

ORDINANCE NO. 630
(AS AMENDED THROUGH 630.11)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 630 RELATING TO DOGS AND CATS

The Board of Supervisors of the County of Riverside Ordains as follows:

FINDINGS.

Because of the increased urbanization of Riverside County the County has experienced increasing numbers of dogs and other animals being kept in close proximity to humans including children.

1. The keeping of dogs and other animals in close proximity to adults and children has resulted in increasing incidents of attacks, biting and menacing behavior by such dogs and other animals.
2. These incidents now present a public health and safety problem to the residents of this County and increasing numbers of cases have resulted in painful and/or serious injuries to adults and children, death and injuries to other animals, attendant economic losses to County residents, and anxiety to those bitten by unlicensed animals whose vaccination status is therefore not established.
3. 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 and (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.

Section 1. DEFINITIONS.

Whenever, in this Ordinance or in any resolution or standard adopted by the Board of Supervisors pursuant to this Ordinance, the following terms are used, they shall have the meaning ascribed to them in this Section 1, unless it is apparent from the context thereof that some other meaning is intended.

- a. **Altered.** A male animal that has been neutered or a female animal that has been spayed. Also referred to as a sterile animal.
- b. **Animal Rescuer.** Any individual who routinely obtains a dog or cat from the rightful owner of said animal, or any animal from an animal shelter that has been retained in accordance with this Ordinance.
- c. **Animal Services Director.** The Director of the Department of Animal Services of the County of Riverside or his duly authorized representative.
- d. **At large.** Any dog which is off the premises of its owner, custodian or caretaker and which is not under physical restraint by a leash of a size and material appropriate to the size and temperament of the dog and which is held by a person capable of restraining such dog, or is not otherwise physically restrained by some other device or

instrumentality, except that such device or instrumentality shall not include voice control, eye control or signal control of the dog by any person, device or instrumentality.

Any dog which is on the premises of its owner, custodian or caretaker which is not being maintained by physical restraint, fence, kennel, voice command, or in such a way that the animal may not leave the property of the owner; or that persons, without permission, may not wander into the confined area of the dog without intentional trespass.

- e. **Cattery.** Any building, structure, enclosure or premises whereupon, or within which, ten (10) or more cats, four (4) months of age or older, are kept or maintained.
- f. **Class I Kennel.** Any building, structure, enclosure or premises whereupon, or within which, five (5) to ten (10) dogs, four (4) months of age or older, are kept or maintained.
- g. **Class II Kennel.** Any building, structure, enclosure or premises whereupon, or within which, eleven (11) or more dogs, four (4) months of age or older, are kept or maintained.
- h. **Community.** Any public entity which is authorized by law to regulate and control dogs or cats or both.
- i. **Custodian.** Any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, on behalf of another, or represents the interests of the owner.
- j. **Department.** The Riverside County Department of Animal Services.
- k. **Exigent Circumstances.** Circumstances in which the officer, in his/her reasonable judgment, determines that a life threatening or serious injury may occur if immediate action is not taken, i.e., animal may die if not immediately transported to a veterinarian, or animal may bite and seriously injure a human or animal if not immediately impounded, or animal may die if officer does not immediately enter property and rescue, etc.
- l. **Exotic Animal.** Exotic animal is defined as any animal which is not normally domesticated in the United States including, but not limited to, any lion, tiger, bear, non-human primate (monkey, chimpanzee, etc.), wolf, coyote, cougar, bobcat, ocelot, wildcat, skunk, boa, python, reptile, amphibian, bird, or venomous snake, irrespective of its actual or asserted state of docility, tameness or domesticity.
- m. **Guide dog.** Any dog trained or being reared, trained or used for the purpose of guiding a blind person.
- n. **Director.** The Director of the County of Riverside or his/her duly authorized representative.
- o. **Hybrid Animal.** Any animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the State of California.

- p. Impounded.** Having been received into the custody of any animal control center, animal control officer, animal control vehicle, or peace officer duly authorized by the County of Riverside to receive such animal.
- q. Owner.** Any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, for any period exceeding a total of thirty days.
- r. Person.** Any individual, firm, business, partnership, joint venture, corporation, limited liability company, profit or non-profit association, club, or organization.
- s. Public entity.** Any state, or any political subdivision, municipal corporation profit or non-profit or agency thereof.
- t. Sentry dog.** Any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility. The term "guard dog" shall also mean "sentry dog".
- u. Service dog.** Any dog being reared, trained or used for the purpose of fulfilling the particular requirements of a physically disabled person, including but not limited to minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.
- v. Signal dog.** 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.
- w. Unlicensed dog.** Any dog for which no valid license is currently in force.
- x. Unaltered and Unspayed.** A condition that exists in an animal which permits the producing of offspring. A dog or cat that has not been spayed or neutered.
- y. Vaccination.** An inoculation against rabies of any dog or cat, four (4) months of age or older, with any vaccine prescribed for the purpose by the California Department of Health Services.
- z. Veterinarian.** A person holding a currently valid license to practice veterinary medicine issued by the State of California pursuant to Chapter 11 of the California Business and Professions Code.
- zz. Vicious dog/vicious cat.** Any dog or cat which has bitten a person or animal without provocation or direction or which has a disposition or propensity to attack or bite any person or animal without provocation or direction.

Section 2. MANDATORY DOG LICENSING AND VACCINATION.

- a.** Except as provided in Section 5, Subsection (a) of this Ordinance, it shall be unlawful for any person to own, harbor or keep any dog, four (4) months of age or older, within the unincorporated area of the County of Riverside, for a period longer than thirty (30) days, unless a currently valid license tag has been issued by the Director or any agency authorized by the County of Riverside for such purpose and said tag is displayed upon the dog's collar pursuant to Section 30951 (b) of the California Food and Agriculture Code.

- b. It shall be unlawful for any person to own, harbor or keep any dog, four (4) months of age or older, within the unincorporated area of the County of Riverside, for a period longer than thirty (30) days, which has not been vaccinated against rabies. Every person in the unincorporated area of the County of Riverside 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 herein, by a veterinarian of his 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 Director. 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 Department.
- d. The Director 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 license fee specified in Section 2, Subsection (f) of this Ordinance; 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 Section 2, Subsections (b) and (d) of this Ordinance, in the event 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 Director. Such request shall specify the duration of the requested deferral, the reason for the requested deferral, and shall be signed by a veterinarian. The Director shall issue a license for such dog upon approval of the request for vaccination deferral and payment for the applicable license fee specified in Section 2, Subsection (f) of this Ordinance. 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 Director a certificate of vaccination in accordance with the provisions of Section 2, Subsection (d) of this Ordinance.
- f. Subject to the provisions of Section 2 of this Ordinance, licenses shall be issued upon payment of the following fees:
 - 1. License valid for one (1) year from date of issuance, for each sterile dog, accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$8.00.
 - 2. License valid for one (1) year from date of issuance, for each dog to which the provisions of Section 2, Subsections (f) (1) and (7) of this Ordinance are not applicable. \$50.00.

3. License valid for two (2) years from date of issuance, for each sterile dog, accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$15.00.
 4. License valid for two (2) years from date of issuance, for each dog to which the provisions of Section 2, Subsections (f) (3) and (8) of this Ordinance are not applicable. \$100.00.
 5. License valid for three (3) years from date of issuance, for each sterile dog, accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$19.00.
 6. License valid for three (3) years from date of issuance, for each dog to which the provisions of Section 2, Subsections (f) (5) and (9) are not applicable. \$150.00.
 7. License valid for one (1) year from 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 that said dog is permanently unable to reproduce. \$6.00.
 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 that said dog is permanently unable to reproduce. \$7.00.
 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 that said dog is permanently unable to reproduce. \$8.00.
 10. Dangerous Animal Registration as required by Ordinance No. 771.
\$100.00 per year.
- 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 said 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 Section 2 of this Ordinance shall be valid for the period specified in Section 2 and shall be renewed within thirty (30) days after such period terminates, except that 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 Director 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 Ordinance, the applicant shall pay, in addition to the applicable license fee, a late fee of twenty dollars (\$20.00). A late fee for an altered dog owned by a senior citizen is established at \$15.00.
- k. Whenever a dog validly licensed under this Ordinance shall have died more than three (3) months before the expiration date of the license, the owner of such dog may return the license tag to the Director, accompanied by a statement signed by a veterinarian or a declaration signed under penalty of perjury by the owner, indicating that such dog is dead and specifying the date of death. In such event, the license shall be canceled and a pro-rata credit of the license fee by full calendar quarters of the original license period remaining after the death of the dog may be applied during said remaining period to the license fee for another dog acquired by the same owner.
- l. Upon transfer of ownership of any dog validly licensed under this Ordinance, the new owner shall notify the Director of such transfer within thirty (30) days of such transfer, on a form prescribed by the Director, accompanied by a transfer fee of six dollars (\$6.00).
- m. Notwithstanding the provisions of Section 2, Subsection (a) of this Ordinance, where a person moves into the unincorporated area of the County of Riverside 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 be deemed valid for a period of one (1) year from the date such person moves into the unincorporated area of the County of Riverside or on the date of expiration of the license issued by such other community, whichever is earlier. If an application for a license from the Director 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 of twenty dollars (\$20.00).
- n. If a valid license tag is lost or destroyed, a duplicate thereof may be procured from the Director upon submission to the Director 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 of six dollars (\$6.00).
- o. Upon request of the Director, any owner of a dog for which a license is required under the provisions of this Ordinance shall present to the Director a currently valid certificate of rabies vaccination or license tag.

- p. It shall be 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 Ordinance.

Section 3. CONTROL OF UNSPAYED AND UNALTERED CATS.

It shall be unlawful for any person who owns, harbors, or keeps any unspayed or unaltered cat four (4) months of age or older within the unincorporated area of Riverside County to allow or permit such unspayed or unaltered cat to be or remain outdoors in such unincorporated areas.

Section 4. OPTIONAL LICENSING FOR CATS.

An owner of a cat may be issued a license and tag for such cat upon presentation to the Director of a certificate of vaccination signed by a veterinarian certifying that such a cat has been vaccinated, and upon the payment of a license fee of nine dollars (\$9.00). Said license shall be valid for the period of immunity indicated in the certificate of vaccination.

Section 5. MANDATORY LICENSING OF KENNELS AND CATTERIES.

- a. No person shall operate or maintain a kennel or a cattery as those terms are defined in Section 1, Subsections (d), (e) and (f) of this Ordinance without first obtaining an appropriate license therefor from the Director. Such license shall be valid for a period of either one (1) or two (2) years from the date of issuance, except that the Director may, in his discretion, limit the duration of the license to one (1) year when he deems such limitation to be appropriate. Said license shall be renewed within thirty (30) days after the date of expiration. Where a kennel license has been issued and is in effect, the dogs contained in such kennel shall be exempt from the requirements of individual license tags as provided in Section 2, Subsection (a) of this Ordinance. The kennel license fees, and late fees if an application for a license is made more than thirty (30) days after the date such license is required, shall be as follows:

KENNEL LICENSE

Class I (5-10 dogs)

1 year license, Unaltered*	\$280.00
2 year license, Unaltered*	\$300.00
1 year license, Altered*	\$180.00
2 year license, Altered *	\$200.00

***One (1) acre minimum as per Ordinance No. 348**

COMMENTS:

1. Altered: All dogs are spayed and/or neutered.
2. Unaltered: One or more dogs are not spayed and/or neutered.

Late Fee: 50 % of the applicable fee(s).

Class II (11+ dogs)

1 year license, Unaltered*	\$400.00
2 year license, Unaltered*	\$650.00
1 year license, Altered*	\$250.00

2 year license, Altered*\$400.00

***One (1) acre minimum as per Ordinance No. 348**

COMMENTS:

- 1. Altered: All dogs are spayed and/or neutered
- 2. Unaltered: One or more dogs are not spayed and/or neutered

Late Fee: 50% of the applicable fee(s).

CATTERY LICENSE

Cattery License (10+ cats)

1 year license, Unaltered*\$280.00

2 year license, Unaltered*\$400.00

1 year license, Altered*\$180.00

2 year license, Altered*\$200.00

***One (1) acre minimum as per Ordinance No. 348**

COMMENTS:

- 1. Altered: All felines are spayed and/or neutered.
- 2. Unaltered: One or more felines are not spayed and/or neutered.

Late Fee: 50% of the applicable fee(s).

b. Application for a kennel or cattery license shall be filed with the Director on a form prescribed by him/her not later than ten (10) days after obtaining written verification from the Riverside County Planning Department that the operation of the kennel or cattery is in compliance with the applicable provisions of Riverside County Ordinance No. 348. Said application form, when completed, shall contain such information as may reasonably be required by the Director for the purposes of enforcement of this Ordinance, including but not limited to the current home telephone number of the caretaker of the subject kennel or cattery and another current telephone number for emergency use or messages when such caretaker is absent from the subject kennel or cattery. Where a kennel or cattery is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises to the effect that the kennel or cattery may be maintained and operated on such premises shall be submitted to the Director at the time the application for the kennel or cattery license is submitted.

c. After receipt of a kennel or cattery license application, the Director shall make an inspection of the premises of the kennel or cattery for which a license is requested. No kennel or cattery license shall be issued nor shall any such license be renewed, unless and until the kennel or cattery, in the opinion of the Director, satisfies the applicable laws and regulations of the State of California, the applicable ordinances of the County of Riverside and the applicable conditions set forth in the Standards for Kennels and Catteries adopted by resolution of the Board of Supervisors. Notwithstanding any other provision of this Ordinance, the Director or the Riverside County Planning Director may, in their respective discretion, limit the numbers of dogs or cats over the age of four (4) months which are kept or maintained in any kennel or cattery, and such limitation may be imposed at such time as an application for an initial kennel or cattery license is

considered or at such time as an application for renewal of a kennel or cattery license is considered.

- d. Notwithstanding any other provision of this Ordinance, the Director is hereby authorized to enter upon and inspect the premises of any kennel or cattery located in the County of Riverside for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this Ordinance and the Standards for Kennels and Catteries referred to in Section 5, Subsection (c) of this Ordinance. As a condition of the issuance of a kennel or cattery license, each owner and operator of a kennel or cattery shall agree to allow such entry and inspection and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the owner or operator of the kennel or cattery is present on the kennel or cattery premises, and with such frequency as the Director shall deem appropriate, and such inspections may, at the discretion of the Director, be made without prior notice to the owner or operator of the subject kennel or cattery. Willful refusal on the part of a kennel or cattery owner or operator to allow such inspection shall be grounds for summary denial of an application for a kennel or cattery license or for summary suspension or revocation of a kennel or cattery license.
- e. A nonprofit corporation formed pursuant to the provisions of the California Corporations Code commencing with Section 10400 for the prevention of cruelty to animals, shall not be required to pay a fee for the licenses required by Section 5 of this ordinance; provided, however, that all other provisions of Section 2 and Section 5 of this ordinance shall be applicable to any such nonprofit corporation, as well as the provisions of Section 6 of this ordinance if the nonprofit corporation is an animal rescuer.
- f. Notwithstanding the provisions of Section 5, Subsection (c) and Section 7, Subsection (a) of this Ordinance, a kennel or cattery which is in operation on April 4, 1987 and for which on such date there is in effect a current and otherwise valid license issued prior to such date pursuant to the provisions of Riverside County Ordinance No. 455, shall, for a period of twenty (20) years from this date, be required to comply only with those requirements for licensure and operation other than license fees as were required for such kennel or cattery under Riverside County Ordinance No. 455; provided, however, that where there occurs a transfer of ownership of such kennel or cattery five (5) years or more after this date, such kennel or cattery shall, upon such transfer of ownership, be required to comply with the requirements for licensure and operation specified in this Ordinance. The license fees for a kennel or cattery described in the first (1st) sentence of this Section 5, Subsection (f) during the period such kennel or cattery is permitted, pursuant to this Section 5, Subsection (f), to operate under the requirements of Riverside County Ordinance No. 455 shall be as follows:
 - (1) For a kennel for which a current and otherwise valid non-commercial or commercial kennel license is in effect on and was issued by the Director prior to April 4, 1987, the license fee shall be the same fee as is provided in this Ordinance for a kennel having the same number of dogs, and no individual licenses shall be issued for such dogs.
 - (2) For a cattery for which a current and otherwise valid commercial cattery license is in effect on and was issued by the Director prior to April 4, 1987, the license fee shall be the same fee as is provided in this Ordinance for a cattery.

g. A violation of this Section shall be punishable as follows:

Any person violating any provision of this section shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section is committed, continued or permitted.

Any person convicted of a violation of this section 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 on the same site. The third any additional violations on the same site shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six 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 any person from the responsibility for correcting the violation

Section 6. ANIMAL RESCUER.

- a.** Any person engaged in the rescue of animals, shall first obtain a rescue permit from the Department and shall meet all requirements and standards for a kennel/cattery license.
1. For an animal rescuer that is not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code commencing with Section 10400 for the prevention of cruelty to animals, the animal rescuer may keep two (2) dogs with a rescue permit and no minimum land requirement so long as all other requirements and standards for a kennel license, referred to in Section 5, subsection (c) of this ordinance, are met.
 2. For an animal rescuer that is a valid nonprofit formed pursuant to the provisions of the California Corporations Code commencing with Section 10400 for the prevention of cruelty to animals, the animal rescuer may maintain up to ten (10) dogs with a rescue permit and no minimum land requirement so long as all other requirements and standards for a kennel license are met. Such animal rescuer shall not need to obtain a Class I Kennel permit.
 3. For an animal rescuer maintaining eleven (11) or more dogs a Class II Kennel License is required, and the minimum land requirement shall be one acre.
 4. For an animal rescuer maintaining ten (10) or more cats a Cattery License is required, and the minimum land requirement shall be one acre.
- b.** The fees for a kennel/cattery rescue permit as a rescue facility shall be as follows:
1. \$25.00 for up to six (6) dogs (with a \$15.00 late fee) for one year.
 2. \$180.00 for seven to ten dogs (with a \$15.00 late fee) for one year or \$200.00 for two years.
 3. One hundred percent (100%) of the applicable kennel license permit in those cases where a Cattery permit or a Class II Kennel permit is required.
- c.** An animal rescuer may keep a maximum of four (4) personal (not for adoption or sale) dogs and nine (9) personal (not for adoption or sale) cats and must include these animals as "personal pets" on the animal rescue permit application. In those

cases where the animal rescuer occupies a parcel of .5 acre to 1 acre, up to six (6) dogs may be kept on the premises.

- d. Personal dogs (not for adoption or sale) shall be individually licensed in accordance with this ordinance.
- e. A permitted animal rescuer obtaining animals from a shelter facility pursuant to Section 11, subsection (g) of this ordinance, shall not be subject to the payment of impound fees and charges specified in Section 11, subsection (a) but may be subject to the spay/neuter deposit specified in Section 12, subsection (a) of this ordinance.”
- f. All rescued dogs and rescued cats older than four (4) months must be spayed/neutered prior to releasing to an adopting party. In any event, the animal must be altered within 30 days of receipt by the rescuer.
- g. Accurate and complete records of all animals shall be maintained by the animal rescuer on forms which will be made available to Department for inspection upon request.
- h. An animal rescuer may recoup, from the adopting party, the cost of any inoculations, the cost incurred by having the animal altered prior to adoption, and any costs related to the treatment of illness or injury.
- i. Administration of the Animal Rescue Program shall be the responsibility of the Animal Services Director who shall have the authority to issue and revoke animal rescue permits.

Section 7. DENIAL, SUSPENSION, REVOCATION AND APPEAL OF KENNEL OR CATTERY LICENSE.

- a. The Director may, in his/her discretion, deny any application for a kennel or cattery license whether such application is for an original license or renewal of a license, and may suspend or revoke any kennel or cattery license if he finds that a kennel or cattery fails to meet any or all of the Standards for Kennels and Catteries referred to in Section 5, Subsection (c) of this Ordinance or is in violation of any law of the State of California or any provision of this Ordinance, any provision of any other County ordinance or provision of a Conditional Use Permit.
- b. When such denial, suspension or revocation occurs, the Director shall prepare a written notice of such denial, suspension or revocation which shall contain a brief statement of the reason or reasons for such denial, suspension or revocation. The Director shall serve such notice upon the applicant or licensee by hand-delivery or by registered or certified mail, postage prepaid, return receipt requested. Denial, suspension or revocation shall be effective thirty (30) days after service of such notice. Where an application for a kennel or cattery license is denied or where a kennel or cattery license issued pursuant to this Ordinance is revoked, no application for a new license for such kennel or cattery shall be considered for a period of one (1) year from the effective date of such denial or revocation; provided, however, that for good cause shown the Board of Supervisors may direct that there be a lesser period of time before such application will be considered.

- c. Any person whose application has been denied or whose license has not been renewed, or whose license has been suspended or revoked, may appeal such denial, non-renewal, suspension or revocation by filing with the Clerk of the Board of Supervisors within fifteen (15) days after notice of such denial, suspension or revocation, a written notice of appeal briefly setting forth the reasons why the appellant alleges such denial, non-renewal, suspension or revocation is improper. Within five (5) days of the receipt by the said Clerk of such notice of appeal, the Clerk shall set a hearing date for the appeal and shall give written notice of the date, time and place of such hearing to the appellant, and such notice shall be sent by registered or certified mail, postage prepaid, return receipt requested. The date of hearing shall be not less than twenty (20) days from the date of mailing of the notice of the date, time and place of the hearing, and the hearing shall be conducted not later than forty-five (45) days from the date of mailing of the notice of denial, non-renewal, suspension or revocation; provided, however, that at the request of the appellant, the Clerk of the Board may extend the hearing date for a reasonable period beyond the aforementioned forty-five (45) day limit. The appeal shall be heard by the Board which may affirm, modify, or reverse the denial, non-renewal, suspension or revocation. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules relating to evidence & witnesses, as applicable in courts of law. To be admissible, evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

During the pendency of the appeal, there shall be in effect an automatic stay of the denial, non-renewal, suspension or revocation; provided, however, that during said period of pendency the Director may take such action as he/she deems appropriate under this Ord. or any other provision of law respecting the subject kennel or cattery, including but not limited to the abatement of public nuisances, inspection of the kennel or cattery premises, or the prosecution of any violation of this Ord. or any other provision of law not related to the failure of the subject kennel or cattery to be currently and otherwise validly licensed.

Section 8. DUTIES AND POWERS OF OFFICERS.

1. It shall be the duty of all peace officers within the County of Riverside, to cooperate with and assist the Director, Environmental Health Director and the Animal Services Director in the enforcement of the provisions of this Ordinance, and in the enforcement of California State law relating to the regulation, care and/or keeping of animals, and such peace officers and the Animal Services Director/designee shall be empowered to:
 - a. Receive, take up and impound any dog or other animal found running at large in violation of this Ordinance, any other ordinance or of any law of the State of California.
 - b. Issue a warning notice for, citation for, or investigate any violation of any provisions of any County ordinance or California law regarding the care or keeping of animals.
 - c. Investigate whether a dog is licensed in compliance with the requirements of this Ordinance.

- d. Seize and impound any animal as authorized by this Ordinance or any other 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.
 - e. Regularly and adequately feed, water and otherwise care for any animals impounded under the provisions of this Ordinance, other ordinance or state law or to provide for such feeding and/or watering and care.
 - f. Follow the provisions of the Riverside County Ordinance No. 716 in humanely destroying or giving emergency care to sick or injured animals.
2. Any Peace Officer, Riverside Department Officer, the Animal Services Director, the Environmental Health Director, or the Director charged with the responsibility for enforcement of the provisions of this Ordinance, or other ordinance or state law governing animals may arrest a person without warrant whenever he/she has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in his/her presence, or a felony which is in violation of this Ordinance or other ordinance governing animals or California law regulating the care and/or keeping of animals.
3. 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 Sec. 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/her written promise to appear, as prescribed by California Penal Code Section 853.6.

Section 9. ENTRY UPON PRIVATE PROPERTY.

Unless otherwise prohibited by law, all persons whose duty it is to enforce the provisions of this Ord. are hereby 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 Ord., other ordinance governing animals, or California State law relating to the regulation, care and/or keeping of animals.

Notwithstanding any provision in this Ordinance relating to entry upon private property for any purpose under this Ordinance, no such entry may be conducted: (a) without the express or implied consent of the property owner or the person having lawful possession thereof, or (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.

Section 10. CAPTURE OF DOGS RUNNING AT LARGE.

In the interest of public health and safety, it shall be lawful for any person to take up, in a humane manner, any dog running at large in violation of this Ordinance and to promptly deliver such dog to the Animal Services Director.

Section 11. IMPOUNDED DOGS AND CATS AND SERVICE FEES.

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

(1) For the first impoundment within a twelve (12) month period, \$40.00 plus a \$12.00 boarding fee for each day of impoundment. If the animal is unaltered and the owner provides proof of spaying or neutering within sixty (60) days of payment of the above fees, the \$40.00 impound fee shall be refunded; or if the animal is impounded in a facility where spay/neuter surgeries are preformed, and the owner pays for and has the surgery performed before the animal leaves the facility, the impound fee of \$40.00 shall be waived.

(2) For the second impoundment within a twelve (12) month period, \$60.00 plus a \$12.00 boarding fee for each day of impoundment. If the animal is unaltered and the owner provides proof of spaying or neutering within sixty (60) days of payment of the above fees, the \$60.00 impound fee shall be refunded; or if the animal is impounded in a facility where spay/neuter surgeries are preformed, and the owner pays for and has the surgery performed before the animal leaves the facility, the fee of \$60.00 shall be waived.

(3) For the third or subsequent impoundment within a twelve (12) month period, \$100.00 plus a \$12.00 boarding fee for each day of impoundment. If the animal is unaltered and the owner provides proof of spaying or neutering within sixty (60) days of payment of the above fees, the \$100.00 impound fee shall be refunded; or if the animal is impounded in a facility where spay/neuter surgeries are preformed, and the owner pays for and has the surgery performed before the animal leaves the facility, the impound fee of \$100.00 shall be waived.

(4) 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 \$12.00 for each day of impoundment.

b. The fee for destruction and disposal of any dog, cat, or small animal in accordance with any provision of this Ordinance, shall be \$25.00.

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 Ordinance.

d. Any officer acting under the provisions of this Ordinance and impounding a licensed dog pursuant to Section 8, Subsections (a) or (d) of this Ordinance or a licensed cat, shall give written notice by first class mail, postage prepaid, to the last known address of the owner, of the impounding of such dog or cat. If such dog or cat is not redeemed within

ten (10) 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 11, Subsection (g) of this Ordinance, or shall destroy such dog or cat.

- e. Upon impounding an unlicensed dog pursuant to Section 8, Subsections (a) or (d) of this Ordinance or an unlicensed cat, the officer shall give notice to the owner, if the owner and his whereabouts are known, of the impounding of such dog or cat. If such dog or cat has not been redeemed within five (5) days of the giving of such notice, the officer shall dispose of such dog or cat in accordance with the provisions of Section 11, Subsection (g) of this Ordinance, or shall destroy such dog or cat. For the purpose of this Subsection (e), the notice specified herein shall be given in the manner determined by the officer as expedient under the circumstances.
- 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, providing 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 his 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 Section 11, Subsection (a) of this Ordinance and the spay/neuter deposit fee specified in Section 12, Subsection (a) of this Ordinance, 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 this Section 11, Subsection (g) shall not be subject to the payment of the impound fees and charges specified in Section 11, Subsection (a) of this Ordinance, but shall be subject to the spay/neuter deposit specified in Section 12, Subsection (a) of this Ordinance.
- h. It shall be 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 of \$30.00.
- j. Animal Control Officers picking up owned animals at the request of the owner, shall collect a fee of \$30.00 from the owner.
- k. Animal Control Officers investigating and authorizing a home quarantine shall collect a fee of \$50.00 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 of

\$20.00 for the first five (5) days and \$2.00 per day for each additional day after the fifth day. A fee of \$90.00 shall be charged for traps which are lost or destroyed.

- m. Owners of animals impounded for quarantine at a County facility shall be charged a quarantine fee of \$5.00 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 Section 22 shall be \$53.00.
- o. The fee for a micro-chip identification device shall be included in the cost of adoption, when adopting an animal from a County animal shelter and \$15.00 per animal for all others.
- p. For the taking up of animals after normal business hours - \$90.00 per hour. This after hours' fee is 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 and deworming, micro-chipping, spay or neutering (if required) and adoption charges. The adoption fee shall be \$75.00 for any cat and \$95.00 for any dog. For senior citizens sixty (60) years of age or older, the adoption fee shall be \$45.00 for any cat and \$65.00 for any dog. The flat-rate adoption fee may be waived at the discretion of the Director or his designee, to eliminate the euthanasia of adoptable dogs and cats. Twenty-five (25) percent of the flat-rate adoption fee may be waived if the animal is adopted by the foster care provider currently providing care for the animal.

Section 12. SPAY/NEUTER DEPOSITS FOR DOGS AND CATS.

- a. No person shall be permitted to adopt or purchase any dog or cat which has not been spayed or neutered, from any public animal shelter, society or organization, unless or until a deposit in the amount of forty dollars (\$40.00) has been paid by the adopting person or purchaser to the shelter, society or organization from which the subject dog or cat is being adopted or purchased, with the exception that when a female or her offspring are adopted or purchased by one (1) person, only a single such deposit shall be required. The Department may enter into cooperative agreements with rescue groups, veterinarians, animal shelters, and humane society shelters in lieu of requiring spay and neuter deposits.
- b. Upon the presentation to the Director of a written statement or receipt from a veterinarian that such adopted or purchased dog or cat has been spayed or neutered, all but five dollars (\$5.00) of such deposit as is specified in Section 12, Subsection (a) of this Ordinance shall be refunded to the person who paid the deposit.
- c. Notwithstanding the provisions of Section 12, Subsection (b) of this Ordinance, any dog or cat over four (4) months of age at the time it is adopted or purchased, shall be spayed or neutered within thirty (30) days of the date of adoption or purchase or the deposit provided in Section 12, Subsection (a) of this Ordinance shall be deemed unclaimed and nonrefundable unless an extension, for good cause, is granted by the Director. The adopter or purchaser must present proof of spaying or neutering within sixty (60) days of obtaining the proof or the deposit shall be deemed unclaimed and nonrefundable. Whenever possible, animals will be altered prior to adoption.
- d. Notwithstanding the provisions of Section 12, Subsection (b) of this Ordinance, any dog or cat under the age of four (4) months at the time it is adopted or purchased, shall be

spayed or neutered before reaching five (5) months of age or the deposit provided in Section 12, Subsection (a) of this Ordinance shall be deemed unclaimed and nonrefundable unless an extension, for good cause, is granted by the Director. The adopter or purchaser must present proof of spaying or neutering within sixty (60) days of obtaining the proof or the deposit shall be deemed unclaimed and nonrefundable.

Section 13. STRAY OR BARKING DOGS

- a. It shall be unlawful for the owner or person in charge of any dog, whether licensed or unlicensed, to permit such dog to run at large.

It shall be unlawful for any person to keep or allow to be kept, or suffer or permit any dog to remain upon the premises under the control of such person, when such dog habitually barks, whines or makes loud or unusual noises in such a manner as to disturb the peace and quiet of the neighbors surrounding or in the vicinity of such premises, or whose barking or howling or other sound or cry interferes with any person of ordinary sensitivity in the reasonable and comfortable enjoyment of life and property.

Section 14. CAT TRAPPING

- a. It shall be 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. (See Resolution No. 89-148.). 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 Department of Animal Services.

Section 15. RABIES SUPPRESSION, CONTROL AND QUARANTINE.

- a. If it shall appear to the Director that any animal has rabies, the Director may destroy such animal forthwith, or may hold such animal for further examination or observation for such time as the Director 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 Director, and shall immediately confine the animal and maintain that confinement until it is established, to the satisfaction of the Director, that such animal does not have rabies. The Director 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 Director, 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 Director, 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 Director 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

Director. The Director 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 Director that such quarantine is terminated.

- d. The Director may, at his/her discretion, post or cause to be posted an appropriate sign on any premises where an animal is quarantined pursuant to this Ordinance, 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 (d) without the permission of the Director.
- e. Whenever the Director shall determine that an epidemic of rabies exists or is threatened, the Director 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 County of Riverside as the Director may determine and define, for a period of not more than one hundred and 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 Director for the protection and preservation of the public health, peace and safety. Any quarantine declared pursuant to this Subsection (e), other than as restricted herein, shall be upon such conditions as the Director may determine and declare.
- f. No person shall bring a dog into an unincorporated area of the County of Riverside from any city located in the County of Riverside in which a reported case of rabies exists or has existed within the past six (6) months, nor shall any person bring a dog into the unincorporated area of the County of Riverside from any county, city, state or country in which a reported case of rabies exists or has existed within the preceding 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 hereby imposed to continue until released by the Director, 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 County of Riverside 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.

Section 16. PLACEMENT REQUIREMENTS.

- a. Any person who within the unincorporated area of Riverside County, or any business entity or other organization located in or doing business in the unincorporated area of Riverside County 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:
 - (i) 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 months of age), and/or

- (ii) the license number and name of licensing agency of each of the dogs (in the case of animals four months or more of age), and/or
 - (iii) the kennel and/or rescue 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 months of age), and/or
 - (iv) the kennel permit and/or rescue number and name of the permitting agency of the owner of each of the dogs so offered (in the case of animals four months or more of age).
- 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. A violation of this Section shall be punishable as follows:
 - (i) For a first violation, the owner shall be subject to a \$100.00 fine. This fine may be waived and the citation dismissed if within thirty (30) days after receiving the citation the party has had the mother animal spayed and has provided proof of the spaying to Department.
 - (ii) For a second violation, the owner shall be subject to a \$200.00 fine.
 - (iii) For any subsequent violation, the owner shall be subject to a \$400.00 fine.
 - d. Violators subject to citation are to be furnished with a list of low-cost or no-cost spay and neuter resources.
 - e. It shall be 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.
 - f. Fifty percent of all fees collected pursuant to this Section may be used for the general costs of Department. The remaining fifty percent of all such fees shall be placed in a separate fund to be used exclusively for low-cost spay and neuter services and education related to the benefits of spaying and neutering.

Section 17. PROHIBITION OF SALES OR THE GIVING AWAY OF DOGS AND CATS ON PUBLIC PROPERTY.

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

Section 18. ENFORCEMENT.

- a. The Animal Services Director shall supervise the administration and enforcement of this Ordinance 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 Board of Supervisors 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 Ordinance 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 Ordinance in the manner herein prescribed.
- c. It shall be unlawful for any person to interfere with, oppose or resist any officer, employee or person empowered to enforce the provisions of this Ordinance while such officer, employee or person is engaged in the performance of his duties as provided herein.
- d. Nothing in this Ordinance shall prevent the Animal Services Director from acting, when he/she deems it appropriate to do so, under the applicable provisions of California Penal Code, Section 597, et seq.

Section 19. VIOLATION.

Any person violating any of the provisions of this Ordinance shall be guilty of an infraction, unless otherwise stated in this Ordinance, 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; (3) a fine not exceeding two hundred and fifty dollars (\$250.00) for each additional violation within (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 Animal Services Director through their written, signed agreement and paying an administrative fee of sixty dollars (\$60.00) to Department.
- 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 County Jail for a period not to exceed one year, or by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000) 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 Animal Services Director, in writing, their intent to comply with the order and paying an administrative fee of fifty dollars (\$50.00) to Department.

Section 20. 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 County shall be entitled to recover costs of enforcement, including costs of staff time, by complying with the following procedure:

- a. **Records of Costs.** The Department of Animal Services shall maintain records of all administrative costs, incurred by the Department and all other responsible County Departments, in the processing of the violation or violations and the enforcement of this Ordinance and other applicable ordinances and may recover such costs from the violator and/or property owner or property occupier as provided herein.
- b. **Notice.** Upon investigation and determination that a violation of any of the provisions of this Ordinance or other related County ordinances is found to exist, the Department of Animal Services and/or other County 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 Department'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 Department of Animal Services and/or Department of _____ has/have determined that conditions exist at the property located at _____ which violate Section(s) _____ of the Riverside County 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 Board of Supervisors. 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 Department of Animal Services within ten (10) days of service of the Summary of Charges.

- c. **Summary of Costs.** At the conclusion of the case, the Department of Animal Services 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 COUNTY OF RIVERSIDE FOR THESE CHARGES, TO BE RECOVERED IN A CIVIL ACTION IN THE NAME OF THE COUNTY, IN ANY COURT OF COMPETENT JURISDICTION WITHIN THE COUNTY.

DATED: _____

DEPT. OF ANIMAL SERVICES: _____

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- 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 Director of the Department of Animal Services or his/her designee on his/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 Department within ten (10) days of the service by mail of the Department's Summary of Costs, on a form provided by the Department. Within thirty (30) days of the filing of the request, and on ten (10) days written notice to the violator and/or owner, the Director or his/her 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 Director of the Department of Animal Services or his/her 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 County in the amount stated in the Summary of Costs or any lesser amount as determined by the Director or his/her designee. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County.
- g. **Director's Decision.** In determining the validity of the costs, the Director or his/her 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 County.
- i. **Appeal.** The decision of the Director or his/her designee may be appealed by filing a written Notice of Appeal with the Clerk of the Board 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 Director. The appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The Department shall give written notice of the time and the place of the hearing to appellant. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence.

Section 21. 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 this ordinance. 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 this ordinance, an administrative citation may be issued by the animal control officer. An administrative citation will not be issued for violation of Section 5 (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 County Counsel 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.

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 person who has violated this ordinance is present at the scene of the violation, the animal control officer shall attempt to obtain his 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 this 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. 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 the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The citation shall also be mailed to any additional address for the owner in Department 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 this ordinance shall not exceed the following amounts:
 - i. One hundred dollars (\$100.00) for a first violation;
 - ii. Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;
 - iii. Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one 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 County of Riverside, Department of Animal Services.
 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 Department. The written notice of appeal must be filed within twenty (20) 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 county forms and shall contain the following information:
 - i. A brief statement setting forth the appellant's interest in the proceedings;

- ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
 - iii. 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;
 - iv. 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:
 - i. 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.
 - ii. Hearing Officer. The administrative hearing regarding the administrative citation shall be held before the Animal Services Director. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The Director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
 - iii. 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 determination based on the information contained in the notice of appeal.
 - iv. 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 superior court 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 superior court. The fee for filing the notice of appeal is twenty-five dollars (\$25.00). The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon the Department of Animal Services by the contestant.
2. Conduct of Hearing. The conduct of the appeal hearing is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be heard de novo, except that the contents of the issuing agency's file in the case shall be received into evidence. A copy of the issued administrative citation providing notice of the violation and imposition of the administrative penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing agency's file on the case be forwarded to the court, to be received within fifteen (15) days of the request.
3. Judgment. The court shall retain the twenty-five dollar (\$25.00) fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the Department of Animal Services. Any deposit of the fine or penalty shall be refunded by the Department of Animal Services in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the contestant, the issuing agency may proceed to collect the penalty pursuant to the procedures set forth in this ordinance, or in any other manner provided by law."

Section 22. 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, Ordinance No. 771 or any other County ordinance or state law, is hereby declared to be a public nuisance. The Animal Services Director and any Riverside County peace officer are hereby 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 said 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 County of Riverside for all costs incurred in enforcing compliance with the provisions of this Section 22. The County of Riverside, by and through the Animal Services Director, may also commence and maintain such proceedings in a court of competent jurisdiction as are appropriate under the laws and regulations of the State of California for the abatement and redress of public nuisances.

- b. At least ten (10) working days prior to the impoundment or abatement or both pursuant to Section 22 Subsection (a) of this Ordinance, the owner or custodian of the subject dog, cat, or other identified animal shall be notified by the Animal Services Director, in writing, of the right to a hearing to determine whether grounds exist for such impoundment or abatement or, where applicable, both. Said 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 Paragraph (c) below.
- c. When, in the opinion of the Animal Services Director, 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 Ordinance 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 Animal Services Director, 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 Section 22, Subsection (b) of this Ordinance. 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 (c) of Section 22 of this Ordinance, 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 Section 22 of this Ordinance shall be conducted by the Animal Services Director 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 Animal Services Director 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 Animal Services Director shall render, in writing, his/her findings, decision and order thereon and shall give notice of said 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 Section 22, Subsection (b) of this Ordinance.
- 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.

Section 23. ADJUSTMENTS OF FEES. All of the fees set forth in this Ordinance shall be in effect until the Board of Supervisors shall by ordinance fix some other fees upon the basis of a cost-analysis as determined by the Riverside County Auditor-Controller or, where applicable, pursuant to a change in the applicable laws and regulations of the State of California, or where applicable, both.

Section 24. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 25. Ordinance Nos. 455, 455.1 through 455.70, inclusive, are hereby repealed.

Section 26. WAIVER OF FEES. At the discretion of the Animal Services Director, the impoundment fees recoverable under Section 11 may be waived by the Animal Services Director based upon indigent circumstances of the owner of the impounded animal that are verified by the Department of Animal Services so long as the animal is being kept and maintained in accordance with all other provisions of this Ordinance, the County Ordinances, and State Law.

Adopted: 630 Item 3.5b of 02/03/1987 (Eff: 04/04/1987)

Amended: 630.1 Item 9.3 a & b of 05/09/1989 (Eff: 06/08/1989)
630.2 (Not Used)
630.3 Item 3.5 of 08/31/1993 (Eff: 11/30/1993)
630.4 Item 11.3 of 03/08/1994 (Eff: 05/07/1994)
630.5 Item 12.7 of 12/13/1994 (Eff: 03/01/1995)
630.6 Item 12.4 of 05/25/1999 (Eff: 07/01/1999)
630.7 Item 12.1 of 08/24/1999 (Eff: 09/22/1999)
630.8 Item 3.13 of 06/04/2002 (Eff: 07/04/2002)
630.9 Item 3.4 of 04/15/2003 (Eff: 05/14/2003)
630.10 Item 9.9 of 12/11/2007 (Eff: 01/10/2008)
630.11 Item 9.2 of 07/01/2008 (Eff. 07/31/2008)