

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AMENDING CHAPTER 6.04 ANIMAL CONTROL REGULATIONS TO INCORPORATE THE MOST RECENT VERSION OF RIVERSIDE COUNTY'S ANIMAL CONTROL REGULATIONS IN THE DESERT HOT SPRINGS MUNICIPAL CODE

WHEREAS, in 1993, the City of Desert Hot Springs ("City") formally adopted Riverside County's animal control regulations that were in effect in 1993; and

WHEREAS, the Riverside County Board of Supervisors has amended Riverside County's animal control regulations several times in the past twenty years since 1993, but which were not adopted by the City; and

WHEREAS, the City currently contracts with Riverside County Animal Control to provide animal control services for the City pursuant to Riverside County's animal control regulations; and

WHEREAS, in the interest of consistency and expediency with respect to the administration and enforcement of animal control regulations in the City, which again has been subject to several amendments since 1993, representatives of Riverside County Animal Control have recommended that the City Council formally adopt the most current version of Riverside County's Title 6 which contains not only Riverside County's animal control regulations, but also its current fines and fees; and

WHEREAS, the City's Public Safety Commission was presented with the recommendation of Riverside County Animal Control and recommended that the City Council proceed with adopting the latest version of Riverside County's Animal Control regulations as set forth in Title 6 of the Riverside County Code, which is attached hereto as Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

That the recitals set forth above are accurate and are hereby incorporated by this reference.

Section 2. AMENDMENT TO CHAPTER 6.04 ANIMAL CONTROL REGULATIONS

That Chapter 6.04 Animal Control Regulations of Title 6 Animals of the Desert Hot Springs Municipal Code is hereby amended as follows:

Chapter 6.04 ANIMAL CONTROL REGULATIONS

6.04.010 Adoption of Riverside County Code Animal Control Regulations.

Title 6 Animals of the Riverside County Code is hereby adopted in its entirety by this reference.

~~Title 6(a) of the Riverside County Code on Animals and Animal Control Services is hereby adopted in its entirety by this reference, subject to the amendments set forth in this chapter. (Prior code § 93.04)~~

~~6.04.020 Additions.~~

~~In addition to Section 6.04.010, the following provisions shall apply within the City:~~

~~A. Disposal of Dead Animals.~~

~~1. An owner may bury a dead animal or part thereof, within six hours after the death of same, provided the animal is buried on private real property with the knowledge and consent of the property owner and provided the animal is buried in a hole at least three feet deep with at least three feet of soil above the carcass.~~

~~2. An owner of a deceased animal may notify the Department and request pick up and disposal of the carcass. It shall be the duty of the Department to take custody of all dead animals from the owner when requested. A pick up and disposal fee in an amount established by resolution of the City Council may be charged for such service.~~

~~3. The Department shall be responsible for the disposal of all dead animals whose ownership cannot be established.~~

~~4. Whenever the Department picks up a deceased animal whose ownership is or may be readily established, the owner shall be notified and a notice shall be posted at the City animal shelter giving such information in an easily visible location. This section shall not apply when the Department picks up a deceased animal at the request of the owner.~~

~~B. Exceptions to Declaration of a Vicious Animal. No animal may be determined to be vicious if 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.~~

~~C. Proper Care of Animals.~~

~~1. Any person who harbors any animal within the City shall at all times supply the same with sufficient amounts of food and water or other liquid generally accepted as standard for the age and type of the animal.~~

~~2. Any person who harbors any animal within the City shall at all times supply the same with appropriate housing which is safe, sanitary and generally accepted as standard for the age and type of the animal, and shall remove excreta and manure therefrom every day, or as often as is necessary so as not to become a nuisance to any person in the neighborhood.~~

~~D. Compliance with Zoning Requirements. Notwithstanding any other provision of this chapter, it is unlawful for any person to keep or maintain or cause to be kept or maintained any animal, unless the keeping of such is permitted in the particular district as provided in the City's zoning ordinance.~~

~~E. Numerical Limitations. Except as otherwise provided by this chapter, the following numerical limitations shall apply:~~

~~1. For single family residences in an R-E zone, a maximum of four dogs, four cats and domestic birds and other similar household animals are permitted, where the total number of animals in one place of residence shall not exceed 15.~~

~~2. For single family residences in other than an R-E zone, a maximum of three dogs, three cats and domestic birds and other similar household animals are permitted, where the total number of animals in one place of residence shall not exceed ten.~~

~~3. For multifamily residences, a maximum of one dog, two cats and domestic birds and other similar household animals are permitted, where the total number of animals in one place of residence shall not exceed five.~~

~~F. Keeping Fowl and Rabbits. It is unlawful to keep fowl and rabbits in the City, except that such animals may be kept in an R-E zone not to exceed a total combination of three per legal lot and providing all of them are kept at least 20 feet from any house built or used for human habitation. Roosters or other fowl, which constitute a nuisance by their loud cries, are not allowed in any zone.~~

~~G. Keeping Pigs and Livestock. It is unlawful to keep any pig, hog, cheep, bull, stallion, mare, cow, burro, jack, jenny, mule, goat, kid, horse or similar animal in the City except that such animals may be kept in an R-E zone not to exceed a total combination of three per legal lot and providing all of them are kept at least 60 feet from any property line and 40 feet from the residence of the property in which they are kept.~~

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

~~I. Animal Offspring. The offspring of dogs and cats shall not be counted toward the minimum allowed number until they are four months in age. The offspring of all other animals shall not be counted toward the minimum allowed number until they are of weanable or of self-sufficient age.~~

~~J. Animal Keeper Permit Required for Additional Animals. Except as otherwise provided by subsection K of this section, every person owning or having custody of animals in excess of the number permitted by subsection E of this section shall procure an animal keeper permit from the Director as set forth herein.~~

~~K. Ownership of Licensed Dogs in Excess of Number Permitted.~~

~~1. Any person owning or possessing dogs in excess of the number permitted by subsection E of this section as of the effective date of the ordinance codified in this chapter shall be permitted to maintain those same dogs without procurement of an animal keeper permit provided all of the following apply:~~

~~a. Each dog has a valid dog license as of the effective date of such ordinance or is otherwise exempt from licensing pursuant to this chapter;~~

~~b. Such person is named as the owner of record as of the effective date of such ordinance, as established by the City's dog license records or other legal document; and~~

~~c. None of the dogs maintained on the subject premises is a vicious animal as defined by this chapter.~~

~~2. Any person permitted by this section to own or possess dogs in excess of the number permitted by subsection E of this section shall immediately procure an animal keeper permit in the event of the following:~~

~~a. The purchase or acquisition of any puppy or dog following the effective date of such ordinance; or~~

~~b. Any dog maintained or kept on the subject premises is deemed to be a vicious animal pursuant to this chapter.~~

~~c. Prohibition of Slaughtering. Slaughtering of animals within the City limits is strictly prohibited, unless it takes place in a licensed restaurant for the purpose of food preparation. (Prior code § 93.02)~~

6.04.030 Fees

~~The City Council shall establish by resolution a schedule of fees for the services provided for in this chapter. Upon the effective date of the ordinance codified in this chapter, to the extent that the fees established by the County under Title 6(a) conflict with the fees already in effect in the City, the fees in the City shall control. (Prior code § 93.03)~~

Section 3. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. EXECUTION AND CERTIFICATION

That the City Clerk is directed to do all things necessary to cause the execution of this ordinance immediately upon its adoption and shall thereafter certify to the passage of this ordinance and cause the same to be published according to law.

Section 5. EFFECTIVE DATE

That this ordinance shall take effect thirty (30) days after its second reading by the Desert Hot Springs City Council.

That foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2014, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

ATTEST:

Jerryl Soriano, CMC, City Clerk

Adam Sanchez, Sr., Mayor

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

EXHIBIT A

**RIVERSIDE COUNTY CODE
TITLE 6
ANIMALS**