
MEMORANDUM



DATE: December 18, 2006

TO: Mayor and Council Members

FROM: Curt Haven, Economic Development Director
Michael Rodriguez, Animal Services Manager

SUBJECT: AN ORDINANCE ADOPTING TITLE 8, ANIMALS, REGARDING THE REGULATIONS AND FUNCTIONS OF ANIMAL SERVICES AND ESTABLISHMENT OF FEES ASSOCIATED WITH LICENSING, AND FIELD SERVICES

RECOMMENDATION

Introduce and waive first reading of Ordinance No. 61-2006 repealing Title 8, Animals, of the Rancho Cordova Municipal Code and adopting Title 8, Animals, regarding the regulations and functions of Animal Services and establishment of fees associated with licensing and field services.

RESULT OF RECOMMENDED ACTION

Adoption of this Ordinance will establish regulations and functions pertaining to Animal Services and establish fees associated with licensing, impoundment of non-spayed or un-neutered dogs or cats, and field services.

BACKGROUND

This Ordinance will repeal the City's existing Animal Control laws, which were inherited from Sacramento County upon incorporation, and replace them with an entirely new set of regulations pertaining to Animal Services in the City. This change is needed in order to properly reflect the services and regulations that are currently being offered and enforced by the Animal Services department in the City. The County Code contains many regulations that only apply at the County level, requiring the need for this amendment.

Staff recognizes the importance of providing residents of the City with a clear understanding of what regulations apply to animal owners. This Ordinance will set out the duties of Animal Services pertaining to vaccination of animals, licensing of cats and dogs, impoundment, and how to deal with vicious animals. It will inform residents of their responsibilities and liabilities regarding the care and licensing of animals in the City. It will also afford Animal Services flexibility in how they enforce violations relating to this Ordinance by declaring any violation a public nuisance and subject to the penalties in Chapter 16.18 (the Nuisance Code). Under the penalties of Chapter 16.18 is the

Administrative Citation tool, which Staff expects will be highly beneficial in achieving compliance by residents.

Residents will also be provided with procedural safeguards by allowing them to request a hearing in order to challenge any decision made by the Animal Services Officer. The hearing officer's decision becomes final, but the person aggrieved by the decision has the right to judicial review by the Superior Court in Sacramento County.

At the next Council meeting, City Staff will bring forth a Resolution establishing the amount of fees for the licensing of dogs and cats. It will establish licensing fees for altered dogs and cats as follows: \$10 annual fee; \$20 two year fee; and \$30 three year fee. For unaltered dogs and cats the fee will be established as follows: \$30 annual fee; \$60 two year fee; and \$90 three year fee. The Resolution will give seniors over 65 years of age a 50% discount on these fees. The Resolution will also establish fees for field services.

City Staff believes this Ordinance will allow Animal Services to better serve the City's by providing rules and regulations for the protection of residents and their animals.

MOTION

"I move that the City Council introduce and waive the first reading of Ordinance No. ___-2006 repealing Title 8 of the Municipal Code and adopting a new Title 8 regarding the regulations and functions of Animal Services and establishment of fees associated with licensing and field services."

ATTACHMENTS

1. Ordinance No. 61-2006 repealing Title 8, Animals, of the Rancho Cordova Municipal Code and Adopting Title 8, Animals, regarding the regulations and functions of Animal Services and establishment of fees associated with licensing and field services.

CITY OF RANCHO CORDOVA

ORDINANCE NO: 61-2006

**AN ORDINANCE OF THE CITY COUNCIL OF REPEALING TITLE 8, ANIMALS, OF THE
RANCHO CORDOVA MUNICIPAL CODE AND ADOPTING TITLE 8, ANIMALS, REGARDING
THE ESTABLISHMENT AND FUNCTIONS OF ANIMAL SERVICES AND FEES
ASSOCIATED WITH LICENSING AND FIELD SERVICES**

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

SECTION 1. Repealing Title 8 of Rancho Cordova Municipal Code.

The City Council hereby repeals Title 8, Animals, of the Rancho Cordova Municipal Code in its entirety.

SECTION 2. Adoption of Title 8, Animals.

The City Council hereby adopts Title 8, Animals, to read as follows:

“TITLE 8, ANIMALS

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- 8.10.010 Costs of Securing Payment
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- 8.10.030 Collection

Chapter 8.01 DEFINITIONS

The words and terms used in this chapter shall have the meaning stated as set forth in this Section, unless the meaning is clearly intended to be otherwise.

8.01.010 Animal Services. Animal Services means that division of the City government which is specifically charged with the regulation of animals and the enforcement of laws dealing with animals within the incorporated area of the City of Rancho Cordova.

8.01.020 Impoundment. "Impoundment" means the taking and holding of an animal by an Animal Services officer.

8.01.030 Licensing Authority. "Licensing Authority" means the City Clerk or such other City official or department designated by resolution of the City Council.

8.01.040 Owner. "Owner" means a person, who owns, possesses harbors or controls an animal for fifteen (15) or more consecutive days, except a veterinarian or an operator of a kennel or a pet shop engaged in the regular practice of this business as such.

8.01.050 Person. "Person" means one or more human beings and all fictional entities such as corporations, estates, associations, partnerships and trusts.

8.01.060 Rabies Vaccination. "Rabies vaccination" means the inoculation of an animal with a rabies vaccine approved by and in the manner prescribed by the California State Department of Public Health.

8.01.070 Veterinarian. "Veterinarian" means a person licensed to practice veterinary medicine in the state.

8.01.080 Guide Dog. "Guide Dog" means any guide dog or seeing-eye dog which was trained by a person licensed under the provisions of the Business and Professions Code or as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990.

8.01.090 Signal Dog. "Signal Dog" means any dog trained to alert a deaf person, or person whose hearing is impaired to intruders or sounds.

8.01.100 Service Dog. "Service Dog" means any dog individually trained to the requirements of the individual including but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

A "service dog" is also any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, or any dog approved by the manager of Animal Services, which he/she believes to come within the definitions listed, after consultation with knowledgeable professionals.

Chapter 8.02

ANIMAL SERVICES

8.02.010 Purpose.

This Title establishes regulations for the formation, function, and penalties associated with Animal Services.

8.02.020 Animal Services.

Animal Services shall be administered by the Neighborhood Services Supervisor. For purposes of this title, any reference to the Neighborhood Services Supervisor shall include his or her designees.

8.02.030 Regulations.

The City Council may establish by resolution, regulations for the administration and implementation of this Title which may include a schedule of fees for licenses and for services provided in accordance with this Title. A copy of the regulations established by resolution of the City Council shall be filed with the City Clerk and posted at City Hall.

8.02.040 Animal Services Records.

The Neighborhood Services Supervisor shall keep records concerning the operation of Animal Services as prescribed by regulations established pursuant to all state and City laws and City policies.

8.02.050 Information on Animal Care.

The Neighborhood Services Supervisor is authorized to make available and/or distribute to the people of the City brochures and information pertaining to care and control of animals.

8.02.060 Animal Services Duties.

Animal Services is primarily responsible for the enforcement and administration of this chapter. The duties shall include but not be limited to the following:

- (A) To keep such records as may be required by the City Council.
- (B) To take up and impound animals when authorized by City Code.
- (C) To remove and dispose of the carcass of any animal found on any public highway, street, alley, or any other public place in the incorporated area of the City.
- (D) To quarantine animals and to cooperate with the local health officer.
- (E) To administer licensing programs as delegated by the Licensing Authority.
- (F) To educate the community on the importance of spaying and neutering and promote responsible pet ownership.

Chapter 8.03

GENERAL PROVISIONS

8.03.010 Animal Restraint.

(A) No owner of any animal, wild or domestic, except the domestic cat, shall permit or suffer the animal to:

- (1) Be off a leash or be restrained by a leash which is more than eight feet in length. An animal need not be on a leash while it is on the premises of its owner nor while on other private property with consent of the owner. This subsection shall apply to all areas of the City unless clearly designated as areas where leashes are not required.
- (2) Enter upon private property without consent of the private property's owner.
- (3) Habitually make loud noises. For purposes of this Chapter, an animal is habitually making loud noises if its conduct results in the owner receiving two or more notices from Animal Services of such behavior within a 30 day period.
- (4) Act in such other manner so as to constitute a public nuisance.

(B) Nothing in this section shall prohibit the use of animals on school property for teaching, use for the blind, or other school purposes when permitted by school officials, or require a person to keep any animal in his possession on a leash if, at the time, the animal is restrained in a vehicle or cage.

8.03.020 Abandonment Unlawful.

It is unlawful for any person to abandon any animal whether dead or alive.

8.03.030 Dead Animal Disposal.

The owner of a dead animal shall, within a reasonable time, provide for the disposal in a manner approved by the Animal Services Officer or the disposition of the carcass in a safe and sanitary manner. The owner may request the Animals Services Officer to dispose of the animal at a fee fixed by resolution of the City Council. The Animal Services Officer shall be responsible for disposal of all dead animals whose ownership cannot be established.

8.03.040 Epidemic – Rules Enforcement.

It shall be the duty of the Animal Services Officer to comply with all directives of the health officer in the enforcement of the rules and regulations. The rules and regulations, when adopted, shall become and thereafter be a part of this chapter.

8.03.050 Field Service Charges.

Animal Services will impose a fee, as set by resolution of the City Council, for all field services.

8.03.060 Amendment of Fees.

The City Council may amend by resolution all fees under this Title.

Chapter 8.04 ENFORCEMENT

8.04.010 Generally.

The Neighborhood Services Supervisor and such authorized officers are empowered, and it shall be his or her duty, to enforce the provisions of this title.

To the extent authorized by law, an Animal Services officer may enter, at reasonable times, upon and inspect any premises where any animal is kept or harbored when such entry is necessary to enforce the provisions of this title.

8.04.020 Authority to Pursue and Enter Private Property.

Any person charged with the duty to enforce this chapter who is in pursuit of an animal, shall have the authority to go upon the property of the owner or other person, in order to impound such animal; provided, however, he shall not enter a dwelling without a search warrant and he shall exercise reasonable care to avoid causing damage to the property.

8.04.030 Firearms Authorized.

The Neighborhood Services Supervisor and such authorized officers as he or she may specifically designate in writing are authorized to carry weapons when acting in the course and scope of their employment pursuant to and in accordance with Section 12031 of the Penal Code of the State of California.

8.04.040 Authority to Arrest and Issue Notices to Appear.

Pursuant to the provisions of California Penal Code Section 836.5, the Neighborhood Services Supervisor and such authorized officers, are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of this chapter or a violation of any other ordinance or statute which he or she has the duty to enforce.

8.04.50 Violations and Penalties.

Any violation of this Title shall be declared a public nuisance and subject to such penalties as provided in Chapter 16.18 of this Code.

Chapter 8.05 RABIES

8.05.010 Vaccination – Required.

Every dog and cat shall have a medically current vaccination with an anti-rabies vaccine approved by the Health Department of the state. The vaccination shall be administered by a veterinarian or as provided through City recognized clinics, and a certificate of vaccination shall be issued to the owner. The certificate of rabies vaccination which accompanies the license application shall be valid if in compliance with the following immunization schedule:

Primary Immunization - Primary immunization shall be defined as the initial inoculation of an approved canine rabies vaccine administered to young dogs and cats at the age of four months.

8.05.020 Vaccination – Exemption.

Notwithstanding the provisions, no dog or cat need be vaccinated for rabies where a licensed veterinarian has certified that the vaccination would endanger the dog or cat's health, and the health officer endorses on the certificate his approval. The certificate must bear the date of issuance and must be renewed each year.

8.05.030 Animal Bite – Victim Report.

Any person or parent or guardian of such person, or an owner of an animal, bitten or scratched by an animal of a species subject to rabies shall immediately report such incident to the Animal Service Officer.

8.05.040 Animal Bite – Medical Report.

Every veterinarian and every person providing professional medical treatment for animal bite by an animal of a species subject to rabies shall immediately notify Animal Services whenever rabies is suspected.

8.05.050 Quarantine.

(A) The Animal Services Officer shall assure that all animals falling into the following categories are isolated or quarantined at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations.

- (1) Known rabid animals;
- (2) Suspected rabid animals;
- (3) Animals that have bitten a human or otherwise exposed a human to rabies;
- (4) Animals of a species subject to rabies, which have been bitten by a known rabid or suspected rabid animal or have come in close contact with a rabid or suspected rabid animal.

(B) It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the health officer.

8.05.060 Carcass Delivery.

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the Animal Services Officer shall obtain and turn over to the health officer the carcass of such animal or an adequate specimen thereof.

Chapter 8.06 LICENSING

8.06.010 License – Required.

Every person who owns, possesses, harbors or controls any dog or cat shall obtain a license before the dog or cat reaches the age of four months. Within thirty days after any unlicensed

dog or cat over the age of four months is acquired or brought into the City, its owner shall obtain a license.

8.06.020 License - Renewal or Suspension.

Whenever provision is made in this Chapter for a license, such license shall be renewed annually thereafter or at the next succeeding regular renewal date and annually thereafter as provided by the licensing authority. The Neighborhood Services Supervisor may revoke or suspend a license whenever such action is necessary to protect the public health and safety, or to accomplish the purposes of this Title.

8.06.030 License – Tags.

The licensing authority shall issue, upon proper application and payment of license fees, a serially numbered license tag stamped with the name of the City. The owner shall provide a dog with a suitable collar or other device to which the license tag shall be attached. The Neighborhood Services Supervisor shall keep a copy of the application or other records sufficient to establish the identity of the person that owns or harbors the dog.

8.06.040 License - Rabies Vaccination Certificate Required.

Each application for a dog license shall be on a form furnished by the licensing authority. An application for a license shall not be accepted unless a valid certificate of rabies vaccination by a licensed veterinarian covering the license period accompanies the application.

8.06.050 Exemption – Guide Dogs, Signal Dogs, and Service Dogs.

Guide dogs, signal dogs, and service dogs as defined in this ordinance, with a current rabies vaccination, shall be licensed without charges.

8.06.060 Exemption – Licensed Under Another Jurisdiction.

A dog brought into the City which has a current license in another County or City within the state shall not be subject to licensing provisions of this section for so long as the license would be current and valid at its place of issuance or for one year, whichever is the lesser period.

8.06.070 Exemption – Medical Treatment.

Dogs brought into the City for the exclusive purpose of receiving medical care and in the custody of a licensed veterinarian need not be licensed.

8.06.080 Exemption – Government Ownership.

Dogs owned by the City or other public agency shall be licensed without charge.

8.06.090 Licensing – Dangerous Animal.

(A) No person shall possess any animal not commonly kept or raised in the City as a domesticated animal and which is or may be, in the opinion of the Neighborhood Services Supervisor, dangerous to the health and safety of any person, without first obtaining a license for the possession of the animal.

(B) If the possession of the animal does not violate any federal or state law or zoning ordinance, a dangerous animal license may be issued.

(C) Each application for a dangerous animal license shall be upon a form furnished by the licensing authority.

(D) All licenses issued under this chapter shall be kept posted in a conspicuous place on the premises where the animal resides.

(E) Upon filing an application for an original, or a renewal of a dangerous animal license, the licensing authority shall issue such license, only after certification by the Neighborhood Services Supervisor that:

(1) The keeping of a dangerous animal for which the license is requested, and at the place set forth in the application, will not violate any law or regulation;

(2) The keeping of the dangerous animal will not endanger the health, peace, or safety of the community;

(3) The premises where the dangerous animal or animals are to be kept are clean, safe, and sanitary and that the animals will not be subjected to suffering, cruelty, or abuse; and

(4) The applicant has not had a similar license revoked within one year prior to the application.

(F) Any license issued for a dangerous animal may be subject to such additional conditions as may be required by the Neighborhood Services Supervisor.

(G) A license shall not be issued, or if issued, shall be revoked, where, in the opinion of the Neighborhood Services Supervisor, the possession of the dangerous animal will endanger the health and safety of one or more persons.

(H) In the event that a license is denied or revoked, the owner shall, within the time designated and under the conditions required by the Neighborhood Services Supervisor, dispose of the unlicensed animal.

8.06.100 License Fees.

Every person required to obtain a license for a dog or a cat under this Title, will be subject to licensing fees as set by resolution of the City Council.

Chapter 8.07 VICIOUS ANIMALS

8.07.010 Investigation.

Whenever an animal suspected of being vicious is reported, the Neighborhood Services Supervisor shall investigate the circumstances and if he or she finds that the animal shows a propensity to attack, bite, scratch, or harass people or other animals without provocation, he shall notify the owner in writing, stating all the facts and circumstances. He or she may order that the animal be kept within a substantial enclosure, securely leashed or otherwise controlled.

If the owner cannot provide restraint, the animal shall be temporarily impounded at the expense of the owner.

8.07.020 Impoundment Authorized – Vicious Animals.

If upon receiving written notification the owner fails to restrain or control a vicious animal, as ordered, the owner is in violation of this Title and the Neighborhood Services Supervisor is empowered to seize and impound or destroy the animal pursuant to a court order.

Chapter 8.08 **IMPOUNDMENT**

8.08.010 Impoundment Authorized Upon Reasonable Cause.

Any animal which the Animal Services officer has reasonable cause to believe is engaged in activities, or existing in a condition prohibited by this chapter, shall be impounded.

8.08.020 Fine for Impounded Non-spayed or Un-neutered Dog or Cat.

The owner of a non-spayed or un-neutered dog or cat that is impounded by Animal Services shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unaltered impounded dogs and cats only, and are not in lieu of any fines or impound fees imposed by the Sacramento SPCA.

An Animal Services Officer, Humane Officer, Police Officer, Peace Officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided above. The fines shall be paid to the City Animal Services agency and shall be collected at the City Animal Services agency. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs or cats, and any additional costs incurred by the City Animal Services agency or Sacramento SPCA in the administration of requirements of this section. This section is adopted pursuant to Section 30804.7 and 31751.7 of the California Food and Agriculture Code.

8.08.030 Equipment to Impound Authorized

Any person charged with the duty to enforce this chapter may use any humane equipment or device necessary to take up and impound an animal.

Chapter 8.09 **PROCEDURAL PROVISIONS**

8.09.010 Notice of Hearing.

(A) Notice of the right to appeal any violation issued by Animal Services shall be issued in person or mailed through the U.S. postal service. To contest the violation, the person shall submit a request for hearing form to the City within 30 days from the date of the notice of violation. Directions on how to obtain the request form will be provided on the notice. The completed request must be submitted together with an advance deposit of any fine or fee associated with the violation.

(B) The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

(C) If the Animal Services Officer submits an additional written report concerning the violation to the hearing officer for consideration at the hearing, then a copy of this report also shall be provided to the person requesting the hearing at least five (5) days before the date of the hearing.

8.09.020 Hearing Officer.

A Hearing Officer will be assigned the responsibility of conducting a hearing by the City Manager. The City Manager shall be authorized to assign hearing responsibilities from time to time to any person or persons, qualified by training or experience, who the City Manager may appoint, employ or who are retained by contract to conduct such hearings.

8.09.030 Hearing Procedure.

(A) **Setting the Hearing.** A hearing before the hearing officer shall be set for a date that is not less than 15 days nor more than 60 days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least 10 days before the hearing. If the Animal Services Officer submits a written report concerning the citation to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing. No hearing shall be held unless the fine has been deposited in advance, under Section 8.09.010(a).

(B) **Failure to Appear.** The failure of the person requesting the hearing to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

(C) **At the Hearing.** The administrative citation and any additional report submitted by the Animal Services Officer shall constitute prima facie evidence of the respective facts contained in those documents. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation.

(D) **Continuances.** The hearing officer may continue the hearing and may request additional information from the Animal Services Officer or the person receiving the citation before issuing the decision.

8.09.040 Hearing Officer's Decision.

(A) **Decision.** After considering the testimony and evidence presented at the hearing, the hearing officer shall issue a written decision to uphold, dismiss or modify the administrative citation. The hearing officer shall state the reasons for the decision and shall send a copy of the decision to the person that requested the hearing and to the Animal Services Officer. The decision of the hearing officer is final, and may not be appealed.

(B) **Status of Fine.** If the citation is upheld, then the fine amount on deposit with the City shall be retained by the City.

If the citation is dismissed, the City shall promptly refund the amount of any fine deposited, together with interest at the average rate earned on the City's portfolio for the period of time that the fine was held by the City.

8.09.050 Right to Judicial Review.

A person aggrieved by the hearing officer's decision on an administrative citation may obtain review of the decision by filing a petition for review with the Superior Court in Sacramento County within 20 days after service of the final decision in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

Chapter 8.09 RECOVERY OF FINES AND COSTS

8.10.010 Costs of Securing Payment.

A person who fails to pay any fine or other charges owed to the City under this Section is liable in any action brought by the City for all costs incurred in securing payment of the delinquent amount, including but not limited to administrative costs and attorney's fees. Such collection costs are in addition to any fines, interest, and late charges.

8.10.020 Other Costs.

In addition to any violation fine, the City may collect its administrative costs, interest, late payment charges, costs of compliance reinspections, and collection costs.

(A) Administrative costs: based on time spent by Code Enforcement staff, supervisors and City Attorney's office, at the full cost hourly rate of each employee, including salary, benefits and overhead.

(B) A person who fails to pay to the City the fine imposed under this section on or before the date that fine is due is also liable for the late payment charges due at the rate of 10 percent per month.

(C) Compliance reinspections: based on staff time at the full cost hourly rate.

(D) Collection costs: actual collection costs.

8.10.030 Collection.

The City may collect any past due fines and other costs and charges by any available legal means.

Section 3. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 4. Effective Date and Publication.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 16th day of January 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Sander, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk