

**ORDINANCE NO. 630**  
(AS AMENDED THROUGH 630.16)

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 630  
REGULATING THE KEEPING AND CONTROL OF DOGS, CATS, AND OTHER ANIMALS AND  
PROVIDING FOR THE CONTROL AND SUPPRESSION OF RABIES,  
The Board of Supervisors of the County of Riverside Ordains as follows:

**Findings:**

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

1. The keeping of dogs and other animals in close proximity to adults and children has resulted in increased incidents of attacks, biting and menacing behavior by such dogs and other animals.
2. These incidents now present a public health and safety problem to the residents of this County. The increased numbers of cases have resulted in painful and/or serious injuries to adults and children, death and injuries to other animals, attendant economic losses to County residents, and anxiety to those bitten by unlicensed animals whose vaccination status is therefore not established.
3. In an attempt to bring this problem under control, it is necessary to (1) increase the total number of animals which are licensed and thus properly established to have been vaccinated against rabies and (2) encourage the spaying and neutering of animals, which (a) reduces the number of strays at large and not safely confined, (b) reduce the aggressiveness and number of animals at large, and (c) reduces the financial cost to taxpayers of animal control services.

**Section 1 DEFINITIONS:**

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

- a. Altered.** A male animal that has been neutered or a female animal that has been spayed. Also referred to as a sterile animal.
- b. Animal Rescuer.** Any individual possessing a rescue permit from the Department of Animal Services, who routinely obtains a dog or cat from the rightful owner of said animal, or any animal from an animal shelter that has been retained in accordance with this ordinance.
- c. Animal Rescue Operation.** Any building, structure, enclosure or premises run by an Animal Rescuer, whether or not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code for the prevention of cruelty to animals, which meets all requirements and standards referred to in Section 6 of this ordinance.
- d. Animal Services Director.** The Director of the Department of Animal Services of the County of Riverside or his duly authorized representative.
- e. At Large.** Any dog which is off the premises of its owner, custodian or caretaker and which is not under physical restraint by a leash of a size and material appropriate to the size and temperament of the dog and which is held by a person capable of restraining such a dog, or is not otherwise physically restrained by some other device or instrumentality, except that such device or

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

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

A dog engaged in hunting actives, including training, is not required to be on a leash when it is being controlled by the hunter/guardian within the areas designated for the use of firearms by Ordinance 514. The hunting dog must be rabies vaccinated and licensed in the jurisdiction of origin. The hunter/guardian must be in compliance with all local ordinances, and state laws and regulations relating to hunting and the keeping of animals when the hunting dog(s) is in engaging in training or hunting activities. The actively hunting dog is not considered a dog running at large. Hunting dogs must be on a leash when not participating in hunting or training actives.

- f. Cattery.** Any building, structure, enclosure or premises whereupon, or within which, ten (10) or more cats, four (4) months of age or older, are kept or maintained.
- g. Class I Kennel.** Any building, structure, enclosure, or premises whereupon, or within which, five (5) to ten (10) dogs, four (4) months of age or older, are kept or maintained. A Class I Kennel shall not include a Sentry Dog Kennel or an Animal Rescue Operation that meets the definition and requirements set forth in this ordinance.
- h. Class II Kennel.** Any building, structure, enclosure, or premises whereupon, or within which, eleven (11) to twenty-five (25) dogs, four (4) months of age or older, are kept or maintained.
- i. Class III Kennel.** Any building, structure, enclosure, or premises whereupon, or within which, twenty-six (26) to forty (40) dogs, four (4) months of age or older, are kept or maintained.
- j. Class IV Kennel.** Any building, structure, enclosure, or premises whereupon, or within which, forty-one (41) or more dogs, four (4) months of age or older, are kept or maintained.
- k. Community.** Any public entity which is authorized by law to regulate and control dogs or cats or both.
- l. County Animal Control Ordinances.** This term shall include Riverside County Ordinance nos. 534, 560, 630, 716, 771, 817, 818, 878 and 921.
- m. Custodian.** Any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, on behalf of another, or represents the interests of the owner.
- n. Department.** The Riverside County Department of Animal Services.
- o. Director.** The Director of the County of Riverside or his/her duly authorized representative.
- p. Exigent Circumstances.** Circumstances in which the officer, in his/her reasonable judgment, determines that a life threatening or serious injury may occur if immediate action is not taken, i.e., animal may die if not immediately transported to a veterinarian, or animal may bite and seriously

injure a human or animal if not immediately impounded, or animal may die if officer does not immediately enter property and rescue, etc.

- q. Exotic Animal.** Exotic animal is defined as any animal which is not normally domesticated in the United States including, but not limited to any lion, tiger, bear, non-human primate (monkey, chimpanzee, etc.), wolf, coyote, cougar, bobcat, ocelot, wildcat, skunk, boa, python, reptile, amphibian, bird, or venomous snake, irrespective of its actual or asserted state of docility, tameness or domesticity.
- r. Guide Dog.** Any dog trained or being reared, trained or used for the purpose of guiding a blind person.
- s. Hybrid Animal.** Any animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the State of California.
- t. Impounded.** Having been received into custody of any animal control center, animal control officer, animal control vehicle, or peace officer duly authorized by the County of Riverside to receive such animal.
- u. Incapable of Breeding.** Any dog or cat which has been examined by a California licensed Veterinarian and determined to not be capable of reproducing. A certificate of Sterility, signed by the veterinarian must be provided upon demand.
- v. Owner.** Any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, for any period exceeding a total of thirty days.
- w. Person.** Any individual, firm, business, partnership, joint venture, corporation, limited liability company, profit or non-profit association, club or organization.
- x. Public Entity.** Any state, or any political subdivision, municipal corporation; profit or non-profit or agency thereof.
- y. Sentry Dog.** Any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility. The term "guard dog" shall also mean "sentry dog".
- z. Sentry Dog Kennel.** Any building structure, enclosure, or premises whereupon, or within which, five (5) or more guard or sentry dogs are kept or maintained.
- aa. Service Dog.** Any dog being reared, trained or used for the purpose of fulfilling the particular requirements of a physically disabled person, including but not limited to minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.
- bb. Signal Dog.** Any dog trained or being reared, trained or used for the purpose of alerting a deaf person or a person whose hearing is impaired, to intruders or sounds.
- cc. Unaltered and Unspayed.** A dog or cat, four (4) months of age or older, that has not been spayed or neutered. A condition, that exists, in an animal which permits the producing of offspring.
- dd. Unlicensed Dog.** Any dog, for which, no valid license is currently in force.

**ee. Vaccination.** An inoculation against rabies of any dog or cat, four (4) months of age or older, with any vaccine prescribed for the purpose by the California Department of Health Services.

**ff. Veterinarian.** A person holding a current valid license to practice veterinary medicine issued by the State of California pursuant to Chapter 11 of the California Business and Professions Code.

**gg. Vicious Dog/Vicious Cat.** Any dog or cat which has bitten a person or animal without provocation or direction or which has a disposition or propensity to attack or bite any person or animal without provocation or direction.

## **Section 2- MANDATORY DOG LICENSING AND VACCINATION:**

- a.** Except as provided in Section 5, Subsection (a) of this Ordinance, it is unlawful for any person to own harbor or keep any dog, four (4) months of age or older, within the unincorporated area of the County, for a period longer than thirty (30) days, unless a currently valid license tag has been issued by the Director or any agency authorized by the County of Riverside for such purpose and said tag is displayed upon the dog's collar pursuant to section 30951(b) of the California Food and Agriculture Code.
- b.** It is unlawful for any person to own, harbor or keep any dog, four (4) months or age or older, within the unincorporated area of the County of Riverside, for a period longer than thirty (30) days, which has not been vaccinated against rabies. Every person in the unincorporated area of the county who owns, harbors or keeps any dog over four (4) months of age for a period longer than thirty (30) days shall have such dog vaccinated against rabies as provided herein, by a veterinarian of his/her choice and such vaccination shall be renewed in accordance with the applicable laws and regulations of the State of California.
- c.** Each veterinarian after vaccinating any dog shall sign a certificate of vaccination in triplicate in the form required by the Director. The veterinarian shall keep one (1) copy, Shall give one (1) copy to the owner of the vaccinated dog and shall send one (1) copy to Department.
- d.** The Director shall issue a license only upon presentation of a certificate of vaccination indicating therein that the date of the expiration of the vaccination immunity is not earlier than the date of the expiration of the license being issued or renewed, and upon payment of the applicable license fee specified in Section 2, Subsection (F) of this Ordinance; provided, however, that where the vaccinated dog is between the ages of four (4) months and twelve (12) months, the period of vaccination immunity required for licensing shall be specified in Title 17, California Administrative Code, Section 2606.4.
- e.** Notwithstanding the provisions of Section 2, Subsections (B) and (D) of this Ordinance, in the event a dog has a short-term illness, is pregnant, or suffers from a long-term debilitating illness which in the opinion of a veterinarian contraindicates vaccination for rabies, such dog shall not be required to undergo vaccination during the period of such illness or pregnancy where a request for vaccination deferral has been approved by the Director. Such request shall specify the duration of the requested deferral, the reason for the requested deferral, and shall be signed by a veterinarian. The Director shall issue a license for such dog upon approval of the request for vaccination deferral and payment for the applicable license fee specified in Section 2, subsection (F) of this Ordinance. The owner or person having custody of such dog shall confine and shall keep such dog confined, for the duration of the deferral. Within fourteen (14) days after the expiration of the deferral, the

owner or person having custody of such dog shall present to the Director a certificate of vaccination in accordance with the provisions of Section 2, Subsection (D) of this Ordinance.

f. Subject to the provisions of Section 2 of this Ordinance, licenses shall be issued upon payment of the following fees:

1. License valid for one (1) year from the date of issuance, for each sterile dog, accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$17.00
2. License valid for one (1) year from the date of issuance, for each dog to which provisions of Section 2, Subsections (F) (1) and (7) of this Ordinance are not applicable. \$100.00.

Except for animals owned by recognized dog or cat breeders as defined by Department of Animal Services Policy, the fee shall be \$65.00

3. License valid for two (2) years from the date of issuance, for each sterile dog, accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$34.00.
4. License valid for two (2) years from the date of issuance, for each dog to which provisions of Section 2 Subsections (F) (3) and (8) of this Ordinance are not applicable. \$200.00. Except for animals owned by recognized dog or cat breeders as defined by Department of Animal Services Policy, the fee shall be \$130.00.
5. License valid for three (3) years from the date of issuance, for each sterile dog, accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$49.00.
6. License valid for three (3) years from the date of issuance, for each dog to which provisions of Section 2, Subsections (F) (5) and (9) of this Ordinance are not applicable. \$300.00. Except for animals owned by recognized dog or cat breeders as defined by department of animal services policy, the fee shall be \$195.00.
7. License valid for one (1) year from date of issuance, for each sterile dog, which is owned by a person sixty (60) years of age or older, and is accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$12.00
8. License valid for two (2) years from date of issuance, for each sterile dog, which is owned by a person sixty (60) years of age or older, and is accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$24.00
9. License valid for three (3) years from date of issuance, for each sterile dog, which is owned by a person sixty (60) years of age or older, and is accompanied by a certificate signed by a veterinarian that said dog is permanently unable to reproduce. \$36.00
10. Dangerous/Vicious Animal Registration as required by Ordinance 771. \$250.00
11. A processing fee of \$1.50 shall be added to each license processed on line.
12. A processing fee of 3% will be added to all credit/debit card purchases that are not made on line.

- g.** No fee shall be required for license for any “assistance dog” such as a guide dog, signal dog or service dog as defined in California Food and Agriculture Code, Section 30850 (a), if such dog is in the possession and under the control of, in the case of a guide dog, a blind person, or in the case of a signal dog, a deaf or hearing impaired person, or in the case of a service dog, a physically disabled person, or where such dog is in the possession and under the control of a bona fide organization having as its primary purpose the furnishing and training of guide dogs for the blind, signal dogs for the deaf or hearing-impaired, or service dogs for the physically disabled. However, this provision does not remove the owner’s responsibility to vaccinate said dogs against rabies and attach a current license tag to the dog’s collar. Whenever a person applies for an assistance dog identification tag, the person shall sign an affidavit as defined in California Food and Agriculture Code, Section 30850 (b).
- h.** No fee shall be required for a license for any dog owned by a public entity.
- i.** Each license specified in Section 2 of this Ordinance shall be valid for the period specified in Section 2 and shall be renewed within thirty (30) days after such period terminates, except that where the current vaccination for the dog which is the subject of the license shall expire prior to the expiration date of the license being applied for, the Director may upon request of the owner or custodian of such dog, backdate such license so that its expiration date occurs concurrent with or prior to the expiration date of the vaccination; provided, however, that where such backdating is performed, there shall be no reduction or discount of the license fee applicable to the license applied for, and such license shall be renewed within thirty (30) days after the date of its expiration.
- j.** If an application for a license is made more than thirty (30) days after the date a dog license is required under this Ordinance, the applicant shall pay, in addition to the applicable license fee, a late fee of twenty-five dollars (\$25.00). A late fee for an altered dog owned by a senior citizen is established at fifteen dollars (\$15.00).
- k.** Whenever a dog validly licensed under this Ordinance shall have died more than three (3) months before the expiration date of the license, the owner of such dog may return the license tag to the Director, accompanied by a statement signed by a veterinarian or a declaration signed under penalty of perjury by the owner, indicating that such dog is dead and specifying the date of death. In such event, the license shall be canceled and a pro-rata credit of the license fee by full calendar quarters of the original license period remaining after the death of the dog may be applied during said remaining period to the license fee for another dog acquired by the same owner.
- l.** Upon transfer of ownership of any dog validly licensed under this Chapter, the new owner shall notify the director of such transfer within thirty (30) days of such transfer, on a form prescribed by the director, accompanied by a transfer fee of six dollars (\$6.00).
- m.** Notwithstanding the provisions of Section 2, Subsection (a) of this Ordinance, where a person moves into the unincorporated area of the county from another community who owns a dog which is currently vaccinated against rabies and for which dog a license was issued by such other community, such license shall be deemed valid for a period of one (1) year from the date such person moves into the unincorporated area of the county or on the date of expiration of the license issued by such other community, whichever is earlier. If an application for a license from the Director is made more than thirty (30) days after such license is required, the applicant shall pay, in addition to the applicable license fee, a late fee of twenty-five dollars (\$25.00).
- n.** If a valid license tag is lost or destroyed, a duplicate thereof may be procured from the director upon submission to the director of a statement signed by the owner of the dog containing the date and circumstances of such loss or destruction and the payment of a fee of six dollars (\$6.00).

- o. Upon request of the director, any owner of a dog for which a license is required under the provisions of this chapter shall present to the Director a currently valid certificate of rabies vaccination or license tag.
- p. It shall be unlawful for any person to make use of a stolen, counterfeit or unauthorized license, tag, certificate or any other document or thing for the purpose of evading the provisions of this Ordinance.

**Section 3 CONTROL OF UNSPAYED AND UNALTERED CATS:**

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

**Section 4 OPTIONAL LICENSING FOR CATS:**

An owner of a cat may be issued a license and tag for such cat upon presentation to the Director of a certificate of vaccination signed by a veterinarian certifying that such a cat has been vaccinated, and upon the payment of a license fee of three dollars (\$3.00) Said license shall be valid for the period of immunity indicated in the certificate of vaccination.

**Section 5 MANDATORY LICENSING OF KENNELS AND CATTERIES:**

- a. Any person maintaining five (5) or more dogs shall obtain the appropriate Kennel License. No person shall operate or maintain a Class I Kennel, Class II Kennel, Class III Kennel, Class IV Kennel, Sentry Dog Kennel or Cattery without first obtaining an appropriate license from the Department. Such a license shall be valid for a period of either one (1) or two (2) years from the date of issuance. Said license shall be renewed within thirty (30) days after the date of expiration. Where a kennel license has been issued and is in effect, the dogs contained in such kennel shall be exempt from the requirements of individual license tags as provided in Section 2 of this Ordinance. This Class I Kennel, Class II Kennel, Class III Kennel, Class IV Kennel, Sentry Dog Kennel, Cattery License fees, and late fees, shall be as set forth below. If an application for a license or renewal of a license is made more than thirty (30) days after such license is required or such previous license has expired a late fee of fifty percent (50%) of the applicable fee shall be added.

**KENNEL LICENSE**

**Class 1 (5-10 dogs)**

1 year license, Unaltered.....	\$250.00
2 year license, Unaltered.....	\$450.00
1 year license, Altered.....	\$150.00
2 year license, Altered.....	\$250.00

**COMMENTS:**

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

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

**Class II (11-25 dogs)**

1 year license, Unaltered.....	\$350.00
2 year license, Unaltered.....	\$600.00

1 year license, Altered.....	\$250.00
2 year license, Altered.....	\$400.00

COMMENTS:

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

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

**Class III (26-40 dogs)**

1 year license, Unaltered.....	\$450.00
2 year license, Unaltered.....	\$750.00
1 year license, Altered.....	\$350.00
2 year license, Altered.....	\$550.00

COMMENTS:

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

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

**Class IV (41+ dogs)**

1 year license, Unaltered.....	\$550.00
2 year license, Unaltered.....	\$900.00
1 year license, Altered.....	\$450.00
2 year license, Altered.....	\$700.00

COMMENTS:

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

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

**Sentry Dog Kennel**

1 year license, Unaltered.....	\$500.00
2 year license, Unaltered.....	\$800.00
1 year license, Altered.....	\$400.00
2 year license, Altered.....	\$600.00

COMMENTS:

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

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

**Cattery License**

1 year license, Unaltered.....	\$250.00
2 year license, Unaltered.....	\$400.00
1 year license, Altered.....	\$200.00
2 year license, Altered.....	\$300.00

COMMENTS:

3. Altered: All dogs are spayed and/or neutered.
4. Unaltered: One or more dogs are not spayed and/or neutered.

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

- b. Application for a kennel or cattery license shall be filed with the Director on a form prescribed by him/her not later than ten (10) days after obtaining written verification from the Riverside County Planning Department that the operation of the kennel or cattery is in compliance with applicable provisions of Riverside County Ordinance No. 348. Said application form, when completed, shall contain such information as may reasonably be required by the Director for



the purposes of enforcement of this Ordinance, including but not limited to the current home telephone number of the caretaker of the subject kennel or cattery and another current telephone number for emergency use or messages when such caretaker is absent for the subject kennel or cattery. Where a kennel or cattery is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises to the effect that the kennel or cattery may be maintained and operated on such premises shall be submitted to the Director at the time the application for the kennel or cattery license is submitted.

- c. After receipt of a kennel or cattery license application, the Director, or his designee, shall make an inspection of the premises of the kennel or cattery for which a license is requested. No kennel or cattery license shall be issued nor shall any such license be renewed, unless and until the kennel or cattery, in the opinion of the Director, satisfies the applicable laws and regulations of the State of California, the applicable ordinances of the County of Riverside and the applicable conditions set forth in the Standards for Kennels and Catteries adopted by resolution of the Board of Supervisors. Notwithstanding any other provision of this Ordinance, the Director or the Riverside County Planning Director may, in their respective discretion, limit the number of dogs or cats over the age of four (4) months which are kept or maintained in any kennel or cattery, and such limitation may be imposed at such time as an application for an initial kennel or cattery license is considered or at such time as an application for renewal of a kennel or cattery license is considered.
- d. Notwithstanding any other provision of this Ordinance, the Director, or his designee, is hereby authorized to enter upon and inspect the premises of any kennel or cattery located in the County of Riverside for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this Ordinance and the Standards for Kennels and Catteries referred to in Section 5, Subsection (c) of this Ordinance. As a condition of the issuance of a kennel or cattery license, each owner and operator of a kennel or cattery shall agree to allow such entry and inspection and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the owner or operator of the kennel or cattery is present on the kennel or cattery premises, and with such frequency as the Director shall deem appropriate, and such inspections may, at the discretion of the Director, be made without prior notice to the owner or operator of the subject kennel or cattery. Willful refusal on the part of a kennel or cattery owner or operator to allow such inspection shall be grounds for summary denial of an application for a kennel or cattery license or for summary suspension or revocation of a kennel or cattery license.

## **Section 6 ANIMAL RESCUER:**

- a. Any person engaged in the rescue of animals, shall first obtain a rescue permit from the Department and shall meet all requirements and standards for a kennel/cattery license.
  1. For an animal rescuer that is not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code commencing with Section 10400 for the prevention of cruelty to animals, the animal rescuer may keep two (2) dogs with a rescue permit and no minimum land requirement so long as all other requirements and standards for a kennel license, referred to in Section 5, Subsection (c) of this Ordinance, are met.
  2. For an animal rescuer that is a valid nonprofit formed pursuant to the provisions of the California Corporations Code commencing with Section 10400 for the prevention of cruelty to animals, the animal rescuer may maintain up to ten (10) dogs with a rescue permit and no minimum land requirement so long as all other requirements and standards for a kennel license are met. Such animal rescuer shall not need to obtain a Class I Kennel permit.

3. For an animal rescuer maintaining eleven (11) or more dogs a class II Kennel License is required, and the minimum land requirement shall be one acre.
  4. For an animal rescuer maintaining ten (10) or more cats a Cattery License is required, and the minimum land requirement shall be one acre.
- b. The fees for a kennel cattery rescue permit for a rescue facility shall be as follows:
    1. \$60.00 for up to six (6) rescue dogs (with a late fee of 50% of one year) for one year or \$100.00 for two years.
    2. \$120.00 for seven to ten dogs (with a late fee of 50% of one year) for one year or \$200.00 for two years.
    3. One hundred percent (100%) of the applicable kennel or cattery license fee in those cases where a kennel or cattery license is required.
  - c. Animal rescuer may keep a maximum of four (4) personal (not for adoption or sale) dogs and nine (9) personal (not for adoption or sale) cats and must include these animals as "personal pets" on the animal rescue permit application. These animals are included in the overall count that will change the category to class II Kennel permit for 11 dogs or more and a cattery license for 10 or more cats.
  - d. Personal dogs (not for sale or adoption) shall be individually licensed in accordance with this ordinance.
  - e. A permitted animal rescuer obtaining animals from a shelter facility pursuant to Section 11, subsection (g) of this ordinance, shall not be subject to the payment of impound fees and charges specified in Section 11, subsection (a) but may be subject to the spay/neuter deposit specified in Section 12, subsection (a) of this ordinance.
  - f. All rescued dogs and rescued cats older than four (4) months must be spayed/neutered prior to releasing to an adopting party. In any event, the animal must be altered within 30 days of receipt by the rescuer.
  - g. Accurate and complete records of all animals shall be maintained by the animal rescuer on forms which will be made available to Department for inspection upon request.
  - h. An animal rescuer may recoup, from the adopting party, the cost of any inoculations, the cost incurred by having the animal altered prior to adoption, and any costs related to the treatment of illness or injury.
  - i. Administration of the Animal Rescue Program shall be the responsibility of the Animal Services Director who shall have authority to issue and revoke animal rescue permits.

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

- a. The Director may, in his/her discretion, deny any application for a kennel or cattery license whether such application is for an original license or renewal of a license, and may suspend or revoke any kennel or cattery license if he finds that a kennel or cattery fails to meet any or all of the Standards for Kennels and Catteries referred to in Section 5, Subsection (c) of this ordinance or is in violation of any law of the State of California or any provision of this Ordinance, any provision of any other County ordinance or provision of a Conditional Use Permit.

- b. When such denial, suspension or revocation occurs, the Director shall prepare a written notice of such denial, suspension or revocation which shall contain a brief statement of the reason of reasons for such denial, suspension or revocation. The Director shall serve such notice upon the applicant or licensee by hand delivery or by registered or certified mail, postage prepaid, return receipt requested. Denial, suspension or revocation shall be effective thirty (30) days after service of such notice. Where an application for a kennel or cattery license is denied or where a kennel or cattery license issued pursuant to this Ordinance is revoked, no application for a new license for such kennel or cattery shall be considered for a period of one (1) year from the effective date of such denial or revocation; provided, however that for good cause shown the Board of Supervisors may direct there be a lesser period of time before such application will be considered.
- c. Any person whose application has been denied or whose license has not been renewed, or whose license has been suspended or revoked, may appeal such denial, non-renewal, suspension or revocation by filing with the Clerk of the Board of Supervisors within fifteen (15) days after notice of such denial, suspension or revocation, a written notice of appeal briefly setting forth the reasons why the appellant alleges such denial, non-renewal, suspension or revocation is improper. Within five (5) days of the receipt by the said Clerk of such notice of appeal, the Clerk shall set a hearing date for the appeal and shall give written notice of the date, time and place of such hearing to the appellant, and such notice shall be sent by registered or certified mail, postage prepaid, return receipt requested. The date of hearing shall be not less than twenty (20) business days from the date of the 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) business days from the date of the mailing of the notice of denial, non-renewal, suspension or revocation; provided, however, that at the request of the appellant, the Clerk of the Board may extend the hearing date for a reasonable period beyond the aforementioned forty-five (45) business day limit. The appeal shall be heard by the Board which may affirm, modify or reverse the denial, non-renewal, suspension or revocation. In conducting the hearing, the Board of Supervisors shall not be limited to technical rules relating to evidence & witnesses, as applicable in courts of law. To be admissible, evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

During the pendency of the appeal, there shall be in effect an automatic stay of the denial, non-renewal, suspension or revocation; provided, however, that during said period of pendency the Director may take such action as he/she deems appropriate 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 Ordinance or any other provision of law not related to the failure of the subject kennel or cater to be currently and otherwise validly licensed.

## **Section 8 DUTIES AND POWERS OF OFFICERS:**

1. It shall be the duty of all peace officers within the County of Riverside, to cooperate with and assist the Animal Services Director in the enforcement of the provisions of this Ordinance, and in the enforcement of California State law relating to the regulation, care and/or keeping of animals, and such peace officers and the Animal Services Director/designee shall be empowered to:
  - a. Receive, take up and impound any dog or other animal found running at large in violation of this Ordinance, any other ordinance or of any law of the State of California.

- b. Issue a warning notice for, citation for, or investigate any violation of any provision of any County ordinance or California law regarding the care or keeping of animals.
  - c. Investigate whether a dog is licensed in compliance with the requirements of this Ordinance.
  - d. Seize and impound any animal as authorized by this Ordinance or any other ordinance or state law. When the animal to be taken or seized is located inside a private residence or in its curtilage, a judicial order directing seizure of the animal shall, absent exigent circumstances, be obtained prior to seizure.
  - e. Regularly and adequately feed, water and otherwise care for any animals impounded under the provisions of this Ordinance, other ordinance or state law or to provide for such feeding and/or watering and care.
  - f. Follow the provisions of the Riverside County Ordinance number 716 in humanely destroying or giving emergency care to sick or injured animals.
2. Any Peace Officer, Riverside Animal Services Department Officer, and Animal Services Director, charged with the responsibility for enforcement of the provisions of this Ordinance, or any other ordinance, or state law governing animals may arrest a person without warrant whenever he/she has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in his/her presence, or a felony which is in violation of this Ordinance or other ordinance governing animals or California law regulating the care and/or keeping of animals.
  3. In any case in which a person arrested, does not demand to be taken before a magistrate: 1) regarding any infraction, such officer or employee making the arrest shall prepare a written Notice to Appear and shall release the person on his/her promise to appear, as prescribed by Section 853.5 of the California Penal Code; 2) Regarding a misdemeanor, such officer or employee may prepare a written Notice to Appear and may release the person on his/her written promise to appear, as prescribed by California Penal Code Section 853.6.

## **Section 9 ENTRY UPON PRIVATE PROPERTY:**

Unless otherwise prohibited by law, all persons whose duty it is to enforce the provisions of this Ordinance are hereby empowered to enter upon private property, where any dog, cat or animal is kept or reasonably believed to be kept, for the purpose of ascertaining whether such animal is being kept in violation of any provision of this Ordinance, other ordinance governing animals, or California State law relating to the regulation, care and/or keeping of animals.

Notwithstanding any provision in this Ordinance relating to entry upon private property for any purpose under this Ordinance, no such entry may be conducted: (a) without the express or implied consent of the property owner or the person having lawful possession thereof, or (b) unless an inspection warrant has been issued and the entry is conducted in accordance with California Code of Civil Procedure, Sections 1822.50 through 1822.56, inclusive, or (c) except as may otherwise be expressly or impliedly permitted by law.

## **Section 10 CAPTURE OF DOGS RUNNING AT LARGE:**

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

Notwithstanding any provision in this Ordinance, dogs that are actively engaged in hunting and training activities under the control of its hunter/guardian in the areas designated for the use of a firearm by Ordinance 514 are not required to be on a leash and are not to be considered dogs running at large. The hunting dog must be rabies vaccinated and licensed in the jurisdiction of origin. The hunter/guardian must be in compliance with all local ordinances, and state laws and regulations relating to hunting and the keeping of animals when the hunting dog(s) is in engaging in training or hunting activities. Hunting dogs must be on a leash when not participating in hunting or training activities.

## **Section 11 IMPOUNDED DOGS AND CATS AND SERVICE FEES:**

- a. An impounded dog or cat may be redeemed upon payment of the following fees:
  - (1) The Director shall charge and collect from each person redeeming an unaltered impounded animal a State Mandated unaltered animal fine of \$35.00 for the first offense, \$50.00 for the second offense, and \$100.00 for the third offense, plus the actual costs of transporting the animal to impound, the actual costs of veterinary and related services rendered to the animal while impounded, the actual costs of sale incurred, and the actual costs of any extraordinary measures required in or for the handling and maintenance of the animal while impounded.
  - (2) The Director shall charge and collect from each person redeeming an altered or unaltered impounded animal an impounding fee of \$50.00 for the first offense, \$100.00 for the second offense, and \$150.00 for the third offense, plus the actual costs of transporting the animal to impound, the actual costs of veterinary and related services rendered to the animal while impounded, the actual costs of sale incurred, boarding fees, and the actual costs of extraordinary measures required in or for the handling and maintenance of the animal while impounded.
  - (3) Notwithstanding any other provision of this Ordinance, where a sterile dog or sterile cat belongs to a person sixty (60) years of age or older is impounded and the owner produces a certificate, signed by a veterinarian that such animal is permanently unable to reproduce, the base impoundment fee for such animal shall be fifty percent (50%) of the applicable impoundment fee specified in this Ordinance plus boarding fees.
  - (4) A processing fee of \$25.00 shall be added to all Administrative Citations.
  - (5) A processing fee of \$19.00 shall be added to all approved payment plans. This fee is to be charged annually, on the anniversary date, or closest business date after anniversary date.
  - (6) A processing fee of \$28.00 will be added to all payment plans sent to the Franchise Tax Board in an effort to collect past due amounts. This fee is to be charged annually, on the anniversary date, or closest business date after anniversary date.
  - (7) When a check is presented for payment and the constituents balance in their bank is insufficient to cover the amount of the charge; a fee of \$25 shall be added to the amount owed by the constituent.
- b. The fee for destruction and disposal of any dog, cat or other small animal in accordance with any provision of this Ordinance shall be \$25.00.
- c. The fee for destruction and disposal of any horse, donkey, burro or other large animal in accordance with any provision of this Ordinance shall be \$193.00.

- d. Any dog, four (4) months of age or older, which has been impounded shall not be released from impoundment unless it is licensed in accordance with the provisions of this Ordinance.
- e. An officer acting under the provisions of this Ordinance who impounds a dog or cat pursuant to Section 8, subsection (a) or (d) of this Ordinance, shall give written notice of the impound by first class mail, postage prepaid, to the identified address on the animal or last known owner address provided in County records, if the dog or cat is: 1) wearing a Riverside County dog or cat license tag, 2) wearing any other identification tag containing an address, or 3) is micro chipped. If such dog or cat is not redeemed within ten (10) calendar days from the date of the mailing of such notice, the officer having custody of the dog or cat shall dispose of it in accordance with the provisions of Section 11, subsection (h) of this Ordinance, or shall humanely destroy such dog or cat.
- f. Upon impounding a stray dog pursuant to Section 8, subsections (a) or (d) of this Ordinance or a stray cat, the holding period for such stray dog or cat shall be in accordance with State law, as appearing in California Food and Agricultural Code sections 31752 and 31108 or other such applicable State law, as amended from time to time.
- g. The officer having custody of any impounded dog, cat or other animal may, by humane methods, summarily destroy such dog, cat or other animal if:
  - 1) the animal is suffering from any incurable, dangerous or contagious disease, providing a veterinarian shall certify, in writing, that such animal is so suffering; or, in the officers best judgment it would be inhumane and cause needless suffering to prolong the life of the animal in order to see a veterinarian or,
  - 2) It is an unlicensed vicious dog, cat or other animal.
- h. Any officer having in his custody any unredeemed, impounded dog or cat may release such dog or cat to any adult individual upon payment by that individual of the impound fees and charges specified in Subsection (a) of this Section, or to a nonprofit corporation formed under the provisions of California Corporations Code commencing with Section 10400 for the prevention of cruelty to animals or to a nonprofit organization formed under the laws of the State of California for the prevention of cruelty to animals, for such placement as such nonprofit corporation or nonprofit organization may choose. Releases of dogs or cats to such nonprofit corporations or nonprofit organizations pursuant to Subsection (h) of this Section shall not be subject to the payment of impound fees and charges specified in Subsection (a) of this Section.
- i. It shall be unlawful for any person to remove an impounded animal from an animal control Shelter or Animal Control transport vehicle without the permission of the officer in charge thereof.
- j. Animal Control Officers choosing to return an impounded animal to the owner, in the field may collect a field return impound fee of \$40.00
- k. Animal Control Officer picking up owned animals at the request of the owner shall collect a fee of \$30.00 from the owner.
- l. Animal Control Officers investigating and authorizing a home quarantine shall collect a fee of \$50.00 from the owner or custodian of the animal.

- m. Animal Control Officers providing assistance with trap service, for feral animals or nuisance wildlife that are not considered a public health risk, shall collect a service fee of \$20.00 for the first five (5) days and \$2.00 per day for each additional day after the fifth (5) day.
  - 1) A fee of \$73.00 shall be charged for all cat traps which are lost or destroyed.
  - 2) A fee of \$355.00 shall be charged for all dog traps which are lost or destroyed.
  - 3) A fee of \$90 shall be charged for all other traps which are lost or destroyed.
- n. Owners of animals impounded for quarantine at a County facility shall be charged a quarantine fee of \$10.00 per day in addition to the regular daily boarding fee.
- o. The hourly rate for the recovery of administrative costs associated with the recoupment of enforcement costs provided in this Ordinance shall be \$53.00.
- p. The fee for a micro-chip identification device shall be \$21.00 per animal; the fee shall be \$12.00 when adopting an animal from a County animal shelter.
- q. The fee for after-hours personnel assistance is \$104, per hours. The after-hours charge shall commence after the close of normal business hours and shall be in addition to any other applicable fees set forth in this Ordinance.
- r. The fee(s) for adopting any unredeemed, impounded dog or cat will be based on tiered system that includes vaccinations, micro chipping, deworming, spay or neutering and adoption charges. Senior citizens and disabled people will be charged at 50% of the applicable charges. To reduce and/or eliminate the euthanasia of adoptable dogs and cats, the Director or his designee shall have the discretion to decrease or entirely waive the adoption fees for last chance adoptions, which are adoptions of urgent animals scheduled for euthanasia. The Director or his designee shall have the discretion to decrease the adoption fees of animals adopted at special events in order to promote the adoption of impounded animals. The director or his designee shall also have the discretion to waive fifty percent (50%) of the applicable tiered fee if the animal is adopted by the foster care provider currently providing care for the animal or for an employee of the County of Riverside.

The following fees for dogs are based on time in shelter and shall apply as follows:

- 1) Dogs zero (0) to fifteen (15) days.....\$105.00
- 2) Dogs sixteen (16) to thirty (30) days.....\$55.00
- 3) Dogs more than thirty (30) days.....\$20.00

The following fees for cats are based on age of cat or kitten and shall apply as follows:

- 1) Kittens eight (8) weeks to four (4) months of age.....\$65.00
- 2) Kittens more than four(4) months to one (1) year of age.....\$45.00
- 3) Cats more than one (1) year of age.....\$25.00

- s. For animals turned in at shelters, the owner turn-in fee shall be \$20.00.
- t. Animals impounded at a County facility shall be charged a boarding fee of \$15.00 per day.
- u. The Director shall charge and collect from each person the veterinarian and staff rates for the treatment of animals, as set forth below. The Director shall also charge and collect for any additional costs for veterinary and related services rendered to the animal, and the actual costs

of any extraordinary measures required in or for the handling and maintenance of the animal. Veterinarian and staff rates for the treatment of animals and other related fees shall be as follows:

- (1) An hourly rate of \$142.70 for Doctors of Veterinary Medicine (DVM);
- (2) An hourly rate of \$79.08 for Supervising Registered Veterinary Technicians (SRVT);
- (3) An hourly rate of \$72.51 for Registered Veterinary Technicians (RVT)
- (4) An hourly rate of \$67.85 for Veterinary Technician (VT);
- (5) An hourly rate of \$94.79 for Operations Chiefs;
- (6) A fee of \$8.00 for small pain management;
- (7) A fee of \$15.00 for large animal pain management;
- (8) A fee of \$18.00 for each injection;
- (9) A fee of \$35.00 for sedation;
- (10) A fee of \$8.00 for fluids;
- (11) A fee of \$8.00 for small animal de-worming;
- (12) A fee of \$16.00 for large animal de-worming;
- (13) A fee of \$25.00 for large animal tube de-worming, commonly referred to as tube worming;
- (14) A fee of \$20.00 to clip/clean;
- (15) A fee of \$18.00 for each horse vaccine;
- (16) A fee of \$75.00 for exploratory surgery;
- (17) A fee of \$8.00 for topical flea/tick treatment, also referred to as frontline;
- (18) A fee of \$70.00 for animal emergency clinic fees;
- (19) A Fee of \$20.00 for each night animal is held overnight at emergency clinic
- (20) A fee of \$70.00 for the first view of an X-ray; A fee of \$20.00 for the 2<sup>nd</sup> and any subsequent view of an X-ray;
- (21) A fee of \$15.00 for small animal daily oral medication; and
- (22) A fee of \$25.00 for large animal daily oral medication.

v. The Director shall charge and collect from any contracted city the County's standard field and sheltering rates for services provided as set forth below. In addition, the Director shall charge and collect from any contracted city the County's standard community outreach event and enforcement sweep rates for services provided and other related fees, as set forth below. Provided however that, upon a showing of extreme financial hardship by a city under contract with the County as of September 15, 2011 as to the impact of the standard rates and fees herein upon the cost of the existing services, the Director may negotiate a service contract containing reduced contract rates and fees with such contract subject to the approval of the Riverside County Board of Supervisors. The standard rates and fees shall be as follows:

- (1) An annual contract rate of \$127,026.00 for one (1) full-time Animal Control Officer (ACO) working for a total of 2,080 hours annually during regular shifts between the hours of 7:30 a.m. through 5:00 p.m. less County Holidays;
- (2) An annual contract rate of \$63,513.00 for one (1) half-time Animal Control Officer (ACO) working for a total of 1,040 hours annually during regular shifts between the hours of 7:30 a.m. through 5:00 p.m. less County Holidays;
- (3) A contract hourly rate of \$82.00 per hour for an Animal Control Officer (ACO) with a two (2) hour minimum charge per service call;
- (4) A contract overtime hourly rate of \$82.00 per hour for an Animal Control Officer (ACO) with a two (2) hour minimum charge per service call;



- (5) Where a contract for service provides for six or more officers, an annual contract rate of \$127,026.00 for one (1) dedicated full-time Sergeant of Field Services working for a total of 2,080 hours annually during regular shifts between the hours of 7:30 a.m. through 5:00 p.m. less County Holidays;
- (6) An annual contract rate of \$89,315.00 for one (1) full-time License Inspector (LI) working for a total of 2,080 hours annually during regular shifts between the hours of 7:30 a.m. through 5:00 p.m. less County Holidays;
- (7) A contract fee of \$2,460 for an enforcement sweep – six (6) hour day;
- (8) A contract fee of \$2,553.00 per community outreach event – full day of service (9 hours), provided however that one (1) outreach event may be included at no charge to a contracting city for each increment of one thousand six hundred (1,600) impounded dogs and cats that are projected for any fiscal year (“FY”) covered by the contract;
- (9) An annual sheltering contract rate of \$76.00 multiplied by total number of impounded dogs and cats for the most recent prior fiscal year (“FY”) for Blythe Shelter;
- (10) An annual sheltering contract rate of \$115.00 multiplied by total number of impounded dogs and cats for the most recent prior fiscal year (“FY”) for Coachella Valley Animal Campus Shelter;
- (11) An annual sheltering contract rate of \$138.00 multiplied by total number of impounded dogs and cats for the most recent prior fiscal year (“FY”) for Riverside Animal Campus Shelter;
- (12) An annual sheltering contract rate of \$81.00 multiplied by total number of impounded dogs and cats for the most recent prior fiscal year (“FY”) for San Jacinto Animal Campus Shelter.

## **Section 12 ALTERED AND UNALTERED ANIMALS:**

### **a. MANDATORY SPAYING AND NEUTERING**

1. Requirement. No person may own, keep, or harbor an unaltered and unspayed dog or cat 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 Ordinance. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.
2. Appointments are available to spay or neuter an unaltered dog or cat at the Riverside San Jacinto and Blythe Animal Shelters. The demand for these appointments exceeds the number of slots available. In an effort to maximize the number of animals spayed or neutered; Animal Services will charge a \$25 appointment fee that will be applied to the cost of spaying or neutering their animals, provided the customer keeps the appointment or contacts Animal Services 24 hours prior the appointment to reschedule.
3. 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. In the event that any dog follows under section 12(3)(A) of this ordinance, a mandatory spay and neuter deposit fee of \$75 shall be paid before the animal is released from the Shelter.
- C. 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.
- D. In the event any cat follows under section 12(3)(C) of this ordinance, a mandatory spay and neuter deposit fee of \$40 shall be paid before the animal is released from the shelter.
- E. Animals owned by recognized dog or cat breeders, as defined by Department of Animal Services Policy.
- F. Females over the age of 10 and males over the age of 12 are exempt from the Spay and Neuter requirement due to the biological improbability of reproduction, however, they will be required to purchase an unaltered license

**b. DENIAL OR REVOCATION OF UNALTERED DOG LICENSE AND RE-APPLICATION**

- 1. The Department 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 (3) 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, county 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 County Ordinances 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 ordinance 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 Ordinance have been met. No part of an unaltered dog licensee 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. The request must be made in writing within ten (10) days after the notice of the 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. Hearing officer. The hearing shall be conducted by the Animal Services Director's designee.
- C. Notice and conduct of hearing. The Department shall mail a written notice of the date, time and place for the hearing not less than ten (10) business days before the hearing date. The hearing date shall be no more than thirty (30) business 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 Department shall mail a written decision to the owner or custodian within ten (10) business days after the hearing. The decision of the hearing officer shall be the final administrative decision.

3. 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, within ten (10) days of the change in location of the dog, 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 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. PENALTIES**

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

1. 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, the following: 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.
2. 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 (1), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section.

**f. 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 requirement for the release of the animal, including but not limited to payment of impound fees pursuant to this Ordinance, 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) business 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 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) business days of the release, signed by the veterinarian, confirming that the dog or cat has been spayed or neutered or is incapable of breeding;
- E. Or if the owner or custodian demonstrates compliance with this section.

## 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 boarding cost, vaccination, medication, and any other diagnostic or therapeutic applications as provided in this Ordinance.
- 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. If the owner or custodian of an impounded unaltered animal does not pay the lien against it in full within fourteen (14) business days, the animal shall be deemed abandoned to the Department in accordance with this Ordinance.

## g. APPLICATION OF FEES AND FINES COLLECTED

All costs and fines collected under this part and the fees collected under, subsection (f) shall be paid to the Department for the purpose of defraying the cost of the implementation and enforcement of this program.

## Section 13 MANDATORY MICROCHIPPING OF DOGS AND CATS

- a. All dogs and cats over the age of four 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 2, 5 or any other licensing requirements of this ordinance.
- b. Exemptions. The mandatory micro chipping 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 the 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 which would be impaired of its athletic ability or performance if implanted with the microchip identification. 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.
  - 3. A dog or cat that is kenneled or trained in Riverside County, but is owned by an individual that does not reside in Riverside County. 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.

c. Transfer, sale of dogs and cats

1. An owner or custodian who offers any dog, over the age of four 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 offers any dog, over the age of four 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 Ordinance and shall be subject to the penalties set forth herein.
  2. An owner or custodian who offers any cat, over the age of four 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 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 offers any cat, over the age of four 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 Ordinance and shall be subject to the penalties set forth herein.
  3. When a puppy or kitten under the age of four 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 penalties set forth in this Ordinance.
- 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 Ordinance, 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 cost to deliver the dog or cat shall be based on the Department's hourly rate established by the Riverside County Auditor-Controller. The veterinarian shall complete and return to the Department within ten (10) business 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;
  3. Or, at the discretion of the Director of Animal Services, 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) business 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 a Riverside County animal shelter. The fee for an identifying microchip device shall be the amount set forth in Section 11, subdivision (p) per animal for all other animals. 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 number entered into the Department's registry as required by subdivision (a) of this section.
- f. Allocation of fees and fines collected. All costs, fees, and fines collected under this section shall be paid to the Department for the purpose of defraying the cost of the implementation and enforcement of this program and for low cost microchipping programs administered by the Department.

#### **Section 14 STRAY OR BARKING DOGS**

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

#### **Section 15 CAT TRAPPING**

- a. It shall be unlawful for any person to set or maintain an operating trap for a cat unless sign is posted on the property stating that such a trap is in the use on the property. The sign shall be clearly visible from the road serving the property on which the trap is set or maintained and shall remain posted and visible at all times while the trap is in use. Trapping shall not continue for more than ten (10) days in a thirty (30) day period. (See Resolution No 89-148.) If a person maintaining a trap should trap a lactating female cat, the person shall immediately release the cat thereby eliminating the chance of removing a cat that may be nursing kittens. This Section shall apply when the trap is being used for rabies control as determined in writing by the Department of Animal Services.

#### **Section 16 RABIES SUPPRESSION, CONTROL AND QUARANTINE**

- a. If it shall appear to the Director that any animal has rabies, the Director may destroy such animal forthwith, or may hold such animal for further examination or observation for such time as the Director may determine to be appropriate.
- b. Whenever any animal has been bitten by an animal which has rabies, which exhibits any symptoms of rabies or which is otherwise suspected of having or having been exposed to rabies, the owner or person having custody of such bitten animal shall immediately notify the Director, and shall immediately confine the animal and maintain that confinement until it is established, to the satisfaction of the Director, that such animal does not have rabies. The Director shall have the power to quarantine any such animal, or impound it at the owner's expense if the owner or person having custody of such animal shall fail, refuse, or is unable, in the opinion of the Director, to adequately confine such animal immediately, or in the event the owner or person having custody of such animal is not readily accessible.
- c. Whenever it is shown that any animal has bitten any person, the owner of person having custody of such animal shall, upon the order of the director, quarantine such animal and keep it confined at the owner's expense for a minimum period of ten (10) days for dogs and cats and

fourteen (14) days for all other animals, and shall allow the Director to make an examination of such animal at any time during such period of quarantine. Animals quarantined pursuant to this Subsection (c) shall not be removed from the premises upon which such animal is quarantined without permission of the Director. The director is hereby authorized to impound any animal at the owner's expense in the event the owner or person having custody of such animal fails or refuses to so confine such animal. Animals quarantined pursuant to this Subsection (c) shall remain under quarantine until notice is given by the Director that such quarantine is terminated.

- d. The Director may, at his or her discretion, post or cause to be posted an appropriate sign on any premises where an animal is quarantined pursuant to this Ordinance, for the purpose of warning the public of the fact of such quarantine. It shall be unlawful for any person to remove a sign posted pursuant to this Subsection (d) without the permission of the Director.
- e. Whenever the Director shall determine that an epidemic of rabies exists or is threatened, the Director shall have the authority to take such measures as may be reasonably necessary to prevent the spread of the disease, including but not limited to the declaration of quarantine against any or all animals in any area of the County of Riverside as the Director may determine and define, for a period of not more than one hundred and twenty (120) days. An additional or extended quarantine period shall be deemed necessary by the Director for the protection and preservation of the public health, peace and safety. Any quarantine declared pursuant to this Subsection (e), other than as restricted herein, shall be upon such conditions as the Director may determine and declare.
- f. No person shall bring a dog into the unincorporated area of the County of Riverside from any city located in the County of Riverside in which a reported case of rabies exists or has existed within the past six (6) months, nor shall any person bring a dog into the unincorporated area of the County of Riverside from any county, city, state or country in which a reported case of rabies exists or has existed within the preceding six (6) months.
- g. In order to protect the public health from the hazard of rabies which has been found to exist in skunks, a quarantine is hereby imposed, to continue until released by the Director, whereby it is prohibited to trap or capture skunks for pets; to trap, capture, or hold skunks in captivity for any reason; to transport skunks from or into the County of Riverside except pursuant to a permit issued by the California Department of Health Services pursuant to Title 17, California Administrative Code, Section 2606.8.
- h. Any exotic or hybrid animal shall be vaccinated and/or quarantined pursuant to State law.

## **Section 17 PLACEMENT REQUIREMENTS**

- a. Any person who within the unincorporated area of Riverside County, or any business entity or other organization located in or doing business in the unincorporated area of Riverside County which, advertises or offers in any manner, puppies or dogs for sale, trade, barter or to be given away for free, must display in such advertisements, announcement or flyer the following information:
  - 1. The license number and name of the licensing agency of each of the mother animals, any of whose offspring are so offered (in the case of puppies under four months of age), and/or
  - 2. the license number and name of licensing agency of each of the dogs (in the case of animals four months or more of age), and/or



3. the kennel and or rescue permit number and name of permitting agency of the owner of each of the mother animals any of whose offspring are so offered (in the case of puppies under four months of age),
  4. And/or the kennel permit and/or rescue number and name of the permitting agency of the owner of each of the dogs so offered (in the case of animals four months or more of age).
- b. This Section shall not apply to public animal shelters or nonprofit humane societies which are in compliance with Food and Agricultural Code Sections 30503 and 31751, nor shall it apply to persons who relinquish animals to such shelters or societies.
  - c. Violators subject to citation are to be furnished with a list of low-cost or no-cost spay and neuter resources.
  - d. It shall be unlawful for any person to make use of stolen, counterfeit or unauthorized license, tag, certificate or any other document or item for the purpose of evading the provisions of the Section.

## **Section 18 PROHIBITION OF SALES OR THE GIVING AWAY OF DOGS AND CATS ON PUBLIC PROPERTY**

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

## **Section 19 ENFORCEMENT**

- a. The Animal Services Director shall supervise the administration and enforcement of this Ordinance and of the laws of the State of California pertaining to the care and control of dogs animals and shall have charge of the Department of Animal Services employees and facilities.
- b. The Board of Supervisors may enter into a written agreement or agreements with any veterinarian, organized humane society, association, person, corporation or organization which will undertake to carry out the provisions of this Ordinance and maintain and operate a shelter, and which will license, take up, impound and dispose of animals. Any such veterinarian or society or association which shall enter into such an agreement shall carry out all the provisions of this Ordinance in the manner herein prescribed.
- c. It shall be unlawful for any person to interfere with, oppose or resist any officer, employee or person empowered to enforce the provisions of this Ordinance while such officer, employee or person is engaged in the performance of his/her duties as provided herein.
- d. Nothing in this Ordinance shall prevent the Animal Services Director from acting, when he/she deems it appropriate to do so, under the applicable provisions of the California Penal Code, Section 597, et seq.

## **Section 20 VIOLATION**

In addition to the remedies and penalties contained in this ordinance, any person violating any provision of County Animal Control Ordinances shall be guilty of an infraction, unless otherwise stated in such County Animal Control Ordinances, and upon conviction thereof shall be punished by; (1) a fine not to exceed one hundred dollars (\$100.00) for the first violation; (2) a fine not to exceed two hundred dollars (\$200.00) for the second violation within one year; (3) a fine not to exceed five hundred dollars

(\$500.00) for each additional violation within one year. Each day a violation is committed or permitted to continue shall constitute a separate offense.

- a. Persons receiving a citation for any infraction resulting from a violation of this chapter, may choose to clear the citation within ten (10) business days, thereby avoiding a visit to court and a potentially higher court fine, by demonstrating their compliance to the Animal Services Director through their written, signed agreement and paying an administrative fee of sixty dollars (\$60.00) to Department.
- b. Persons who violate a home quarantine, fail to produce an animal for quarantine upon demand , or in any other way interfere with rabies investigation, shall be guilty of a misdemeanor, pursuant to Section 121710 of the California Health and Safety Code and Section 9701 of the California Food and Agriculture Code, which is punishable by imprisonment in the County Jail for a period not to exceed one year, or by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) per day of violation, or both fine and imprisonment.

**Section 21 RECOUPMENT OF ENFORCEMENT COSTS**

The intent of this Section is to authorize the recoupment of administrative costs reasonably related to the enforcement of this Ordinance. In furtherance of this intent the County shall be entitled to recover costs of enforcement, including costs of staff time, by complying with the following procedure:

- a. **Records of Costs;** The Department of Animal Services shall maintain records of all administrative costs, incurred by the Department and all other responsible County Departments, in the processing of the violation or violations and the enforcement of this Ordinance and other applicable ordinances and may recover such costs from the violator and/or property owner or property occupier as provided herein.
- b. **Notice;** Upon investigation and determination that a violation of any of the provisions of this Ordinance or other related County ordinances is found to exist, the Department of Animal Services and/or other County Department(s) shall notify the violator and/or record owner of the property, or any person having possession or control of the subject property, by mail of the existence of the violation, of the Department’s intent to charge the violator and/or property owner and/or person having possession or control of the property for all administrative costs associated with enforcement, and of the respondent’s right to a hearing on objections thereto. The notice shall be in substantially the following form:

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NOTICE

The Department of Animal Services and or Department of \_\_\_\_\_ has/have determined the conditions exist at the property located at \_\_\_\_\_ which violate Section(s) \_\_\_\_\_ of Riverside County Ordinance No(s) \_\_\_\_\_

To wit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given that at the conclusion of this case you will receive a summary of administrative costs associated with the processing of such violation(s), at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is \_\_\_\_\_ per hour of staff time. You will have the right to object to these charges by filing a Request for Hearing with the Department of Animal Services within ten (10) business days of service of the Summary of Charges.

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c. **Summary of Costs;** At the conclusion of the case, the Department of Animal Services shall send a summary of costs associated with enforcement to the violator and/or owner of the property and/or person having possession or control of the subject property by certified mail. The Summary shall include a notice in substantially the following form:

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### NOTICE

If you object to these charges, you must file a Request for Hearing on the enclosed form within ten (10) business days of the date of this notice.

**IF YOU FAIL TO TIMELY REQUEST A HEARING, YOUR RIGHT TO OBJECT WILL BE WAIVED ANY YOU WILL BE LIABLE TO THE COUNTY OF RIVERSIDE FOR THESE CHARGES, TO BE RECOVERED IN A CIVIL ACTION IN THE NAME OF THE COUNTY, IN ANY COURT OF COMPETENT JURISDICTION WITHIN THE COUNTY.**

**DATED:** \_\_\_\_\_

**DEPARTMENT OF ANIMAL SERVICES:** \_\_\_\_\_

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- d. **Right to Hearing;** Any violator or property owner, or other person having possession and control of the property, who receives a Summary of Costs under this Section shall have the right to a hearing before the Director of the Department of Animal Services or his/her designee on his/her objections to the proposed costs in accordance with the procedures set forth herein.
- e. **Request for Hearing;** A request for hearing shall be filed with the Department within ten (10) days of the service by mail of the Department's Summary of Costs, on a form provided by the Department. Within thirty (30) days of the filing of the request, and on ten (10) days written notice to the violator and/or owner, the Director or his/her designee shall hold a hearing on the violator and/or owner's objections, and shall determine the validity thereof.
- f. **Recovery of costs;** In the event that (a) no Request for Hearing is timely filed or (b) after a hearing, the Director of the Department of Animal Services or his/her designee affirms the validity of the costs, the violator, the property owner or the person in control and possession of the property shall be liable to the County in the amount stated in the Summary of Costs or any lesser amount as determined by the Director or his/her designee. These costs shall be recoverable in a civil action in the name of the County, in any competent jurisdiction within the County.
- g. **Director's Decision;** In determining the validity of the costs, the Director or his/her designee shall consider whether the total costs as charged have been fairly and accurately calculated. Factors to be considered include whether the time and personnel spent in enforcement were reasonably necessary to bring about compliance and whether the rate charged is the current rate established by the County.

- h. **Appeal;** The decision of the Director or his/her designee may be appealed by filing a written notice of appeal with the Clerk of the Board within ten (10) days after service by mail on the violator, property owner, or other person having possession and control of the property. The appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The Department shall give written notice of the time and the place of the hearing to appellant. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence.

## **Section 22 ADMINISTRATIVE CITATIONS AND PENALTIES**

In addition to the remedies and penalties contained in this ordinance, and in accordance with Government Code Section 53069.4, an administrative citation may be issued for any violation of County Animal Control Ordinances. The following procedures shall govern the imposition, enforcement, collection and administrative review of administrative citations and penalties.

- a. **Notice of violation.** If an animal is owned, kept, maintained, or found to be in violation of a County Animal Control Ordinance, an administrative citation may be issued by the animal control officer. An administrative citation will not be issued for violation of Section 5 (Mandatory Licensing of Kennels and Catteries) prior to written notice of violation being issued.
- b. **Content of Citation.** The administrative citation shall be issued on a form approved by County Counsel and shall contain the following information:
  - 1. Date, location and approximate time that the violation was observed;
  - 2. The ordinance violated and a brief description of the violation;
  - 3. The amount of the administrative penalty imposed for the violation;
  - 4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;
  - 5. Instructions on how to appeal the citation;
  - 6. The signature of the animal control officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

- c. **Service of Citation.**
  - 1. If the person who has violated the County Animal Control Ordinance is present at the scene of the violation, the animal control officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him.
  - 2. If the owner, occupant or other person who has violated a County Animal Control Ordinance is a business, and the business owner is on the premises, the animal control officer shall attempt to deliver the administrative citation to him/her. If the animal control officer is unable to server the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business,

a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.

3. If no one can be located at the property where the violation occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The citation shall also be mailed to any additional address for the owner in Department records.
4. The failure of any interested person to receive the citation shall not affect the validity of the proceedings.

d. Administrative Penalties

1. The penalties assessed for each violation of a County Animal Control Ordinance shall not exceed the following amounts.
  - i. One hundred dollars (\$100.00) for a first violation;
  - ii. Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;
  - iii. Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one year.
2. If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of penalty shall increase at the rate specified above.
3. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
4. The penalties assessed shall be payable to the County of Riverside Department of Animal Services.
5. Where the violation would otherwise be an infraction, the administrative penalty shall not exceed the maximum fine or infraction amount.

e. Administrative Appeal of Administrative Citation.

1. Notice of Appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Department. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation set forth in subsection (c) above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on county forms and shall contain the following information:
  - i. A brief statement setting forth the appellant's interest in the proceedings;
  - ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;

- iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
  - iv. The notice of appeal must be signed by the appellant.
  - v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the Administrative Appeal will be scheduled.
  - vi. Indigence must be proved to have the deposit waved.
2. Administrative Hearing. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:
- i. Notice of Hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten (10) days before the hearing to the person requesting the hearing.
  - ii. The administrative hearing regarding the administrative citation shall be held before the Animal Services Director, or his designee. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The Director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
  - iii. Conduct of the Hearing. The investigating animal control officer who issued the administrative citation shall not be required to participate in the administrative hearing regarding the citation. The contents of the investigating animal control officer's file shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make his determination based on the information contained in the notice of appeal.
  - iv. Hearing Officer's Decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the superior court.
- f. Review of Administrative Hearing Officer's Decision.
- If the recipient of an administrative citation disagrees with the administrative hearing officer's decision upholding the issuance of the administrative citation and/or administrative penalty amount assessed, the recipient may appeal the issuance of the administrative citation to the superior court as set forth in this section.
1. Notice of Appeal. Within twenty (20) days of the delivery and mailing of the hearing officer's decision regarding the administrative citation, the recipient of the administrative citation may contest that decision by filing an appeal to be heard by the superior court. The fee for filing the notice of appeal is twenty-five dollars (\$25.00). The failure to file the written appeal and to pay the filing fees within this period shall constitute a waiver of the right to an appeal and

the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon the Department of Animal Services by the contestant.

2. **Conduct of Hearing.** The conduct of the appeal hearing is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be heard de novo, except that the contents of the issuing agency's file in the case shall be received into evidence. A copy of the issued administrative citation providing notice of the violation and imposition of the administrative penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing agency's file on the case be forwarded to the court, to be received within fifteen (15) days of the request.
3. **Judgment.** The court shall retain the twenty-five dollar (\$25.00) fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the Department of Animal Services. Any deposit of the fine or penalty shall be refunded to the Department of Animal Services in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the contestant, the issuing agency may proceed to collect the penalty pursuant to the procedures set forth in this Ordinance, or in any other manner provided by law.

## **Section 23 PUBLIC NUISANCE**

- a. The possession or maintenance of any dog, cat or other identified animal or the allowing of any dog, cat or other identified animal to be in violation of this Ordinance, Ordinance No. 771 or any other County Ordinance or stat law, is hereby declared to be a public nuisance. The Animal Services Director and any Riverside County peace officer are hereby directed and empowered to abate any such public nuisance independently of any criminal prosecution or the results of thereof, by any means reasonably necessary to accomplish said abatement including but not limited to the destruction of the dog, cat or other identified animal involved, or by the imposition of specific reasonable conditions and restrictions for the maintenance of such dog, cat or other identified animal. Failure to comply with such conditions and restrictions is a misdemeanor. The owner of such dog, cat or other identified animal shall reimburse to the County of Riverside for all costs incurred in enforcing compliance with the provisions of this Section 23. The County of Riverside, by and through the Animal Services Director, may also commence and maintain such proceedings in a court of competent jurisdiction as are appropriate under the laws and regulations of the State of California for the abatement and redress of public nuisances.
- b. At least ten (10) working days prior to the impoundment or abatement or both pursuant to Section 23, Subsection (a) of this Ordinance, the owner or custodian of the subject dog, cat, or other identified animal shall be notified by the Animal Services Director, in writing, of the right to a hearing to determine whether grounds exist for such impoundment or abatement or, where applicable, both. Said notice shall be served by hand-delivery or by registered or certified mail, postage prepaid, return receipt requested. If the owner or custodian requests a hearing prior to impoundment or abatement, no impoundment or abatement shall take place until the conclusion of such hearing, except as provided in paragraph (c) below.
- c. When, in the opinion of the Animal Services Director, immediate impoundment is necessary for the preservation of animal or public health, safety or welfare, or if the subject dog, cat or other identified animal has been impounded under any other provision of this Ordinance or any law or regulation of the State of California, the pre-impoundment hearing shall be deemed waived; provided, however, that the owner or custodian of the subject dog or cat shall be given notice by

the Animal Services Director, in writing, which would allow five (5) working days to request an abatement hearing. Service of such notice shall be in accordance with the service methods specified in Section 23, Subsection (b) of this Ordinance. Where requested by such owner or custodian, a hearing shall be held within five (5) days of the request therefor, and the subject dog, cat or other animal shall not be disposed of prior to the conclusion of the hearing. If, after five (5) working days from the date of service of the notice specified in the Subsection (c) of Section 24 of this Ordinance, no request for a hearing is received from the owner or custodian of the subject dog, cat or other animal, such dog, cat or other animal shall be disposed of pursuant to applicable provisions of law.

- d. All hearings pursuant to Section 23 of this Ordinance shall be conducted by the Animal Services Director personally or by a designee who shall not have been directly involved in the subject action. Hearings shall be held not more than ten (10) days from the date of receipt of the request for the hearing and shall be conducted in an informal manner consistent with due process of law. A hearing may be continued for a reasonable period of time if the Animal Services Director deems such continuance to be necessary and proper or if the owner or custodian shows good cause for such continuance. Within ten (10) days after the conclusion of the hearing, the Animal Services Director shall render, in writing, his/her findings, decision and order thereon and shall give notice of said findings, decision and order to the owner or custodian of the subject dog, cat or other animal; service of such notice shall be in accordance with the service methods specified in Section 24, Subsection (b) of this Ordinance.
- e. Pursuant to Food and Agriculture Code Section 31622, the owner or keeper of a dog can appeal the decision of the administrative hearing to the superior court.

## **Section 24 ADJUSTMENT OF FEES**

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

## **Section 25 SEVERABILITY**

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

## **Section 26**

Ordinance numbers 455, 455.1 through 455.70, inclusive are hereby repealed.

## **Section 27 WAIVER OF FEES**

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

This Ordinance shall take effect thirty (30) days after its adoption or amendment.



**Adopted:**

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

**Amended:**

630.1 Item 9.3a & b of 05/09/1989 (Eff: 06/08/1989)

630.2 (Not Used)

630.3 Item 3.5 of 08/31/1993 (Eff: 11/30/1993)

630.4 Item 11.3 of 03/08/1994 (Eff: 05/07/1994)

630.5 Item 12.7 of 12/13/1994 (Eff: 03/01/1995)

630.6 Item 12.4 of 05/25/1999 (Eff: 07/01/1999)

630.7 Item 12.1 of 08/24/1999 (Eff: 09/22/1999)

630.8 Item 3.13 of 06/04/2002 (Eff; 07/04/2002)

630.9 Item 3.4 of 04/15/2003 (Eff: 05/14/2003)

630.10 Item 9.9 of 12/11/2007 (Eff: 01/10/2008)

630.11 Item 9.2 of 07/01/2008 (Eff: 07/31/2008)

630.12 Item 3.12 of 01/27/2009 (Eff: 02/26/2009)

630.13 Item 9.11 of 07/14/2009 (Eff: 08/13/2009)

630.14 Item 3.98 of 08/31/2010 (Eff: 09/30/2010)

630.15 Item 9.2 of 08/16/2011 (Eff: 09/15/2011)

630.16 Item 9.1 of 01/05/2016 (Eff: 02/04/2016)