

Title 8

ANIMALS

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Chapter 8.02

ADMINISTRATION

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Section 8.02.010 **Definitions.**

For the purpose of this title, the following words and phrases shall have the meanings given herein:

“Abused dog” shall mean any dog which is mistreated, beaten, tormented or teased, or is deprived of water or food or shelter; or is kept under unsanitary conditions; or is abandoned; or is trained for fighting other animals;

“Animal Control Director” means the duly appointed and acting Director of the Department of Animal Services for the County of Riverside, or the person duly appointed by the City Manager;

“Animal control officer” means those duly appointed and acting deputies of the Animal Control Director assigned to provide animal control field services within the corporate limits of the City and enforce the provisions of this title, and shall include those positions entitled chief animal control officer, supervising animal control officer, senior animal control officer, animal control officer, animal control officer trainee, and license inspector. The title Animal Control Director or his/her designee "humane officer" as may be used in this title or this code shall mean "animal control officer";

“Animals,” unless otherwise stated, includes birds, fish, mammals and reptiles; “City animal shelter” means the Riverside City and County animal shelter. The term

“City pound” as may be used in this title or this code shall mean the "City animal shelter."

“Department” shall mean and include those individuals that report to the Animal Control Director;

“Official police dog” means any canine trained for law enforcement purposes and used by the Police Department for such purpose, and so designated by the Police Chief by the issuance of distinguishing tags;

“Official police horse” means any equine used by a police officer for law enforcement purposes;

“Owner” means any person, firm or corporation having title to any animal, or a person who has, harbors, or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises for a period of seven consecutive days;

“Potentially dangerous dog” means (1) Any dog which has once aggressively pursued, attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another person engaged in a lawful activity; (2) Any dog which has once attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another animal; (3) Any dog which is found actively pursuing livestock, poultry, dogs, cats or animals;

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

"Vicious dog" means: (1) Any dog seized under Section 599a of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code; (2) Any dog which, when unprovoked, in an aggressive manner, inflicts injury on or kills a human being or animal; (3) Any dog previously determined to be and currently listed as a potentially dangerous dog which after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 of the Food and Agricultural Code or is maintained in violation of Section 31641, 31642 or 31643 of the Food and Agricultural Code. (Ord. 7362 §1, 2017; Ord. 7182 §10, 2012; Ord. 7124 § 1, 2011; Ord. 7084 § 1, 2010; Ord. 6219 § 1, 1995; Ord. 6217 § 1, 1995; Ord. 5631 §§ 1, 2, 1988; Ord. 4803 § 1, 1980; Ord. 4112 § 1 (part), 1974)

Section 8.02.020 Enforcement of title--Powers of Animal Control Director and animal control officers.

The Animal Control Director and the Animal control officers shall be primarily responsible for the enforcement of the provisions of this title, with the exception of Section 8.04.140, for which the Police Department shall be primarily responsible. The Animal Control Director and the animal control officers shall have and are vested with the authority to issue a notice to appear as prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the California Penal Code in the manner provided by Section 836.5 of the California Penal Code to any person who violates the provisions of this title. (Ord 6653 § 2, 2003; Ord. 6219 § 2, 1995; Ord. 6217 § 2, 1995; Ord. 4112 § 1 (part), 1974)

Section 8.02.030 Interference with officers.

It is unlawful for any person to interfere with or oppose or resist the Chief of Police or any of the officers of the Chief of Police, the Animal Control Director or any of the deputies of the Animal Control Director, or the City health officer or any of the deputies of the City health officer while said officers are engaged in the performance of the duties pertaining to the enforcement of this title. All of the aforementioned officers, deputies or employees are empowered to enforce all of the provisions of this Title. (Ord. 6219 § 3, 1995; Ord. 6217, § 3, 1995; Ord. 4112 § 1 (part), 1974)

Section 8.02.040 Right of entry of certain officials.

The Animal Control Director and any animal control officer, any police officer of the City, and the City health officer or the deputies of the City health officer are empowered to enter upon any private property for the purpose of ascertaining whether any dog kept or harbored therein is afflicted with rabies or hydrophobia or whether or not a license tag has been secured for such dog; provided, however, that no such Animal Control Director, animal control officer, police officer, City health officer, or deputy of the City health officer shall have the right to enter an inhabited dwelling or a locked yard without first having obtained a warrant therefor. (Ord. 6219 § 4, 1995; Ord. 6217 § 4, 1995; Ord. 4112 § 1 (part), 1974)

Section 8.02.050 Disposition of money--Payment of expenses.

All money collected by the Animal Control Director for licenses, tags or other fees shall be paid into the City treasury for the general fund. All expenses incurred in carrying out or enforcing the provisions of this title shall be paid out of the general fund. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Chapter 8.04

ANIMALS

Sections:

- 8.04.010** Abandonment.
- 8.04.025** Maintaining sanitary conditions.
- 8.04.030** Staking out of animals.
- 8.04.040** Animals trespassing on private property.
- 8.04.045** Duty to restrain dog on property.
- 8.04.050** Leash laws--Dogs.
- 8.04.060** Female dog in season.
- 8.04.070** Potentially dangerous and vicious dogs.
- 8.04.080** Animals at large.
- 8.04.110** Wild animals and reptiles.
- 8.04.120** Prohibited conduct towards official police dogs and horses.
- 8.04.125** Interference with official police dog or horse.
- 8.04.130** Mandatory spay/neuter for dogs and cats adopted from City animal shelter.
- 8.04.140** Animals banned at special events
- 8.04.150** Animal feces.

Section 8.04.010 Abandonment.

It is unlawful for any person to knowingly abandon any animal within the City. Any person violating this section shall bear full costs and expenses incurred by said City in the care of said abandoned animal and said person shall reimburse to the City all costs therefor as determined by the Animal Control Director. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.04.025 Maintaining sanitary conditions.

Every person owning or occupying any property or premises where any animal or bird is kept shall keep such premises clean and sanitary. Any feces, uneaten food, or other matter that emits an offensive odor or encourages the breeding of flies or other insects shall be collected daily and not allowed to accumulate. This provision shall not prohibit the owner or occupant of any premises from storing such feces, uneaten food, or other matter in a closed container prior to disposal. (Ord. 6219 § 5, 1995; Ord. 6217 § 5, 1995)

Section 8.04.030 Staking out of animals.

No person owning or having possession, charge, custody or control of any animal shall cause or permit or allow the same to be staked out or to herd or graze upon any unenclosed private lot or land in the City in such a manner that the rope or other attachment by which such animal is tethered permits said animal to be or to go beyond the boundaries of the unenclosed private lot or land. (Ord. 4112 § 1 (part), 1974)

Section 8.04.040 Animals trespassing on private property.

Every animal found trespassing upon any private property within the city may be captured by the party owning, controlling or having possession of such property, or by his representative, and shall then be committed to the Animal Control Director or his/her designee; provided, however, that the only trap used in such capture shall be of a type of trap approved by the Animal Control Director. Any person capturing an animal found running at large or

trespassing upon any private property shall promptly notify the Animal Control Director or his/her designee of such capture and it shall be unlawful for any person to fail or refuse to surrender such animal to the Animal Control Director or his/her designee. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.04.045 Duty to restrain dog on property.

It shall be the duty of any person owning or having charge, custody or control of any dog to ensure that reasonable care and precautions are taken to prevent the dog leaving, while not in leash, the real property upon which it is kept and that either (1) it is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition, which enclosure is securely locked or fastened at any time the dog is left unattended; or (2) it is securely and humanely restrained by a chain with swivel, cable or trolley or other tether of sufficient strength to prevent escape, provided that the dog while so chained or tethered cannot go beyond the boundaries of the real property upon which it is maintained or upon the public right of way; or (3) it is on leash and under the control of a competent person. (Ord. 5631 § 3, 1988)

Section 8.04.050 Leash laws--Dogs.

No person owning or having charge, care, custody or control of any dog shall, either intentionally or unintentionally, cause, permit or allow the same to be or run at large upon any street or other public place, or upon any unenclosed lot or place in the City or upon the private property of another without permission of the person owning or in possession of such property unless such dog is restrained by a substantial chain or leash and is in control of a competent person; provided, however, the provisions of this section shall not apply to any official police dog while such animal is on duty. (Ord. 4803 § 4, 1980; Ord. 4112 § 1 (part), 1974)

Section 8.04.060 Female dog in season.

It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him, to run at large in the City at any time during the period when the dog is in season or breeding condition. (Ord. 4112 § 1 (part), 1974)

Section 8.04.070 Potentially dangerous and vicious dogs.

A. Chapter 9 of Division 14 of the Food and Agricultural Code (commencing with California Food & Agricultural Code § 31601 and as amended from time to time) is hereby adopted as the law and procedure, except the definitions for vicious and potentially dangerous dogs shall be as stated in Chapter 8.02. Enforcement of this Chapter includes but is not limited to the administrative remedies provided in Chapter 1.17 of the Riverside Municipal Code.

B. Once declared potentially dangerous or vicious, the designation of such shall be included in all registration records of the dog.

C. In addition to any other requirement provided by law, the owner of a dog declared potentially dangerous or vicious shall do all of the following:

1. The dog and owner are required to complete a Public Works, or designee, approved obedience course and shall provide proof of completion of such course within sixty (60) days of being deemed potentially dangerous. Such course shall be paid for by the dog owner.

2. The owner of the dog, possessor of the dog, or owner of the premises where the dog is to be kept shall obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000) and shall furnish a certificate or proof of insurance by which the City shall be notified at least thirty (30) calendar days prior to cancellation or nonrenewal.

D. A dog which has been determined to be a potentially dangerous or vicious dog shall be added to the list of potentially dangerous and vicious dogs for the City. Once a dog has

been determined to be a potentially dangerous dog, if there are no additional instances of the behavior described in Chapter 8.02 of this Code defining “potentially dangerous dog” and “vicious dog” within a forty-eight (48) month period from the date of the determination, the animal may be removed from the list of potentially dangerous dogs by the Animal Control Director or designee.

E. Any dog which has been declared potentially dangerous, dangerous, or vicious in any administrative or legal proceeding, as a result of aggressive behavior, outside the boundaries of the City, may not be relocated into the City.

F. In addition to any other remedy provided by law, a person who violates this section, or violates an order determining a dog to be potentially dangerous or vicious, shall be subject to an administrative citation in accordance with Chapter 1.17 of this Code. A person is guilty of a separate offense for each and every day or portion thereof during which he or she commits, continues, or permits a violation. (Ord. 7360 § 1, 2016; Ord. 7156 § 1, 2012; Ord. 7124 § 2, 2011; Ord. 5858 § 1, 1990; Ord. 5631 § 4, 1988; Ord. 4112 § 1 (part), 1974)

Section 8.04.080 Animals at large.

No person owning or having possession, charge, custody or control of any animal, except a cat, shall cause, permit or allow such animal to be at large upon any street, lane, alley, court or other public place unless under the immediate effective physical control of a competent person or under the immediate vocal control of said person; provided, however, the provisions of Section 8.04.050 of this chapter shall govern as to dogs. (Ord. 4112 § 1 (part), 1974)

Section 8.04.110 Wild animals and reptiles.

No person shall have, keep or maintain, or have in his possession or under his control on any residentially-zoned property any lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx or any poisonous reptile or any other dangerous or carnivorous wild animal or reptile; provided, however, such animals may be permitted on such residentially-zoned lots on the condition that a permit is obtained from the Animal Control Director or his/her designee.

Such permit shall only be granted upon a showing by the applicant that adequate safeguards have been established and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating any danger to individuals or property, and provided that the keeping or maintaining of such animal or reptile will in no way constitute a nuisance to the occupants of any surrounding property. The denial of the permit shall be in writing and shall specify the grounds for such denial. The applicant shall have ten days from the date the permit was denied in order to appeal such denial to the City Council. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.04.120 Prohibited conduct towards official police dogs and horses.

A. It is unlawful for any person to willfully and maliciously annoy, tease, taunt, torment, strike, threaten to strike, startle, attempt to startle or throw any object at any official police dog or any official police horse. The conduct prohibited hereby shall include, but not be limited to, the use of any part of the body, including the voice, or the use of any object, including liquids, or a vehicle with the intent to accomplish one or more of the above acts.

B. It is unlawful for any person, other than an authorized employee or agent of the Police Department or a person authorized by the police officer in possession of said animal, to feed or touch, or attempt to touch an official police dog or official police horse or the equipment attached to or housing said animal while on duty. (Ord. 4803 § 2, 1980)

Section 8.04.125 Interference with official police dog or horse.

It is unlawful for any person, other than the police officer in lawful possession of such animal, to give commands or attempt to give commands to any official police dog or official police horse or otherwise interfere with such animal while it is on duty. (Ord. 4803 § 3, 1980)

Section 8.04.130 Mandatory spay/neuter for dogs and cats adopted from City animal shelter.

A. Dogs and Cats Under Four Months of Age. No person shall be permitted to adopt or purchase any dog or cat from the City animal shelter under the age of four months unless and until a deposit for spaying or neutering the dog or cat has been tendered to the Animal Control Director. The deposit shall be in an amount determined to be comparable to the lowest fee charged by veterinarians in the City as set by resolution of the City Council; provided however, the deposit shall not exceed the amounts for such deposits as set forth in State law. It is unlawful for any person adopting such dog or cat to fail to have such animal spayed or neutered within sixty days of the date such dog or cat reached the age of four months unless upon the certification of the veterinarian employed at the City animal shelter such operation would unnecessarily endanger the life of the animal, in which event, such dog or cat shall be spayed or neutered at the earliest date when medically acceptable to do so. The deposit shall be returned to the person purchasing or adopting the dog or cat upon presentation of a written certification from a veterinarian or clinic that the dog or cat has been spayed or neutered; provided, however, such deposit must be claimed within one hundred twenty days of the date such dog or cat reached the age of four months.

B. Dogs and Cats Four Months of Age or Older. All dogs and cats over the age of four months placed for adoption from the City animal shelter shall be spayed or neutered before being placed in the custody of the adoptive owner; provided, however, such requirement may be waived by the Animal Control Director upon the certification of the veterinarian employed at the City animal shelter that such operation will unnecessarily endanger the life of the animal. (Ord. 6219 § 6, 1995; Ord. 6217 § 6, 1995)

Section 8.04.140 Animals banned at special events

A. Animals Banned at Special Events. No person owning or having charge, care, custody or control of any animal shall either, intentionally or unintentionally cause, permit or allow same to be at any special event, as defined by Section 2.28.040, in the City during the designated period of operation of such special event, where appropriate signs giving notice of such prohibition have been posted at sufficient points around the special event to give reasonable notice of such prohibition to the public. Notice is to be given in any advertisements for such special events that, "All animals, birds and reptiles are banned at this special event, except as set forth in RMC Section 8.04.140." "Animal" shall include birds and reptiles.

B. Exceptions. The prohibition shall not apply to the following:

1. Any animal invited by official special event staff;
2. Any animal used for businesses duly licensed by the City;
3. Any animal used by a law enforcement agency or the military;
4. A dog while participating in a permitted dog obedience training program or a dog obedience or conformation show, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program;
5. Licensed guide dogs in training wearing marked "guide dog in training" vests or collars.
6. Any guide dog, signal dog, or other animal individually trained to work or perform tasks for and accompanying an individual with a disability. Such training shall include, but not

limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

C. Enforcement of Title. The Police Department shall be primarily responsible for the enforcement of the provisions of this title.

D. Penalty. A violation of this section may be prosecuted as a misdemeanor, in accordance with Section 1.01.110 (Ord. 6653 § 1, 2003)

Section 8.04.150 Animal Feces.

It is the duty of each person in control of a dog or cat to promptly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. (Ord. 7269 § 5, 2014)

Chapter 8.10

NOISY ANIMALS

Sections:

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8.10.020	Administrative Hearing Officer.
8.10.030	Declaration of noisy animal as a public nuisance.
8.10.040	Noisy Animal Warning Notice.
8.10.050	Declaration of Complaint of Noisy Animal and Petition for Administrative Hearing.
8.10.065	Hearing.
8.10.070	Determination and order.
8.10.080	Administrative abatement measures.
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8.10.100	Not exclusive remedy.
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Section 8.10.010 Purpose.

The disturbance caused by excessive, unrelenting or habitual noise of any animal is disruptive of the public's peace and tranquility and represents an unwanted invasion of privacy of the residents of the City. It is declared to be in the public interest to promote the health and welfare of the residents of the City by providing for an administrative proceeding for the abatement of such nuisances, which abatement procedures shall be in addition to all other proceedings authorized by this Code or otherwise by law. (Ord 6797 § 1, 2005; Ord 6223 § 1 (part), 1995)

Section 8.10.015 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings given herein:

"Director of Animal Services" means the person designated by the City Council as the Animal Control Director of the City whether employed by the City or by the animal control contractor retained by City to provide animal control enforcement or the designee of such Director of Animal Services, or his/her authorized designee.

"Complaining Party" means that person or those persons who contact the Animal Control Director to report a noisy animal or noisy animals.

"Noisy animal" means any animal or animals maintained on the same premises or location whose unprovoked excessive, unrelenting or habitual barking, howling, crying or other noises or sounds, occurring continuously and/or incessantly for a period of ten minutes or intermittently for one-half hour or more on five or more separate days within a thirty (30) day period, annoy or become offensive to a resident or residents, other person, or animal control officer, in the vicinity thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity hearing such sounds.

"Responsible party" means that person or those persons in charge of the premises or location where any noisy animal is located and may include any of the following:

1. The person or persons who own the property where the noisy animal is located;
2. The person or persons in charge of the premises where the noisy animal is located;
3. The person or persons occupying the premises where the noisy animal is located;
4. The owner of the noisy animal.

If any of those persons are minors, the parent or parents or a guardian of such minor shall be the responsible party. (Ord. 7397 § 1, 2017; Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.020 Administrative Hearing Officer.

A determination whether an animal is violating this Chapter shall be made by the City of Riverside's Administrative Hearing Officer. The administrative hearing officer shall have the power to hear testimony from witnesses including complainants, peace officers, animal control officers or State humane officers or other parties including the owner or person having charge, custody or control of the animal allegedly causing the nuisance, to determine whether the maintenance of the animal is a public nuisance as herein declared by the City Council, and to order the abatement of such nuisance by taking such actions as set forth in this Chapter. (Ord. 6797 §1, 2005; Ord. 6635 §1, 2002; Ord. 6223 § 1 (part), 1995)

Section 8.10.030 Declaration of noisy animal as a public nuisance.

A. The City Council hereby determines and declares that it is unlawful and a public nuisance for any person owning, keeping, harboring or having in his or her care, custody or control any animal, which constitutes a Noisy Animal as defined by this Chapter unless such noise or sound is made by an official police dog while on duty.

B. If, in violation of the provisions of this declaration of nuisance, any person owns, maintains, harbors, keeps or has any Noisy Animal, the maintenance of such animal may be declared a public nuisance by written notice to the owner or person in charge, custody or control of the animal. If after the issuance of such notice, the person owning, keeping, harboring or having in such person's care or custody any Noisy Animal has not abated the nuisance, such person shall be liable to enforcement of the provisions of this Code.

C. It is unlawful for the Responsible Party, after being informed in writing that such person's animal has been declared a noisy animal and that the maintenance of a Noisy Animal is a public nuisance, to fail, refuse or neglect to take whatever steps or use whatever means are necessary to assure that such animal does not again disturb residents in the vicinity in which the animal is kept. (Ord. 7397 § 2, 2017; Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.040 Noisy Animal Warning Notice.

A. When an animal control officer or police officer of the City is notified or alerted of a possible noisy animal which may constitute a nuisance and has personally confirmed the existence of a potential nuisance, or has received a written complaint under penalty of perjury of such noisy animal signed by the complaining party, that animal control officer or police officer shall issue a Noisy Animal Warning Notice to the Responsible Party. Such notice shall specify that the continued barking, howling or other noise or sounds of such animal is in violation of this Code and that the noisy animal nuisance must be abated forthwith to avoid further City action. Such notice shall be served upon the Responsible Party or, if such service cannot be safely made, posted at the premises upon which the animal is located. A copy of the Noisy Animal Warning Notice shall be filed with the Director of Animal Services. The Director of Animal Services shall, within five days of the issuance of said warning notice, make a reasonable attempt to speak personally or by telephone with the Responsible Party concerning the matter, including what efforts have been made to abate the nuisance.

B. If within five days of the issuance of the Noisy Animal Warning Notice the Director of

Animal Services determines that the barking, howling or other sound or cry was provoked and that such barking, howling or other sound or cry was not excessive, unrelenting or habitual, the Director of Animal Services shall cause the Noisy Animal Warning Notice to be voided and the person to whom it was issued to be so notified. In the event a Noisy Animal Warning Notice has been voided, such warning notice shall not be considered as having been issued for the purposes of Sections 8.10.050 or 8.10.085 of this title. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.050 Declaration of Complaint of Noisy Animal and Petition for Administrative Hearing.

A. When the Director of Animal Services receives a subsequent verbal or written complaint concerning a Noisy Animal at the same location within twelve months after the issuance of a Noisy Animal Warning Notice, the Director of Animal Services shall determine whether the Noisy Animal Warning Notice went unheeded. If the determination is made the nuisance was not abated, a Declaration of Complaint of Noisy Animal and Petition for Administrative Hearing may be issued by the Director of Animal Services to the Complaining Party.

B. The Declaration of Complaint and Petition for Administrative Hearing shall be completed under penalty of perjury by the Complaining Party or by an animal control officer who has personally confirmed the continued existence of a potential nuisance and returned within ten (10) days to the Director of Animal Services.

C. The Director of Animal Services, upon receipt of a timely executed Declaration of Complaint and Petition for Administrative Hearing, shall set the case for hearing before the City's Administrative Hearing Officer. The hearing shall be set at least 10 days from the date the Declaration is received and no more than 30 days. The Director of Animal Services shall notify the Complaining Party and Responsible Party of the date, time, and place for the hearing. The notice of hearing shall advise that the Complaining Party and Responsible Party that they may present evidence at the hearing through witnesses and documents. The notice of hearing shall be accompanied by a copy of the Declaration of Complaint and Petition for Administrative Hearing form. The notice shall be personally served on all parties and witnesses. If the notice cannot be safely served by personal service, then it may be posted upon the premises where the animal is kept and sent by first-class mail. The complaining party shall be informed that further action may not be warranted if the animal is controlled, but in any case, no further action can be taken until the completed Declaration of Complaint and Petition for Administrative Hearing form is received by the Animal Control Director. (Ord. 7397 § 1, 2017; Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.065 Hearing.

The hearing before the Administrative Hearing Officer shall be open to the public. The Administrative Hearing Officer may admit all relevant evidence, including incident reports and affidavits of witnesses. The Administrative Hearing Officer may decide all issues even if the Responsible Party for the animal fails to appear at the hearing. The Administrative Hearing Officer may find, upon a preponderance of the evidence, that the animal is a noisy animal and the maintenance of such noisy animal is a public nuisance. Upon the conclusion of the hearing, the Hearing Officer shall orally announce the decision as to whether a public nuisance has been found to exist on the premises. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.070 Determination and order.

Within three business days after the conclusion of the hearing conducted pursuant to Section 8.10.060, the Administrative Hearing Officer shall, by certified mail, return receipt

requested, notify the Responsible Party of the Officer's determination and any orders issued. If the Officer determines that the animal is a noisy animal and the maintenance thereof, a public nuisance, the Responsible Party shall comply with the Officer's order within five days after the date of mailing of the determination and order. The decision of the Officer shall be final. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.080 Administrative abatement measures.

The Administrative Hearing Officer may, as part of his/her determination that the animal is a noisy animal and a public nuisance, direct the Responsible Party to perform one or more of the following actions [this list is illustrative rather than comprehensive]:

A. Containment of the animal within an enclosed building on the premises of Responsible Party;

B. Require that the animal wear a noise suppression device obtained at the expense of the Responsible Party to reduce or eliminate the noise creating the nuisance;

C. Require that the animal undertake obedience training designed to abate the nuisance problem when appropriate and under the conditions imposed by the Hearing Officer and at the expense of the Responsible Party;

D. Restrict the time of day, days of the week and duration when the animal may be placed out-of-doors on the premises of the Responsible Party;

E. Require the animal to be debarked at the expense of the Responsible Party;

F. Require the Responsible Party to permanently remove the animal from said property and outside the City limits.

G. Any other reasonable means to accomplish the abatement. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.090 Failure to Comply with Administrative Order.

It is unlawful for any person to fail, neglect or refuse to comply with an administrative abatement order of the Administrative Hearing Officer within the time specified in said order. Should any party to the order issued by the Administrative Hearing Officer fail to comply with the order, in whole or in any part thereof, that party or those parties may be subject to administrative remedies to enforce the order as set forth in this Code, including administrative citations and administrative civil penalties, and any other lawful means necessary to gain compliance, including a civil action. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.095 Civil action.

In the event any person shall fail, neglect or refuse to comply with an administrative abatement order of the Administrative Hearing Officer within the time specified in said order and the public nuisance continues to exist, the City Attorney is authorized to commence civil action to obtain the abatement of such public nuisance. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.100 Not exclusive remedy.

The provisions of this chapter are to be construed as an added remedy of abatement of the nuisance hereby declared and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by this title or other law. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.110 Severability.

If any section, subsection, sentence, clause or phrase in this chapter is for any reason

held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 6797 § 1, 2005; Ord. 6223 § 1 (part), 1995)

Section 8.10.115 Judicial Review.

Any Responsible Party aggrieved by an Administrative Determination and Order may obtain judicial review of that order by filing a petition for review with the Superior Court of Riverside County in accordance with the timelines and provisions set forth in California Code of Civil Procedure section 1094.6. (Ord. 7269 § 6, 2014)

Chapter 8.12

DOG LICENSES

Sections:

- 8.12.010 License required.**
- 8.12.020 License fee.**
- 8.12.040 License fee--New residents.**
- 8.12.050 License fee--Senior citizens.**
- 8.12.060 Issuance of license--Transferability--Refunds.**
- 8.12.070 Rabies vaccination prerequisite to issuance of license.**
- 8.12.080 Tags.**
- 8.12.090 Register of licenses.**
- 8.12.100 Kennels and pet shops not required to license dogs for sale.**
- 8.12.110 Applicability of chapter.**

Section 8.12.010 License required.

It is unlawful for any person to own or have custody, control or possession of any dog over the age of four months within the City unless there is attached to such dog a collar upon which there is a current, numbered license tag as provided for by this chapter. (Ord. 4112 § 1 (part), 1974)

Section 8.12.020 License fee.

A. Any person owning or having custody or control of one or more dogs over the age of four months in the City shall pay for the license of each such dog an amount as may be established by resolution of the City Council.

B. Such license fee shall be paid in full prior to the issuance of the license certificate and tag. The fee shall become delinquent if not paid on or before the thirtieth day after the dog reaches the age of four months or after acquiring ownership, custody or control of the dog, or on or before the thirtieth day following expiration of the previously issued license for such dog. The resolution establishing fees for the dog licenses may also establish a late fee for delinquent payments. (Ord. 6219 § 7, 1995; Ord. 6217 § 7, 1995; Ord. 5590 § 2, 1987; Ord. 4513 § 1, 1978; Ord. 4112 § 1 (part), 1974)

Section 8.12.040 License fee--New residents.

The owner of any dog, which owner moves into the City from another community, shall be issued a license for the remainder of that license's term upon presentation of a current rabies vaccination certificate signed by a licensed veterinarian and a dog license receipt from another community for said licenser and upon payment of a transfer fee as may be established by resolution of the City Council. (Ord. 7362 §1, 2017; Ord. 5590 § 4, 1987; Ord. 4112 § 1 (part), 1974)

Section 8.12.050 License fee--Senior citizens.

Notwithstanding the provisions of Section 8.12.020, the City Council may establish by resolution a reduced schedule of fees including any late fee for the issuance of a license for each dog over the age of four months owned by any person sixty years of age or older upon presentation at time of issuance of such dog license proof of the age of the person requesting the reduced rate. (Ord. 5965 § 1, 1991; Ord. 5590 § 5, 1987; Ord. 4112 § 1 (part), 1974)

Section 8.12.060 Issuance of license--Transferability--Refunds.

Upon payment of the required fee as to each such dog, a license shall be issued for one year from date of issuance for a dog under one year of age, and for one, two or three years from date of issuance for a dog over one year of age; provided that the date of expiration of the vaccination immunity is not earlier. At the request of the owner or custodian of such dog, the license may be backdated 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 applicable license fee. If a license is a renewed license, the date of issuance shall be the date following the expiration of such earlier license.

Each dog license shall state the name and residence of the person to whom the license is issued, the address of the premises at which the dog will be kept, the fee paid, the date when issued, the date of expiration, a description of the dog and the number of the tag which shall be issued to the license.

In the event the ownership of the dog is changed, the license may be transferred for said dog by the new owner upon application and payment of a fee as set by resolution of the City Council; provided, however, that no dog license required by this chapter shall be transferable to another dog.

No refunds shall be made on any dog license fee because of the death of the dog for whom the license was issued or the owner's leaving the City before expiration of the license period. (Ord. 5590 § 6, 1987; Ord. 4112 § 1 (part), 1974)

Section 8.12.070 Rabies vaccination prerequisite to issuance of license.

No dog may be licensed and no license certificate may be issued, except upon presentation of a certificate of rabies vaccination issued by a veterinary surgeon evidencing that the period of time elapsing from the date of vaccination to the date of expiration of the license does not exceed the maximum duration of immunity accepted by the California Department of Health for that type of canine rabies vaccine with which the dog was vaccinated. (Ord. 4112 § 1 (part), 1974)

Section 8.12.080 Tags.

Upon payment of the license fee, presentation of the veterinarian's rabies vaccination certificate, and presentation of a microchip number, the Animal Control Director or his/her designee shall issue to the owner a license certificate and one durable license tag for each dog so licensed and vaccinated. The tag shall have stamped thereon the number corresponding with the number of the license certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. If a dog tag is lost or destroyed, a duplicate shall be issued by the Animal Control Director or his/her designee upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a fee for each such duplicate as may be established by resolution of the City Council. Dog tags shall not be transferable from one dog to another. (Ord. 7362 §1, 2017; Ord. 5590 § 7, 1987; Ord. 4112 § 1 (part), 1974)

Section 8.12.090 Register of licenses.

The Animal Control Director or his/her shall keep a register of all dog licenses issued under this chapter, showing the name of the licensee, the date of issuance, description of the dog and the number of the license issued. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.12.100 Kennels and pet shops not required to license dogs for sale.

Persons duly licensed for operation of a kennel or for sale of pets shall not be required to obtain licenses for dogs kept on the subject premises solely for the purpose of sale to the public, except as provided in Chapter 8.18. (Ord. 4112 § 1 (part), 1974)

Section 8.12.110 Applicability of chapter.

The provisions of this chapter shall not apply to dogs owned by or in charge or care of nonresidents of the City traveling through the City or temporarily sojourning therein for a period not exceeding thirty days, nor to dogs temporarily brought into the City for participation in any dog show, nor to "seeing eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. (Ord. 4112 § 1 (part), 1974)

Chapter 8.14

IMPOUNDMENT

Sections:

- 8.14.010 Impounding of animals--Registry.**
- 8.14.020 Notification of owner--Redemption--Fees.**
- 8.14.030 Time limit for impoundment--Disposal of unredeemed animals.**

Section 8.14.010 Impounding of animals--Registry.

Any animal found running at large contrary to the provisions of this title may be apprehended by the Animal Control Director, his/her deputies and any police officer of the City, and any such animal so apprehended shall be impounded in the City pound or other suitable place. Any animal surrendered to the Animal Control Director or his/her designee pursuant to Section 8.04.040 shall be impounded in accordance with the provisions of this chapter.

The Animal Control Director or his/her designee upon receiving any dog shall make a complete registry entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of license tag. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.14.020 Notification of owner--Redemption--Fees.

A. Following the impounding of any animal, the owner, if known shall be notified by letter or shall be given such other reasonable notice of the impoundment. If the owner of the animal is unknown and cannot be reasonably ascertained, written notice shall be posted for five days at the City animal shelter describing the animal and the place and time such animal was found. The owner of an animal so impounded may reclaim such animal upon presenting a certificate of vaccination and paying the license fee herein provided, if such is required, and paying all costs and charges incurred by the City for the impoundment and maintenance of such animal.

B. The City Council by resolution may establish the fees for the impoundment of any dog or other animal and for the boarding any dog, cat, cattle, horse, mule, goat and any other such animal by the City. (Ord. 6219 § 8, 1995; Ord. 6217 § 8, 1995; Ord. 5327 § 1, 1985; Ord. 4924 § 1, 1981; Ord. 4112 § 1 (part), 1974)

Section 8.14.030 Time limit for impoundment--Disposal of unredeemed animals.

It is the duty of the Animal Control Director to keep all impounded animals for a period of at least five days; provided, however, all animals licensed and wearing tags or otherwise owner identifiable shall be held for a period not less than ten days. If, at the expiration of the appropriate holding period such animal has not been redeemed, it may be disposed of in some humane way including placement for adoption by the City animal shelter or a humane animal adoption agency, if deemed appropriate. Any animal suffering from rabies or infected with hydrophobia, mange, or other infectious or dangerous disease need not be so held, but may be forthwith destroyed in a humane manner. (Ord. 6219 § 9, 1995; Ord. 6217 § 9, 1995; Ord. 4112 § 1 (part), 1974)

Chapter 8.16

RABIES CONTROL

Sections:

- 8.16.010** **Vaccination of dogs.**
- 8.16.020** **Revaccination.**
- 8.16.030** **Certificate.**
- 8.16.040** **Restraining of animal bitten by other animal with rabies.**
- 8.16.050** **Quarantine of biting animals--Examination.**
- 8.16.060** **Report of suspected rabid animals.**
- 8.16.070** **Destruction of rabid animals.**
- 8.16.080** **Duties of Animal Control Director as to animals held by him/her having or suspected of having rabies.**
- 8.16.090** **Importation of unvaccinated dogs.**
- 8.16.100** **Rabies vaccination reporting.**

Section 8.16.010 Vaccination of dogs.

Every person keeping, maintaining or having custody or control of a dog over the age of four months in the City shall cause said dog to be vaccinated with a type of canine rabies vaccine approved by the California Department of Health within a period of thirty days from the date such dog was first maintained, kept or had within the City, or within thirty days from the date the dog attains the age of four months. (Ord. 4112 § 1 (part), 1974)

Section 8.16.020 Revaccination.

Every person keeping, harboring, or having a dog in the City, which dog has been vaccinated shall cause such dog to be revaccinated before the expiration of the period of immunity accepted by the California Department of Health for that type of canine rabies vaccine with which the dog was vaccinated. (Ord. 4112 § 1 (part), 1974)

Section 8.16.030 Certificate.

Every person keeping, harboring, or maintaining in the City any dog required by the provisions of this chapter to be vaccinated shall at all times, while such dog is kept, harbored or maintained, have in his possession a certificate issued by a duly licensed veterinary surgeon, which certificate shall specify that such dog has been vaccinated in accordance with the provisions of this chapter. Said certificate shall include the name, address and telephone number of the dog's owner; the name of the dog; a description of the dog, including breed, color, distinctive markings, and sex; date of immunization; the type of rabies vaccine administered; the name of the manufacturer; and the lot number of the vaccine used. Such certificates shall bear the signature of the veterinarian administering the vaccine or a signature authorized by him, and in addition such certificate shall be stamped, printed or typed with his name, address and telephone number for legibility. (Ord. 4112 § 1 (part), 1974)

Section 8.16.040 Restraining of animal bitten by other animal with rabies.

Whenever any dog or other animal has been bitten by an animal infected with or reasonably suspected of being infected with rabies, the owner of the animal so bitten shall immediately restrain or confine such animal in such a way as to make it impossible for such

animal to bite any other animal or person and to forthwith notify the City Animal Control Director or his/her designee. The City health officer or Animal Control Director or his/her designee shall have the power to quarantine any animal so bitten or suspected of having been bitten by a rabid animal for such period of time as he may determine not to exceed six months. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.16.050 Quarantine of biting animals--Examination.

Whenever any dog or other animal has bitten, scratched, or otherwise exposed any person or animal to the possible infection of rabies, the owner shall, upon order of the City health officer, any peace officer, or Animal Control Director or his/her designee, quarantine such animal and keep it tied up or securely confined for a period of not to exceed fifteen days, during which period of time it shall be the duty of the City health officer or Animal Control Director or his/her designee to make an examination of such animal. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.16.060 Report of suspected rabid animals.

Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which reasonably indicates that it may be infected with rabies, such owner shall forthwith isolate and restrain such animal and shall immediately notify the Animal Control Director or his/her designee thereof. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.16.070 Destruction of rabid animals.

If it appears to the City health officer or City Animal Control Director or his/her designee or his representative upon examination or otherwise of a dog or other animal that such animal has rabies, he may forthwith kill and destroy such dog or other animal. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part), 1974)

Section 8.16.080 Duties of Animal Control Director as to animals held by him/her having or suspected of having rabies.

Upon the receipt by the Animal Control Director or his/her designee of any dog or other animal, if the Animal Control Director or his/her designee would have reason to believe that the same is afflicted with rabies or hydrophobia or has been bitten by any animal afflicted with or suspected of being afflicted with rabies or hydrophobia, the Animal Control Director or his/her designee shall separately confine and keep so confined such animal. If upon an examination, the Animal Control Director or his/her designee determines that such dog or other animal is afflicted with rabies, he shall kill such animal at such time. It shall be the duty of the Animal Control Director or his/her designee to keep every such animal suspected of having rabies or hydrophobia so confined for such time as he deems necessary and such animal shall not be redeemed or released except upon an order in writing signed by the Animal Control Director or his/her designee. Nothing in this title shall be construed as permitting the redemption of any dog having or suspected of having been infected with rabies or hydrophobia. (Ord. 7362 §1, 2017; Ord. 4112 § 1 (part) 1974)

Section 8.16.090 Importation of unvaccinated dogs.

No person shall bring an unvaccinated dog into the City from another city or town or other place in or outside of the County in which rabies exists or has existed within six months previously, nor shall any person take an unvaccinated dog or permit or encourage an unvaccinated dog to go from the City, at a time when rabies exists therein or has existed therein

within six months previously, to any other city or town or other place in or outside of the County in which rabies does not exist or has not been known to be present within six months. (Ord. 4112 § 1 (part), 1974)

Section 8.16.100 Rabies vaccination reporting.

A. Any veterinarian who administers a rabies vaccination or supervises the administering of a rabies vaccination shall provide to the City of Riverside Public Works Director, or his or her designee, the following information:

1. The full name and residence address of the owner of all of vaccinated dogs;
2. The name, age, sex, species, breed and color of all dogs that have been vaccinated;
3. The date the vaccination was administered;
4. The type of vaccination used and the vaccine's expiration date;
5. The name of the veterinary clinic and veterinary license number of the veterinarian administering or supervising the vaccination;
6. Alternatively, a photocopy or other facsimile of the certificate required by Section 8.16.030 may be provided to the City.

B. Any such information requested in Section A shall be sent to the City of Riverside Public Works Director at 3900 Main Street, Riverside, California, 92522, or his/her designee, within thirty (30) days of the administering of the rabies vaccination. The information requested may be transmitted in the form of a paper copy or in an electronic format approved by the City of Riverside.

C. The information provided to the City of Riverside in Section A shall be considered confidential and shall not be used, released or distributed for any purpose except to ensure compliance with existing federal, state, county, or city laws or regulations, as set forth in California Health and Safety Code Section 121690.

D. Any veterinarian or person under this Chapter who fails to provide the information requested may be subject to all lawful legal remedies to enforce this Chapter, including but not limited to those set forth in Chapter 1.17 of this Code. (Ord. 6973 §§ 1, 2, 2008)

Chapter 8.17**COYOTE AND BURRO CONTROL****Sections:****8.17.010 Feeding of coyotes and/or burros.****8.17.020 Control.****Section 8.17.010 Feeding of coyotes and/or burros.**

A. Except as provided herein, no person shall feed or in any manner provide food for any coyote and/or burror which is not under the ownership or legal possession of such person.

B. A person may feed and provide food for a coyote and/or burro which is trapped, unweaned or injured during that period of time after said person notifies the Police Department or animal control agency until said animal is picked up by the City or its designated agent or contractor for animal control. (Ord. 7362 §1, 2017; Ord. 5126 § 1, 1983)

Section 8.17.020 Control.

The City, its agents and its contractor for the provision of animal control are hereby authorized to use all legal means to control coyotes and/or burros and to reduce their number in the City. (Ord. 7362 §1, 2017; Ord. 5126 § 1, 1983)

Chapter 8.18

RESIDENTIAL AND COMMERCIAL KENNELS

Sections:

- 8.18.010** **Definitions.**
- 8.18.020** **Licensing of Residential Kennels and Residential Catteries.**
- 8.18.030** **Denial, Suspension, Revocation and Appeal of Residential Kennel or Residential Cattery License.**
- 8.18.040** **Licensing of Commercial Kennels.**
- 8.18.050** **Development of Commercial Kennels.**
- 8.18.060** **Enforcement.**

Section 8.18.010 **Definitions.**

Unless it is apparent from the context that another meaning is intended, the following words, when used herein, shall have the meaning ascribed by this section.

“Commercial Kennel” shall have the same meaning as “Kennel” as defined in Chapter 19.910 Definitions, of the Municipal Code.

“Residential Cattery” means any building, structure, enclosure or premises located in a residential zone whereupon, or within which, ten (10) or more cats, four (4) months of age or older, are kept or maintained.

“Residential Kennel” means any building, structure, enclosure or premises located in a residential zone whereupon, or within which five (5) or more dogs, four (4) months of age or older, are kept or maintained. (Ord. 7084 § 2, 2010; Ord. 4112 § 1 (part), 1974)

Section 8.18.020 **Licensing Of Residential Kennels and Residential Catteries.**

A. No person shall operate or maintain a Residential Kennel or a Residential Cattery as those terms are defined in Section 8.18.010 of this Chapter without first obtaining an appropriate license from the Animal Control 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 Animal Control Director may, in his/her discretion, limit the duration of the license to one (1) year when he/she deems such limitation to be appropriate. Said license shall be renewed within thirty (30) days after the date of expiration. The Residential 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 set forth by resolution adopted by the City Council.

B. Application for a Residential Kennel or a Residential Cattery license shall be filed with the Animal Control Director on a form prescribed by him or her not later than ten (10) days after obtaining written verification from the City of Riverside that the operation of the Residential Kennel or a Residential Cattery is in compliance with the applicable provisions of the Riverside Municipal Code including but not limited to all licensing requirements set forth in Section 8.12.010 of the Riverside Municipal Code. The application form, when completed, shall contain such information as may reasonably be required by the Animal Control Director for the purposes of enforcement of this chapter, including but not limited to the current home telephone number of the caretaker of the subject Residential Kennel or a Residential Cattery and another current telephone number for emergency use or messages when such caretaker is absent from the subject kennel or cattery. Where a Residential Kennel or a Residential 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 Residential Kennel or a Residential Cattery may be maintained and operated on such premises shall be submitted to the Animal Control Director at the time the application

for the Residential Kennel or a Residential Cattery license is submitted.

C. After receipt of a Residential Kennel or a Residential Cattery license application, the Animal Control Director shall make an inspection of the premises of the Residential Kennel or a Residential Cattery for which a license is requested. No Residential Kennel or a Residential Cattery license shall be issued nor shall any such license be renewed, unless and until the Residential Kennel or a Residential Cattery, in the opinion of the Animal Control Director, satisfies the applicable laws and regulations of the state of California, the applicable sections of the Riverside Municipal Code and the applicable conditions set forth in the standards for kennels and catteries adopted by the City Manager.

D. Notwithstanding any other provision of this chapter, the Animal Control Director is authorized to enter upon and inspect the premises of any Residential Kennel or a Residential Cattery located in the city for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this chapter and the standards for kennels and catteries referred to in subsection C of this section. As a condition of the issuance of a Residential Kennel or a Residential Cattery license, each owner and operator of a Residential Kennel or a Residential 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 Residential Kennel or a Residential Cattery is present on the Residential Kennel or a Residential Cattery premises, and with such frequency as the Animal Control Director shall deem appropriate, and such inspections may, at the discretion of the Animal Control Director, be made without prior notice to the owner or operator of the subject Residential Kennel or a Residential Cattery. Willful refusal on the part of a Residential Kennel or a Residential Cattery owner or operator to allow such inspection shall be grounds for summary denial of an application for a Residential Kennel or a Residential Cattery license or for summary suspension or revocation of a Residential Kennel or a Residential 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 Subsection A of this section for a Residential Kennel or a Residential Cattery; provided, however, that all other provisions of Chapter 8.18 and this section shall be applicable to any such nonprofit corporation.

F. Any person owning, keeping or maintaining five (5) or more dogs, or ten (10) or more cats prior to the date of the adoption of this code section, shall, for a period of twenty (20) years, be allowed to own, keep or maintain those specific animals that were properly licensed pursuant to Chapter 8.12 and which were owned, kept or maintained prior to the adoption of this section be exempted from the kennel or cattery license requirements of this section. (Ord. 7084 § 2, 2010; Ord. 4112 § 1 (part), 1974)

Section 8.18.030 Denial, Suspension, Revocation and Appeal of a Residential Kennel or a Residential Cattery License.

A. The Animal Control Director may, in his or her discretion, deny any application for a Residential Kennel or a Residential Cattery license whether such application is for an original license or renewal of a license, and may suspend or revoke any Residential Kennel or a Residential Cattery license if he or she finds that a kennel or cattery fails to meet any or all of the standards for Residential Kennels or a Residential Catteries referred to in this Section 8.18.020 or is in violation of any law of the state of California or any provision of this chapter, any provision of any other City code 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 or by any overnight delivery service. Denial, suspension or revocation shall be effective thirty (30) days after service of such notice. Where an application for a Residential Kennel or a Residential Cattery license is denied or where a Residential Kennel or a Residential Cattery license issued pursuant to this chapter is revoked, no application for a new license for such Residential Kennel or a Residential 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 Animal Control Director may direct that there be a lesser period of time before such application will be considered.

C. Any person (appellant) whose application has been denied or whose license has not been renewed, or whose license has been suspended or revoked, may appeal such denial, nonrenewal, suspension or revocation by filing with the Animal Control Director or his/her designee 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, nonrenewal, suspension or revocation is improper. The Animal Control Director or designee 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 ten (10) 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, nonrenewal, suspension or revocation; provided, however, that at the request of the appellant, the Director may extend the hearing date for a reasonable period beyond the aforementioned forty-five (45) day limit. The appeal shall be heard by an Administrative Hearing Officer as defined by section 1.17.020 of the Riverside Municipal Code and with the qualification and authority outlined in section 1.17.160, which may modify or reverse the denial, nonrenewal, suspension or revocation. Further, the Administrative Hearing Officer shall prepare a detailed written decision. In conducting the hearing, the Administrative Hearing Officer shall not be limited by the technical rules relating to evidence and 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, nonrenewal, suspension or revocation; provided, however, that during the period of pendency the Animal Control Director may take such action as he or she deems appropriate under this chapter 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 the Riverside Municipal Code or any other provision of law not related to the failure of the subject kennel or cattery to be currently and otherwise validly licensed.

Any person aggrieved by the order of the Administrative Hearing Officer may obtain judicial review of that order by filing a petition for review with the Superior Court of Riverside County in accordance with the timelines and provisions set forth in California Code of Civil Procedure section 1094.6. (Ord. 7084 § 2, 2010)

Section 8.18.040 Licensing of Commercial Kennels.

Every person owning or operating a Commercial Kennel shall pay to the City an annual license fee for such kennel. Such license fee shall be due and payable on the first day of January of each year, and said license shall be for the period of one year commencing on the first day of January. Failure to pay said license fee shall subject the Commercial Kennel to the enforcement provisions of this chapter, as well as revocation of the use permit issued under Title 19. The license fee, 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 set forth by resolution adopted by the City Council. (Ord. 7084 § 2, 2010)

Section 8.18.050 Development of Commercial Kennels.

All Commercial Kennels shall comply with all the provisions and requirement of Chapter 19.270 of the Municipal Code. In addition, all Commercial Kennels shall be so constructed as to prevent dogs confined therein from running at large off the premises where said kennels are maintained. All Commercial Kennels shall be operated and constructed in a sanitary and proper manner so the same will not become a nuisance to the neighborhood in which such kennel is located. (Ord. 7084 § 2, 2010)

Section 8.18.060 Enforcement.

The provisions of this chapter may be enforced through the administrative code enforcement remedies set forth in Chapter 1.17 of this code in addition to all other proceedings authorized by this code or otherwise by law. (Ord. 7084 § 2, 2010)

Chapter 8.19

POT-BELLIED PIGS

Sections:

- 8.19.010 Purpose.**
- 8.19.020 Definition.**
- 8.19.030 Administration and enforcement.**
- 8.19.040 License, compliance with regulations.**
- 8.19.050 Licensing procedures.**
- 8.19.060 Issuance, term, renewals.**
- 8.19.070 Regulations.**
- 8.19.080 Revocation of license.**

Section 8.19.010 Purpose.

Miniature pot-bellied pigs are increasing in popularity as domesticated pets and the keeping of not more than two such animals on any single family residentially zoned property, excluding the RA-5 and RC zones, is permitted in the City. However, as such animals are still livestock notwithstanding size, the keeping of such animal needs to be closely regulated and controlled to insure that such animal does not become a nuisance or danger to the general public and the neighborhood in which it is kept. The City Council finds that the keeping of pot-bellied pigs so as not to create a nuisance can be reasonably accommodated by licensing and other restrictions. (Ord. 6213 § 1 (part), 1995)

Section 8.19.020 Definition.

For the purposes of this chapter, the words "pot-bellied pig" shall mean a domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and eighteen inches in height measured at the shoulder. (Ord. 6213 § 1 (part), 1995)

Section 8.19.030 Administration and enforcement.

The provisions of this Chapter shall be administered and enforced by the City's duly appointed and acting Animal Control Director as defined by this Title and the deputies of such Animal Control Director. In addition, the provisions of this Chapter may be enforced by any code compliance officer of the City. (Ord. 6213 § 1 (part), 1995)

Section 8.19.040 License, compliance with regulations.

Notwithstanding the provisions of Title 19 of this code, it is unlawful for any person to own or have custody, control or possession of any pot-bellied pig within the City unless such pig is licensed pursuant to the provisions of this Chapter within ten calendar days upon said pig's entry to the City and unless said pig complies with the regulations as set forth in this Chapter. (Ord. 6213 § 1 (part), 1995)

Section 8.19.050 Licensing procedures.

Any person owning or having custody or control of a pot-bellied pig within the City may obtain a license for such pig from the Animal Control Director in accordance with the following procedures:

A. Application. File with the Animal Control Director an application on a form provided by the City which shall contain the following information:

1. The name and address of the applicant and the address of the property upon which the pot-bellied pig is to be kept;
2. The name, age and weight of the pot-bellied pig including any identifying marks or tattoos;
3. Such other information as the Animal Control Director deems appropriate.

B. License Fee. The application shall be accompanied by a nonrefundable license fee in an amount as may be established by resolution of the City Council.

C. Veterinary Certification. The application shall be accompanied by a statement signed by a licensed veterinarian certifying that the pot-bellied pig has been spayed/neutered, that the pig is in good health and has received all necessary vaccinations, and the height and weight of the pig. Such certification shall be no older than thirty calendar days when submitted to the Animal Control Director. (Ord. 6213 § 1 (part), 1995)

Section 8.19.060 Issuance, term, renewals.

A. Issuance of License. The Animal Control Director shall issue a license for the keeping of a pot-bellied pig on a lot within the City zoned for such use upon the filing of a completed application and a finding that the animal meets the requirements set forth in subsections A through D of Section 8.19.070.

B. Term of License. Any license issued pursuant to this chapter shall be valid for a period of one year from the date of issuance; provided, however, any license expiring on a Saturday, Sunday or holiday, shall be valid until the next work day.

C. Renewals. Any license issued pursuant to this chapter may be renewed for periods of one year each upon the filing of an application for such renewal with the Animal Control Director accompanied by a nonrefundable renewal fee in an amount as may be established by resolution of the City Council. The renewal application shall be on such form as provided by City. The Animal Control Director shall issue such renewed license unless it is found that the pot-bellied pig is not in compliance with the regulations as set forth in Section 8.19.070. (Ord. 6213 § 1 (part), 1995)

Section 8.19.070 Regulations.

The owner or person having custody, control or possession of a pot-bellied pig within the City shall comply with the following regulations:

A. Spayed/Neutered. The pot-bellied pig shall be spayed or neutered.

B. Weight. The pot-bellied pig shall not weigh more than one hundred twenty-five pounds.

C. Height. The pot-bellied pig shall not exceed eighteen inches in height as measured from the shoulder of said animal.

D. De-tusked. Any male pot-bellied pig two years of age or older must have his tusks removed.

E. Confinement on Premises. Each pot-bellied pig shall be provided with a fenced yard designed to assure that the animal is confined and managed in a safe, clean and odor-free manner when out-of-doors. Notwithstanding any other provision of this code, the pot-bellied pig may be kept as a pet in the residence on the lot upon which said pig resides.

F. Leash Requirements. Each pot-bellied pig while on a street, sidewalk or other public place shall be restrained by a harness and leash or similar restraint not longer than six feet in length held by a competent person. (Ord. 6213 § 1 (part), 1995)

Section 8.19.080 Revocation of license.

The license for a pot-bellied pig issued pursuant to this chapter may be revoked by the Animal Control Director upon the finding that the provisions of Subsections A through D of Section 8.19.070 have been violated and not corrected within ten calendar days of issuance by the Animal Control Director or a deputy of the Animal Control Director of a notice of such alleged violation or within such longer period as may be specified in the notice of violation. Upon failing to correct the violation within the required time, the Animal Control Director shall issue a written notice of the revocation of the license and the pot-bellied pig must be removed from the City within ten calendar days thereafter or such longer period as may be set forth in the notice of revocation. (Ord. 6213 § 1 (part), 1995)

Chapter 8.20

BEES AND APIARIES*

Sections:

- 8.20.00E Editor's note to Chapter 8.20.
- 8.20.010 Definitions.
- 8.20.020 Nuisance bees; duty to exterminate.
- 8.20.030 Nuisance bees; notice to abate; appeal; time limit for compliance.
- 8.20.040 Nuisance bees; abatement by City.
- 8.20.050 Nuisance bees; summary abatement.
- 8.20.060 Placement and identification of apiaries.
- 8.20.070 Water supply.
- 8.20.080 Public nuisance; duty to abate.
- 8.20.090 Public nuisance; enforcement.
- 8.20.100 Penalty for violation.
- 8.20.110 Injunction.

Section 8.20.00E Editor's note to Chapter 8.20.

Prior ordinance history: Ord. 4112.

Section 8.20.010 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A. "Abate" means to exterminate, destroy, eliminate, seize, impound or mitigate.
- B. "Africanized Honey Bees" means a population of hybrid bees resulting from a cross between *Apis mellifera* and *Apis mellifera scutellata*.
- C. "Apiary" includes bees, comb, hive, appliances, or colonies, wherever they are kept, located or found.
- D. "Appliance" means any implement or other device which is used in handling and manipulating bees or comb, any container of bees or comb, or any other equipment which is used in the practice of apiculture.
- E. "Bees" means honey-producing insects of the genus *Apis* and includes all life stages of these insects.
- F. "Colony" means one hive and its contents, including bees, comb and appliances.
- G. "Comb" includes all materials which are normally deposited into hives by bees but excludes extracted honey or royal jelly, trapped pollen, and processed beeswax.
- H. "Hive" means any receptacle or container, or part of any receptacle or container, which is made or prepared for the use of bees, or which is inhabited by bees.
- I. "Code Compliance Officer" means any person who is authorized to enforce this chapter. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.020 Nuisance bees; duty to exterminate.

Bees, including Africanized Honey Bees shall be considered a public nuisance when they interfere with the normal use of private or public property or have shown unusual aggressive behavior toward a person or animal.

Every owner or person in charge of, or in possession of, any property on which nuisance bees are present shall proceed in good faith to endeavor to exterminate said bees. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.030 Nuisance bees; notice to abate; appeal; time limit for compliance.

A. Whenever nuisance bees are present on any property within the City, the Director of Public Works, or his designee, may cause a notice to abate the nuisance to be issued, for the purpose of notifying the record owner, or person in charge of or in possession of the property, of the existence of the nuisance. The notice shall direct that the owner shall, within a period of ten days, abate the nuisance by destroying the nuisance bees, removing the dead bees, and removing combs and hives.

B. Notices served by means other than posting, as set forth in Section 6.15.025, shall contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance.

C. Within ten days from the date of giving notice, the violator may file an appeal as set forth in Section 6.15.030.

D. The violator must abate the nuisance within the time limit for compliance as set forth in Section 6.15.035. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.040 Nuisance bees; abatement by City.

A. In the event the owner or person in charge of or in possession of the property affected by such notice fails, neglects or refuses to proceed and to endeavor to exterminate the nuisance bees within the time specified herein, the Director of Public Works shall at once cause the nuisance bees to be exterminated and destroyed.

B. The property owner shall be responsible for the removal of dead bees, combs and hives, at the property owner's expense.

C. The property owner may be responsible for the costs of the abatement costs as set forth in Sections 6.15.040 through 6.15.060. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.050 Nuisance bees; summary abatement.

In cases of manifest public danger and/or immediate necessity, the Public Works Director, or his designee, shall have the authority to immediately call a contractor to exterminate the bees without observance of any notice requirements described in Chapter 6.15.

The property owner shall be responsible for the removal of dead bees, combs and hives, at the property owner's expense.

If the City abates the nuisance bees, the affected property may be assessed for the abatement costs as set forth in Sections 6.15.040 through 6.15.060. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.060 Placement and identification of apiaries.

A. Permission. Prior to locating or maintaining an apiary, written permission of the property owner or occupant shall be obtained if the apiary is located on a property not owned or leased by the person responsible for the apiary.

B. Distance from Public Roads. All apiaries owned or kept within the City of Riverside shall be located at least three hundred feet from any and all public streets, roads and freeways, unless there are natural barriers to prevent bees from causing a nuisance or hazard to persons using the road or freeway.

C. Distance from Structures. All apiaries owned or kept within the City of Riverside shall be located at least five hundred feet from houses or buildings, unless the owner of the apiary first obtains permission from the occupant or person in charge of the house or building.

D. Distance from Schools. All apiaries owned or kept within the City of Riverside within five hundred feet from school yards or places where people congregate shall be located and maintained behind barriers (natural or otherwise) or at least six feet in height.

E. Entering Other Lands. No apiary shall be maintained or allowed in the City if there are substantial numbers of bees from such apiary which are entering land other than where such apiary is situated and are causing a public nuisance to the extent that the health, safety and welfare of the public is endangered or property is damaged.

F. Sign. No person shall maintain an apiary on premises other than his or her residence unless the apiary is identified by a sign that is prominently displayed on the entrance side of the apiary or stenciled on the hive that states in dark letters not less than one inch in height on a background of contrasting color, the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone, the number of a person who has agreed in writing to be responsible for the bees. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.070 Water supply.

Prior to placing an apiary, a plentiful supply of fresh water shall be furnished and kept available to such apiary at all times pursuant to the following methods and conditions:

A. A fresh water supply placed within one hundred feet of the apiary, or

B. A stream or reservoir containing available fresh water within three hundred feet of the apiary; all other sources of water available to the apiary, at locations where people or animals are present, must be one-quarter mile away from the stream or reservoir, and

C. All sources of water serving the apiary must be on property for which written permission has been granted or which is owned by the person responsible for the apiary. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.080 Public nuisance; duty to abate.

Any property or apiary in violation of this Chapter is a public nuisance. The owner or person in charge or possession of any such nuisance, upon receiving notice of the violation, shall correct or abate the violation within the time specified in the notice. (Ord. 6471 § 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.090 Public nuisance; enforcement.

A. The provisions of this chapter may be enforced by the abatement proceedings set forth in Sections 6.15.025 through 6.15.060 of this code, by summary abatement, by criminal prosecution or by injunction.

B. Any remedy provided in this Chapter for the abatement of a nuisance is in addition to any other remedy provided by law. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1 (part), 1976)

Section 8.20.100 Penalty for violation.

A. Unless otherwise provided, any person, firm, partnership, corporation or other entity violating any provision of this ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified.

B. Each day or portion thereof such violation is in existence shall be a new and separate offense.

C. Any person so convicted shall be:

1. Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars and not less than fifty dollars for a first offense;

2. Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars and not less than one hundred dollars for a second offense;

3. Guilty of a misdemeanor for the third and any additional offenses and punished by a

fine not exceeding one thousand dollars and not less than five hundred dollars or six months in jail, or both;

4. Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation or other entity from the responsibility of correcting the condition resulting from the violation.

E. In addition to the above penalties, the court may order that the guilty party reimburse the City of Riverside for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the City of Riverside. (Ord. 6471§ 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 § 1(part), 1976)

Section 8.20.110 Injunction.

Any violation of this chapter is hereby declared to be unlawful and a public nuisance. Upon request of the Code Compliance Officer, an action by the City Attorney for injunctive relief may be commenced for the abatement, removal and enjoyment thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such use and restrain and enjoin any person from using property contrary to the provisions of this chapter. (Ord. 6471 § 1, 1999; Ord. 6392 § 2, 1997; Ord. 4354 §1 (part), 1976)

Chapter 8.21

SPAY, NEUTER AND MICROCHIP

Sections:

- 8.21.010 Spay and neuter.**
- 8.21.020 Penalties for failure to spay or neuter.**
- 8.21.030 Microchipping of dogs and cats.**
- 8.21.040 Mandatory Spay and Neuter of Pit Bull Breeds.**

Section 8.21.010 Spay and Neuter.

A. 1. Requirement. No person may own, keep, or harbor an unaltered and unspayed dog or cat over the age of seven months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this chapter. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.

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

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

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

c. Animals owned by recognized dog or cat breeders, as defined by Department policy.

d. Female dogs over the age of 10 years and male dogs over the age of 12 years, however an unaltered license is still required.

B. Denial or revocation of unaltered dog license and reapplication.

1. The Animal Control Director or his/her designee may deny or revoke an unaltered dog license for one or more of the following reasons:

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

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

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

d. The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the meaning of the Riverside Municipal Code or under state law;

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

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

2. Re-application for unaltered dog license:

a. When an unaltered dog license is denied, the applicant may re-apply for a license upon changed circumstances and a showing that the requirements of this chapter have been met. The department shall refund one-half of the license fee when the application is denied.

The applicant shall pay the full fee upon re-application.

b. When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty (30) day waiting period upon showing that the requirements of this chapter have been met. No part of an unaltered dog license fee is refundable when a license is revoked and the applicant shall pay the full fee upon re-application.

C. Appeal of denial or revocation of unaltered dog license.

1. Request for hearing.

a. Notice of intent to deny or revoke. The Department shall mail to the owner, custodian, licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner, custodian, licensee or applicant may request a hearing to appeal the denial or revocation by filing such request with the Animal Control Director and/or his/her designee. The request must be made in writing within fifteen (15) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.

b. Administrative Hearing Officer. Defined by Code section 1.17.020 with the qualifications and authority outlined in code section 1.17.160.

c. Notice and conduct of hearing. The Animal Control Director or his/her designee shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than forty-five (45) days after the Department's receipt of the request for a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The Administrative Hearing Officer shall prepare and mail a written decision to the owner or custodian after the hearing. The decision of the Administrative Hearing Officer shall be the final administrative decision.

d. Judicial Review of Administrative Decision. Any person aggrieved by the order of the Administrative Hearing Officer may obtain judicial review of that order by filing a petition for review with the Superior Court of Riverside County in accordance with the timelines and provisions set forth in California Code of Civil Procedure Section 1094.6.

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

D. Transfer, sale, and breeding of unaltered dog or cat.

1. Offer for sale or transfer of unaltered dog. An owner or custodian who offers any unaltered dog over the age of four (4) months of age for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with this section. An owner or custodian of an unaltered dog must notify the department of the name and address of the transferee within ten (10) days after the transfer. The unaltered license and microchip numbers must appear on a document transferring the animal to the new owner.

2. Offer for sale or transfer of unaltered cat. An owner or custodian of an unaltered cat must notify the department of the name and address of the transferee within ten (10) days after the transfer. The microchip numbers must appear on a document transferring the animal to the new owner.

E. Impoundment of unaltered dog or cat.

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

a. Provide written proof of the dog or cat's prior sterilization, if conditions cannot or do not make this assessment obvious to Department personnel;

b. Have the dog or cat spayed or neutered by a Department veterinarian at the expense of the owner or custodian. Such expense may include additional fees due to extraordinary care required;

c. Have the dog or cat spayed or neutered by another California licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to spay or neuter the animal, and shall pay to the Department the cost to deliver said animal to the chosen veterinarian. The cost to deliver the animal shall be based on the Department's hourly rate established by the auditor-controller. The veterinarian shall complete and return to the Department within ten (10) days, a statement confirming that the dog or cat has been spayed or neutered or is, in fact, incapable of breeding and shall release the dog or cat to the owner or custodian only after the spay or neuter procedure is complete;

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

2. Costs of impoundment.

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

b. The costs of impoundment shall be a lien on the dog or cat, and the unaltered animal shall not be returned to its owner or custodian until the costs are paid or other arrangements are made including, but not limited to, a payment plan. If the owner or custodian of an impounded unaltered animal does not pay the lien against it in full within fourteen (14) days, the animal shall be deemed abandoned and become the property of the Department.

F. Application of fees and fines collected. All costs and fines collected under this part and the fees collected under this section shall be paid to the City of Riverside for the purpose of defraying the cost of the implementation and enforcement of this program. (Ord. 7362 §1, 2017; Ord. 7084 § 3, 2010)

Section 8.21.020 Penalties for Failure to Spay or Neuter.

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

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

B. Should the owner or custodian of an unaltered dog or cat be found in violation of a State or local law, as stated above, in subsection (A), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section or may purchase an unaltered license but shall also be required to pay the spay or neuter violation. (Ord. 7362 §1, 2017; Ord. 7084 § 3, 2010)

Section 8.21.030 Microchipping of Dogs and Cats.

A. All dogs and cats over the age of four (4) months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the Department, and shall notify the Department of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of Sections 8.12.010, 8.18.020, and any other licensing requirements of Title 8.

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

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

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

3. A dog or cat over the age of ten (10) years.

C. Transfer, sale of dogs and cats.

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

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

3. When a puppy or kitten under the age of four (4) months implanted with microchip identification is sold or otherwise transferred to another person, the owner or custodian shall advise the Department of the name and address of the new owner or custodian, and the microchip number of the puppy or kitten within ten (10) days after the transfer. If it is discovered that an owner or custodian has failed to provide the Department with the name and address of the new owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to the administrative remedies set forth in Chapter 1.17.

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

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

2. Have the dog or cat implanted with a department approved microchip by a California licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to perform the implant, and shall pay to the department the cost to deliver the dog or cat to the chosen veterinarian. The veterinarian shall complete and return to the Department within ten (10) days, a statement confirming that the microchip has been implanted, provide the Department with the number and shall release the dog or cat to the owner or custodian only after the procedure is complete; or

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

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

F. Application of fees and fines collected. All costs and fines collected under this part and the fees collected under this section shall be paid to the City of Riverside for the purpose of defraying the cost of the implementation and enforcement of this program. (Ord. 7362 §1, 2017; Ord. 7084 § 3, 2010)

Section 8.21.040 Mandatory Spay and Neuter of Pit Bull Breeds.

A. Findings.

1. The City of Riverside has a contract with the County of Riverside ("County") for animal control services and as such hereby adopts the findings made by the County in support of Riverside County Ordinance No. 921 as follows:

a. In recent years, pit bulls comprise a disproportionately high number of unwanted dogs in the County, accounting for twenty (20) percent of shelter dogs and thirty (30) percent of dogs euthanized in the County.

b. While the majority of pit bull owners are responsible and take appropriate measures to ensure that their dogs do not have unwanted offspring, there is a need to mitigate the large number of unwanted pit bulls in the County.

c. Restricting the maintenance of and breeding of intact pit pulls and requiring the spaying and neutering of pit bulls will not prevent responsible pet owners and pet breeders from owning, breeding, or showing pit bull breeds.

B. Purpose. To protect the public's health and welfare from irresponsible owners of pit bulls by mitigating the over population of unwanted pit bulls.

C. Authority. This Section is adopted pursuant to Health and Safety Code Section 122331, which authorizes cities to enact mandatory breed specific spay/neutering programs.

D. Exemptions. The following pit bulls are exempt from the regulations described in this Section:

1. Currently licensed pit bulls whose owners are registered breeders with the Department.

2. A pit bull that has been appropriately trained and is actually being used by a public law enforcement agency for law enforcement purposes.

3. A pit bull which has been certified by a licensed veterinarian as having a health reason for not being spayed/neutered.

4. A pit bull which is in training at a licensed kennel and is currently licensed by the owner in another jurisdiction. The owner of the pit bull has the burden of showing that said pit bull is licensed in another jurisdiction.

5. A dog that is pending a breed determination when the dog owner or custodian requests such a determination in accordance with Paragraph F below.

6. A female pit bull that is over the age of 10 years or a male pit bull that is over the age of 12 years.

E. Definitions. As used in this Section, the following terms shall have the following meanings:

1. Pit Bull. Any Staffordshire Bull Terrier, American Pit Bull Terrier, or American Stafford Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding, any of these breeds so as to be identifiable as partially of one or more of these breeds.

F. Determination of Breed.

1. Upon written request of any dog owner or custodian, the Department's Chief Veterinarian or designee will schedule a breed determination appointment to determine whether a dog is a pit bull.

2. The Department shall mail the requesting dog owner or custodian written notice of the date, time and place for the appointment not less than ten (10) days before the appointment date. The appointment date shall be no more than thirty (30) days after the Department's receipt of the request for a breed determination.

3. The Department shall mail written results of breed determination to the requesting owner or custodian within ten (10) days after the appointment.

4. The above mentioned breed determination results are prima facia evidence of the facts stated therein. The owner or custodian may appeal the determination as provided in Chapter 1.17. On appeal, the dog owner or custodian appealing a breed determination has the burden to show that the dog is not a pit bull.

5. If the dog owner or custodian is cited for violation of this Section after the Department has determined that the dog is a pit bull, the citation may be appealed as provided in Chapter 1.17.

G. Mandatory Spay Neutering of Pit Bull Breed Dogs. No person shall own or possess a pit bull over the age of four (4) months that has not been spayed or neutered, except as provided for in Section D of this Ordinance.

H. Severability. If any provision, clause, sentence or paragraph of this Section or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Section which can be given effect without the invalid provision or application, and to this end, the provisions of this Section are hereby declared to be severable. (Ord. 7362 §1, 2017; Ord. 7236 §1, 2013)