

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AMENDING SECTIONS 6.04.020, AND DELETING CHAPTER 6.05 “CROWING ROOSTERS” OF COUNTY CODE TITLE 6 “ANIMALS GENERALLY”, WHICH IS INCORPORATED BY REFERENCE INTO THE CITY OF DESERT HOT SPRINGS MUNICIPAL CODE PERTAINING THE BANNING OF ROOSTERS WITHIN THE CITY.

WHEREAS, the City of Desert Hot Springs (“City”) is a charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, under California Constitution Article XI, Section 7, the City's police power allows it to regulate animals in accordance with the health, safety, and welfare of the general public; and

WHEREAS, the noise odors, health and sanitation issues caused by the keeping of roosters creates a serious public nuisance which disturbs the comfort peace and enjoyment of neighbors, and negatively impacts the values of properties and quality of life in communities; and

WHEREAS, the keeping of roosters in the City results in many complaints to Animal Control as well as to other Staff; and

WHEREAS, the complaints emphasize residents’ inability to enjoy their property due to the noise, odor, and other disturbances caused by roosters near their property;

WHEREAS, the breeding and keeping of roosters is also known to be associated with the illegal blood sport called cockfighting;

WHEREAS, cockfighting events promote illegal gambling operations and other unlawful activity; and

WHEREAS, the City Council finds that banning the keeping and possessing of roosters in all zones of the City is best for the public health, safety and welfare; and

WHEREAS, the City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance in question may have a significant effect on the environment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the foregoing recitals are true and correct and are herein adopted by this reference.

Section 2. AMENDMENT OF TITLE 6, SECTION 6.04.020

Section 6.04.020 shall be amended to read as follows:

~~6.04.020 Animals or fowl at large prohibited.~~

~~No person owning or having charge of any animal or fowl shall permit the same to be at large on any highway, street, sidewalk, lane, alley or other public place, or upon any private property other than that of the person owning or having charge of such animal or fowl unless such owner or person having charge of such animal or fowl has the consent of the owner of the private property. (Ord. 534.5 § 2, 1991)~~

6.02.020 Roosters prohibited within city.

It shall be unlawful for any person to keep or cause to be kept or to have in his/her possession or under his custody or control within the city limits, any rooster(s).

Section 3. DELETION OF CHAPTER 6.05 "Crowing Roosters"

Chapter 6.05 shall be deleted as follows:

~~Chapter 6.05 CROWING ROOSTERS~~

~~6.05.010 Crowing roosters.~~

~~Any person owning, keeping or maintaining seven (7) or more crowing roosters, two months of age or older including but not limited to a rooster or male chicken, shall house such roosters in an acoustical structure between sunset and sunrise, so as to reduce the noise emitted by such roosters during nighttime hours. The noise reduction shall be accomplished in such a manner that the noise escaping from the acoustical structure shall not interfere with a reasonable person's use and enjoyment of his or her real property. All such roosters shall be furnished an adequate supply of water and feed.~~

~~6.05.020 Crowing rooster permit.~~

~~All roosters shall be kept and/or maintained only upon lands and in the numbers authorized under county ordinance No. 348. Any person keeping or maintaining on property owned or controlled by said person seven (7) or more crowing roosters, two months of age or older, provided the presence of such roosters is in compliance with the provisions of county ordinance No. 348, shall first obtain a permit and pay the fee prescribed below. The permit requirements shall not apply to 4-H or FFA sponsored projects.~~

~~The permit shall be for the terms and paid to the department of animal control in the amounts specified below:~~

~~Roosters Fees~~

~~1-6 Roosters no charge
7-10 Roosters (annual) \$ 500
11 or more Roosters (annual) 1,500~~

~~6.05.030 Violation—Penalty.~~

~~Any person violating any of the provisions of this chapter shall be guilty of an infraction,~~

~~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 year; (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation within one year. Each day a violation is committed or permitted to continue shall constitute a separate offense. Notwithstanding the foregoing, a first or any subsequent violation of the ordinance codified in this chapter may be charged and prosecuted as a misdemeanor.~~

Section 3. SEVERABILITY

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

Section 4. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 5. AMENDING OF BAIL SCHEDULE

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 6. EFFECTIVE DATE

That this ordinance shall be effective thirty days after the second reading of the ordinance.

Section 7. CERTIFICATION

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

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ____ day of _____, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney