

**ORDINANCE NUMBER 1380**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING TITLE 8 OF THE PERRIS MUNICIPAL CODE CONCERNING REGULATION OF ANIMALS WITHIN THE CITY**

**WHEREAS**, Title 8 of the Perris Municipal Code has not been updated since 2005;

**WHEREAS**, the City Council now desires to update Title 8 of the Perris Municipal Code to ensure that it is consistent with the needs of the community.

**THE CITY COUNCIL OF THE CITY OF PERRIS DOES ORDAIN AS FOLLOWS:**

**Section 1.** Recitals Incorporated. The foregoing Recitals are incorporated herein by reference as if set forth in full.

**Section 2.** Amendment to Title 8 of the Perris Municipal Code. Title 8 of the Perris Municipal Code is hereby replaced in its entirety as follows:

“Title 8 - ANIMALS

Chapter 8.01 - ANIMALS GENERALLY

**8.01 – ANIMAL CONTROL AND WELFARE – DEFINITIONS AND GENERAL**

**8.01.010 - 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 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”** mean 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.

**“Assistance Dog”** means any dog, such as a guide dog, signal dog or service dog as defined in California Food and Agriculture Code, Section 30850(a)

**“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.

**“Attack”** means any action by an animal which places a person in danger of immediate bodily harm.

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

**“Caretaking”** shall mean the temporary act of housing, caring for or sheltering any animal at a location which is legally owned by another party.

**“Carnival”** means any commercial variety show exhibiting or presenting animal acts for public entertainment.

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

**“Circus”** means any commercial variety show exhibiting or presenting animal acts for public entertainment.

**“Commercial purposes”** means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals.

**“Complaining Party.”** Person or persons who contact the Animal Control Division regarding any matter relating to animal welfare or any potential violation relating to this ordinance.

**“Coop”** means any small enclosure which is designed and intended for the safe containment of small animals or fowl of such a size as to allow the confined small animal or fowl adequate room to move about freely within the enclosure. At

minimum, the coop shall provide three (3) square feet of area for each animal contained therein, as well as the ability to provide for an adequate source of clean drinking water as well as separation of animal wastes from the animal.

**“Dangerous animal”** Any animal which does any of the following:

Any animal that has twice within a thirty-six (36) month period in two (2) separate incidents has, actively pursued, attacked, bitten or otherwise caused a less severe injury than a “substantial injury”, to another person or animal engaged in lawful activity; or,

Any animal which has once attacked, bitten, or otherwise caused injury to a person or animal engaged in lawful activity, resulting in substantial injury or death to an animal or substantial injury to a person; or,

Any animal that has been previously declared a “potentially dangerous animal” and the Owner has failed to restrain the animal as so directed by the Animal Control Officer; or,

Any animal which has been declared a “potentially dangerous animal” as defined by California State law during any legal proceeding.

**“Dog kennel”** means any building or premises upon or within which five or more dogs, four (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”** mean 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, 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.

**“Fostering”** shall mean the act of housing, caring for or sheltering any animal on a temporary basis, for the purpose of securing a permanent home for said animal or for arranging the permanent adoption of said animal

**“Fowl”** means any animal which is a bird including pigeons, ducks, geese, turkeys, chickens, peacocks and roosters.

**“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.

**“Noisy Animal.”** Any animal or animals maintained on the same premises or location whose excessive, unrelenting or habitual barking, howling, crying or other noises or sounds annoy or become offensive to a resident or residents in the vicinity thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity hearing such sound

**“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 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 consecutive days or more.

**“Performing Animal Exhibition”** means any spectacle, display, act or event, other than circuses, in which performing animals are used. This shall include animal amusement vendors such as but not limited to, pony-go-round rides, horseback pictures, performing elephants, etc.

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

**“Permitted facility”** means any physical location which engages in “Commercial purposes” as defined in this Chapter; provided that the facility complies with the City’s Zoning and Land Use requirements.

**“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:

1. Any animal which has once actively pursued, attacked, bitten or otherwise caused a less severe injury than a “substantial injury” to another person engaged in a lawful activity; or,

2. Any animal which has once attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” to another animal; or,
3. Any animal that is found actively pursuing livestock, poultry, dogs, cats or animals as defined within the Chapter; or,
4. Based on evidence presented to the Animal Control Officer upon investigation, that in the Animal Control Officer’s professional judgment, the animal is potentially dangerous.

**“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 or animals 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.

**“Responsible Party”** shall mean any of the following:

The person or persons who own the property where the animal is located;

The person or persons in charge of the premises where the animal is located;

The person or persons occupying the premises where the animal is located;

The owner of the animal.

**“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”** Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The tasks performed by the dog must be directly related to the person’s disability as set forth within the American’s with Disabilities Act (ADA).

**“Signal dog”** means any dog trained or being reared, trained or used for the purpose of alerting a deaf person or a person whose hearing is impaired, to intruders or sounds.

**“Small animal”** means any rabbit, turtle, chinchillas, or other similarly sized animal.

**“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 121690 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:

Has previously been declared a “Dangerous Animal”; or,

Has caused “Substantial Injury” or death to a person; or,

Has been kept, owned, trained or possessed for the purpose of being engaged in an exhibition of fighting with another dog as defined in Penal Code Section 597.5; or,

In the opinion of the Senior Animal Control Officer, poses an immediate threat to health and safety of persons or animals.

#### **8.01.020 - Duties and powers of officers.**

A. It is the duty of all peace officers within the City, to cooperate with and assist the Senior Animal Control Officer or their designee, environmental health Senior Animal Control Officer or their designee and the Senior Animal Control Officer or their designee in the enforcement of the provisions of this chapter, and in the enforcement of California State law relating to the regulation, care and/or

keeping of animals, and such peace officers and the Senior Animal Control Officer or their designee shall be empowered 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 Ordinance, of any other ordinance or of any law of the State of California;
  - b. All potentially dangerous animals, dangerous, 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, dangerous animal, or vicious animal.
2. Issue a warning notice for, citation for, or investigate any violation of any provisions of any City ordinance or California law regarding the care or keeping of animals;
3. Investigate whether a dog is licensed in compliance with the requirements of this chapter;
4. Seize and impound any animal as authorized by this chapter or any other City of Perris Ordinance or State law. When the animal to be taken or seized is located inside a private residence or in its curtilage, a judicial order directing seizure of the animal shall, absent exigent circumstances, be obtained prior to seizure;
5. Investigate the condition and behavior of any animal alleged or believed to be potentially dangerous, dangerous, vicious, abused or abandoned and take such action under this chapter as may be appropriate;
6. Regularly and adequately feed, water and otherwise care for any animals impounded under the provisions of this chapter, other ordinance or State law or to provide for such feeding and/or watering and care;
7. Humanely destroy or give emergency care to sick or injured animals. Any dog, cat or other animal which is abandoned, neglected, sick, lame, feeble, is unfit for the labor it is performing, or that in any manner is being cruelly treated may be impounded and disposed of in a humane manner as hereinafter provided:
  - a. Whenever any peace officer or Animal Control Officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall immediately seize the animal and comply with the procedure established in Subsection 8.01.020(A)(7)(c) of this Ordinance. In all other cases, the officer shall comply with the procedure established in Section 4 of this Ordinance. In all other cases,

the officer shall comply with the provisions of subsection 8.01.020(A)(7)(d) of this Ordinance. The cost of caring for and treating any animal properly seized under this Ordinance shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid, unless the hearing officer determines that the seizure was unjustified.

b. Whenever an Animal Control Officer or peace officer seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, prior to the commencement of any criminal proceedings provide the owner or keeper of the animal, if known or ascertained after reasonable investigation, with the opportunity for a post seizure hearing as hereinafter provided to determine the validity of the seizure or impoundment, or both.

(1). The Health Department shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper within forty-eight (48) hours, excluding weekends and holidays. The notice shall include all of the following:

(a). The name, business address, and telephone number of the officer providing the notice.

(b). A description of the animal seized, including any identification upon the animal,

(c). The authority and purpose for the seizure, or impoundment, including the time, place, and circumstances under which the animal was seized.

(d). A statement that, in order to receive a post seizure hearing, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning an enclosed declaration of ownership or right to keep the animal to the Health Department within ten (10) days, including weekends and holidays, of the date of the notice. The declaration may be returned by personal delivery or mail.

(e). A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.

(2). The post seizure hearing shall be conducted within forty-eight (48) hours of the request, excluding weekends and holidays. The hearing shall be conducted in accordance with the provisions of subsection 8.01.020(7)(A)(h) of this Ordinance.

(3). Failure of the owner or keeper, or of his or her agent, to request a hearing within the prescribed time period, or to attend a scheduled hearing, shall result in forfeiture of any right to a post seizure hearing or right to challenge his or her liability for costs incurred.

(4). The Health Department, or law enforcement agency that directed the seizure shall be responsible for the costs incurred for caring and treating the animal, if it is determined in the post seizure hearing that the seizing officer did not have reasonable grounds to believe very prompt action, including seizure of the animal, was required to protect the health or safety of the animal or the health or safety of others. If it is determined the seizure was justified, the owner or keeper shall be personally liable to the seizing agency for the cost of the seizure and care of the animal, and the animal shall not be returned to its owner until the charges are paid and the seizing agency or hearing officer has determined that the animal is physically fit or the owner demonstrates to the seizing agency's or the hearing officer's satisfaction that the owner can and will provide the necessary care.

c. Where the need for immediate seizure is not present and prior to the commencement of any criminal proceedings the Health Officer shall provide the owner or keeper of the animals, if known or ascertainable after reasonable investigation, with the opportunity for a hearing prior to any seizure or impoundment of the animal. The owner shall produce the animal at the time of the hearing unless, prior to the hearing, the owner has made arrangements with the agency to view the animal upon request of the agency, or unless the owner can provide verification that the animal was humanely destroyed. Any person who willfully fails to produce the animal or provide the verification is guilty of an infraction, punishable by a fine of not less than two hundred and fifty dollars (\$250.00) no more than one thousand dollars (\$1,000.00).

(1). The Health Department or law enforcement agency shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice stating the grounds for believing the animal should be seized. The notice shall include all of the following:

(a). The name, business address, and telephone number of the officer providing the notice.

(b). A description of the animal to be seized, including any identification upon the animal.

(c). The authority and purpose for the possible seizure or impoundment.

(d). A statement that, in order to receive a hearing prior to any seizure, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning the enclosed declaration of ownership or right to keep

animal to the officer providing the notice within two days, excluding weekends and holidays, of the date of the notice.

(e). A statement that the cost of caring for and treating any animal properly seized is a lien on the animal, that any animal seized shall not be returned to the owner until the charges are paid, and that failure to request a hearing within the prescribed time period, or to attend a scheduled hearing shall result in a conclusive determination that the animal may properly be seized and that the owner shall be liable for the charges.

(2). The pre seizure hearing shall be conducted within forty-eight (48) hours, excluding weekends and holidays, after receipt of this request. The hearing shall be conducted in accordance with the procedure established in subsection 8.01.020(A)(7)(h) of this Ordinance.

(3). Failure of the owner or keeper, or his or her agent, to request a hearing within the prescribed time, period or to attend a scheduled hearing, shall result in a forfeiture of any right to a pre seizure hearing or right to challenge his or her liability for costs incurred pursuant to this Ordinance.

d. If any animal is properly seized under this Ordinance, the owner or keeper shall be personally liable to the seizing agency for the cost of the seizure and care of the animal. Furthermore, if the charges for the seizure or impoundment and any other charges permitted under this Ordinance are not paid within fourteen (14) days of the seizure, or, if the owner, within fourteen (14) days of notice of availability of the animal to be returned, fails to pay charges permitted under this Ordinance and take possession of the animal, the animal shall be deemed to have been abandoned and may be disposed of by the impounding officer.

e. If the animal requires veterinary care and the seizing agency is not assured, within fourteen (14) days of the seizure of the animal, that the owner will provide the necessary care, the animal shall not be returned to its owner and shall be deemed to have been abandoned and may be disposed of by the impounding officer. A veterinarian may humanely destroy an impounded animal without regard to the prescribed holding period when it has been determined that the animal has incurred severe injuries or is incurably ill or crippled. A veterinarian also may immediately humanely destroy an impounded animal afflicted with a serious contagious disease unless the owner or his or her agent immediately authorizes treatment of the animal by a veterinarian at the expense of the owner or agent.

f. No animal properly seized under this ordinance shall be returned to its owner until, in the determination of the seizing agency or hearing officer, the animal is physically fit or the owner can demonstrate to the seizing agency's or hearing officer's satisfaction that the owner can and will provide the necessary care.

g. All hearings conducted pursuant to this ordinance shall be conducted by the City's Administrative Hearing Officer ("Hearing Officer"), who shall not have been directly involved in the subject action and shall not be subordinate in rank to the person seizing or impounding the animal. Hearings shall be conducted in the following manner:

(1). The Hearing Officer may continue the hearing for a reasonable period of time, if the Hearing Officer deems such continuance to be necessary and proper or if the owner or custodian shows good cause for such continuance.

(2). The City shall have the burden of proof to establish, by a preponderance of evidence, the existence of the condition or conditions which give rise to the need for the seizure or impoundment.

(3). In a case where the City is also seeking to terminate the owner's rights in the animal, the City shall have put the owner or keeper of the animal on due written notice thereof and shall establish the existence of the owner's or keeper's acts or omissions resulting in cruelty or neglect to the animal by clear and convincing evidence to a reasonable certainty.

(4). The City shall present its case first, followed by the party against whom the seizure or impoundment is being proposed. The City may present rebuttal in the discretion of the Hearing Officer.

(5). Oral evidence shall be taken only on oath or affirmation.

(6). Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any other matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness, and to rebut evidence.

(7). The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in Civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized in the hearing. Irrelevant and unduly repetitious evidence shall be excluded.

(8). At the conclusion of the hearing, each side shall be given an opportunity to summarize its position.

(9). Within three (3) working days after the conclusion of the hearing, the Hearing Officer shall render, in writing, his findings, decision and order thereon, and shall give notice, in writing, of said findings, decision and order to the owner or custodian of the animal.

(10). In the event a sufficient quantum of evidence presented at the hearing supports a determination for seizure, impoundment, and/or termination of the owner's rights in the animal, the Hearing Officer as a part of his decision may order, but is not limited to ordering, that one or more of the following actions be undertaken:

(a). That the owner's and/or custodian's rights in the dog, cat or other animal are terminated.

(b). That the owner or custodian of the dog, cat or other animal shall remove the animal(s) from the premises by a specified date.

(c). That City personnel after a specified date, shall impound the animal or animals.

(d). That the City shall sell, give away, or otherwise dispose of, the animal(s) with the owner or custodian of the animal(s) being responsible to reimburse the City or agency as designated by the City for all costs and expenses including, but not limited to, board, care, veterinary services, and costs of disposal. If the animal(s) are sold, the proceeds from the sale shall go to the City or agency as designated by the City.

(11). A decision upholding seizure or impoundment shall become effective upon issuance.

(12). A decision terminating an owner's rights in the animal shall become effective thirty (30) days from the date the decision is mailed unless a stay of execution is granted.

h. Every such, disabled, infirm or crippled animal, except a dog or cat, abandoned in any part of the City of Perris may be immediately killed by the City or law enforcement agency or their designees if, after a reasonable search, no owner of the animal can be located. It shall be the duty of all peace officers and Animal Control Officers to cause the animal to be killed or rehabilitated and placed in a suitable home on information that the animal is stray or abandoned.

i. Any peace officer, humane society officer, or Animal Control Officer shall convey all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer to be a veterinarian who ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment.

If the owner does not redeem the animal within the locally prescribed waiting period, the veterinarian may personally perform euthanasia on the animal. If the animal is treated and recovers from its injuries, the veterinarian may keep the animal for purposes of adoption, provided the responsible animal control agency has first been contacted and has refused to take possession of the animal.

Whenever any animal is transferred to a veterinarian in a clinic, such as an emergency clinic which is not in continuous operation, the veterinarian may, in turn, transfer the animal to an appropriate facility.

If the veterinarian determines that the animal shall be hospitalized under proper care and given emergency treatment, the costs of any services which are provided pending the owner's inquiry to the responsible agency or department shall be paid from the dog license fees, fines, and fees from impounding dogs in the city, county, or city and county in which the animal was licensed or, if the animal is unlicensed, shall be paid by the jurisdiction in which the animal was found, subject to the provision that this cost be repaid by the animal's owner. The cost of caring for and treating any animal seized under this Section shall constitute a lien on the animal and the animal shall not be returned to the owner until the charges are paid. No veterinarian shall be criminally or civilly liable for any decision which he or she makes or for services which he or she provides pursuant to this section.

An animal control agency which takes possession of an animal pursuant to subsection 8.01.020(A)(7)(j) of this Ordinance shall keep records of the whereabouts of the animal for a seventy-two (72) hour period from the time of possession, and those records shall be available for inspection by the public upon request.

j. Notwithstanding any other provision of this section, any peace officer or any Animal Control Officer may, with the approval of his or her immediate superior, humanely destroy any stray or abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal.

k. Every owner, driver or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square or lot within the boundaries of the City of Perris without proper care or attention shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a

separate offense of each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted. Any individual convicted of a violation of this ordinance shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation. The third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve an individual from the responsibility for correcting the violation.

l. Upon the conviction of a person charged with a violation of this ordinance, all animals lawfully seized and impounded with respect to the violation shall be adjudged by the court to be forfeited and shall thereupon be transferred to the impounding officer for proper disposition. A person convicted of a violation of this Ordinance shall be personally liable to the seizing agency for all costs of impoundment from the time of seizure to the time of proper disposition. This Ordinance shall not prohibit the seizure or impoundment of animals as evidence as provided for under any other provision of law.

m. This Ordinance is not intended, nor shall it be construed in any way, to affect Sections 31101 or 31752 of the Food and Agriculture Code.

B. Any peace officer, Division officer, the Senior Animal Control Officer or their designee, the environmental health Senior Animal Control Officer or their designee, or the Senior Animal Control Officer or their designee charged with the responsibility for enforcement of the provisions of this chapter, or other ordinance or State law governing animals may arrest a person without warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in his or her presence, or a felony which is in violation of this chapter or other ordinance governing animals or California law regulating the care and/or keeping of animals.

C. In any case in which a person arrested does not demand to be taken before a magistrate: (1) regarding any infraction, such officer or employee making the arrest shall prepare a written notice to appear and shall release the person on his/her promise to appear, as prescribed by Section 853.5 of the California Penal Code; (2) regarding a misdemeanor, such officer or employee may prepare a written notice to appear and may release the person on his or her written promise to appear, as prescribed by California Penal Code Section 853.6.

#### **8.01.030 - 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 853.6. 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 on Peace Officer Standards and Training pursuant to Penal Code Section 832, the Senior Animal Control Officer 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 Division and shall provide one copy of each executed citation to the chief of police and one copy to the court.

#### **8.01.040 - 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.

#### **8.01.050 - Violation.**

Infraction. Unless specified otherwise, any person who violates any provision of this chapter is guilty of an infraction.

#### **8.01.060 - 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.

#### **8.01.070 - Authorization to enter upon private property.**

Unless otherwise prohibited by law, all persons whose duty it is to enforce the provisions of this chapter are empowered to enter upon private property, where any dog, cat or animal is kept or reasonably believed to be kept, for the purpose of ascertaining whether such animal is being kept in violation of any provision of this chapter, other ordinance governing animals, or California State law relating to the regulation, care and/or keeping of animals.

Notwithstanding any provision in this chapter relating to entry upon private property for any purpose under this chapter, no such entry may be conducted: (a) without the express or implied consent of the property owner or the person having lawful possession thereof; (b) unless an inspection warrant has been issued and the entry is conducted in accordance with California Code of Civil Procedure, Sections 1822.50 through 1822.56, inclusive; or (c) except as may otherwise be expressly or impliedly permitted by law.

### **8.01.080 - 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 the animal(s) shall be considered a legal nonconforming 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 the animal is replaced within ninety (90) days. However, once an animal is removed from the property for a period longer than ninety (90) days, the grandfathered right to such animal or same type of animal is extinguished.

### **8.01.090 - Prohibited animals.**

A. It is 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 bovine, sheep, buffalo, ox, ostrich, donkey, horse, mule, llama, goat or swine, unless:

1. The lot size of the property is not less than twenty thousand (20,000) square feet;
2. The animal is maintained at least one hundred fifty (150) feet from any occupied residence on adjacent property;
3. There are no more than a collective total of two (2): horses, mules, buffalo, ostrich, llama, bovine, sheep, goats, ox, cattle, donkey or swine; and
4. 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.

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

1. Two (2) large animals on at least twenty thousand square feet;
2. Three (3) large animals on at least thirty thousand square feet;
3. Four (4) large animals on at least one acre; and
4. More than four (4) large animals shall only be allowed on property greater than one acre provided that there is at least twenty thousand square feet per animal.

C. It is unlawful for any person to have, keep, maintain or have in his or her possession or under his or her control:

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

2. A horse, llama, buffalo, ostrich, sheep, goat, swine, bovine, ox, donkey, elephant, or mule on any property within the City unless the property is zoned RA or A1; or

3. No more than four (4) rabbits. The maximum number of rabbits may be allowed without a City permit; however, the keeping of rabbits shall be subject to the restrictions set forth in Section 8.01.100(B).

#### **8.01.100 – Animals Allowed with Permit or License.**

Upon receipt of a City permit or license, an exception is granted for the ownership and/or use of:

A. Potbellied Pigs - (Also known as a Vietnamese potbellied pig, Chinese potbellied pig or miniature pig.) No matter how large the property, it is unlawful for any person to keep, maintain or have in his or her possession or under his or her control more than one potbellied pig. Potbellied pigs shall only be kept and maintained in residential zoned areas in the City. It is unlawful for any person to own, harbor, keep or maintain any miniature pig, that is four (4) months of age or older, within the City of Perris, for a period longer than thirty (30) days, unless the animal has been spayed or neutered and the person owning or possessing the animal has obtained from the Division of animal control a license for the animal, and paid a fee in the amount specified below. In those instances where the animal may not be safely altered for a valid health reason, the owner of the animal shall obtain from a licensed veterinarian a letter so stating, and the requirement of alteration (but not licensing) shall be excused.

Permits issued under this section shall only be granted by the City upon a showing by the applicant that adequate safeguards have been established and will be maintained which will effectively control the possible nuisance, dangerous or vicious propensities of such animal eliminating any nuisance or danger to individuals or property, or provide that the keeping or using of such animal will in no way constitute a nuisance to the occupants of any surrounding property. The denial of the permit shall be in writing and shall specify the grounds for such denial. The applicant shall have ten (10) days from the date the permit was denied in order to appeal such denial to the City Council.

### **8.01.105 – Performing Animal Exhibitions, Circus or Carnival.**

A. Any traveling exhibition, circus or carnival shall notify the City Animal Control Division in writing of its intent to perform within the City at least fourteen (14) days prior to the first performance, as required by California Health and Safety Code Section 25989.1. Failure to do so shall result in a fine of \$500 for a first violation, and \$1,500 for a second violation within a six (6) month period, and \$5,000 for any third or subsequent violations occurring within a six (6) month period.

B. No performing animal exhibition, circus or carnival shall be permitted within the City limits in which animals are induced or encouraged to perform through chemical, mechanical, electrical or manual devices in a manner which cause physical injury, suffering or death. All equipment used on a performing animal shall fit properly and be in good working order. Such exhibition or circus must apply for and receive a permit from the City at least fourteen (14) days prior to the first performance in order to operate within the City.

C. Any performing animal exhibition, circus or carnival shall be subject to random inspections by the Senior Animal Control Officer or their designee during the entire period that the exhibition, circus or carnival is present and operating within the City.

### **8.01.110 - Exemption.**

This chapter shall not prohibit leading, driving, riding or conducting animals under adequate supervision along a public highway.

### **8.01.120 - Impounding animals.**

A. Subject to the provisions contained in Section 8.01.140 of this chapter, it shall be the duty of the Senior Animal Control Officer or their designee to take up and impound:

1. Any animal kept and maintained contrary to the provisions of this Ordinance, any of the codified ordinances of the City, any codified ordinance of the county or any state statute;
2. All animals found at large upon any highway, street, sidewalk, lane, alley or other public place, or upon any private property;
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 other animal authorized to be impounded pursuant to the provisions of this Ordinance.
  - 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 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.
  - E. The Senior Animal Control Officer or their designee may contract with any person to keep, feed and care for any such animal at reasonable rates for not more than twenty (20) days.

#### **8.01.130 - Impoundment hearing.**

At least three (3) working days prior to the impoundment of any animal, notice shall be given in person to, or by mail to the last known address of, the owner or person entitled to possession thereof of his or her right to a hearing as to whether or not such impoundment is justified. If the owner or person entitled to possession thereof requests a hearing prior to impoundment, no impoundment shall take place until the conclusion of the hearing except as provided herein. If in the opinion of the Senior Animal Control Officer or their designee, immediate impoundment is necessary for the preservation of the public health or safety, the pre-impoundment hearing may be dispensed with; provided, however, in such cases the owner or person entitled to possession thereof shall be given three (3) working days notice as provided herein of his or her right to a hearing. If a hearing is requested, the hearing shall be held within five days (5) of the request, and the animal shall not be sold, destroyed or otherwise disposed of prior to the conclusion of the hearing. Notice of the time, date and place of the hearing shall be given to the owner or person entitled to possession thereof. If, at the end of the hearing, the impoundment is found to be unjustified, the animal shall be returned to the owner or person entitled to possession thereof without charge.

#### **8.01.140 - Forfeiture and disposition.**

A. Upon the conviction of a person of a violation of this chapter, all animals lawfully seized and impounded with respect to the violation by a peace officer or an Animal Control Officer shall be adjudged by the court wherein the conviction took place to be forfeited and shall thereupon be awarded to the impounding officer for disposition in accordance with the written policy on disposition of impounded animals adopted by the City Council.

B. Any animals adjudged forfeited under the provisions of Penal Code Section 597, shall be disposed of in accordance with the written policy on disposition of impounded animals adopted by the City Council.

**8.01.150 - Disposition of rabid or disabled animals.**

If it shall appear to the Senior Animal Control Officer or their designee from the report of a licensed veterinarian or other qualified person that an animal is afflicted with rabies, he or she shall humanely destroy such animal, and shall take such other action as may be required by law and as he or she deems necessary to prevent the spread of such disease. He or she may humanely destroy any sick, disabled, infirm or crippled animal found at large if he or she is unable to identify and locate the owner.

**8.01.160 - Disposition of impounded bovine animals, horses, mules or burros.**

Upon impounding of any bovine animal, horse, mule or burro, the Senior Animal Control Officer or their designee shall comply with California Food and Agriculture Code Section 17003 and immediately notify the Secretary of Food and Agriculture.

**8.01.170 - Disposition of other impounded animals.**

If any animal other than a domestic bovine animal, horse, mule or burro, and except an animal afflicted with rabies, impounded by the Senior Animal Control Officer or their designee, is not reclaimed within two (2) days thereafter, it shall be sold by the Senior Animal Control Officer or their designee after giving notice of sale in accordance with Section 8.01.180.

**8.01.180 - Notice of sale.**

The notice of sale shall contain a description of the animal, including any identifying marks or brands; the date and place where the animal was taken up; and the time and place of sale. At least five (5) days prior to the sale of any impounded animal, the Senior Animal Control Officer or their designee shall cause a copy of the notice to be published in a newspaper circulated in the area where the animal was found, and shall mail a copy of the notice to the owner or person entitled to possession of the animal at his or her residence or place of business, if known.

#### **8.01.190 - Sale of animals.**

At the time and place set forth in the notice of sale, the Senior Animal Control Officer or their designee shall sell the impounded animal at public sale, to the highest bidder, for cash. If no bid is offered for such animal, the Senior Animal Control Officer or their designee may sell such animal at private sale or humanely destroy such animal, or otherwise dispose of it as permitted by law.

#### **8.01.200 - Proceeds of sale.**

The proceeds of such sale, after first deducting fees and charges of the Senior Animal Control Officer or their designee, including costs of sale, shall be paid by the Senior Animal Control Officer or their designee to the City treasurer who shall then pay over to the owner of such animal sold if claimed within one (1) year thereafter. If not so claimed, they shall be transferred into the general fund of the City.

#### **8.01.210 – Adoption of unredeemed animals.**

Any impounded animal that is not redeemed within the period of time prescribed in the provisions of this Ordinance may be considered abandoned and placed for adoption. Animals may be adopted by private individuals upon payment of any fees and charges thereon.

#### **8.01.220 - Redemption of animals by owner.**

The owner or person entitled to possession of any animal impounded, may at any time before the sale or other disposition thereof, redeem the same by paying the Senior Animal Control Officer or their designee all fees and charges thereon.

The owner of any lost animal may, at any time within thirty (30) days after the sale, redeem such animal from the person who purchased it upon payment of all fees and charges thereon necessary to reimburse the person who purchased it, 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.

#### **8.01.230 - Costs of redemption.**

The Senior Animal Control Officer or their designee shall charge and collect from each person redeeming any animal an impounding fee as established by resolution of the City Council. Impounding fees shall be established for a first, second and third offense, as well as the actual cost for transporting, veterinary services or other extraordinary measures required for the handling of said animal. The following classes of animals shall be covered by this section:

Unaltered Impounded Animal;

#### Altered Impounded Animal,

The City Council shall establish by resolution a daily boarding rate that shall be paid in addition to those fees set forth in this chapter. The following classes of animals shall be subject to the boarding rate:

- A. For the maintenance of swine, goats and sheep: per animal, for each day of impoundment;
- B. For the maintenance of horses and cattle: per animal, for each day of impoundment;
- C. For the maintenance of ponies: per animal, for each day of impoundment;
- D. For the maintenance of fowl: per animal, for each day of impoundment.

The City Council shall establish by resolution a fee for the cost of picking up an animal that shall be paid in addition to all fees set forth within this chapter. The following classes of animals shall be subject to the picking up rate:

- E. For the picking up of large-sized animals, such as horses, cattle, and ponies: per animal;
- F. For the picking up of medium-sized animals, such as swine, goats, and sheep: per animal;
- G. For the taking up of small-sized animals, such as rabbits and guinea pigs: per animal;
- H. For the taking up of animals after normal business hours: the fully burdened hourly rate for a Senior Animal Control Officer as established by the City. This after hour's fee is in addition to any other applicable fees set forth in this chapter.

#### **8.01.240 – Record of impounded animals.**

The Senior Animal Control Officer, or his authorized designee, shall keep a record of each animal impounded, the date of receipt of such animal, the date and manner of sale or other disposition thereof, the name of the person redeeming or reclaiming 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, redeeming or reclaiming thereof, together with the number of any tag, and the date of any registration issued upon the redemption or reclamation of any such animal.

#### **8.01.250 – 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 ordinance 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.

**8.01.260 – Pet shops.**

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

- 1. Maintain the facilities used for keeping of animals in an unsanitary condition;
- 2. Fail to provide proper heating or ventilation for the facilities used for the keeping of animals;
- 3. Fail to provide adequate nutrition for, and humane treatment of, all animals under his care and control;
- 4. Fail to take reasonable care to release for sale, trade or adoption only those animals which are free of disease and injury;
- 5. Fail to provide adequate space appropriate to the size, weight and species of an animal;
- 6. Fail to provide adequate signage to warn of animals that may carry salmonella;
- 7. Fail to keep a file on each animal with the following information:
  - a. Where the animal was obtained from;
  - b. The history of veterinary care and treatment given to the animal while in the possession of the pet shop owner; and
  - c. A health certificate for each exotic animal.

**8.01.270 – Exotic animals and reptiles.**

A. Unless zoning specifically allows otherwise or unless permitted by a state agency, no person shall have, keep or maintain, or have in his possession or under his 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 working days to allow for legal restraining action by the owner.

#### **8.01.280 – 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 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.

#### **8.01.290 – Keeping animals near residences.**

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

1. If expressly allowed by the zoning code; or
2. Domestic pets, including dogs, cats, caged birds, turtles, rabbits, mice, caged reptiles, fish aquariums or other similar household pets.

#### **8.01.300 – 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.

### **Chapter 8.02 - DOGS AND CATS**

#### **8.02.010 - Mandatory dog licensing and vaccination.**

A. Except as provided in Section 8.02.050(A), it is unlawful for any person to own, harbor, or keep any dog, four (4) months of age or older, within the City, for a period longer than thirty (30) days, unless a currently valid license tag has been issued by the Senior Animal Control Officer or their designee or any agency authorized by the City for such purpose and the tag is displayed upon the dog's collar pursuant to Section 30951(b) of the California Food and Agriculture Code.

B. It is unlawful for any person to own, harbor, or keep any dog, four (4) months of age or older, within the City, for a period longer than thirty (30) days,

which has not been vaccinated against rabies. Every person in the City who owns, harbors, or keeps any dog over four (4) months of age, for a period longer than thirty (30) days, shall have such dog vaccinated against rabies as provided in this chapter, by a veterinarian of his or her choice and such vaccination shall be renewed in accordance with the applicable laws and regulations of the State of California.

C. Each veterinarian, after vaccinating any dog, shall sign a Certificate of Vaccination in triplicate in the form required by the Senior Animal Control Officer or their designee. The veterinarian shall keep one (1) copy, shall give one (1) copy to the owner of the vaccinated dog, and shall send one (1) copy to the Division.

D. The Senior Animal Control Officer or their designee shall issue a license only upon presentation of a Certificate of Vaccination indicating therein that the date of expiration of the vaccination immunity is not earlier than the date of expiration of the license being issued or renewed and upon payment of the applicable licensing fee specified in subsection F of this section; provided, however, that where the vaccinated dog is between the ages of four (4) months and twelve (12) months, the period of vaccination immunity required for licensing shall be as specified in Title 17, California Administrative Code, Section 2606.4.

E. Notwithstanding the provisions of subsections B and D of this section, in the event that 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 or their designee. Such request shall specify the duration of the requested deferral, the reason for the requested deferral, and shall be signed by a veterinarian. The Senior Animal Control Officer or their designee shall issue a license for such dog upon approval of the request for vaccination deferral and payment for the applicable license fee specified in subsection F of this section. The owner or person having custody of such dog shall confine and shall keep such dog confined for the duration of the deferral. Within fourteen (14) days after the expiration of the deferral, the owner or person having custody of such dog shall present to the Senior Animal Control Officer or their designee a certificate of vaccination in accordance with the provisions of subsection D of this section.

F. Subject to the provisions of this section, licenses shall be issued upon payment of the appropriate fees as set forth by resolution of the City Council for the following classifications of dog or cat as appropriate:

1. License valid for one (1) year from date of issuance for each sterile dog, accompanied by a certificate signed by a veterinarian certifying that said dog is permanently unable to reproduce.

2. License valid for one (1) year from date of issuance, for each dog to which the provisions of Subsections 8.02.010(F)(1) and (7) of this Ordinance are not applicable. Except for animals owned by recognized dog or cat breeders, as defined by the City of Perris' policy.

3. License valid for two (2) years from date of issuance for each sterile dog, accompanied by a certificate signed by a veterinarian certifying that said dog is permanently unable to reproduce.

4. License valid for two (2) years from date of issuance for each dog to which the provisions of Subsection 8.02.010 (F)(3) and (8) of this Ordinance are not applicable. Except for animals owned by recognized dog or cat breeders, as defined by the City of Perris policy.

5. License valid for three (3) years from date of issuance for each sterile dog, accompanied by a certificate signed by a veterinarian certifying that said dog is permanently unable to reproduce.

6. License valid for three (3) years from the date of issuance for each dog to which the provisions of Subsection 8.02.010(F)(5) and (9) of this Ordinance are not applicable. Except for animals owned by recognized dog or cat breeders, as defined by the City of Perris policy.

7. License valid for one (1) year from the date of issuance for each sterile dog, which is owned by a person sixty (60) years of age or older, and is accompanied by a certificate signed by a veterinarian certifying that said dog is permanently unable to reproduce.

8. License valid for two (2) years from the date of issuance for each sterile dog, which is owned by a person sixty (60) years of age or older, and is accompanied by a certificate signed by a veterinarian certifying that said dog is permanently unable to reproduce.

9. License valid for three (3) years from the date of issuance for each sterile dog, which is owned by a person sixty (60) years of age or older, and is accompanied by a certificate signed by a veterinarian certifying that said dog is permanently unable to reproduce.

10. Dangerous animal registration as required by this Ordinance.

G. No fee shall be required for a license for any assistance dog such as a guide dog, signal dog, or service dog as defined in California Food and Agriculture Code, Section 30850(a), if such dog is in the possession and under the control of, in the case of a guide dog, a blind person, or in the case of a signal dog, a deaf or hearing-impaired person, or in the case of a service dog, a physically disabled person, or

where such dog is in the possession and under the control of a bona fide organization having as its primary purpose the furnishing and training of guide dogs for the blind, signal dogs for the deaf or hearing-impaired, or service dogs for the physically disabled. However this provision does not remove the owner's responsibility to vaccinate the dogs against rabies and attach a current license tag to the dog's collar. Whenever a person applies for an assistance dog identification tag, the person shall sign an affidavit as defined in California Food and Agriculture Code, Section 30850(b).

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

I. Each license specified in this section shall be valid for the period specified in this section and shall be renewed within thirty (30) days after such period terminates, except where the current vaccination for the dog which is the subject of the license shall expire prior to the expiration date of the license being applied for, the Senior Animal Control Officer or their designee may upon request of the owner or custodian of such dog, backdate such license so that its expiration date occurs concurrent with or prior to the expiration date of the vaccination; provided, however, that where such backdating is performed, there shall be no reduction or discount of the license fee applicable to the license applied for, and such license shall be renewed within thirty (30) days after the date of its expiration.

J. If an application for a license is made more than thirty (30) days after the date a dog license is required under this chapter, the applicant shall pay, in addition to the applicable license fee, a late fee as set forth by resolution of the City of Perris.

K. Upon transfer of ownership of any dog validly licensed under this chapter, the new owner shall notify the Senior Animal Control Officer or their designee of such transfer within thirty (30) days of such transfer, on a form prescribed by the Senior Animal Control Officer or their designee, accompanied by a transfer fee as set forth by resolution of the City of Perris.

L. Notwithstanding the provisions of subsection A of this section, where a person moves into the City from another community who owns a dog which is currently vaccinated against rabies and for which dog a license was issued by such other community, such license shall not be transferrable and the owner shall comply within thirty (30) days of said move to secure a City of Perris license. If an application for a license from the Senior Animal Control Officer or their designee is made more than thirty (30) days after such license is required, the applicant shall pay, in addition to the applicable license fee, a late fee as set forth by resolution of the City of Perris.

N. If a valid license tag is lost or destroyed, a duplicate thereof may be procured from the Senior Animal Control Officer or their designee upon submission to the Senior Animal Control Officer or their designee of a statement signed by the owner

of the dog containing the date and circumstances of such loss or destruction and the payment of a fee as set forth by resolution of the City of Perris.

O. Upon request of the Senior Animal Control Officer or their designee, any owner of a dog for which a license is required under the provisions of this chapter shall present to the Senior Animal Control Officer or their designee a currently valid certificate of rabies vaccination or license tag.

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

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

#### **8.02.020 - Control of unspayed and unaltered cats.**

It is unlawful for any person who owns, harbors or keeps any unspayed or unaltered cat four (4) months of age or older within the City to allow or permit such unspayed or unaltered cat to be or remain outdoors.

#### **8.02.030 - Optional licensing for cats.**

An owner of a cat may be issued a license and tag for such cat upon presentation to the Senior Animal Control Officer or their designee of a Certificate of Vaccination signed by a veterinarian certifying that such cat has been vaccinated and upon the payment of a license fee as set forth by resolution of the City of Perris. The license shall be valid for the period of immunity as indicated by the Certificate of Vaccination.

#### **8.02.040 - Limit on number of dogs and cats.**

Unless permitted as a kennel it is 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:

1. Any four dogs, four months of age or older; and
2. Any four cats, four months of age or older.

#### **8.02.050 - 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:

1. Private property unless such dog be restrained thereon by a fence, wall, substantial chain or leash with a minimum of six 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 feet in length; or

2. Highway, street, alley or other public property unless such dog is restrained by a substantial chain or leash not exceeding six 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.

#### **8.02.060 - 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.

#### **8.02.070 – 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 Ordinance 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.

#### **8.02.080 - Impounded dogs and cats and service fees.**

A. An impounded dog or cat may be redeemed upon payment of the following fees:

1. The Senior Animal Control Officer or their designee shall charge and collect from each person redeeming an unaltered impounded animal a State mandated unaltered animal fine for the first offense, for the second offense, or for the third offense, plus the actual costs of transporting the animal to impound, the actual costs of veterinary and related services rendered to the animal while impounded, the

actual costs of sale incurred, and the actual costs of any extraordinary measures required in or for the handling and maintenance of the animal while impounded. The State mandated unaltered animal fine shall be based on that amount as established by the State and shall be adjusted on July 1<sup>st</sup> of each calendar year as appropriate.

2. The Senior Animal Control Officer or their designee shall charge and collect from each person redeeming an altered impounded animal an impounding fee for the first offense, second offense, or third offense as set forth by the City of Perris, plus the actual costs of transporting the animal to impound, the actual costs of veterinary and related services rendered to the animal while impounded, the actual costs of sale incurred, boarding fees, and the actual costs of any extraordinary measures required in or for the handling and maintenance of the animal while impounded.

3. Notwithstanding any other provisions of this Ordinance, where a sterile dog or sterile cat belonging to a person sixty (60) years of age or older is impounded and the owner produces a certificate, signed by a veterinarian that such animal is permanently unable to reproduce, the base impoundment fee for such animal shall be fifty percent (50%) of the applicable impoundment fee specified in this Ordinance plus boarding fees.

4. A processing fee as set forth by the City of Perris will be added to all payment plans.

B. The fee for destruction and disposal of any dog, cat, or small animal in accordance with any provision of this chapter shall be set forth by the City of Perris.

C. Any dog, four (4) months of age or older, which has been impounded shall not be released from impoundment unless it is licensed in accordance with the provisions of this chapter.

D. An officer acting under the provisions of this Ordinance who impounds a dog or cat pursuant to Section 8.01.120 or 8.02.180 shall give written notice of the impound by first class mail, postage prepaid, return receipt requested to the identified address on the animal or the last known owner address provided in City records, if the dog or cat is: (1) wearing a City of Perris dog or cat license tag, (2) wearing any other identification tag containing an address, or (3) microchipped. If such dog, cat, or other animal is not redeemed within ten (10) calendar days from the date of the mailing of such notice, the officer having custody of the dog or cat shall dispose of it in accordance with the provisions of Section 8.01.170, or shall humanely destroy such dog or cat.

E. Upon impounding a stray dog or cat, the holding period for such stray dog or cat shall be in accordance with State law, as appearing in California Food and

Agricultural Code sections 31108 and 31752 or other such applicable State law, as amended from time to time.

F. The officer having custody of any impounded dog, cat, or other animal may, by humane methods, summarily destroy such dog, cat, or other animal if:

1. The animal is suffering from any incurable, dangerous, or contagious disease, provided a veterinarian shall certify, in writing, that such animal is so suffering; or, in the officer's best judgment it would be inhumane and cause needless suffering to prolong the life of the animal in order to see a veterinarian; or

2. It is an unlicensed vicious dog, cat, or other animal.

G. Any officer having in their custody any unredeemed, impounded dog or cat may release such dog or cat to any adult individual upon payment by that individual of the impound fees and charges specified in subsection (a) of this section, or to a nonprofit corporation formed under the provisions of the California Corporations Code commencing with Section 10400 for the prevention of cruelty to animals or to a nonprofit organization formed under the laws of the State of California for the prevention of cruelty to animals, for such sale or placement as such nonprofit corporation or nonprofit organization may choose. Releases of dogs or cats to such nonprofit corporations or nonprofit organizations pursuant to subsection (G) of this section shall not be subject to the payment of the impound fees and charges specified in subsection (A) of this section.

H. It is unlawful for any person to remove an impounded animal from an animal control center without the permission of the officer in charge thereof.

I. Animal Control Officers choosing to return an impounded animal to the owner, in the field, may collect a field return impound fee as set forth by the City of Perris.

J. Animal Control Officers picking up owned animals at the request of the owner or custodian of the animal shall collect a pick up fee as set forth by the City of Perris from the owner or custodian of the animal.

K. Animal Control Officers investigating and authorizing a home quarantine shall collect a home quarantine fee as set forth by the City of Perris from the owner or custodian of the animal.

L. Animal Control Officers providing assistance with trap service, for owned feral animals or nuisance wildlife that are not considered a public health risk, shall collect a service fee as set forth by the City of Perris for the first five (5) days and an additional fee as set forth by the City of Perris per day for each additional day

after the fifth day. A fee as set forth by the City of Perris shall be charged for traps which are lost or destroyed.

M. Owners of animals impounded for quarantine at a City facility shall be charged a quarantine fee as set forth by the City of Perris per day in addition to the regular daily boarding fee.

N. The hourly rate for the recovery of administrative costs associated with the recoupment of enforcement costs, as provided in this chapter, shall be the fully burdened hourly rate as established by the City of Perris.

O. The fee for a micro-chip identification device shall be as set forth by the City of Perris per animal.

P. For personnel after-hours charge—one and one half ( $1 \frac{1}{2}$ ) the fully burdened hourly rate as set forth by the City of Perris. This personnel after-hours charge for the taking up of animals after normal business hours shall be in addition to any other applicable fees set forth in this Ordinance.

Q. The fee for adopting any unredeemed, impounded dog or cat is a flat-rate fee that includes vaccinations, deworming, spaying or neutering, and adoption charges. The adoption fee shall be as established by the City of Perris for any cat or dog. For senior citizens sixty (60) years of age or older, the adoption fee shall be one half ( $\frac{1}{2}$ ) the adoption fee as established by the City of Perris for any cat or dog. To eliminate the euthanasia of adoptable dogs and cats, the Senior Animal Control Officer or their designee shall have the discretion to decrease or entirely waive the adoption fees for last-chance-adoptions, which are adoptions of urgent animals scheduled for euthanasia. The Senior Animal Control Officer or their designee shall have the discretion to decrease the adoption fees of animals adopted at a special event promoting the adoption of impounded animals, to one-third ( $\frac{1}{3}$ ) the adoption fee as set forth by the City of Perris for any cat or dog. The Senior Animal Control Officer or their designee or his designee shall also have the discretion to waive twenty-five percent (25%) of the flat-rate adoption fee if the animal is adopted by the foster care provider currently providing care for the animal or an employee of the City of Perris.

R. For animals turned in at shelters, the owner turn-in fee shall be charged as set forth by the County of Riverside, Department of Animal Services.

S. Animals impounded at either a City or County facility shall be charged a boarding fee.

T. The Senior Animal Control Officer or their designee shall charge and collect from each person the veterinarian and staff rates for the treatment of animals, as set forth by County of Riverside, Department of Animal Services. The Senior Animal

Control Officer or their designee shall also charge and collect any additional costs for veterinary and related services rendered to the animal and the actual costs of any extraordinary measures required in or for the handling and maintenance of the animal.

#### **8.02.090 – Findings related to mandatory spaying and neutering.**

A. Because of the increased urbanization of City of Perris, the City has experienced increasing numbers of residents with dogs.

D. In an attempt to bring this problem under control, it is necessary to: (1) increase the total number of animals which are licensed and thus properly established to have been vaccinated against rabies; (2) encourage the spaying and neutering of animals, which (a) reduces the number of strays at large and not safely confined, (b) reduce aggressiveness and animals at large, and (c) reduces the financial cost to taxpayers of animal control services; and (3) establish a warning and hearing procedure to put the owners of potentially dangerous, dangerous dogs and other animals on adequate notice to control such animals and to bring about the confinement of such animals and the destruction of those animals where other lesser measures have failed or are inappropriate

#### **8.02.100 - Mandatory spaying and neutering.**

Requirement. No person may own, keep, or harbor an unaltered or unspayed dog or cat over the age of twelve (12) months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this chapter. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.

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

A dog with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California Licensed Veterinarian. If the dog is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian must apply for an unaltered dog license;

A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California Licensed Veterinarian. If the cat is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation;

Animals owned by recognized dog or cat breeders, as defined by Animal Control Division policy;

Animals recognized and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry and that are actively engaged in professional, sanctioned shows or competitions, upon reasonable proof submitted to the Senior Animal Control Officer or their designee;

Dogs which are used in the performance of search and rescue operations, military service dogs, and police dogs.

#### **8.02.110 - Denial or revocation of unaltered dog license and reapplication.**

The Division may deny or revoke an unaltered dog license for one or more of the following reasons:

The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;

The Division has received at least three (3) complaints, verified by the Division, that the owner, custodian, applicant, or licensee has allowed a dog to be stray or run at large or has otherwise been found to be neglectful of his or her or other animals;

The owner, custodian, applicant, or licensee has been previously cited for violating a State law, City code, or other municipal provision relating to the care and control of animals;

The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous, or vicious, or to be a nuisance within the meaning of the City of Perris Ordinances or under State law;

Any unaltered dog license held by the applicant has previously been revoked;

The license application is discovered to contain a material misrepresentation or omission of fact.

#### **8.02.120 - Re-application for unaltered dog license.**

A. When an unaltered dog license is denied, the applicant may re-apply for a license upon changed circumstances and a showing that the requirements of this chapter have been met. The Division shall refund one-half ( $\frac{1}{2}$ ) of the license fee when the application is denied. The applicant shall pay the full fee upon re-application.

B. When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty (30) day waiting period and upon

showing that the requirements of this chapter have been met. No part of an unaltered dog license fee is refundable when a license is revoked and the applicant shall pay the full fee upon re-application.

#### **8.02.130 - Appeal of denial or revocation of unaltered dog license.**

In the event that the Animal Control Division proposes to deny or revoke an unaltered dog license, the owner or custodian shall have the right to an administrative hearing regarding the matter as set forth herein. Notice of intent to deny or revoke. The Division shall mail to the owner, custodian, licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered dog, which shall include the reason(s) for the denial or revocation. The owner, custodian, licensee, or applicant may request a hearing to appeal the denial or revocation. The request must be made in writing within ten (10) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.

Hearing Officer. The hearing shall be conducted by the Senior Animal Control Officer or their designee.

Notice and conduct of hearing. The Division shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than thirty (30) days after the Division's receipt of the request for a hearing. The hearing will be informal and the California Rules of Evidence will not be strictly observed. The Division shall mail a written decision to the owner or custodian within ten (10) days after the hearing. The decision of the Hearing Officer shall be the final administrative decision.

B. Change in location of dog. If the dog is moved after the Division has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner, custodian, licensee, or applicant must provide the Division with information as to the dog's whereabouts, including the current owner or custodian's full name, address, and telephone number.

#### **8.02.140 - Transfer, sale, and breeding of unaltered dog or cat.**

Offer for sale or transfer of unaltered dog. An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade, or adoption, or otherwise state and establish compliance with this section. The unaltered license and microchip numbers must appear on a document transferring the animal to the new owner.

Offer for sale or transfer of unaltered cat. An owner or custodian of an unaltered cat must notify the Division of the name and address of the transferee within ten

(10) days after the transfer. The microchip numbers must appear on a document transferring the animal to the new owner.

#### **8.02.150 - Penalties issued for failure to spay or neuter a dog or cat.**

The penalties for failure to spay or neuter a dog or cat shall be enforced as set forth below:

An administrative citation, infraction, or other such authorized penalty may be issued to an owner or custodian of an unaltered dog or cat for a violation of this section only when the owner or custodian is concurrently cited for another violation under State or local law pertaining to the obligations of a person owning or possessing a dog or cat. Examples of such State law or local ordinance violations include, but are not limited to, the following: failure to possess a current canine rabies vaccination of the subject dog; dog or cat at large; failure to license a dog; leash law violations; kennel or cattery permit violations; tethering violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject dog or cat in violation of the Penal Code; rabies quarantine violations for the subject dog; operating a business without a license and/or lack of State Tax ID Number; fighting dog activity in violation of Penal Code section 597.5; animals left unattended in motor vehicles; potentially dangerous, dangerous, or vicious animals; and noisy animals.

Should the owner or custodian of an unaltered dog or cat be found in violation of a State or local law, as stated above the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section.

#### **8.02.160 - Impoundment of unaltered dog or cat.**

When an unaltered dog or cat is impounded pursuant to state and/or local law, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the following:

- A. Provide written proof of the dog's or cat's prior sterilization, if conditions cannot or do not make this assessment obvious to Division personnel;
- B. Have the dog or cat spayed or neutered by a Division veterinarian at the expense of the owner or custodian. Such expense may include additional fees due to extraordinary care required;
- C. Have the dog or cat spayed or neutered by another California Licensed Veterinarian. The owner or custodian may arrange for another California Licensed Veterinarian to spay or neuter the animal, and shall pay to the Division the cost to deliver said animal to the chosen veterinarian. The cost to deliver the animal shall

be based on the Division's hourly rate established by the auditor-controller. The veterinarian shall complete and return to the Division within ten (10) days a statement confirming that the dog or cat has been spayed or neutered or is, in fact, incapable of breeding and shall release the dog or cat to the owner or custodian only after the spay or neuter procedure is complete;

D. At the discretion of the Senior Animal Control Officer or their designee, the dog or cat may be released to the owner or custodian if he or she signs a statement, under penalty of perjury, representing that the dog or cat will be spayed or neutered and that he or she will submit a statement within ten (10) days of the release, signed by the veterinarian, confirming that the dog or cat has been spayed or neutered or is incapable of breeding; or

E. If the owner or custodian demonstrates compliance with this section, then their animal will be returned to them.

#### **8.02.170 - Costs of impoundment.**

A. The owner or custodian of the unaltered dog or cat shall be responsible for the costs of impoundment, which shall include daily board costs, vaccination/medication, and any other diagnostic or therapeutic applications as provided in this chapter.

B. The costs of impoundment shall be a lien on the dog or cat, and the unaltered animal shall not be returned to its owner or custodian until the costs are paid. If the owner or custodian of an impounded unaltered animal does not pay the lien against it in full within fourteen (14) days, the animal shall be deemed abandoned to the Division in accordance with this chapter.

#### **8.02.180 - Application of fees and fines collected.**

All costs and fines collected under this Title and the fees collected under this section, subsection (f) shall be paid to the Division for the purpose of defraying the cost of the implementation and enforcement of this program.

#### **8.02.190 - Mandatory microchipping of dogs and cats.**

A. All dogs and cats over the age of four (4) months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the Division, and shall notify the Division of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of Sections 8.02.020, 8.02.050, and any other licensing requirements of this chapter.

B. Exemptions. The mandatory microchipping requirements shall not apply to any of the following:

1. A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner or custodian must obtain written confirmation of that fact from a California Licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, that date must be stated in the written confirmation.

2. A dog or cat which would be impaired of its athletic ability or performance if implanted with the microchip identification. The owner or custodian must obtain written confirmation of that fact from a California Licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, that date must be stated in the written confirmation.

3. A dog or cat that is kenneled or trained in City of Perris, but is owned by an individual that does not reside in City of Perris. The owner or custodian must keep and maintain the animal in accordance with the applicable laws and ordinances of the jurisdiction in which the owner or custodian of the animal permanently resides, including but not limited to the applicable licensing and rabies vaccination requirements of that jurisdiction.

C. Transfer or sale of dogs and cats.

1. An owner or custodian who offers any dog, over the age of four (4) months, for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade, or adoption. The license and microchip numbers must appear on a document transferring the dog to the new owner. The owner or custodian shall also advise the Division of the name and address of the new owner or custodian in accordance with subdivision (A) of this section. An owner or custodian who offers any dog, over the age of four (4) months, for sale, trade, or adoption and fails to provide the Division with the name and address of the new owner is in violation of this chapter and shall be subject to the penalties set forth herein.

2. An owner or custodian who offers any cat, over the age of four (4) months, for sale, trade, or adoption must provide the microchip identification number with the offer of sale, trade, or adoption. The microchip numbers must appear on a document transferring the cat to the new owner. The owner or custodian shall also advise the Division of the name and address of the new owner or custodian in accordance with subdivision (A) of this section. An owner or custodian who offers any cat over the age of four (4) months for sale, trade, or adoption and fails to provide the Division with the name and address of the new owner is in violation of this chapter and shall be subject to the penalties set forth herein.

3. When a puppy or kitten under the age of four (4) months, which is implanted with microchip identification, is sold or otherwise transferred to another person, the owner or custodian shall advise the Division of the name and address of the new owner or custodian, and the microchip number of the puppy or kitten within ten (10) days after the transfer. If it is discovered that an owner or custodian has failed to provide the Division with the name and address of the new owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to the penalties set forth in this chapter.

D. When an impounded dog or cat is without microchip identification, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the following:

1. Have the dog or cat implanted with a Division microchip by a department registered veterinarian technician, veterinarian, or other designated personnel at the expense of the owner or custodian;

2. Have the dog or cat implanted with a Division approved microchip by a California Licensed Veterinarian. The owner or custodian may arrange for another California Licensed Veterinarian to perform the implant, and shall pay to the Division the cost to deliver the dog or cat to the chosen veterinarian. The cost to deliver the dog or cat shall be based on the Division's hourly rate established by the City of Perris Auditor-Controller. The veterinarian shall complete and return to the Division within ten (10) days, a statement confirming that the microchip has been implanted, provide the Division with the number and shall release the dog or cat to the owner or custodian only after the procedure is complete; or

3. At the discretion of the Senior Animal Control Officer or their designee, the dog or cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury representing that the dog or cat will be implanted with a microchip and that he or she will submit a statement within ten (10) days of the release, signed by a California Licensed Veterinarian, confirming that the dog or cat has been so implanted and provide the microchip number to the Division or allow the Division to scan the dog or cat for the microchip to verify.

E. Fees for microchip identification device. The fee for an identifying microchip device shall be included in the cost of adoption when adopting a dog or cat from a City of Perris animal shelter. The fee for an identifying microchip device shall be the amount set forth per animal by the City of Perris for all other animals. If an animal has already been implanted with an identifying microchip device by some other facility, there will be no fee to have the identification microchip number entered into the Division's registry as required by subdivision (A) of this section.

F. Allocation of fees and fines collected. All costs, fees, and fines collected under this section shall be paid to the Division for the purpose of defraying the cost of the implementation and enforcement of this program and for low cost microchipping programs administered by the Division.

**8.02.200 - Public spay and neuter clinics.**

A. Authority for Clinics. The Senior Animal Control Officer or their designee is authorized and directed to establish clinics at which members of the public who are residents of City of Perris may have dogs and cats spayed or neutered in a humane manner. Fees for services provided by such clinics shall be determined in a minimum amount, to offset costs of operation of such clinics and shall be consistent with the intent of this chapter for providing low-cost, nonprofit public spay and neuter services. Fees shall be established by the City Council.

B. Persons submitting a dog or cat for the above service shall sign a consent form under penalty of perjury certifying thereon that they are the owner of the animal or are otherwise authorized to present the animal for the above operation and such persons may be required to furnish proof of such ownership or authority. Such consent shall contain a waiver of any and all liability of the City, the Animal Control Division, and any other City employees for any injury or death to an animal arising out of the aforementioned operation or any services provided incidental thereto.

C. The Division shall establish a return date by which persons submitting animals for the above operation shall pick-up said animals or be subject to reasonable board care fees to commence the day after such return date. Failure to pick up an animal within fifteen (15) days of the return date shall be deemed abandonment of the animal and the Animal Control Officer may dispose of it by sale or destruction.

**8.02.210 - Cat trapping.**

It is unlawful for any person to set or maintain an operating trap for a cat unless a sign is posted on the property stating that such a trap is in use on the property. The sign shall be clearly visible from the road serving the property on which the trap is set or maintained and shall remain posted and visible at all times while the trap is in use. Trapping shall not continue for more than ten (10) days in a thirty (30) day period unless specifically authorized by the Senior Animal Control Officer or their designee. If a person maintaining a trap should trap a lactating female cat, the person shall immediately release the cat thereby eliminating the chance of removing a cat that may be nursing kittens. This section shall not apply when the trap is being used for rabies control as determined in writing by the Senior Animal Control Officer or their designee.

### **8.02.220 - Rabies suppression, control and quarantine.**

A. If it shall appear to the Senior Animal Control Officer or their designee that any animal has rabies, the Senior Animal Control Officer or their designee may destroy such animal forthwith, or may hold such animal for further examination or observation for such time as the Senior Animal Control Officer or their designee 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 otherwise suspected of having or having been exposed to rabies, the owner or person having custody of such bitten animal shall immediately notify the Senior Animal Control Officer or their designee, and shall immediately confine the animal and maintain that confinement until it is established, to the satisfaction of the Senior Animal Control Officer or their designee, that such animal does not have rabies. The Senior Animal Control Officer or their designee shall have the power to quarantine any 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 their designee, to adequately confine such animal immediately, or in the event the owner or person having custody of such animal is not readily accessible.

C. Whenever it is shown that any animal has bitten any person, the owner or person having custody of such animal shall, upon the order of the Senior Animal Control Officer or their designee, quarantine such animal and keep it 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 Senior Animal Control Officer or their designee to make an inspection or examination of such animal at any time during such period of quarantine. Animals quarantined pursuant to this subsection (C) shall not be removed from the premises upon which such animal is quarantined without permission of the Senior Animal Control Officer or their designee. The Senior Animal Control Officer or their designee is hereby 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 to so confine such animal. Animals quarantined pursuant to this subsection (C) shall remain under quarantine until notice is given by the Senior Animal Control Officer or their designee that such quarantine is terminated.

D. The Senior Animal Control Officer or their designee may, at their discretion, post or cause to be posted an appropriate sign on any premises where an animal is quarantined pursuant to this chapter for the purpose of warning the public of the fact of such quarantine. It shall be unlawful for any person to remove a sign posted pursuant to this subsection without the permission of the Senior Animal Control Officer or their designee.

E. Whenever the Senior Animal Control Officer or their designee shall determine that an epidemic of rabies exists or is threatened, the Senior Animal Control Officer or their designee 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 as the Senior Animal Control Officer or their designee may determine and define, for a period of not more than one hundred twenty (120) days. An additional or extended quarantine period may also be declared if such additional or extended quarantine period shall be deemed necessary by the Senior Animal Control Officer or their designee for the protection and preservation of the public health, peace and safety. Any quarantine declared pursuant to this subsection, other than as restricted herein, shall be upon such conditions as the Senior Animal Control Officer or their designee may determine and declare.

F. No person shall bring any animal into the City of Perris from any other city, county, community, jurisdiction in which a reported case of rabies exists or has existed within the past six (6) months.

G. In order to protect the public health from the hazard of rabies which has been found to exist in skunks, a quarantine is imposed to continue until released by the Senior Animal Control Officer or their designee, whereby it is prohibited to trap or capture skunks for pets; to trap, capture, or hold skunks in captivity for any reason; to transport skunks from or into the City except pursuant to a permit issued by the California Department of Health Services pursuant to Title 17, California Administrative Code, Section 2606.8.

H. Any exotic or hybrid animal shall be vaccinated and/or quarantined pursuant to State law.

#### **8.02.230 - Placement requirements.**

A. Any person, who within the City of Perris, or any business entity, or other organization located in or doing business in the City of Perris, which advertises or offers in any manner, puppies or dogs for sale, trade, barter or to be given away for free, must display in such advertisements, announcement, or flyer the following information:

1. The license number and name of the licensing agency of each of the mother animals any of whose offspring are so offered (in the case of puppies under four (4) months of age);
2. The license number and name of licensing agency of each of the dogs (in the case of animals four (4) months of age or more);

3. The kennel permit number and name of the permitting agency of the owner of each of the mother animals any of whose offspring are so offered (in the case of puppies under four (4) months of age); and/or

4. The kennel permit number and name of the permitting agency of the owner of each of the dogs so offered (in the case of animals four (4) months of age or more).

B. This section shall not apply to public animal shelters or nonprofit humane societies which are in compliance with Food and Agricultural Code Sections 30503 and 31751, nor shall it apply to persons who relinquish animals to such shelters or societies.

C. Violators subject to citation are to be furnished with a list of low-cost or no-cost spay and neuter resources.

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

**8.02.240 - Prohibition of sales or giving away of dogs and cats on public property.**

No person shall, in the City of Perris, offer for sale or sell or give away or transfer for adoption any dog, puppy, cat, or kitten on any public street, public sidewalk, or public park.

**8.02.250 - Prohibition of sales or giving away of dogs and cats on private property without owner consent.**

No person shall offer for sale or sell or give away or transfer for adoption any dog, puppy, cat, or kitten on any private property without the property owner's written consent. Said written consent shall be in the possession of the person at all times while on the private property. This section shall not apply to any person who is also the legal owner or legally in possession of the real property on which the act is occurring.

**8.02.260 - Enforcement.**

A. The Senior Animal Control Officer or their designee shall supervise the administration and enforcement of this chapter and of the laws of the State of California pertaining to the control of dogs and shall have charge of animal control center employees and facilities.

B. The City Council may enter into a written agreement or agreements with any veterinarian, organized humane society, association, person, corporation, or

organization which will undertake to carry out the provisions of this chapter and maintain and operate a shelter, and which will license, take up, impound, and dispose of animals. Any such veterinarian or society or association which shall enter into such an agreement shall carry out all 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, employee, or person empowered to enforce the provisions of this chapter while such officer, employee, or person is engaged in the performance of his or her duties as provided in this chapter.

D. Nothing in this chapter shall prevent the Senior Animal Control Officer or their designee from acting, when he or she deems it appropriate to do so, under the applicable provisions of California Penal Code, Section 597, et seq.

#### **8.02.270 - Violation—Penalty.**

In addition to the remedies and penalties contained in this Ordinance, any person violating any provision of City animal control ordinances shall be guilty of an infraction, unless otherwise stated in such City animal control ordinances, and upon conviction thereof shall be punished by (1) a fine not exceeding fifty dollars (\$50.00) for the first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for the second violation within one (1) year; and (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation within one (1) year. Each day a violation is committed or permitted to continue shall constitute a separate offense.

A. Persons receiving a citation for any infraction resulting from a violation of this chapter, may choose to clear the citation within ten (10) days, thereby avoiding a visit to court and a potentially higher court fine, by demonstrating their compliance to the Senior Animal Control Officer or their designee through their written, signed agreement and paying an administrative fee of sixty dollars (\$60.00) to the Division.

B. Persons who violate a home quarantine, fail to produce an animal for quarantine upon demand, or in any other way interfere with rabies investigation, shall be guilty of a misdemeanor, pursuant to Section 121710 of the California Health and Safety Code and Section 9701 of the California Food and Agriculture Code, which is punishable by imprisonment in the City jail for a period not to exceed one (1) year, or by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) per day of violation, or both fine and imprisonment.

C. Persons receiving a citation for violation of a home quarantine, may choose to clear the citation and avoid arrest and appearance in court by demonstrating to

the Senior Animal Control Officer or their designee, in writing, their intent to comply with the order and by paying an administrative fee of fifty dollars (\$50.00) to the Division.

#### **8.02.280 - Administrative citations and penalties.**

In addition to the remedies and penalties contained in this Ordinance, and in accordance with Government Code Section 53069.4, an administrative citation may be issued for any violation of City animal control ordinances. The following procedures shall govern the imposition, enforcement, collection and administrative review of administrative citations and penalties.

A. Notice of Violation. If an animal is owned, kept, maintained, or found to be in violation of City animal control ordinance, an administrative citation may be issued by the Animal Control officer. An administrative citation will not be issued for violation of Section 8.02.050 (Mandatory licensing of kennels and catteries) prior to a written notice of violation being issued.

B. Content of Citation. The administrative citation shall be issued on a form approved by the City Attorney and shall contain the following information:

1. Date, location and approximate time that the violation was observed;
2. The ordinance violated and a brief description of the violation;
3. The amount of the administrative penalty imposed for the violation;
4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within this time period;
5. Instructions on how to appeal the citation;
6. The signature of the Animal Control Officer.

Failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

C. Service of Citation.

1. If the person who has violated the City animal control ordinance is present at the scene of the violation, the Animal Control Officer shall attempt to obtain his or her signature on the administrative citation and shall deliver a copy of the administrative citation to him.

2. If the owner, occupant, or other person who has violated the City animal control ordinance is a business, and the business owner is on the premises, the

Animal Control Officer shall attempt to deliver the administrative citation to him or her. If the Animal Control Officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.

3. If no one can be located at the property where the violation occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated this chapter. The citation shall be mailed to the property address and/or the address listed for the owner on the last City equalized assessment roll. The citation shall also be mailed to any additional address for the owner in Division records.

4. The failure of any interested person to receive the citation shall not affect the validity of the proceedings.

#### D. Administrative Penalties.

1. The penalties assessed for each violation of a City animal control ordinance shall not exceed those amounts as set forth by the City of Perris for a first violation, second violation of the same administrative abatement order within one (1) year; or for each additional violation of the administrative abatement order within one (1) year.

2. If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.

3. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.

4. The penalties assessed shall be payable to the City of Perris.

5. Where the violation would otherwise be an infraction, the administrative penalty shall not exceed the maximum fine or infraction amount.

#### E. Administrative Appeal of Administrative Citation.

1. Notice of Appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Division. The written notice of appeal must be filed within ten (10) days of the service of the administrative citation as set forth in subsection (C) above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative

citation. The notice of appeal shall be submitted on City forms and shall contain the following information:

- a. A brief statement setting forth the appellant's interest in the proceedings;
- b. A brief statement of the material facts which the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
- c. An address at which the appellant agrees to notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
- d. The notice of appeal must be signed by the appellant.

2. Administrative Hearing. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:

- a. Notice of Hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten (10) days before the hearing to the person requesting the hearing. The notice may be personally delivered to the person requesting the hearing or may be mailed to the address listed in the notice of appeal.

- b. Hearing Officer. The administrative hearing regarding the administrative citation shall be held before the City's designated Hearing Officer. The Hearing Officer shall not be the investigating Animal Control Officer who issued the administrative citation or his or her immediate supervisor. The City may, at its sole discretion, contract with a qualified provider to conduct the administrative hearings or to process administrative citations.

- c. Conduct of the Hearing. The investigating Animal Control Officer who issued the administrative citation shall not be required to participate in the administrative hearing regarding the citation. The contents of the investigating Animal Control Officer's file shall be admitted as prima facie evidence of the facts stated therein. The Hearing Officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the Hearing Officer shall make his or her determination based on the information contained in the notice of appeal.

- d. Hearing Officer's Decision. The Hearing Officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The Hearing Officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the Hearing Officer of an inability to pay the

penalty in full at one time. The Hearing Officer's decision shall contain instructions for obtaining review of the decision by the superior court.

F. Review of Administrative Hearing Officer's Decision. If the recipient of an administrative citation disagrees with the administrative Hearing Officer's decision upholding the issuance of the administrative citation and/or administrative penalty amount assessed, the recipient may appeal the issuance of the administrative citation to the City Manager or his or her designee as set forth in this section.

1. Notice of Appeal. Within twenty (20) days of the delivery and mailing of the Hearing Officer's decision regarding the administrative citation, the recipient of the administrative citation may contest that decision by filing an appeal to be heard by the City Manager. The fee for filing the notice of appeal shall be as set forth by the City per their fee resolution. The failure to file the written appeal and to pay the filing fee within this twenty (20) day period shall constitute a waiver of the right to an appeal and the decision shall be deemed final. A copy of the notice of appeal shall be forwarded to the Animal Control Division upon receipt by the City Manager's office.

2. The City Manager or his or her designee shall notify the appealing party of the date, time and location of the review hearing. At the hearing, the appealing party shall be allowed to present only those facts, witnesses or evidence that were originally presented during the initial hearing.

3. The City Manager or designee shall consider all of the facts, evidence and witness testimony and shall render a decision in writing to the appealing party within thirty (30) days from the review hearing. The decision of the City Manager or designee shall be final.

#### **8.02.290 - Recoupment of enforcement costs.**

The intent of this section is to authorize the recoupment of administrative costs reasonably related to the enforcement of this Ordinance. In furtherance of this intent the City shall be entitled to recover costs of enforcement, including costs of staff time, by complying with the following procedure:

A. Records of Costs. The Division of animal services shall maintain records of all administrative costs, incurred by the Division and all other responsible City departments, in the processing of the violation or violations and the enforcement of this chapter and other applicable ordinances and may recover such costs from the violator and/or property owner or property occupier as provided in this chapter.

B. Notice. Upon investigation and determination that a violation of any of the provisions of this chapter or other related City ordinances is found to exist, the Animal Control Division and/or other City department(s) shall notify the violator

and/or record owner of the property, or any person having possession or control of the subject property, by mail of the existence of the violation, of the Division's intent to charge the violator and/or property owner and/or person having possession or control of the property for all administrative costs associated with enforcement, and of the respondent's right to a hearing on objections thereto. The notice shall be in substantially the following form:

**NOTICE**

*The Animal Control Division and/or Department of \_\_\_\_\_ has/have determined that conditions exist at the property located at \_\_\_\_\_ which violate Section(s) \_\_\_\_\_ of the City of Perris Ordinance No(s). \_\_\_\_\_ to wit: \_\_\_\_\_*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Notice is hereby given that at the conclusion of this case you will receive a summary of administrative costs associated with the processing of such violation(s), at an hourly rate as established and adjusted from time to time by the City Council. The hourly rate presently in effect is \_\_\_\_\_ per hour of staff time. You will have the right to object to these charges by filing a Request for Hearing with the Animal Control Division within ten (10) days of service of the Summary of Charges.*

C. Summary of Costs. At the conclusion of the case, the Animal Control Division shall send a summary of costs associated with enforcement to the violator and/or owner of the property and/or person having possession or control of the subject property by certified mail. The summary shall include a notice in substantially the following form:

**NOTICE**

*If you object to these charges, you must file a Request for Hearing on the enclosed Form within ten (10) days of the date of this notice.*

***IF YOU FAIL TO TIMELY REQUEST A HEARING, YOUR RIGHT TO OBJECT WILL BE WAIVED AND YOU WILL BE LIABLE TO THE CITY OF PERRIS FOR THESE CHARGES, TO BE RECOVERED IN A CIVIL ACTION IN THE NAME OF THE CITY, IN ANY COURT OF COMPETENT JURISDICTION WITHIN THE CITY.***

***Dated:*** \_\_\_\_\_

### ***Animal Control Division***

D. Right to Hearing. Any violator or property owner, or other person having possession and control of the property, who receives a summary of costs under this section shall have the right to a hearing before the Senior Animal Control Officer or their designee on his or her objections to the proposed costs in accordance with the procedures set forth herein.

E. Request for Hearing. A request for hearing shall be filed with the Division within ten (10) days of the service by mail of the Division summary of costs, on a form provided by the Division. Within ten (10) days of the filing of the request, and on ten (10) days' written notice to the violator and/or owner, the Senior Animal Control Officer or their designee shall hold a hearing on the violator and/or owner's objections, and shall determine the validity thereof.

F. Recovery of Costs. In the event that: (a) no request for hearing is timely filed; or (b) after a hearing the Senior Animal Control Officer or their designee affirms the validity of the costs; the violator, the property owner or the person in control and possession of the property shall be liable to the City in the amount stated in the summary of costs or any lesser amount as determined by the Senior Animal Control Officer or their designee. These costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction within the County of Riverside.

G. Senior Animal Control Officer or their designee's Decision. In determining the validity of the costs, the Senior Animal Control Officer or their designee shall consider whether the total costs as charged have been fairly and accurately calculated. Factors to be considered include whether the time and personnel spent in enforcement were reasonably necessary to bring about compliance and whether the rate charged is the current rate established by the City.

H. Appeal. The decision of the Senior Animal Control Officer or their designee may be appealed by filing a written notice of appeal with the City Clerk within ten (10) days after service by mail on the violator, property owner, or other person having possession and control of the property, of the decision of the Senior Animal Control Officer or their designee. The appeal shall be heard by the City Council which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The Division shall give written notice of the time and the place of the hearing to appellant. In conducting the hearing, the City Council shall not be limited by the technical rules of evidence.

### **8.02.300 - Public nuisance.**

A. The possession or maintenance of any dog, cat or other identified animal or the allowing of any dog, cat or other identified animal to be in violation of this

Ordinance, or any other City ordinance or State law, is declared to be a public nuisance. The Senior Animal Control Officer or their designee and any City of Perris peace officer are directed and empowered to abate any such public nuisance independently of any criminal prosecution or the results thereof, by any means reasonably necessary to accomplish the abatement including, but not limited to, the destruction of the dog, cat or other identified animal involved, or by the imposition of specific reasonable conditions and restrictions for the maintenance of such dog, cat or other identified animal. Failure to comply with such conditions and restrictions is a misdemeanor. The owner of such dog, cat or other identified animal shall reimburse the City for all costs incurred in enforcing compliance with the provisions of this section. The City, by and through the Senior Animal Control Officer or their designee, may also commence and maintain such proceedings in a court of competent jurisdiction as are appropriate under the laws and regulations of the state for the abatement and redress of public nuisances.

B. At least ten (10) working days prior to the impoundment or abatement or both pursuant to subsection A of this section, the owner or custodian of the subject dog, cat, or other identified animal shall be notified by the Senior Animal Control Officer or their designee, in writing, of the right to a hearing to determine whether grounds exist for such impoundment or abatement or, where applicable, both. The notice shall be served by hand-delivery or by registered or certified mail, postage prepaid, return receipt requested. If the owner or custodian requests a hearing prior to impoundment or abatement, no impoundment or abatement shall take place until the conclusion of such hearing, except as provided in subsection C of this section.

C. When, in the opinion of the Senior Animal Control Officer or their designee, immediate impoundment is necessary for the preservation of animal or public health, safety or welfare, or if the subject dog, cat or other identified animal has been impounded under any other provision of this chapter or any law or regulation of the State of California, the pre-impoundment hearing shall be deemed waived; provided, however, that the owner or custodian of the subject dog or cat shall be given notice by the Senior Animal Control Officer or their designee, in writing, which would allow five (5) working days to request an abatement hearing. Service of such notice shall be in accordance with the service methods specified in subsection (B) of this chapter. Where requested by such owner or custodian, a hearing shall be held within five (5) days of the request therefor, and the subject dog, cat or other animal shall not be disposed of prior to the conclusion of the hearing. If, after five (5) working days from the date of service of the notice specified in this subsection, no request for a hearing is received from the owner or custodian of the subject dog, cat or other animal, such dog, cat, or other animal shall be disposed of pursuant to applicable provisions of law.

D. All hearings pursuant to this section shall be conducted by the Senior Animal Control Officer or their designee personally or by a designee who shall not

have been directly involved in the subject action. Hearings shall be held not more than ten (10) days from the date of receipt of the request for the hearing and shall be conducted in an informal manner consistent with due process of law. A hearing may be continued for a reasonable period of time if the Senior Animal Control Officer or their designee deems such continuance to be necessary and proper or if the owner or custodian shows good cause for such continuance. Within ten (10) days after the conclusion of the hearing, the Senior Animal Control Officer or their designee shall render, in writing, their findings, decision and order thereon and shall give notice of the findings, decision and order to the owner or custodian of the subject dog, cat or other animal; service of such notice shall be in accordance with the service methods specified in subsection (B) of this section.

E. Pursuant to Food and Agriculture Code Section 31622, the owner or keeper of a dog can appeal the decision of the administrative hearing to the municipal court.

#### **8.02.310 - Adjustments of fees.**

All of the fees set forth in this chapter shall be in effect until the City Council shall, by means of ordinance, fix some other fees upon the basis of a cost-analysis as determined by the City of Perris Auditor-Controller or, where applicable, pursuant to a change in the applicable laws and regulations of the State of California or, if applicable, both.

#### **8.02.320 - Waiver of fees.**

At the discretion of the Senior Animal Control Officer or their designee, the impoundment fees recoverable under Section 8.02.100 may be waived by the Senior Animal Control Officer or their designee based upon indigent circumstances of the owner of the impounded animal that are verified by the Animal Control Division so long as the animal is being kept and maintained in accordance with all other provisions of this chapter, the City of Perris Ordinances, and State law.

### **Chapter 8.03 - ABANDONED, NEGLECTED AND CRUELLY TREATED ANIMALS**

#### **Sections:**

#### **8.03.010 – Incorporation of Penal Code 597.1**

Penal Code Section 597.1, Permitting Animals to Go Without Care; Veterinary Care for Injured Animals; Pre seizure and Post Seizure Hearings, as may be amended by the State, is hereby incorporated herein in its entirety by reference.

### **8.03.020 – Hearing Officer**

The City shall retain an independent Hearing Officer for all matters related to enforcement of Penal Code Section 597.1. Said Hearing Officer shall be under the authority of the City Manager or his or her designated alternative, at their sole discretion in order to maintain neutrality and objectivity. Selection of said Hearing Officer shall be made by the City Manager or his or her designated alternative. The City Manager or his or her designee may elect to secure the services of an on-call Hearing Officer, who shall be available to respond to the timely hearing requirements contained in Penal Code Section 597.1.

### **8.03.030 – Abandoning animals.**

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

### **8.03.040 – 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 Ordinance, or under exigent circumstances, at least five (5) 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 Ordinance. 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 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 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.

#### **8.03.050 – 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.

#### **8.03.060 – Sanitary conditions.**

A. 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.

B. 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:

1. Any public park in the City;
2. A public sidewalk, parkway or any other public property;
3. Any entranceway, stairway or wall immediately abutting a public sidewalk;
4. The floor of any theater, shop, store, office building or other building used by the public;
5. Any improved private property other than that of the owner or person who has custody or control of such animal;
6. The floor of any common hall in any apartment house, tenement house, motel or other multiple dwelling.

C. Any owner or person found in violation of this section shall be fined fifty dollars (\$50.00), payable to the City, for each violation.

#### **8.03.070 – 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 charge or control. Any person, who aids, abets or is present at such fighting as a spectator is guilty of a misdemeanor.

#### **8.03.080 – 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.

### **Chapter 8.04 - POTENTIALLY DANGEROUS, DANGEROUS, AND VICIOUS ANIMALS**

#### **Sections:**

#### **8.04.010 - Findings.**

A. Because of the increased urbanization of City of Perris, the City has experienced increasing numbers of residents with dogs.

B. In an attempt to control, it is necessary to: (1) increase the total number of animals which are licensed and thus properly established to have been vaccinated against rabies; (2) encourage the spaying and neutering of animals, which (a) reduces the number of strays at large and not safely confined, (b) reduce aggressiveness and animals at large, and (c) reduces the financial cost to taxpayers of animal control services; and (3) establish a warning and hearing procedure to put the owners of potentially dangerous, dangerous dogs and other animals on adequate notice to control such animals and to bring about the confinement of such animals and the destruction of those animals where other lesser measures have failed or are inappropriate.

#### **8.04.020 - Definitions.**

Whenever, in this chapter or in any resolution or standard adopted by the City Council pursuant to this chapter, the following terms are used, they shall have the meaning ascribed to them in this section, unless it is apparent from the context thereof, that some other meaning is intended.

“Potentially dangerous animal” means:

1. Any animal which has once actively pursued, attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another person engaged in a lawful activity.
2. Any animal which has once attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another animal.
3. Any animal which is found actively pursuing livestock, domestic bovine animal, horse, mule, burro, sheep, goat, swine, poultry, chicken, duck, turkey, goose or other domestic fowl, dogs, cats, or other domestic animals.

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

“Dangerous animal” means:

1. Any animal which has twice within a thirty-six (36) month period in two (2) separate incidents has, actively pursued, attacked, bitten or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another person or animal engaged in a lawful activity;

2. Any animal which has once attacked, bitten, or otherwise caused injury to a person or animal engaged in lawful activity, resulting in death or substantial injury;
3. Any animal which has been previously declared a “potentially dangerous animal” and the owner/custodian has failed to restrain the animal as so directed; or
4. Any dog which has been declared a “potentially dangerous dog” as defined by California State law during any legal hearing process.

“Secure enclosure” means a fence or structure suitable to prevent the entry of young children or any part thereof, and which is suitable to confine a potentially dangerous or dangerous animal in conjunction with other measures, which may be taken by the owner, 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 in contact with the animal. (A chain where a person can walk within the length of the chain, or an electric collar or invisible fence is not a sufficient restraint or enclosure.)

“Vicious dog” means:

1. Any dog which, when unprovoked, in an aggressive manner, inflicts injury on or kills a human being or animal.
2. Any dog previously determined to be and currently listed as a potentially dangerous dog which after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 of the Food and Agricultural Code or is maintained in violation of Section 31641, 31642, or 31643 of the Food and Agricultural Code.

#### **8.04.030 - Administrative restraint order for potentially dangerous animals.**

A. If the Animal Control Division has cause to believe that an animal is a potentially dangerous animal, the Senior Animal Control Officer or their designee shall issue a potentially dangerous animal restraint order to the owner or custodian of any such dog or animal that fits the description described in this chapter, of a potentially dangerous animal. The statement shall be served by hand-delivery or certified and first-class mail. The statement shall notify the owner or custodian of such animal that such owner or custodian is required thereafter at all times to keep such animal in a secure enclosure or provide such other adequate secure restraint as may be specified on the restraint order.

B. An owner or custodian of an animal receiving a potentially dangerous animal restraint order may request a hearing on the order by a Hearing Officer selected by the Senior Animal Control Officer or its designee. The request for a

hearing must be submitted in writing, during the ten (10) calendar days following the service of the order. Pending such hearing, the animal must be kept in a secure enclosure or adequately restrained as specified in the restraint order.

C. Failure of the owner or custodian to request a hearing on the restraint order within the ten (10) day period, or failure to attend or be represented at a scheduled hearing, shall constitute a waiver of the right to a hearing and shall satisfy the hearing requirements provided herein.

D. All hearings pursuant to subsection (B) of this section shall be conducted by the Hearing Officer who shall not have been directly involved in the subject action. Hearings shall be held not more than ten (10) working days from the date of receipt of the request for the hearing and shall be conducted in an informal manner consistent with due process of law. A hearing may be continued for a period of time not to exceed thirty (30) days if the Hearing Officer deems such continuance to be necessary and proper. Within ten (10) days after the conclusion of the hearing, the Hearing Officer shall render, in writing, his or her findings, decision, and order thereon and shall give notice of the findings, decision, and order to the owner or custodian of the subject animal; service of such notice shall be by mail or hand delivery.

E. Costs for successful enforcement of this section shall be recouped from the animal's owner or custodian pursuant to section 8.02.310..

F. An animal which has been determined to be a potentially dangerous animal following the conclusion of the process described in subsections A through D of this section shall be added to a list of potentially dangerous animals maintained by the Animal Control Division. Once an animal has been determined to be a potentially dangerous animal, if there are no additional instances of the behavior described in the definition for a potentially dangerous animal in Section 8.04.020 within a thirty-six (36) month period from the date of the restraint order, the animal may be removed from the list of potentially dangerous animals by the Senior Animal Control Officer.

#### **8.04.040 - Administrative restraint order for dangerous animals.**

A. If the Animal Control Division has cause to believe that an animal is a dangerous animal, the Senior Animal Control Officer or their designee shall issue a dangerous animal restraint order to the owner or custodian of any such dog or animal that fits the description described in this chapter, of a potentially dangerous animal. The statement shall be served by hand-delivery or certified and first-class mail. The statement shall notify the owner or custodian of such animal that such owner or custodian is required thereafter at all times to keep such animal in a secure enclosure or provide such other adequate secure restraint as may be specified on the restraint order.

B. An owner or custodian of an animal receiving a dangerous animal restraint order may request a hearing on the order by a Hearing Officer selected by the Senior Animal Control Officer or its designee. The request for a hearing must be submitted in writing, during the ten (10) calendar days following the service of the order. Pending such hearing, the animal must be kept in a secure enclosure or adequately restrained as specified in the restraint order.

C. Failure of the owner or custodian to request a hearing on the restraint order within the ten (10) day period, or failure to attend or be represented at a scheduled hearing, shall constitute a waiver of the right to a hearing and shall satisfy the hearing requirements provided herein.

D. All hearings pursuant to subsection (B) of this section shall be conducted by the Hearing Officer who shall not have been directly involved in the subject action. Hearings shall be held not more than ten (10) working days from the date of receipt of the request for the hearing and shall be conducted in an informal manner consistent with due process of law. A hearing may be continued for a period of time not to exceed thirty (30) days if the Hearing Officer deems such continuance to be necessary and proper. Within ten (10) days after the conclusion of the hearing, the Hearing Officer shall render, in writing, his or her findings, decision, and order thereon and shall give notice of the findings, decision, and order to the owner or custodian of the subject animal; service of such notice shall be by mail or hand delivery.

E. Costs for successful enforcement of this section shall be recouped from the animal's owner or custodian pursuant to section 8.02.310..

F. An animal which has been determined to be a dangerous animal following the conclusion of the process described in subsections A through D of this section shall be added to a list of dangerous animals maintained by the Animal Control Division.

#### **8.04.050 - Exceptions to finding an animal to be vicious.**

No animal may be determined vicious if:

1. 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

2. Such 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.

#### **8.04.060 - Impoundment and abatement of dangerous and vicious animals.**

The Animal Control Division is authorized and empowered to impound and/or abate (destroy) any dangerous or vicious animal as a public nuisance independently of any criminal prosecution or the results thereof by any means reasonably necessary to protect the health, safety and welfare of the public including, but not limited to, the imposition upon the owner and/or custodian of specific, reasonable restrictions and conditions for the maintenance of the animal. In carrying out an abatement, the Division shall follow the procedure as set forth in section 8.02.320.

Restrictions and/or conditions resulting from abatement proceedings may include, but are not limited to, the following:

A. Requiring the owner of the animal, possessor of the animal, and/or owner of the premises on which the animal is kept to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate or proof of insurance by which the Division shall be notified at least thirty (30) calendar days prior to cancellation or nonrenewal;

B. Requirements as to the size, construction, and design of structured enclosure for the animal;

C. Location of the animal's residence including prior notice of plans to move the animal to another location or to a location outside of City of Perris and obtaining approval from the Animal Control Division to do so after proper notification of animal regulation in the new jurisdiction;

D. Requirements as to type and method of restraints for the animal; including but not limited to leashes, muzzles and confinement in a kennel or other facility;

E. Photo identification or permanent marking of the animal for purposes of identification;

F. A requirement to obtain a dangerous animal registration and/or requiring a tattoo or microchip noting the declaration and registration with City of Perris Animal Control;

G. A requirement to alter the animal;

H. Requirements to allow inspection of the animal and its enclosure by the Animal Control Division or any other law enforcement agency without warrant,

and to produce upon demand, proof of compliance with such requirements of this section; as may be applicable;

I. Obtaining written permission to keep the animal on certain specified premises from the landlord or owner, in the event that the owner/custodian of the dangerous animal is a tenant or occupant on real property where the animal is being kept;

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

Any person who violates any provision of this section is guilty of an infraction or misdemeanor, if charged.

#### **8.04.070 - Placement of warning signs.**

It is unlawful for the owner or person in charge of any animal that has been found to be a potentially dangerous animal, dangerous animal, or vicious animal to fail, neglect, or refuse to keep posted in a conspicuous place at or near the entrance to the premises on or within which any dog or animal is kept, a sign having letters at least two (2) inches in width and two (2) inches in height and reading "Beware of vicious dog" or "Beware of vicious \_\_\_\_\_," as may be appropriate.

#### **8.04.080 - Change of ownership, custody and/or location of animal.**

A. The owner and/or custodian of an animal that is on restriction as above provided and who moves or sells the animal, or otherwise transfers the ownership, custody or location of the animal(s), shall, at least fifteen (15) days prior to the actual transfer or removal of the animal, notify the Animal Control Division in writing of the name, address and telephone number of the proposed, new owner or custodian, and/or the proposed, new location of the animal, and the name and description of the animal. The Division may prohibit the proposed relocation for cause.

B. The owner and/or custodian shall, in addition to the above, notify any new owner or custodian 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 and/or custodian shall also provide the Division with a copy of the notification to the new owner or custodian containing an acknowledgment by the new owner or custodian of his or her receipt of the original notification and acceptance of the terms and conditions. The Division may impose different or additional restrictions or conditions upon the new owner or custodian.

C. If the animal should die, the owner and/or custodian shall notify the Division no later than twenty-four (24) hours thereafter and, upon request, from the

Division shall produce the animal for verification. If the animal injures a person or animal, or if the owner and animal move to a new location, the owner and/or custodian shall notify the Division no later than twenty-four (24) hours thereafter. If the animal escapes, the owner and/or custodian shall immediately notify the Division and make every reasonable effort to recapture the escaped animal.

D. An animal that has been declared dangerous or vicious in any legal hearing, as a result of aggressive behavior, outside the confines of City of Perris, may not be relocated in City of Perris.

E. Any person who violates any provision of this section is guilty of an infraction or misdemeanor, if charged.

#### **8.04.090 - Possession unlawful without adequate restraint.**

It is unlawful for a person to have the custody of or own or possess an animal that is restricted as above provided, unless the animal continues to be restrained or confined to prevent it from being at large or from causing damage to any property or injury to any person or other animal. Any person who violates any imposed restriction is guilty of a misdemeanor.

#### **8.04.100 - Surrender of animal upon demand.**

The owner and/or custodian of any animal on restriction who is in violation of Section 8.04.090 shall surrender such animal to the Animal Control Division upon demand.

#### **8.04.110 - Hearing procedures and charges.**

Charges for hearing procedures and costs of confinement at a shelter associated with enforcement under this Ordinance shall be recovered from the animal's owner or custodian as per sections 8.02.310 and 8.02.320.

#### **8.04.120 - Remedies and penalties.**

A. Except in cases where a different punishment is specifically prescribed elsewhere in the City of Perris Municipal Code, every misdemeanor offense is punishable by imprisonment in the city or county jail for a period not exceeding six (6) months, or by fine not exceeding one thousand dollars (\$1,000.00), or by both, provided that where the City Attorney determines that such action would be in the interests of justice, the City Attorney may specify in the accusatory pleading that the offense shall be an infraction.

B. Except as otherwise prescribed elsewhere in this Code, every offense specifically declared to be an infraction is punishable by a fine not exceeding one hundred dollars (\$100.00) for a first violation, a fine not exceeding two hundred

dollars (\$200.00) for a second violation of the same provision within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision within one (1) year. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury and shall not be entitled to have the public defender or other counsel appointed at public expense to represent him unless he is arrested and not released on his written promise to appear, his own recognizance or a deposit of bail. However, any person who has previously been convicted two or more times during any 12-month period for any crime made punishable as an infraction shall be guilty of a misdemeanor upon the third violation.

C. Notwithstanding any other provision of law, a violation of local building and safety codes determined to be an infraction is punishable by:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2. A fine not exceeding five hundred dollars (\$500.00) for a second violation of the same ordinance within one year;
3. A fine not exceeding one thousand dollars (\$1,000.00) for each additional violation of the same ordinance within one year of the first violation.

The remedies herein are not exclusive and City may seek any and all remedial action by any available means under the law.

#### **8.04.130 - Exclusions.**

This chapter does not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

#### **8.04.140 - Court proceedings.**

Nothing in this chapter shall prevent the City of Perris Animal Control Division or any other party from commencing and maintaining court proceedings for the restriction or destruction of any animal as authorized under Food and Agricultural Code Section 31601 et seq.

### **Chapter 8.05 - NOISY ANIMALS**

#### **Sections:**

#### **8.05.010 - Findings.**

The disturbance caused by excessive, unrelenting or habitual noise of any animal is disruptive of the public's peace and tranquility and represents an unwanted invasion of privacy of the residents of the City of Perris. At certain levels, the

excessive, unrelenting or habitual noise of any animal may jeopardize the health, safety or general welfare of residents of the City of Perris and degrade their quality of life.

**8.05.020 - Purpose.**

It is declared to be in the public interest to promote the health and welfare of the residents of the City of Perris (the “City”) by providing for an administrative proceeding for the abatement of such noisy animal nuisances, which abatement procedures shall be in addition to all other proceedings authorized by City ordinances or otherwise by law.

**8.05.030 - Authority.**

This chapter is adopted pursuant to the City Council’s police power as set forth under Article XI, section 7 of the California Constitution.

**8.05.040 - Exemptions.**

This chapter shall not apply to noise or sound made by an official law enforcement dog while on duty.

**8.05.050 - Definitions.**

As used in this chapter, the following terms shall have the following meanings:

- A. Complaining party. Person or persons who contact the Animal Control Division to report a noisy animal or animals.
- B. Senior Animal Control Officer or their designee. The Senior Animal Control Officer or their designee of the Animal Control Division of the City of Perris or their duly authorized representative.
- C. Noisy animal. Any animal or animals maintained on the same premises or location whose excessive, unrelenting or habitual barking, howling, crying or other noises or sounds annoy or become offensive to a resident or residents in the vicinity thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity hearing such sounds.
- D. Responsible party. A responsible party includes any of the following:
  - 1. The person or persons who own the property where the noisy animal is located;
  - 2. The person or persons in charge of the premises where the noisy animal is located;

3. The person or persons occupying the premises where the noisy animal is located;

4. The owner of the noisy animal.

If any of these persons are minors, the parent or parents or a guardian of such minor shall be the responsible party.

**8.05.060 - General prohibition—Declaration of noisy animal as a public nuisance.**

A. It is unlawful and a public nuisance for any person to allow on their property, own, keep, permit, harbor or have in their care, custody or control a noisy animal.

B. It is unlawful for the responsible party, after being informed in writing that his or her animal has been declared a noisy animal and that the maintenance of a noisy animal is a public nuisance, to fail, refuse, or neglect to take whatever steps or use whatever means are necessary to assure that such noisy animal does not again disturb residents in the vicinity in which the noisy animal is kept.

**8.05.070 – 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 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 in this chapter 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.

**8.05.080 - Noisy animal warning notice.**

A. When an Animal Control Officer is notified of a possible noisy animal and has personally confirmed the existence of a noisy animal, or has received a written complaint under penalty of perjury of such noisy animal signed by a complaining party, the Animal Control Officer shall issue a noisy animal warning notice (“warning notice”) to the responsible party. Such warning notice shall specify that the continued barking, howling or other noise or sounds of such animal is in violation of this chapter and that the noisy animal nuisance must be abated immediately to avoid further action by the City. The warning notice shall be personally served or served by mail upon the responsible party. If service by mail or personal service cannot be safely made or reasonable attempts at personal service have failed, the warning notice shall also be posted at the premises upon which the

animal is located. A copy of the warning notice shall be filed with the Animal Control Division. The Senior Animal Control Officer or their designee shall within five days of issuance of the warning notice, make a reasonable attempt to speak personally or by telephone with the responsible party concerning the matter, including what efforts have been made to abate the nuisance.

B. If within five (5) days of the issuance of the warning notice the Senior Animal Control Officer or their designee determines that the barking, howling or other sound or cry was provoked or that such barking, howling or other sound or cry was not excessive, unrelenting or habitual, the Senior Animal Control Officer or their designee shall cause the warning notice to be voided and the responsible party to whom it was issued to be so notified. In the event a warning notice has been voided, such warning notice shall not be considered as having been issued for the purposes of Sections 8.05.090, 8.05.140, or 8.05.160 of this chapter.

**8.05.090 - Declaration of complaint of noisy animal and petition for administrative hearing.**

A. When the Senior Animal Control Officer or their designee receives a subsequent verbal or written complaint concerning a noisy animal at the same location within twelve (12) months after the issuance of a warning notice, the Senior Animal Control Officer or their designee shall determine whether there is a violation of this chapter. If there is a violation of this chapter, a declaration of complaint of noisy animal and petition for administrative hearing ("declaration of complaint and petition") shall be issued by the Senior Animal Control Officer or their designee to the complaining party. The complaining party shall be informed that further action may not be warranted if the responsible party is in compliance with subsection B. of Section 8.05.060 of this chapter, but in any case, no further action can be taken until the completed declaration of complaint and petition is received by the Senior Animal Control Officer or their designee.

B. The declaration of complaint and petition shall be completed under penalty of perjury by the complaining party and returned within ten (10) days to the Senior Animal Control Officer or their designee.

C. The Senior Animal Control Officer or their designee, upon receipt of a timely executed declaration of complaint and petition, shall set the case for hearing before an Administrative Hearing Officer. The hearing shall be set at least ten (10) days from the date the declaration of complaint and petition is received and no more than thirty (30) days after the date the declaration of complaint and petition is received. The Senior Animal Control Officer or their designee shall notify the complaining party and responsible party of the date, time, and place for the hearing. The notice of hearing shall advise the complaining party and responsible party that they may present evidence at the hearing through witnesses and documents. The notice of hearing shall be accompanied by a copy of the completed declaration of

complaint and petition. The notice of hearing shall be personally served or served by mail on all parties. If the notice of hearing cannot be mailed or safely served by personal service or reasonable attempts at personal service have failed, then it may be posted upon the premises where the animal is kept.

#### **8.05.100 - Administrative Hearing Officer.**

A determination on whether an animal is violating this chapter shall be made by an Administrative Hearing Officer. The Administrative Hearing Officer shall have the power to hear testimony from witnesses, including complainants, peace officers, Animal Control Officers, or other witnesses or parties including the responsible party, to determine whether the maintenance of the animal is a public nuisance, and to order the abatement of such nuisance by taking such actions as set forth in this chapter.

#### **8.05.110 - Administrative abatement hearing regarding noisy animal.**

The hearing before the Administrative Hearing Officer shall be open to the public. The Administrative Hearing Officer may admit all relevant evidence, including incident reports and affidavits of witnesses. The Administrative Hearing Officer may decide all issues even if the responsible party for the animal fails to appear at the hearing. If the complaining party fails to appear at the hearing and the investigating Animal Control Officer does not have personal knowledge of the noisy animal, the complaint shall be dismissed. The Administrative Hearing Officer may find, upon a preponderance of the evidence, that the animal is a noisy animal and the maintenance of such noisy animal is a public nuisance. Upon the conclusion of the hearing, the Administrative Hearing Officer may orally announce the decision as to whether the animal is a noisy animal.

#### **8.05.120 - Determination and order.**

Within three (3) business days after the conclusion of the hearing, the Administrative Hearing Officer shall, by certified mail, return receipt requested and, by posting upon the premises where the animal is kept, notify the responsible party of the Administrative Hearing Officer's determination and any orders issued. The order shall be called an administrative abatement order. If the Administrative Hearing Officer determines that the animal is a noisy animal and the maintenance thereof is a public nuisance, the responsible party shall comply with the Administrative Hearing Officer's order within five (5) days after the date of mailing and posting of the determination and order. The decision of the Administrative Hearing Officer shall be final.

#### **8.05.130 - Administrative abatement measures.**

The Administrative Hearing Officer may, as part of his or her determination that the animal is a noisy animal and a public nuisance, direct the responsible party to perform one or more of the following actions:

- A. Containment of the noisy animal within an enclosed building on the premises of the responsible party;
- B. Require that the noisy animal wear a noise suppression device obtained at the expense of the responsible party to reduce or eliminate the noise creating the nuisance;
- C. Require that the noisy animal undertake obedience training designed to abate the nuisance problem when appropriate and under the conditions imposed by the Administrative Hearing Officer and at the expense of the responsible party;
- D. Restrict the time of day, days of the week, and duration when the animal may be placed out-of-doors on the premises of the responsible party;
- E. Require the noisy animal be debarked at the expense of the responsible party;
- F. Require the responsible party to permanently remove the noisy animal from said property;
- G. Any other reasonable means to accomplish the abatement of the nuisance.

**8.05.140 - Failure to comply with administrative order.**

It is unlawful for any responsible party to fail, neglect, or refuse to comply with an administrative abatement order of the Administrative Hearing Officer within the time specified in said order. Should any party subject to the administrative abatement order fail to comply with the order, in whole or in any part thereof, that party or those parties may be subject to administrative remedies to enforce the administrative abatement order as set forth in this chapter, including administrative citations and penalties, and any other lawful means necessary to gain compliance, including a civil action.

**8.05.150 - Civil action.**

In the event that any person shall fail, neglect, or refuse to comply with an administrative abatement order of the Administrative Hearing Officer within the time specified in said order and the public nuisance continues to exist, a civil action may be commenced to obtain the abatement of the noisy animal public nuisance.

### **8.05.160 - Administrative citations and penalties.**

In addition to the remedies and penalties contained in this chapter, and in accordance with Government Code section 53069.4, an administrative citation may be issued for failure to comply with an administrative abatement order of the Administrative Hearing Officer. The following procedures shall govern the imposition, enforcement, collection, and administrative review of administrative citations and penalties.

A. Administrative Hearing Officer's order. If the public nuisance is not corrected within the period stated in the administrative abatement order, an administrative citation may be issued by a City Animal Control Officer.

B. Content of citation. The administrative citation shall be issued on a form approved by City Attorney and shall contain the following information:

1. Date, location and approximate time that the violation was observed;
2. The ordinance violated and a brief description of the violation;
3. The amount of the administrative penalty imposed for the violation;
4. Instructions for payment of the penalty, the time period by which it shall be paid, and the consequences of failure to pay the penalty within this time period;
5. Instructions on how to appeal the citation;
6. The signature of the Animal Control Officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

C. Service of citation.

1. If the responsible party who has violated the ordinance is present at the scene of the violation, the Animal Control Officer shall attempt to obtain the responsible party's signature on the administrative citation and shall deliver a copy of the administrative citation to the responsible party.

2. If no one can be located at the property where the noisy animal is located, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed, by certified mail and return receipt requested, to the responsible party or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the property owner on the last City equalized assessment roll. The citation shall also be mailed

to any additional address for the responsible party in Animal Control Division records.

3. The failure of any interested person to receive the citation shall not affect the validity of the proceedings.

D. Administrative penalties.

1. The penalties assessed for each violation of the administrative abatement order issued by the Administrative Hearing Officer shall not exceed the amounts set forth by the City of Perris for a first violation, a second violation of the same administrative abatement order within one (1) year, or for each additional violation of the administrative abatement order within one (1) year.

2. If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.

3. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.

4. The penalties assessed shall be payable to the City of Perris.

E. Administrative Appeal of Administrative Citation.

1. Notice of Appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Division. The written notice of appeal must be filed within ten (10) days of the service of the administrative citation as set forth in subsection C above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on City forms and shall contain the following information:

a. A brief statement setting forth the appellant's interest in the proceedings;

b. A brief statement of the material facts which the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;

c. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;

d. The notice of appeal must be signed by the appellant.

2. Administrative Hearing. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:

a. Notice of Hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten (10) days before the hearing to the person requesting the hearing. The notice may be personally delivered to the person requesting the hearing or may be mailed to the address listed in the notice of appeal.

b. Hearing Officer. The administrative hearing regarding the administrative citation shall be held before the City's designated Hearing Officer. The Hearing Officer shall not be the investigating Animal Control Officer who issued the administrative citation or his or her immediate supervisor. The City may, at its sole discretion, contract with a qualified provider to conduct the administrative hearings or to process administrative citations.

c. Conduct of the Hearing. The investigating Animal Control Officer who issued the administrative citation shall not be required to participate in the administrative hearing regarding the citation. The contents of the investigating Animal Control Officer's file shall be admitted as prima facie evidence of the facts stated therein. The Hearing Officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the Hearing Officer shall make his or her determination based on the information contained in the notice of appeal.

d. Hearing Officer's Decision. The Hearing Officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The Hearing Officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the Hearing Officer of an inability to pay the penalty in full at one time. The Hearing Officer's decision shall contain instructions for obtaining review of the decision by the superior court.

F. Review of Administrative Hearing Officer's Decision. If the recipient of an administrative citation disagrees with the Administrative Hearing Officer's decision upholding the issuance of the administrative citation and/or administrative penalty amount assessed, the recipient may appeal the issuance of the administrative citation to the City Manager as set forth in this section.

1. Notice of Appeal. Within twenty (20) days of the delivery and mailing of the Hearing Officer's decision regarding the administrative citation, the recipient of the administrative citation may contest that decision by filing an appeal to be heard by the City Manager or his or her designee. The fee for filing the notice of appeal shall be as set forth by the City per their fee resolution. The failure to file the written appeal and to pay the filing fee within this twenty (20) day period shall constitute a waiver of the right to an appeal and the decision shall be deemed final.

A copy of the notice of appeal shall be forwarded to the Animal Control Division upon receipt by the City Manager's office.

2. The City Manager or his or her designee shall notify the appealing party of the date, time and location of the review hearing. At the hearing, the appealing party shall be allowed to present only those facts, witnesses or evidence that were originally presented during the initial hearing.

3. The City Manager or designee shall consider all of the facts, evidence and witness testimony and shall render a decision in writing to the appealing party within thirty (30) days from the review hearing. The decision of the City Manager or designee shall be final.

**8.05.170 - Not exclusive remedy.**

The provisions of this chapter are to be construed as an added remedy of abatement of the nuisance hereby declared and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law.”

**Section 3.** Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

**Section 4.** Severability. If any section, subsection, subdivision, 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 hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

**Section 5.** Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance, shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted, and shall cause a summary of this Ordinance to be published in accordance with Government Code section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

**ADOPTED, SIGNED and APPROVED** this 14<sup>th</sup> day of May, 2019.

---

Michael M. Vargas, Mayor

ATTEST:

---

Nancy Salazar, City Clerk

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

I, Nancy Salazar, City Clerk of the City of Perris that the foregoing Ordinance Number 1380 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council on the 12<sup>th</sup> day of March, 2019 and adopted by the City Council of the City of Perris at a regular meeting of said Council on the 14<sup>th</sup> day of May, 2019, and that it was so adopted by the following vote:

AYES: MAGAÑA, CORONA, RABB, ROGERS, VARGAS  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

---

Nancy Salazar, City Clerk