require that the license application and the fee related thereto be lodged with the senior animal control officer prior to issuance of the deferral.

F. No fee shall be required for a license for any service dog that is under the control of and is aiding a blind, hearing impaired or physically disabled person, or if such dog is owned by or in the custody of a bona fide organization having as its primary purpose the furnishing and training of such dogs.

G. No fee shall be required for a license for any dog owned by a public entity.

H. Each license issued pursuant to this Chapter may be renewed. Application for renewal shall be made to the senior animal control officer, or his or her authorized designee, not later than thirty (30) days after the expiration date on the license.

I. If an application for a license is made more than thirty (30) days after the date that a dog license is required under this Chapter, the applicant shall pay, in addition to the regular license fee, such late fee as may be established by resolution of the City Council.

J. Within thirty (30) days of the transfer of ownership of any dog validly licensed under this Chapter, the new owner shall notify the senior animal control officer of the transfer, using the form prescribed by the senior animal control officer, and the new owner shall pay any such transfer fee as may be established by resolution of the City Council.

K. If a valid license tag is lost or destroyed, a duplicate may be obtained from the senior animal control officer upon submission of a statement signed by the owner of the dog. The statement shall contain the date and circumstances of the loss or destruction of the tag and shall be submitted concurrently with the applicable fee to the senior animal control officer, or his or her authorized designee.

L. Each dog required to be licensed shall wear, at all times, the current license tag assigned to that dog, except when the dog is: (a) physically confined within the premises of the owner or other person authorized to have custody; (b) confined in a vehicle or cage; (c) participating in any dog exhibition, field trial or competition; or (d) confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog to which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records. Nothing herein contained, however, shall be construed to relieve the necessity of having a current tag for each dog. Upon request of any animal control officer or peace officer, an owner of a dog for which a license is required shall present a currently valid certificate of vaccination and/or license tag for such dog.

M. It is unlawful for any person to make use of a stolen, counterfeit or unauthorized license, tag, certificate or other document for the purpose of evading the provisions of this Chapter.

N. The City may impose a higher license fee for animals that have been determined to be potentially dangerous or vicious by either animal services or the court. The increased license fee shall offset the increased costs of maintaining the records of the animal.

8.08.100 Reporting suspected rabies.

Any person having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report such facts immediately to the County Health Officer or the senior animal control officer, or his or her authorized designee. In those areas declared by the Director of the State Department of Public Health to be regarded as rabies areas (pursuant to Section 1901.2 of the California Health and Safety Code), the senior animal control officer and the County Health Officer shall be notified when any person is bitten by an animal of a species subject to rabies, whether or not the animal is suspected of having rabies.

8.08.110 Quarantine.

A. Upon receipt of a report that a person has been bitten or otherwise exposed by an animal to a species of rabies (all warm-blooded animals), the senior animal control officer, or his or her authorized designee, at his or her discretion, shall have said animal isolated in strict confinement to the owner's property. If the senior animal control officer, or his or her authorized designee, determines, in his or her sole discretion, that the animal's owner cannot adequately confine the animal, the animal control officer may order that the animal be confined under the proper care and observation of a licensed veterinarian in a veterinary hospital or other adequate facility. The animal shall be observed for at least fourteen (14) days (dogs and cats need only be observed for ten (10) days) after the date of the bite, with the following exception: dogs and cats may be released after five (5) days of veterinary observation if the observing veterinarian certifies that there are no clinical signs or symptoms of disease. If the animal is confined in a veterinarian hospital or other facility, the animal's owner shall be financially responsible for all costs incurred in connection therewith.

B. Any animal of a species subject to rabies that has been bitten by a known or suspected rabid animal or that has been exposed by contact with a rabid or suspected animal shall be quarantined in a place and manner approved by the senior animal control officer for a period of six (6) months, or destroyed, with the exception that the following alternative is permitted in the case of dogs and cats: If the dog or cat has been vaccinated against rabies: (a) Within two (2) years, but not less than thirty (30) days, with a canine live-virus rabies vaccine; or (b) Within one (1) year, but not less than thirty (30) days, with canine killed-virus rabies vaccine, the dog or cat may be revaccinated in a manner prescribed and quarantined in a place and manner approved by the senior animal control officer, or his or her authorized designee, for a period of thirty (30) days.

C. If, upon examination, the senior animal control officer, or his or her authorized designee, determines that any animal is afflicted with rabies; he or she may cause such animal to be destroyed in a humane manner. However, when any animal is known to have bitten, scratched or otherwise exposed a person or animal to rabies, such animal shall be quarantined for such time as may be prescribed by law.

D. The senior animal control officer, or his or her authorized designee, may authorize, with permission of the owner and following other legal restrictions, the euthanasia of a

biting animal for the purpose of conducting a laboratory examination for rabies in an approved laboratory. The costs of quarantining such animal shall be the responsibility of the owner. If any rabid animal, clinically suspected rabid animal, or biting animal dies or has been killed, adequate specimens shall be obtained and examined in an approved public health laboratory. No person shall destroy or allow to be destroyed the brain of an animal of a species subject to rabies that has bitten or otherwise exposed a person before the destruction of such brain has been authorized by the County Health Department.

8.08.120 Cat licensing.

Cats, four (4) months of age or older, may be licensed in the same manner in which dogs are licensed. Cats must have current rabies vaccinations valid for the entire registration period.

8.08.130 Limit on number of dogs and cats.

Unless permitted as a kennel, cattery or animal refuge, or in receipt of a minor development plan review permit, it shall be unlawful for any person to keep within the City, in any private residence or on any other parcel, for a period longer than thirty (30) days, more than:

A. Any four (4) dogs, four (4) months of age or older, and

B. Any four (4) cats, four (4) months of age or older.

8.08.140 Kennels, catteries, animal refuges and minor development plan review permits.

A. Registration privileges for kennels, catteries, and animal refuges including minor development plan review permits shall be revoked when registrants are found guilty by the City's senior animal control officer, the Public Safety Commission or a court of:

1. Inhumanely or cruelly treating animals;

2. Violating health and sanitation codes;

3. Willfully failing to:

a. Notify owners of the presence of their lost animals,

b. Check for identification marks such as registered tattoos, or

c. Refuse to return duly identified animals to their rightful owners;

4. Violating noise and nuisance ordinances; or

5. Making false statements on their application forms.

8.08.150 Mandatory licensing of dog kennels, catteries and animal refuges.

A. No person shall operate or maintain a dog kennel, cattery or animal refuge without first obtaining an appropriate license from the senior animal control officer, a minor development plan review permit and any additional permit or approval required by the City's Zoning Code. Such licenses shall be valid for a period of one or two years from the date of issuance. An application for renewal of such license shall be made not less than thirty (30) days prior to the date of expiration thereof. W here a permit has been issued for a dog kennel and is in effect, the dogs contained in the dog kennel shall be exempt from the requirements of individual license tags as provided in this Chapter. The license fees and late fees for a dog kennel, cattery or animal refuge, if an application for a license is made after the date such license or renewal application is required, shall be established by resolution of the City Council, as may be amended from time to time.

B. The holder of a kennel, cattery or animal refuge license shall keep available for inspection his or her license and a record of all animals by name, breed, sex, color and age. In addition, he or she shall post in a visible place the name, address and telephone number of a family member with a different address, and a veterinarian or other party who can be contacted in case of an emergency to assume the care of the animals on the premises.

C. An Application for a dog kennel, cattery or animal refuge license shall be filed with the senior animal control officer on the form prescribed not later than ten (10) days after the applicant obtains written verification from the City's Planning and Community Development Department, a copy of which shall be sent to the senior animal control officer, that the proposed operation of the dog kennel, cattery or animal refuge is in compliance with the applicable provision of the City's then-current land use and zoning ordinance. The application form shall contain such information as may reasonably be required by the senior animal control officer for the purposes of enforcement of this Chapter, including, but not limited to, the home telephone number of the caretaker of the subject dog kennel, cattery or animal refuge and a telephone number for emergency use or messages when such caretaker is absent from the subject kennel, cattery or animal refuge. Where a dog kennel, cattery or animal refuge is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises must also be submitted to the senior animal control officer at the time the application is submitted.

D. Upon receipt of an application for a dog kennel, cattery or animal refuge license, the senior animal control officer shall inspect the proposed premises for which the license is requested. No license shall be issued or renewed unless the premises conforms with the requirements of this Chapter and all other applicable laws and regulations, including, without limitation, the County of Riverside's standards for kennels, catteries and animal refuges. Notwithstanding any other provisions of this Chapter, the senior animal control officer, upon application for issuance or renewal of a dog kennel, cattery or animal refuge license, may limit

the number of animals which are to be kept or maintained on the licensed premises. The numerical limitation may be imposed by the Planning and Community Development Director or Planning Commission when the Director or Commission is considering a land use approval which is required for the operation of the dog kennel, cattery or animal refuge, except that neither the Director nor the Commission may permit a number of animals greater than that number recommended by the senior animal control officer.

E. Notwithstanding any other provision of this Chapter, the senior animal control officer and any peace officer of the City are authorized to enter upon and inspect the premises of any dog kennel, cattery or animal refuge in the City to determine whether such dog kennel, cattery or animal refuge complies with this Chapter, the standards incorporated herein and any conditions imposed on any permit or license. In consideration of the issuance of a dog kennel, cattery or animal refuge license, each owner and operator shall allow the senior animal control officer to enter and inspect the premises. Such right of entry is a condition of the license application. Inspections by the senior animal control officer shall be made during reasonable hours, when the owner or operator has been given an opportunity to be present, and with such frequency, not less than annually, as the senior animal control officer may deem appropriate. Inspections may, for good cause and at the discretion of the senior animal control officer, be made without prior notice to the owner or operator. Willful refusal by the owner or operator to allow an inspection by the senior animal control officer constitutes grounds for summary denial of an application for a dog kennel, cattery or animal refuge license and for summary suspension or revocation of an existing license.

F. Nonprofit corporations formed pursuant to the provisions of the California Corporations Code for the prevention of cruelty to animals, which have furnished proof of such incorporation to the senior animal control officer, shall not be required to pay a fee for the licenses required by this Section. All other provisions of this Section shall be applicable to any such nonprofit corporation including requirements for minor development plan review permits, where applicable, the fees for which are not waived by this Subsection (F). Each corporation claiming to be exempt from fees pursuant to this Subsection shall, before issuance of any license, 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 license.

G. The operation of a kennel, cattery or animal refuse shall also require a minor development plan review permit.

8.08.160 Minor development plan review permits.

A. Any person who owns or rents more than one (1) acre of property within a R-20,000 or R-10,000 zone (or an equivalent zone as determined by the Community Development Department) within the city may apply for a minor development plan review permit authorizing the permit holder to maintain as many as twice the number of animals otherwise authorized in this Chapter, as long as none of the applicant's contiguous neighbors object to the applicant having more than the prescribed number of animals, the applicant's

contiguous neighbors all have a minimum of one-half (1/2) acre of land, and the applicant's property is in a condition that supports the approval of the permit. Such permit shall be valid for a period of one or two years from the date of issuance. An application for renewal of such permit shall be made not less than thirty (30) days prior to the date of expiration thereof and must be submitted with the appropriate fee for the permit, as determined by resolution of the City Council, and as amended from time to time. The application form shall contain such information as may reasonably be required by the senior animal control officer for the purposes of enforcement of this Chapter, including but not limited to, the home telephone number of the applicant and a telephone number for emergency use or messages when the applicant is absent from the his or her property. Where a permit is sought for leased or rented premises, a letter of consent from the owner of the premises must also be submitted to the senior animal control officer at the time the application is submitted.

B. Not less than ten (10) days prior to the decision date on an application for a minor development plan review permit by the Director of Planning and Community Development, the City shall mail notices of the proposed use to all property owners, as shown on the last equalized assessment rolls, within a 100-foot radius of the boundaries of the property seeking a minor development plan review permit. A copy of the application shall also be sent to the senior animal control officer at least ten (10) days prior to the Director's decision.

C. Upon receipt of an application for a permit, the senior animal control officer shall inspect the proposed premises for which the permit is requested. No permit shall be issued or renewed unless the premises conform to the requirements of this Chapter and all other applicable laws and regulations. Notwithstanding any other provisions of this Chapter, the senior animal control officer, upon application for issuance or renewal of a permit, shall specify the maximum number of animals which are to be kept or maintained on the permitted premises.

D. A decision on the permit shall be made by the Director of Planning and Community Development within a 28-day period, without a formal hearing, unless a hearing is requested by either the applicant or other affected persons. For the purposes of this chapter, an affected person shall mean a person who owns, lives or works within a 100-foot radius of the property at issue. The written hearing request must be filed with the Department of Planning and Community Development. If so requested, the hearing shall be scheduled for the next available public hearing of the City Council. Noticing for said hearing shall be made to the same list of people as described in Subsection (A). Unless otherwise requested, the decision of the Director shall be final.

E. Notwithstanding any other provision of this Chapter, the senior animal control officer or any peace officer of the City is authorized to enter upon and inspect any such permitted premises in the City to determine whether such premises complies with this Chapter, the standards incorporated herein and the conditions of approval on the permit. In consideration of the issuance of a permit, each owner and operator shall allow the senior animal control officer to enter and inspect the premises. Such right of entry is a condition of the permit application. Inspections by the senior animal control officer shall be made during reasonable hours when the

owner has been given an opportunity to be present, and with such frequency, not less than annually, as the senior animal control officer may deem appropriate. Inspections may, for good cause and at the discretion of the senior animal control officer, be made without prior notice to the owner. Willful refusal by the owner to allow an inspection by the senior animal control officer constitutes grounds for summary denial of an application for a permit and for summary suspension or revocation of an existing permit.

F. The holder of a minor development plan review permit shall keep available for inspection his or her permit and a record of all animals by name, breed, sex, color and age. In addition, he or she shall post in a visible place the name, address and telephone number of a family member with a different address, and a veterinarian or other party who can be contacted in case of an emergency to assume the care of the animals on the premises.

8.08.165. Denial, suspension and revocation of a minor development plan review permits.

A. The senior animal control officer, after providing the applicant with notice and an opportunity to be heard, may in her or his discretion, deny, suspend or revoke any minor development plan review permit and may deny any application for renewal of such permit if it is found that the applicant fails to meet all of the applicable standards contained or incorporated in this Chapter, the permit's conditions, or if the premises are violation of any other applicable federal, state or local law or regulation.

B. The senior animal control officer shall prepare a written notice of such denial, suspension or revocation, which notice shall contain a concise statement of the reason(s) for such denial, suspension or revocation. The senior animal control officer shall serve such notice upon the applicant by personal delivery or by first class mail, postage prepaid, together with a copy of this Section. Denial, suspension or revocation shall be effective on the tenth (10^{th}) day after service of such notice or upon such later date as may be specified in the notice. Service shall be deemed completed immediately upon personal delivery. When the notice is mailed as hereinafter provided, service shall be deemed completed on the second business day after deposit of the notice in the United States mail.

C. Any person whose application has been denied or whose permit has been suspended or revoked may appeal such denial, suspension or revocation to the Planning Commission by filing with the City Clerk, within ten (10) working days after the date of service of such notice, a written notice of appeal concisely setting forth grounds on which the appellant relies in alleging that such denial, suspension or revocation is improper. The notice of appeal shall be accompanied by payment in full of such appeal fee as established by resolution of the City Council. Within fifteen (15) days of the receipt of the notice of appeal, the Clerk shall set a date for hearing the appeal and shall give written notice of the date, time and place of such hearing to the appellant, to the senior animal control officer and to the Planning Commission. Such notice shall be sent to the appellant by first class mail, postage prepaid. The commencement date of the hearing shall be not less than twenty-five (25) days, nor more than forty-five (45) days,

from the date of receipt by the Clerk of the notice of appeal; provided, however, that at the request of the appellant, the City Clerk may extend the commencement date one time for a reasonable period, not to exceed an additional thirty (30) days beyond the aforementioned forty-five (45) day limit. Written notice of such extension shall be given to the appellant, the senior animal control officer and the Planning Commission. The appeal shall be heard by the Planning Commission which may affirm, modify or reverse the denial, suspension or revocation. In conducting the hearing, the Planning Commission shall not be limited by the technical rules of evidence which are applicable in courts of law. To be admissible, evidence need only be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

8.08.170 Pet shops.

It shall be unlawful for any person who owns a pet shop to do any of the following:

A. Maintain the facilities used for keeping of animals in an unsanitary condition.

B. Fail to provide proper heating or ventilation for the facilities used for the keeping of animals.

C. Fail to provide adequate nutrition for, and humane treatment of, all animals under his or her care and control.

D. Fail to take reasonable care to release for sale, trade or adoption only those animals which are free of disease and injury.

E. Fail to provide adequate space appropriate to the size, weight and species of an animal.

F. Fail to provide adequate signage to warn of animals that may carry salmonella.

G. Fail to keep a file on each animal with the following information:

1. Where the animal was obtained from,

2. The history of veterinary care and treatment given to the animal while in the possession of the pet shop owner, and

3. A health certificate for each exotic animal.

8.08.180 Exotic animals and reptiles.

Unless zoning specifically allows otherwise or unless permitted by a State agency, no person shall have, keep or maintain, or have in his or her possession or under his or her control on any property within the City any exotic animal, any venomous or otherwise dangerous reptile or arachnid, or other dangerous or carnivorous wild animal, irrespective of its actual or asserted state of docility, tameness or domesticity. The senior animal control officer may impound any such animal and dispose of it in a humane manner after three (3) working days to allow for legal restraining action by the owner.

8.08.190 Permit to keep bees.

It is unlawful for any person within the City to keep or have control of a stand of bees without first obtaining a permit to do so from the senior animal control officer, or his or her designee, and subject to such conditions as may be imposed thereon. For the purposes of this Chapter, certain terms used are defined as follows:

A. "Bee" means a honey-producing insect of the species known as apis mellifera, and includes the adult, egg, larvae, pupae and other immature stages thereof, together with such materials as are deposited into hives by an adult, except honey and rendered beeswax.

B. "Apiary" includes bees, combs, hives, appliances or colonies wherever the same are kept, located or found.

C. "Hive" means any receptacle or container or part thereof, made or prepared for the use of bees or inhabited by bees.

D. "Appliance" means any implement or other device used in handling and manipulating bees or their brood, or containers thereof.

E. "Comb" includes all materials normally deposited into hives by bees except extracted honey or royal jelly, trapped pollen and processed beeswax.

F. "Colony" means one hive and its contents, including bees, comb and appliances.

G. "Location" means any premises upon which any apiary is located.

8.08.200 Location and keeping of apiaries.

All apiaries kept within the City shall:

A. Be located at a place at least one hundred (100) feet from all public roads unless there are natural barriers to prevent bees from causing a nuisance or hazard to persons using the road;

B. Be located at a place at least six hundred (600) feet from the nearest house or building inhabited as a dwelling, unless the owner of said apiary first procures permission, in writing, from the occupant or person using said dwelling;

C. Be arranged behind barriers, natural or otherwise, near schoolyards or places where people congregate; to cause bees to fly at a high altitude over such schoolyard or place;

D. No apiary shall be maintained upon the lands of another without the owner or person in possession of said apiary first procuring permission in writing from the owner of said lands; and

E. No apiary shall be located within the City before March 15th or later than May 20th of any year.

The senior animal control officer shall have the authority to order the removal of any apiary and/or hive within the City.

8.08.210 Entry upon private property.

Unless otherwise prohibited by law, an animal control officer is empowered to enter upon private property where any animal is kept or reasonably believed to be kept when exigent circumstances exist and the officer has probable cause to believe a violation of this Chapter has occurred or is imminent.

8.08.220 At large or stray animals.

A. It is unlawful for the owner of any animal, other than a cat, to allow such animal to run at large within the City.

B. It is unlawful for any person, whether or not the owner, to cause any animal, except a cat, to run at large within the City.

C. It is lawful for any person to take up, in a humane manner, any animal running at large in violation of this Chapter and to promptly notify or deliver such animal to the senior animal control officer.

D. The provisions of this Section shall not apply to any official police dog while such dog is on duty.

8.08.230 Impounded animals.

A. The senior animal control officer, or his or her authorized designee, may take into custody:

1. Any animal kept and maintained contrary to the provisions of this Chapter, any of the codified ordinances of the City, any codified ordinance of the County of Riverside or any California statute;

2. Any animal running at large contrary to the provisions of this Chapter or any statute;

3. Sick, injured, stray or unwanted animals, for which the owner or custodian cannot be found or is unable or unwilling to provide proper care;

4. Animals quarantined where no other place of quarantine is acceptable to the senior animal control officer;

5. Animals delivered or requested to be impounded by a peace officer, or public officer or employee as defined in Penal Code Section 836.5;

6. Any wild animal found to be at large upon any public property, or upon request of the owner or tenant, found to be at large on private property; and

7. Any other animal authorized to be impounded pursuant to the provisions of this Chapter.

B. The City may collect from the owner or person in whose control or custody the animal was intended to be a fee to reimburse the City's actual costs incurred to care for the animal for each animal impounded by the City.

C. The senior animal control officer has discretion to waive impound, board and related fees and charges. No impounded animal may be released to any person, institution or other entity which uses animals for laboratory experiments or that sells animals to other persons for laboratory experiments.

D. The senior animal control officer, or his or her authorized designee, will attempt to notify owners of lost or impounded registered dogs or cats through public notice or private communication where the owner is known; or when a tattoo is found, notification via the tattoo registry.

E. The senior animal control officer, or his or her authorized designee, shall place all animals taken into custody in an animal shelter if the owner cannot be, upon initial contact, identified and contacted and the animal returned home.

8.08.240 Impoundment period.

A. Animals wearing current valid license tags which are impounded pursuant to the provisions of this Chapter shall be held for a period of ten (10) working days. Said animals shall be held for redemption by the owner and shall not be declared abandoned until: (a) the person to whom the current tag for such animal was issued so directs; (b) ten (10) working days have elapsed since said person was notified of his or her animal's whereabouts by telephone; (c) ten (10) working days have elapsed since the owner was notified by United States mail, first class postage paid, at such person's last known address, informing said person of the whereabouts of his or her animal; (d) in the case of animals bearing a tattoo, after ten (10) working days have elapsed since the tattoo registry and the City have made all efforts to notify the owner; or (e) if other identification of any type is found, after ten (10) working days have elapsed and the City has made reasonable efforts to notify the owner. At the end of the ten (10) working-day period, animals not claimed by their owners may be declared abandoned and may be placed for adoption or disposed of in a humane manner according to the provisions of this Chapter.

B. Impounded animals not bearing identification of any type may be deemed unregistered and shall be held in custody for a period of five (5) calendar days. At the end of the prescribed period, unregistered animals not claimed may be declared abandoned and may be placed for adoption or disposed of in a humane manner according to the provisions of this Chapter.

8.08.250 Redemption of animals.

Licensed animals may be redeemed by the owner, or his or her authorized agent, upon payment of the impound fees, registration fees, care and feeding charges and any veterinary costs, and upon proof of rabies vaccination. Any person claiming ownership of any unregistered impounded animal shall be required to present proof of ownership satisfactory to the senior animal control officer, or his or her authorized designee.

8.08.260 Owner Turn-In Fee.

Should the Owner of an animal elect to forfeit an animal in his or her custody or control to the City, the Owner shall reimburse the City’s actual expenses incurred in removing the animal from the premises as well as those expenses incurred in transferring the custody of the animal.

8.08.270 Adoption of unredeemed animals.

Any impounded animal that is not redeemed within the period of time prescribed in the provisions of this Chapter may be considered abandoned and placed for adoption. Animals may be adopted by private individuals upon payment of a placement fee, rabies vaccination fee, animal registration fee and a sterility deposit, if applicable.

8.08.280 Owner's right to redeem animal from purchaser.

The owner of any lost animal may, at any time within thirty (30) days after adoption, redeem such animal from the person who adopted it upon payment of the placement fee, rabies vaccination fee, animal registration fee, and a sterility deposit, if applicable, as well as a sum equal to reasonable care and feeding charges per day for the number of days from the date of the adoption to and including the date of redemption by the owner.

8.08.290 Record of impounded animals.

The senior animal control officer, or his or her authorized designee, shall keep a record of each animal impounded, the date of receipt of such animal, the date and manner of disposal, and, if redeemed, reclaimed or adopted, the name of the person redeeming, reclaiming or adopting such animal, the address and telephone number of such person, and the amounts of all fees received or collected for or because of the impounding, reclaiming or adoption thereof, together with the number of any tag, and the date of any registration issued upon the redemption or adoption of any such animal.

8.08.300 Sale of unclaimed animals.

If no person claims the animal or animals impounded under this Chapter within five (5) days or if a person does appear and claims the animal or animals but fails to pay the expenses as provided in this Chapter, the senior animal control officer, or his or her designee, shall proceed to sell or cause to be sold such animal or animals, except bovines or equines, at a public sale in accordance with the general procedures provided by law concerning the sale or execution of personal property. If the animal impounded under the provisions of the Chapter is of a value less than ten dollars ($10.00) as determined by the senior animal control officer and has not been claimed, the senior animal control officer, or his or her designee, may dispose of said animal at a private sale without notice. In the alternative, the senior animal control officer, or his or her designee, may dispose of said animal in a humane manner.

8.08.310 Neuter deposits for dogs and cats.

A. No person shall be permitted to adopt any dog or cat which has not been neutered, unless and until a neuter deposit has been paid to the City. The neuter deposit shall be as established from time to time by resolution of the City Council in accordance with California Food and Agriculture Code Section 30503.

B. Upon presentation to the senior animal control officer of a written statement or receipt from a veterinarian that such adopted dog or cat has been neutered within sixty (60) days, the neuter deposit shall be refunded to the person who paid the deposit,

C. All adopted dogs or cats, if not already neutered, shall be neutered within sixty (60) days; or the neuter deposit, if any, shall be deemed unclaimed and nonrefundable.

8.08.320 Loud animals.

It is unlawful for any person to keep or allow to be kept or suffer or permit any animal to remain upon the premises under the control of such person when such animal habitually barks, whines or makes loud or unusual noises in such a manner as to disturb the peace and quiet of the neighbors surrounding or in the vicinity of such premises, or whose barking or howling or other sound or cry interferes with any person of ordinary sensitivity in the reasonable and comfortable enjoyment of life and property. All complaints that this Section is being violated shall be submitted to the senior animal control officer and shall be in writing and contain the signature of the complainant.

8.08.330 Rabies suppression, control and quarantine.

A. If it shall appear to the senior animal control officer that any animal has rabies, the senior animal control officer may destroy such animal forthwith pursuant to this Section, or may hold such animal for further examination or observation for such time as the senior animal control officer may determine to be appropriate.

B. Whenever any animal has been bitten by an animal which has rabies, 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 senior animal control officer, or his or her authorized designee, and shall immediately confine the animal and maintain that confinement until it is established that such animal does not have rabies. The senior animal control officer, or his or her authorized designee, 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 senior animal control officer, or his or her authorized designee, 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 senior animal control officer, or his or her authorized designee, quarantine such animal on the owner's property or in a veterinary hospital or similar facility and keep the animal confined at the owner's expense for a minimum period of ten (10) days for dogs and cats and fourteen (14) days for all other animals, and shall allow the health officer and the senior animal control officer 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 senior animal control officer. The senior animal control officer 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 senior animal control officer that such quarantine is terminated. When animal quarantine services are provided, the following standards shall apply:

1. For dogs: the floor size of the cage shall be not less than twenty-four (24) square feet, with a height of not less than twelve (12) inches more than the height of the dog when standing erect on all four feet;

2. For cats and other small animals: the floor size of the cage shall be not less than four (4) square feet with no measurement of less than two (2) feet.

D. The senior animal control officer 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 senior animal control officer.

E. Whenever the senior animal control officer 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 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 senior animal control officer 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 senior animal control officer may determine.

F. In order to protect the public from the hazard of rabies which has been found to exist in skunks, a quarantine is imposed on skunks to continue until discontinued by the senior animal control officer, and it is prohibited to trap or capture skunks for pets; to trap, capture or hold skunks in captivity for any reason; or to transport skunks from or into the City except pursuant to a permit issued by the California Department of Health Services pursuant to Section 2606.8 of Title 17, California Administrative Code.

8.08.340 Cruelty to dogs, cats and other animals.

A. It is unlawful and is a violation of this Chapter for any person to abandon, starve, kill, injure, torture, torment, or otherwise treat in a cruel or inhumane manner, any domesticated or wild animal within the City except in defense of person, property or another animal, or when the person whose actions are in question reasonably believes that the questioned action or actions are necessary for the preservation of the public health or safety. This provision shall not be construed to limit in any manner the carrying out of official duty by any peace officer, humane officer or other law enforcement officer.

B. Any animal which is abandoned, starved or treated in a cruel or inhumane manner, or which is willfully or negligently allowed to suffer torture or unnecessary pain, may be impounded and treated or disposed of in a humane manner, or as prescribed in Penal Code Section 597f.

C. Except as otherwise provided in the impounded animals Section of this Chapter, or under exigent circumstances, at least (5) five working days prior to the impoundment, adoption, disposal or destruction of any animal under this Section, written notice shall be given by personal delivery, first class mail, postage prepaid, to the last known address of the owner, of such person's right to a hearing as to whether or not such impoundment, adoption, disposal or destruction shall be ordered, except where such delay will be unreasonable in the opinion of the senior animal control officer, in which case the animal may be impounded immediately. In the event the owner of such animal requests a hearing prior to such action being taken, no impoundment, adoption, disposal or destruction shall take place until the conclusion of such hearing, which hearing shall be conducted by the senior animal control officer, except as otherwise provided in the impounded animals Section of this Chapter. Requests for hearing shall be filed in writing with the senior animal control officer.

D. If, in the opinion of the senior animal control officer, immediate impoundment is necessary for public health or safety or the health or safety of the animal, the pre-impoundment hearing shall be deemed waived; provided, however, that in such case the owner of the animal shall be given at least five (5) working days' notice as provided in this Subsection of her or his right to a post-impoundment hearing. Requests for hearing shall be filed in writing with the senior animal control officer. In the event a post-impoundment hearing is requested, it shall be conducted by the senior animal control officer, or by a person authorized by the senior animal control officer to conduct the hearing. The person who conducts the hearing shall not have been directly involved in the events leading up to the hearing. The pre-impoundment or post-impoundment hearing shall commence within ten (10) days after the date the written request has been received by the City, and the animal which is the subject of such hearing shall not be destroyed or disposed of prior to the conclusion of such hearing. Notice of the time, date and place of such hearing shall be given to the owner or person entitled to possession of the animal which is the subject of such hearing and to the senior animal control officer.

E. Within ten (10) days after the conclusion of the hearing, whether pre-impoundment or post-impoundment, the person conducting the hearing shall render, in writing, his or her findings, decision and order to the owner of the subject animal and to the senior animal control officer. Service of such notice shall be made upon the owner by personal delivery or by first class mail, postage prepaid. If the impoundment is found to be unjustified, the animal shall be returned, without charge for any impoundment which occurred.

8.08.350 Fighting animals.

No person shall cause any animal, including but not limited to any cock or dog, to fight with the like kind of animal, with a different kind of animal or a human being. Nor shall any person permit the same to be done on any premises under his or her charge or control. Any person, who aids, abets or is present at such fighting as a spectator is guilty of a misdemeanor.

8.08.360 Owning, keeping or training animals for fighting.

Any person who owns, possesses, keeps or trains any animal with the intent that such animal shall be engaged in an exhibition of fighting, or is present at any place or building where preparations are being made for an exhibition of the fighting of animals with the intent to be present at such exhibition, is guilty of a misdemeanor.

8.08.370 Restraint of dogs.

No person owning or having charge, care, custody or control of any dog shall cause or permit, either willfully or through failure to exercise due care or control, any such dog to be upon any:

A. Private property unless such dog be restrained thereon by a fence, wall, substantial chain or leash with a minimum of six (6) feet in length, other appropriate physical restraint; however, if the dog is under the charge of a person competent to exercise care, custody and control over such dog the leash may not exceed six (6) feet in length; or

B. Highway, street, alley or other public property unless such dog is restrained by a substantial chain or leash not exceeding six (6) feet in length, and is under the charge of a person competent to exercise care, custody, and control over such dog, unless the owner or operator of such public property grants written permission for such dog to be on such property without such chain or leash.

8.08.380 Dogs on public property.

No owner or person in charge or in control of any dog, except a blind person with a guide dog, shall permit or allow such dog to be within or upon public school property, park property or municipal golf course property, without the dog being on a leash.

8.08.390 Public protection from dogs.

Owners and custodians of dogs shall, at all times, take all reasonable precautions to prevent their dogs from biting, attacking or attempting to bite any person or from interfering with the use of public or private property. No person shall own or have custody or control of a dog that commits a violation of this Chapter as a result of that person's failure to exercise ordinary care. It is unlawful for any person to fail to comply with this Section; however, nothing in this Section shall authorize the bringing of a criminal action pursuant to a violation of this Section if the bite, attack, attempted bite, injury or threat was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner or custodian of the dog, or was committing or attempting to commit a crime upon the premises occupied by the owner or custodian of the dog, or was teasing, tormenting, abusing or assaulting the dog or who has, in the past, teased, tormented, abused or assaulted the dog.

8.08.400 Beware of dog notice.

Whenever the senior animal control officer, or his or her authorized designee, receives a report of a dog with a disposition or propensity to attack or bite any person or animal without provocation, he or she may require a sign to be placed by the owner stating the following: "Beware of Dog". Each of the sign's letters shall have a minimum font size of 2 inches in width and 2 inches in height.

8.08.410 Prohibited conduct towards official police dogs and horses.

It is unlawful for any person to willfully injure, annoy, tease, torment, strike, startle, attempt to startle or throw any object at any official police dog or horse. The conduct prohibited hereby shall include, but is not limited to, the use of any part of the body, including the voice, or the use of any object, including liquids or a vehicle, with the intent to accomplish one or more of the above acts. It is also unlawful for any person:

A. Other than an authorized employee or agent of the police dog or horse, to feed or touch, or attempt to feed or touch an official police dog or horse or the equipment attached to or housing such dog or horse while said animal is on duty.

B. Other than the police officer in lawful possession of such horse or dog to give commands or attempt to give commands to any official police dog or horse or to otherwise interfere with such horse or dog while such animal is on duty.

8.08.420 Public nuisance.

The possession or maintenance of any animal in violation of this Chapter is declared to be a public nuisance. When necessary for the preservation of the public health or safety, the senior animal control officer and any City peace officer are directed and empowered to summarily abate any such public nuisance independent of any criminal prosecution or the results thereof, by any means reasonably necessary to accomplish such abatement, including but not limited to, the destruction of the animal involved, or by the imposition of reasonable conditions and restrictions for the maintenance, health and sanitation of such animal. The owner of such animal may be required to reimburse the City for all costs incurred in enforcing compliance with the provisions of this Chapter. The City, by and through the City Attorney, may also commence and maintain such proceedings in a court of competent jurisdiction as are appropriate under the laws and regulations of the state of California for the abatement and redress of public nuisances.

8.08.440 Vicious animals.

The owner or person having possession, custody, charge or control of an animal that the owner or person having possession knew or should have known was vicious shall be guilty of a misdemeanor whenever the animal:

1. Is found to be outside of a house or fully enclosed space, unless the animal is muzzled and on a leash or similar restraint no longer than five (5) feet in length and under the control of a competent person; or

2. Is found not to be under the restraints ordered by the senior animal control officer.

8.08.450 Investigation of a potentially dangerous or vicious animal.

Whenever it is reported to the senior animal control officer 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 is in imminent danger of great bodily harm, the senior animal control officer shall cause the incident to be investigated.

8.08.450 Declaration of potentially dangerous or vicious animal.

If, after reviewing the applicable facts, the senior animal control officer, or his or her authorized designee, determines that an animal engaged in an unprovoked attack on either a person conducting a lawful activity or another properly restrained 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 was in imminent danger of great bodily harm, the animal shall be declared to be potentially dangerous or vicious and the owner shall be notified of that fact in writing.

8.08.460 Criteria for declaring an animal to be vicious.

The senior animal control officer, or his or her authorized designee, shall declare an animal to be vicious when that animal:

A. Has attacked or bitten a person causing death or substantial physical injury;

B. Has killed or inflicted substantial physical injury to a domestic animal, without provocation, while off the owner or custodian's property;

C. Is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting;

D. Has twice within a one-year period bitten, attacked or attempted to bite a person; or

E. Has twice within a one-year period chased or approached a person upon the streets, sidewalks or any public or private property in an apparent attitude of attack.

8.08.470 Exceptions to declaring an animal to be vicious.

No animal may be determined vicious if:

A. Any such bite, threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner or custodian of the animal, or was committing or attempting to commit a crime upon the premises occupied by the owner or custodian of the animal, or was teasing, tormenting, abusing or assaulting the animal or who has, in the past, teased, tormented, abused or assaulted the animal; or

B. Said animal is used in military or police work and any such bite, threat, injury or damage was sustained while the animal was actually performing in that capacity.

8.08.480 Conditions of harboring a potentially dangerous or vicious animal.

No person shall harbor an animal declared to be potentially dangerous or vicious under the provisions of this Chapter without first satisfying the conditions imposed upon the harboring of that vicious animal by the senior animal control officer, or his or her authorized designee, as a public nuisance by any means reasonably necessary to protect the health, safety and welfare of the public including, but not limited to, the destruction of the animal or by the imposition upon the owner or custodian of specific, reasonable restrictions and conditions for the maintenance of the animal. Such conditions may include, but are not limited to:

A. Keeping the animal confined to a house or an area enclosed by four (4) walls of such dimensions that the animal cannot escape except during periods when the animal is muzzled, on a leash of less than five (5) feet in length, and in the physical control of the responsible person;

B. Microchip and/or tattooing the animal with an identifying mark and registering the animal with the senior animal control officer, or his or her authorized designee;

C. Obtaining a bond or insurance in such amount as the senior animal control officer, or his or her authorized designee, determines is adequate to protect the public;

D. Notifying the senior animal control officer, or his or her authorized designee, in writing within twenty-four (24) hours if the animal escapes, dies, injuries a person or animal, or if the owner and animal move to a new location;

E. Payment of a reasonable fee to recover the costs of animal services in verifying compliance and enforcing the provisions of this Section;

F. Neutering the animal;

G. Allowing inspection of the animal and its enclosure by animal services or any other law enforcement agency without a warrant and, producing upon demand, proof of compliance with such requirements of this Section as may be applicable;

H. Requiring permission by the landlord or property owner to keep the animal on certain specified premises in the event that the owner or custodian of the animal is a tenant or occupant on real property where the animal is being kept; and

I. Notifying any new owner in writing regarding the details of the animal's record and the terms and conditions for confinement and control of the animal. The transferring owner shall also provide animal services with a copy of the notification to the new owner containing an acknowledgment by the new owner of his or her receipt of the original notification and acceptance of the terms and conditions. Animal services may impose different or additional restrictions or conditions upon the new owner or custodian.

A potentially dangerous or vicious animal shall be seized and impounded in an appropriate animal control facility until the owner complies with the conditions imposed on harboring a vicious animal, or the impound period expires as provided in this Chapter.

An animal that has been declared to be potentially dangerous or vicious in any legal hearing, because of aggressive behavior at any location outside the confines of the City, is restricted from relocating in the City.

Any person who violates any provision of this Section is guilty of a misdemeanor.

8.08.490 Impounding potentially dangerous or vicious animals.

When an unattended animal is suspected of being potentially dangerous or vicious or an animal has been declared to be potentially dangerous or vicious and the owner has not complied with the conditions of harboring the potentially dangerous or vicious animal imposed upon the owner by the senior animal control officer, or his or her authorized designee, an animal services officer may seize and impound the animal. As soon as is practicable, the animal's owner shall be informed that the animal has been impounded. The notice shall inform the owner of the animal of the incident that provides a basis for the proposed action, and shall specify that the municipal court shall be petitioned to schedule a hearing within no less than five (5) working days nor more than ten (10) working days after service of the notice to determine whether grounds exist for such declaration, the potential consequences if such a declaration is issued, and animal services' authority for such action including immediate impoundment of the animal to ensure public safety prior to the court date, and the owner or custodian's financial responsibility for cost reimbursement to animal services pursuant to this Chapter.

If the animal poses an immediate physical threat to persons or other animals during the seizure or impoundment period, the animal may be immobilized by drug, or if such a method is not readily available, the animal may be killed. Any impounded vicious animal shall be kept for a period of not more than thirty (30) calendar days. The senior animal control officer may extend this period if he or she determines that it is likely that the owner will comply with

the conditions imposed upon harboring the vicious animal within five (5) working days of the end of the impoundment period. If the owner has not complied with the conditions at the time the impoundment period, or any extension thereof, has expired, the animal shall be euthanized.

8.08.500 Administrative hearing to contest viciousness.

The owner of an animal that has either been impounded on suspicion of being potentially dangerous or vicious or has been declared to be vicious under this Chapter, may request a hearing to contest the determination or the conditions imposed upon harboring the animal by submitting a written request with the applicable administrative hearing fee to the senior animal control officer. At the hearing, which shall be conducted by the Public Safety Commission, the owner may introduce evidence to show that the animal is not potentially dangerous or vicious and/or that the imposed conditions are inappropriate. The hearing date shall be set within thirty (30) days of receiving the written request and shall notify the owner by certified mail of the date, time and place of the hearing. Failure of the owner or custodian to attend the hearing or be represented at the hearing shall constitute a waiver of the owner or custodian's right to a hearing. After weighing all of the evidence, the Public Safety Commission shall render a decision, which decision shall be final.

Costs for enforcement of this Section shall be recoverable from the animal's owner or custodian.

8.08.510 Surrender of animal upon demand.

Any animal control officer may impound any potentially dangerous or vicious animal if the animal control officer has cause to believe that any of the restrictions imposed pursuant to Section 8.08.480 are not being complied with. The owner of said animal shall surrender such animal to animal services upon demand. The owner of any animal surrendered pursuant to this Section shall have five (5) working days to redeem such animal, if the animal is not being held for a hearing proceeding. Any animal not redeemed as provided above shall be humanely destroyed as provided in this Chapter.

8.08.520 Hearing procedures and charges.

Charges for hearing procedures and costs of confinement at a shelter associated with enforcement under this Chapter shall be recoverable from the animal's owner.

8.08.530 Enforcement.

A. Except as specifically provided otherwise in this Chapter, the senior animal control officer shall supervise the administration and enforcement of this Chapter and of all other applicable state and local laws and regulations.

B. The City Council may enter into a written agreement with any veterinarian, any organized humane society or association or City or county agency which will

undertake to carry out the provisions of this Chapter and maintain and operate an animal shelter, and which will license, take up, care for, impound and dispose of animals. Any such veterinarian, society or association may carry out all or any of the provisions of this Chapter in the manner prescribed in this Chapter.

C. It is unlawful for any person to interfere with, oppose or resist any officer or person empowered to enforce the provisions of this Chapter while such officer or person is engaged in the performance of his or her duties as provided in this Chapter.

D. Nothing in this Chapter shall be construed as limiting the authority or duties of an animal control officer, peace officer, or humane officer granted or imposed by any other applicable law or regulation.

E. All of the City's animal control officers are authorized to carry tranquilizer equipment, issued by the City, while acting in the course and scope of their employment.

8.08.540 Violation.

A. Infraction. Unless specified otherwise, any person who violates any provision of this Chapter is guilty of an infraction, except as set forth in Subsection (B) of this Section.

B. Misdemeanor. Unless specified otherwise, any person who violates any provision of Sections 8.08.150, 8.08.160, 8.08.170, 8.08.330, 8.08.340(A), 8.08.350, 8.08.360, 8.08.410, 8.08.420, 8.08.440, and 8.08.480, or who fails to surrender their animal pursuant to Section 8.08.150, is guilty of a misdemeanor. Moreover, any person who violates this Chapter three times within one year is guilty of a misdemeanor.

C. Separate Offense. Each day on which a violation occurs or continues shall constitute a separate offense**.**

8.08.550 Complaints.

Upon receiving a complaint from any person alleging a violation of this Chapter and upon receiving the name and address of the owner and/or custodian of the animal, if known, an investigation to determine whether a violation exists may be made. If the investigation discloses a violation of the provisions of this Chapter, prosecution may be initiated against the owner and/or custodian.

8.08.560 Duties and powers of officers.

In consonance with the carrying out of the principal duties assigned to them, it shall be the duty of all peace officers and animal control officers within the City, to cooperate

with and assist the senior animal control officer in the enforcement of the provisions of this Chapter.

A. Peace officers and the animal control officer shall be empowered and shall have the duty to:

1. Receive, take up and impound:

a. All animals which are creating a public nuisance, or which are found running at large in violation of this Chapter or of any other applicable law or regulation;

b. All potentially dangerous animals or vicious animals;

c. All animals which, without provocation or direction, may be threatening the safety of any person or other animal, whether or not the threatening animal is a potentially dangerous animal or vicious animal.

2. In accordance with standards established therefore by state or local law or regulation, regularly and adequately feed, water and otherwise care for all animals impounded under the provisions of this Chapter, or otherwise provide for such feeding, watering and care.

3. Investigate the condition and behavior of any animal alleged or believed to be potentially dangerous, vicious, abused or abandoned and take such action under this Chapter as may be appropriate.

4. Follow the provisions of this Chapter, California Penal Code Section 597f and other governing provision of law, as applicable, in humanely destroying or giving emergency care to sick or injured dogs and cats.

B. The animal control officers, and/or the appropriate law enforcement agency, per request of the City's Public Works Department, shall enforce the provisions of this Chapter.

8.08.570 Grandfathering.

Any resident of the City who legally owns more animals than are authorized by this Chapter or a type of animal not authorized by this Chapter on his or her property on the date of adoption of this Chapter, shall nevertheless have the ownership of such animal(s) "grandfathered" on that property, such that the ownership of said animal(s) shall be considered a legal non-conforming use, where the owner can demonstrate that such animals were owned and maintained on a specific property prior to the adoption of this Chapter and that such ownership was legal at that time. Once a grandfathered animal dies, the deceased animal may be replaced with the same type of animal, to retain the grandfathered status, provided said animal is replaced

within 90 days. However, once an animal is removed from the property for a period longer than 90 days, the grandfathered right to such animal or same type of animal is extinguished.

8.08.580 Issuance of citations by city officials.

A. The City Council shall designate by resolution the City officials who shall have the authority to issue citations within the City for violations of this Chapter.

B. Each City official so designated is authorized by the City Council, pursuant to Penal Code Sections 19.7, 832 and 836.5, and subject to the provisions thereof, to arrest a person without a warrant whenever the City official has reasonable cause to believe that the person to be arrested has either violated a provision of this Chapter in his or her presence or fails to correct a violation and therefore has committed an infraction which the City official has the discretionary duty to enforce.

C. Each City official so designated is further authorized to issue a notice to appear in court, pursuant to Penal Code Sections 853.5 and 8563.6. Under no circumstance may the City official take the person to be arrested into custody. In the event that the person to be arrested demands to be taken before the magistrate or refuses to provide his or her written promise to appear in court, the City official must either summon a law enforcement officer to arrest the person and take the person into custody, or seek the assistance of the city attorney and request that an infraction complaint be prepared and filed against the person.

D. In addition to the mandatory course of training prescribed by the commission of peace office standards pursuant to Penal Code Section 832, the senior animal control office shall establish and cause to be administered a special enforcement training program designed to instruct the City officials so designated regarding the provisions of this Chapter which are to be enforced, the evidentiary prerequisites to proper prosecution for violations thereof, the appropriate procedures for making arrest and citation authority and the limitations attendant thereto. Each City official so authorized shall be appropriately authorized to file executed citations within the animal control department and shall one copy of each executed citation to the chief of police and one copy to the court."

Section 3. If any Section, Subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Perris hereby declares that it would have adopted this Ordinance and each Section, Subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 4. **Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 5. **Publication.** The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Perris and shall cause a summary of this ordinance to be published in accordance with Government Code Section 36933.

ADOPTED, SIGNED and ***APPROVED*** this 30th day of August, 2005.

_____
Mayor, Daryl R. Busch

ATTEST:

_____
City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY THAT the foregoing Ordinance Number, introduced at a regular meeting of the City Council of the City of Perris held on the 12th day of July, 2005, was duly and regularly adopted by the City Council at a regular meeting thereof held on the 30th day of August, 2005, and that it was so adopted by the following called vote:

AYES: Rogers, Yarbrough, Landers, Motte, Busch
NOES:
ABSENT:
ABSTAIN:

_____
City Clerk, Margaret Rey