ORDINANCE NO. 2016-9

AN URGENCY ORDINANCE OF THE CITY OF LAGUNA HILLS, CALIFORNIA, AMENDING AND RESTATING TITLE 13 OF THE LAGUNA HILLS MUNICIPAL CODE RELATING TO ANIMAL CONTROL, WELFARE AND LICENSE REQUIREMENTS

THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 13 (Animals) of the Laguna Hills Municipal Code is hereby amended and restated in its entirety to read as follows:

Title 13
ANIMALS

Chapters:

13-04	General Provisions
13-08	Control and Licensing of Dogs, Cats, Livestock, and other Domestic and Nondomestic Animals – Generally
13-12	Dog Licensing
13-16	Cat Licensing
13-20	Rabies Control
13-24	Dangerous and Vicious Animals
13-28	Animal Impoundment
13-32	Animals Running at Large
13-36	Keeping of Livestock
13-40	General Licensing Procedures
13-44	Additional or Unusual Animal License
13-48	Licensing of Animal Facilities
13-52	Animal Exhibitions

Chapter 13-04
GENERAL PROVISIONS

Sections:

13-04.010	Application of Title.
13-04.020	Definitions.
13-04.030	Responsibility for administration.
13-04.040	Rules and regulations.
13-04.050	Enforcement.
13-04.060	Interference.
13-04.070	Firearms authorized.

13-04.080 Disposal of dead animals.
13.04-090 Violations; infraction; misdemeanor.
13-04.100 Inspections.
13-04.110 Complaints.
13-04.120 Animal care requirements.
13-04.130 Sale of animals.
13-04.140 Prohibiting the feeding of wildlife.

13-04.010 Application of Title.
Except as may otherwise be provided in Title 9 (Zoning and Subdivisions) of this code, the provisions of this Title 13 shall apply and control.

13-04.020 Definitions.
The following words, terms, and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Animal" means any animal including, but not limited to, dogs, cats, birds, fishes, reptiles and nonhuman mammals.

"Animal event" means any commercial property or facility where one or more animals are kept or maintained.

"Animal exhibition" means any property where one or more animals are exposed to public view for entertainment, instruction or advertisement for which public admission is charged. Activities conducted primarily for instruction or entertainment of the participants, for which no public admission is charged, are excluded. Animal exhibitions include, but are not limited to, carnivals, tent shows or shows in the open air, or in a hall or building not specifically constructed for theatrical purposes, wherein the carnivals, circuses, dog or pony shows, dramatic, musical or theatrical performances are given to audiences, where at the total attendance does not exceed 2,500 persons.

"Animal facility" means any commercial property or facility where animals are kept or maintained for any purpose.

"Animal rental establishment" means a place or facility where animals, other than dogs, cats or equines, are kept or maintained for hire.

"Approved rabies vaccine" means a vaccine which is approved for use in the animal concerned by the State Department of Health.

"Approved research institution" means a college, hospital, university or research laboratory conducting animal research, where the Director has first found and certified in writing that said research is conducted under humane conditions.

"Animal services department" means the animal services department for the City of Mission Viejo, authorized and delegated to perform the services and functions described in this title pursuant to contract.

"Cat" means traditionally domesticated members of the species Felis Catus; it excludes non-traditionally domesticated other members of the family Felidae.

"City" means the City of Laguna Hills by and through its elected and appointed officers and officials, employees, agents, and consultants.

"Commercial" means operated or carried on primarily for financial gain or by any non-governmental firm, person or business/entity.

"Commercial stable" means any property where equines are sheltered or fed on a commercial basis.

"Dangerous animals" means any animal which presents a threat to the safety, well-being or condition of persons or property, as determined by the Director.

"Director" means the City of Mission Viejo Animal Services Manager or designee.

"Dog" means traditionally domesticated members of the species Canis familiar; it excludes other non-traditionally domesticated members of the family Canidae.

"Foster animal" means any animal that is temporarily being cared for and housed by a person on any property within the city.

"Garbage" means any waste resulting from the care, feeding or disposal of animal(s). This includes and consists in whole or in any part of animal wastes or remains, resulting from any cause, including the handling, preparing, cooking and consuming of food, including the offal from animal carcasses or parts thereof. At all times garbage shall be treated and managed in a safe and sanitary manner.

"Grooming facility" means any premises where animals are groomed, brushed, clipped or bathed or otherwise conditioned, as pets and/or for show, on a commercial basis.

"Guard (sentry) dog" means any dog utilized, on a commercial basis, to guard any property within the city, for any lawful purpose.

"Guide dog" or "service dog" means a properly trained dog certified by a licensed guide (seeing eye) dog agency and actually being used by a disabled person, including a "guide dog," "signal dog," or "service dog" as those terms are defined in California Civil Code Section 54.1.

"Immediate slaughter" means livestock shipped to a public stockyard and released therefrom for slaughter, and also livestock shipped to the premises of a firm regularly engaged in the slaughter of animals under approved inspection.

"Impounded" means having been received into the custody of any animal shelter, or into the custody of the Director or his or her authorized agent or deputy.

"Infectious disease" means any infectious, contagious or communicable disease sufficiently dangerous to the public health or to the health of animals within the city to warrant putting into effect the provisions of this chapter and any rules or regulations adopted pursuant thereto.

"Kennel" means any lot, building, structure, enclosure or premises whereupon or wherein five (5) or more cats or dogs, over four (4) months of age, are kept or maintained for any purpose, including places where cats or dogs are boarded, kept for sale or adoption, or kept for hire. Excluded from this definition are veterinary clinics and pet hospitals when animals are being housed for medical care, and animals kept on any lot, building, structure, enclosure or premises licensed by the Director to contain additional animals pursuant to Chapter 13-44 of this code.

"Livestock" means any domesticated animal, including but not limited to, poultry, cattle, goats, swine, sheep and equines which are kept in captivity or under the control or ownership of any person for any purpose.

"Neutered" or "spayed" means rendered incapable of reproduction by physical (surgical alteration or the implantation of a device) or other means. To be acceptable, the neutering must be certified to by a licensed veterinarian.

"Person" means any individual, firm, partnership, corporation, company, society, or association, and every officer, agent or employee thereof.

"Pet shop" means any place of business where dogs under (4) four months of age or any other animals to be used as pets, are kept for sale.

"Potentially dangerous dog" means any of the following:

1. Any dog which, when unprovoked, on two (2) separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury whether the person and the dog are on or off the property of the owner and/or custodian of the dog.

2. Any dog which, when unprovoked, bites a person causing any injury less severe than a severe injury.

3. Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal, horse, or livestock.

4. Provocation, or the lack thereof, shall be determined by, and in the sole discretion of the Director.

"Quarantine" means the strict confinement of an animal upon the premises of the owner or elsewhere as approved by the Director, and subject to the conditions or requirements of the Director relating to the impoundment.

"Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

"Stockyard" means any stockyard, corral or premises wherein public trading in livestock is carried on, or where yarding, feeding and watering facilities are provided and where federal, state or county inspection is maintained for the inspection of livestock for infectious diseases.

"Tuberculin test" means any test approved by the United States Department of Agriculture for the detection of tuberculosis in animals.

"Vicious dog" means any dog that, as determined by the Director:

1. Has attacked or bitten a person causing death or physical injury;

2. Has killed or inflicted substantial physical injury to an animal, without provocation, while off the owner's or custodian's property;

3. Is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or

4. Has twice, within a one-year period, done any of the following, as evidence by credible testimony, oral or written:

a. Bitten, attacked or attempted to bite a person; or

b. Chased or approached a person upon the streets, sidewalks or any public or private property in an apparent attitude of attack.

Provided, no dog may be determined to be a vicious dog if any such bite, threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner and/or custodian of the dog, was committing or attempting to commit a crime upon the premises occupied by the owner and/or custodian of the dog, was threatening the owner, owner's family, custodian or

third person, or was teasing, tormenting, abusing or assaulting the dog or who has, in the past, teased, tormented, abused or assaulted the dog.

This definition does not apply to dogs used in military, security or police work while they are actually performing in that capacity.

13-04.030 Responsibility for administration.
The City of Mission Viejo, pursuant to contract, by and through the Director is charged with the administration of this title.

13-04.040 Rules and regulations.
The City Council of the City of Laguna Hills may, by resolution, promulgate any necessary rules and regulations for the administration of this title.

13.04-050 Enforcement.
The Director, or his or her duly authorized deputies and agents, are hereby empowered and it shall be their duty to enforce this title and any statute relating to animal control unless otherwise provided by law. Pursuant to Civil Code § 607(g) each of the aforementioned individuals shall have the power to issue notices to appear in court for violations of the aforementioned provisions pursuant to Penal Code § 853.6 et seq.

13-04.060 Interference.
No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this title while such person is engaged in the performance of his or her official duties.

13-04.070 Firearms authorized.
Supervisory and senior animal control officers of the City of Mission Viejo who have successfully completed California Penal Code Section 832 firearms training or other relevant training intended to authorize firearm utilization, are authorized to carry in the city loaded rifles, shotguns and tranquilizer equipment, issued by the City of Mission Viejo, while acting in the course and scope of their employment.

13-04.080 Disposal of dead animals.
The owner of any animal which dies shall dispose of the carcass of such animal in a sanitary manner as prescribed by the Director within twenty-four (24) hours after the owner has knowledge of the animal's death. The Director shall be responsible for the disposal of all dead animals whose ownership cannot be established.

13-04.090 Violations; infraction; misdemeanor.
A. A violation of this title or any portion or section thereof shall, in the sole discretion of the city by and through the City Attorney or other authorized personnel, be prosecuted in any manner provided for by law, including, but not limited to, the administrative, civil or the misdemeanor criminal prosecution of the offender (subject to the city's sole and absolute discretion to reduce the same to an infraction, administrative or civil complaint) and as provided for in Title 1 of this code.

B. Any person who violates any provision of Sections 13-08.090 or 13-24.020 is guilty of a misdemeanor. Moreover, any person who violates any other provision of this title and the violation occurs within one year of the occurrence of two other separate violations of this title by that person is guilty of a misdemeanor.

C. Each day on which a violation occurs or continues shall constitute a separate offense.

13-04.100 Inspections.
The Director, or his or her duly authorized deputies and agents, are authorized to inspect any building or other property for the purpose of enforcing this title or any city, county or state statute relating to animal control.

13-04.110 Complaints.
Upon receiving a complaint from any person alleging a violation of this title and upon receiving the name and address of the owner and/or custodian of the animal, if known, an investigation to determine whether a violation exists may be made. If the investigation discloses a violation of this title, the prosecution may be initiated against the owner and/or custodian.

13-04.120 Animal care requirements.
Every person within the city who owns any animal, who has custody of an animal or who owns, conducts, manages or operates any animal establishment for which a license is required by this title, shall comply with each of the following conditions:

A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

B. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require.

C. All animals and all buildings or enclosures wherein animals are housed or maintained shall be maintained in a clean and sanitary condition.

D. No animals shall be without attention for more than twelve (12) consecutive hours. Whenever an animal is left unattended at an animal facility, the telephone number of the animal services department, or the name, address and telephone number of the person responsible for the care of the animal with a right of access to the facility, shall be posted in a conspicuous place at the front of the property.

E. Every reasonable precaution shall be used to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.

F. No condition shall be maintained or permitted that is or could be injurious to the animals.

G. Buildings and enclosures wherein animals are housed or maintained shall be so constructed and maintained as to prevent the escape of animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.

H. Every animal establishment shall isolate sick animals sufficiently so as not to endanger the health of other animals. Sick animals shall at all times be isolated from the other animals.

I. Every building or enclosure wherein animals are housed or maintained shall be constructed of material easily cleaned and shall be kept in a sanitary condition. The building or enclosure shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.

J. Such person shall take any animal to a licensed veterinarian for examination or treatment if the Director finds this is necessary in order to maintain the health of the animal and orders the owner and/or custodian to do so.

K. All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein. Animals shall have sufficient height and sufficient floor space to stand up, sit down and turn around freely using normal body movements without the head touching the top of the primary enclosure; have the ability to lie down with limbs outstretched and exercise normal postural movement, and move freely as appropriate for the species, age, size, and condition of the animal. However, when freedom of movement would endanger the animal due to a medical condition that has been documented by a licensed veterinarian, temporarily and appropriately restricting movement of the animal in a humane manner is permitted.

L. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the Director.

M. Such person shall provide proper shelter and protection from the weather at all times.

N. Such person shall not give an animal any alcoholic beverage unless prescribed by a licensed veterinarian.

O. Such person shall not allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together, or so near each other as to cause injury, fear or torment. If two (2) or more animals are so trained that they can

be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies.

P. Such person shall not allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.

Q. Such person shall give working animals proper rest periods. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.

R. Such person shall not work, use or rent any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit.

S. Such person shall not display animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition.

T. Such person shall not display any animal whose appearance is or may be offensive or contrary to public decency.

U. Such person shall not allow any animal to constitute or cause a hazard, or be a menace to the health, peace or safety of the community.

V. Such person shall not violate any condition imposed by the Director on any license issued by the animal services department.

W. No dog or cat under the age of eight (8) weeks shall be brought or shipped into the city for the purpose of adoption, and no such dog or cat shall be offered for adoption.

X. Every dog or cat offered for adoption must be examined by a licensed veterinarian and be certified free of congenital defects, distemper, worms, skin disease, skin and ear mites, and other diseases or conditions which would be injurious to the animal or a potential owner.

Y. Every dog or cat offered for adoption shall have been vaccinated against distemper and parvo. A vaccination record providing the date of vaccination, lot number, and the manufacturer must be provided to the person adopting the puppy or kitten at the time of adoption.

Z. Every dog four (4) months of age or older shall have been vaccinated for rabies. A vaccination record providing the date of vaccination, lot number, and the manufacturer must be provided to the person adopting the dog at the time of adoption.

AA. Clean, potable water shall be available to all animals in conformance with the principles of good animal husbandry unless restricted by a licensed veterinarian. Proof of such veterinarian restrictions shall be presented to the animal services officer upon

request. Water receptacles, containers or dispensers shall be kept in a clean and sanitary state at all times.

BB. Food receptacles shall be accessible to all animals unless restricted by a licensed veterinarian and shall be located so as to minimize contamination by excreta. Proof of any licensed veterinarian restrictions shall be presented to the animal services officer upon request. Food contaminated by urine shall be discarded and replaced with fresh uncontaminated food. Disposable receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food, and they shall be kept clean and free of mold, deterioration and the caking of food.

CC. Any other applicable federal, state, or local law, regulation or ordinance.

13-04.130 Sale of animals.
No person shall solicit, peddle, conduct or consummate the sale, exchange, or give away of any living animal or animals, and no person shall convey as part of any commercial transaction any living animal or animals in the city except that such activities shall be permitted in a) pet shops and kennels that are duly licensed pursuant to the applicable provisions of this title, and b) at the residence of the conveyor of the animal. Nothing herein shall be construed to prohibit animal adoption activities at other sites, subject to and provided that all necessary permits and approvals for the location of such animal adoption activity have been obtained.

13-04.140 Prohibiting the Feeding of Wildlife.
No person shall feed or in any manner provide food for wild mammalian predator or vector animals including, but not limited to, coyotes, bobcats, mountain lions or rodents. In further amplification, this section also includes a prohibition on the feeding of animals, including, but not limited to, wild raccoons, foxes, skunks, opossums, rodents, rabbits or hares. This section does not apply to the feeding of animals under the care of a licensed veterinarian, or rehabilitator, or those kept 1) in the City of Mission Viejo Animal Services Center,2) by a private, charitable, nonprofit humane society or animal rescue organization, or 3) by an individual who has been authorized by permit or license obtained from the animal services department to care for and feed such animals.

Chapter 13-08
CONTROL AND LICENSING OF DOGS, CATS, LIVESTOCK, AND OTHER DOMESTIC AND NONDOMESTIC ANIMALS – GENERALLY

Sections:

13-08.010	Restraint of dogs.
13-08.020	Dogs on public school property.
13-08.030	Female cats and dogs in season to be confined.
13-08.040	Public nuisance.
13-08.050	Public nuisance complaint administrative procedures.
13-08.060	Private property.

13-08.070 Dogs to be curbed.
13-08.080 Administrative hearing.
13-08.090 Public protection from dogs.
13-08.100 Abatement of public nuisances through legal action.

13-08.010 Restraint of dogs.

A. No person owning or having charge, care, custody, or control of any dog shall cause or permit, either willfully or through failure to exercise due care or control, the dog to be upon any private property unless such dog is contained or restrained thereon by a fence, wall, substantial chain, leash not exceeding six (6) feet in length, other appropriate physical restraint, or is under the charge of a person competent to exercise care, custody, and control over such dog.

B. No person owning or having charge, care, custody, or control of any dog shall cause or permit, either willfully or through failure to exercise due care or control, the dog to be upon any public property unless such dog be restrained by a substantial chain, or leash not exceeding six (6) feet in length, and is under the charge of a person competent to exercise care, custody, and control over such dog, unless the owner or operator of such public property grants written permission for such dog to be on such property without such chain or leash.

13-08.020 Dogs on public school property.

No person having the charge of any dog, except a disabled person with a guide or service dog, shall permit the dog, under any circumstances to be on or within the public school property. This section, however, does not prohibit the use of dogs on school property for teaching or other school uses, when approved by the school officials.

13-08.030 Female cats and dogs in season to be confined.

Every person owning or having charge of any female cat or dog shall strictly confine such animal during its breeding season (i.e., while it is in heat) in a building or other enclosure adequate to keep such cat or dog confined.

13-08.040 Public nuisance.

A. No person shall allow, upon any premises owned, occupied, or controlled by such person, any animal to cause a public nuisance. This includes, but is not limited to, the disruptive sound created by barking, howling, crying, neighing, braying or making other sounds that unreasonably disturb other persons in the comfortable enjoyment of their life or property. Such activity is hereby deemed a public nuisance.

B. A dog shall not be deemed a public nuisance if, at any time the dog is making noise, a person is trespassing or threatening to trespass upon the private property where the dog is situated, or when the dog is being teased or provoked or protecting person(s) or property.

13-08.050 Public nuisance complaint administrative procedures.
Upon receiving a complaint alleging a public nuisance as defined in Section 13-08.040, the animal services department shall adhere to the following procedures:

A. Upon receipt by the animal services department of a first complaint, animal services staff will send a letter informing the responsible person about the complaint.

B. For purposes of this chapter a "responsible person" is any of the following:

1. A person who allows a violation of or alleged violation of Section 13-08.040 to exist, whether through willful action, failure to act, or failure to exercise proper control over an animal.

2. A person whose agent, employee, or independent contractor allows a violation to exist, whether through willful action, failure to act, or failure to exercise proper control over an animal.

3. A person who is the owner of, or a lessee or sublessee with the current right of possession of and/or control over the real property in or upon which an alleged violation occurs.

4. A person includes a natural person or legal entity, including the owners, majority stockholders, corporate officers, trustees, or general partners of a legal entity.

5. There may be more than one responsible person for a violation(s).

C. Upon receipt by the animal services department of a second complaint regarding an animal for which a first notice has been sent, provided at least ten (10) days but no more than thirty (30) days have elapsed from the date of the first letter sent by animal services staff pursuant to Subsection (a) above, an animal services officer will be dispatched to issue a notice to comply and to advise the Responsible Person about possible solutions to rectify the public nuisance.

D. Upon receipt by the animal services department of a third complaint between ten (10) and thirty (30) days after the date of a second complaint pursuant to Subsection (B) above, animal Services Staff will ask the complainant to obtain, complete and return to the department within ten (10) days of the request a formal witness statement form signed under penalty of perjury attesting to the public nuisance violation.

E. Upon receipt of a formal witness statement form, if the Director finds the animal owner to be in violation of Section 13-08.040, the animal services department will issue an administrative citation pursuant to Title 1 of this code in an amount set forth in Subsection (G) of Section 13-08.080.

13-08.060 Private property.
No person owning or having care, custody, or control of any animal shall permit, either willfully or through failure to exercise proper control, such animal to trespass or be upon any private property of another person without the consent of such person.

13-08.070 Dogs to be curbed.
A. It is unlawful for the owner or person having charge, custody or control of any dog to permit such dog to defecate and to allow the feces to thereafter remain on any public sidewalk, public park or on any other public property or on any private property owned by someone other than the owner or person who has custody or control of the dog.

B. No person having the care, custody, charge or control of any dog shall permit or allow that dog on any public sidewalk, public park or on any other public property, or on any private property owned by someone other than the owner or person who has custody or control of the dog, unless that person has, in his or her possession, a spade, scoop device, plastic bag, or similar implement or container capable of removing any feces deposited by the dog. Notwithstanding any other provision of this subsection, no person will be in violation of this subsection while within fifty (50) feet of a dispenser of bags or similar implements or containers capable of removing any feces deposited by a dog, provided such dispenser is immediately accessible to the person.

C. The owner or person having charge, custody or control of any dog shall ensure that any feces collected or removed pursuant to this section is deposited or placed into an appropriate waste receptacle or container.

D. The provisions of this section shall not be applicable to:

1. Any dog enrolled and participating in obedience classes or in any show for which the city has issued a special event permit or facility permit; and

2. Any guide or service dog.

E. Any person violating the provisions of this section shall be guilty of an infraction.

13-08.080 Administrative hearing.
A. Any person who receives an administrative citation for a violation of this title may contest it by calling the animal services department within ten (10) days of the issuance date located on the citation and requesting an administrative hearing. The animal owner and/or custodian may contest the citation by denying that a violation occurred.

B. If the administrative citation fine is not paid prior to the assigned date and time of the administrative hearing, the animal owner and/or custodian must personally attend the administrative hearing on the date, time and place scheduled. Failure to personally appear at the administrative hearing shall constitute an abandonment of any defense the animal owner and/or custodian may have to the citation.

C. Hearings shall be conducted, informally, by the animal services department on the date assigned by the department. The animal owner and/or custodian and the complainant will be notified of the assigned hearing date, time and location by the department staff. The City of Mission Viejo will provide the parties the hearing procedures and protocols prior to the hearing.

D. The animal owner and/or custodian and the complainant shall each be given the opportunity to present testimony and evidence relevant to the citation. If the animal owner and/or custodian are a juvenile, under eighteen (18) years of age, they must be accompanied by an adult or legal guardian to the hearing or the administrative hearing will be deemed abandoned by the animal owner and/or custodian. Such abandonment shall also constitute a failure to exhaust administrative remedies concerning the violation set forth in the administrative citation.

E. The citation itself and accompanying complainant's formal witness statement signed under penalty of perjury attesting to the public nuisance violation provided to the animal services department shall be accepted by the animal services department as prima facie evidence of the violation and the facts stated in such documents.

F. Failure of the animal owner and/or custodian to appear at the hearing, unless the hearing was continued by the animal services department prior to the hearing date, shall constitute abandonment and will require the citation fine to be paid. Failure of the complainant to appear at the hearing, unless the hearing was continued by the animal services department, shall constitute abandonment of the complaint and shall be grounds for dismissal of the public nuisance violation and citation. The complainant's failure to appear shall be noted and mailed to the animal owner and/or custodian and the complainant.

G. Fines for violating the provisions of this title shall be as follows:

1. Fine for first animal nuisance citation issued (per citation) $ 300.00.

2. Fine for second animal nuisance citation within the same 12-month period 350.00.

3. Fine for third animal nuisance citation within the same 12-month period 400.00.

4. Fine for fourth animal nuisance citation within the same 12-month period 450.00.

5. Fine for fifth animal nuisance citation within the same 12-month period 500.00.

6. Fine for sixth and subsequent animal nuisance citation issued within the same 12-month period $550.00.

H. A late penalty in the same amount of the underlying fine amount due pursuant to Subsection (g) of this Section shall accrue and be charged for any fine not paid within fifteen (15) days of due date, such that the total amount due is double the unpaid fine amount.

13-08.090 Public protection from dogs.

A. Dog owners and custodians of dogs shall, at all times, take all reasonable precautions to prevent their dogs from biting, attacking or attempting to bite any person or from interfering with the lawful use of public or private property. It shall be unlawful for any person to fail to comply with this Subsection (A).

B. Any person owning or having custody or control of a vicious dog commits a violation of this chapter if, as a result of that person's failure to exercise ordinary care, the dog bites, attacks, wounds or otherwise injures or kills a human being and the owner and/or custodian knew or should have known of the vicious or dangerous nature of the dog.

C. Nothing in this section shall authorize the bringing of a criminal action pursuant to a violation of Subsection (A) or (B) of this section if the bite, attack, attempted bite, injury or threat was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner and/or custodian of the dog; or was committing or attempting to commit a crime upon the premises occupied by the owner and/or custodian of the dog; or was teasing, tormenting, abusing or assaulting the dog or who has, in the past, teased, tormented, abused or assaulted the dog.

D. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punishable by a fine of not more than $1,000, or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

13-08.100 Abatement of public nuisances through legal action.

Nothing in this chapter shall prevent the City Attorney from commencing a civil or criminal proceeding to abate a public nuisance as an alternative to the procedures set forth in this chapter.

Chapter 13-12
DOG LICENSING

Sections:

13-12.010 Required.
13-12.020 Wearing of tag required.
13-12.030 Renewal.
13-12.040 Dog license; transfer of ownership.
13-12.050 False or stolen documents illegal.

13-12.060 Display of certificates required upon demand.
13-12.070 Number of dogs permitted.

13-12.010 Required.

A. Every person owning or having custody of any dog four (4) months of age or older shall procure for the dog a city dog license from the animal services department. Such license shall be procured within fifteen (15) days after the date on which it becomes due. The following are exceptions to the requirement to license:

1. A dog brought into the city for show or other purposes and which leaves the city within 30 days; and

2. A dog maintained in an approved research institution or licensed kennel, provided such dog is owned by the owner or operator of such research institution or kennel.

Guard (sentry) dogs and dogs that are foster animals are not exempt from this section. Each such dog must be individually licensed and must wear its city license tag securely fastened to a collar or harness whether or not the dog is kenneled in the city.

B. No dog shall be licensed without proof of a current, approved rabies vaccination. No license term will expire later than the expiration date of the rabies vaccination. An owner may purchase a license for six (6) or twelve (12) months, depending upon the date and kind of vaccine used as per the City of Mission Viejo's policy, upon payment of the fee established by the City of Mission Viejo.

13-12.020 Wearing of tag required.

A. Each dog required to be licensed pursuant to this chapter shall, at all times, wear the current license tag assigned to that dog, except:

1. When the dog is physically confined within the premises of the owner or other person authorized to have custody;

2. When the dog is confined in a vehicle or cage;

3. When the dog is participating in any animal exhibition, field trial or competition; or

4. When the dog is confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog to which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records.

B. A license tag shall not be removed from any dog without the consent of the owner or other person authorized to have custody thereof.

13-12.030 Renewal.
Dog licenses not purchased or renewed within fifteen (15) days after expiration, or the date on which they become due pursuant to Section 13-12.010, shall be considered delinquent and a late fee as determined by the City of Mission Viejo shall be added to the cost of the new license. The Director may waive the above late fee if he or she determines the applicant made a reasonable effort to comply with the above deadline.

13-12.040 Dog license; transfer of ownership.
Upon the transfer of ownership of any licensed dog, the license may be transferred to the new owner provided that the Director is notified within fifteen (15) days, in writing, of such transfer of ownership, and the name and address of the new owner are provided.

13-12.050 False or stolen documents illegal.
No person shall make use of or have in his or her possession or under his or her control a stolen, counterfeit or forged dog license receipt, dog license tag, rabies vaccination certificate, anti-rabies-inoculation-deferment form, or other form issued in accordance with this title.

13-12.060 Display of certificates required upon demand.
Every person shall, upon demand by the Director, produce for inspection any current rabies vaccination certificate or dog license tag issued pursuant to this chapter.

13-12.070 Number of dogs permitted.
Every person owning or having custody of five (5) or more dogs, over the age of four (4) months, for the purpose as described in Section 13-44.010, must obtain an additional animal license as required under Section 13-40.100.

Chapter 13-16
CAT LICENSING

Sections:

13-16.010 Generally.
13-16.020 Number of cats permitted.

13-16.010 Generally.
The owner of any cat may, upon submission of proof of rabies vaccination, certified to by a licensed veterinarian, and upon payment of the fee established by the City of Mission Viejo, be issued a license certificate and tag. No person shall remove a registration tag from a cat without the consent of the owner. Licensing shall be valid for the period of the rabies vaccination. The obtaining of such a license shall be optional on the part of the owner, except as provided in Section 13-16.020.

13-16.020 Number of cats permitted.
Every person owning or having custody of five (5) or more cats, over the age of four (4) months, for the purpose as described in Section 13-44.010, must obtain an additional animal license as required under Section 13-40.100.

Chapter 13-20
RABIES CONTROL

Sections:

13-20.010 Dog vaccination required.
13-20.020 Quarantine.
13-20.030 Duty to report.
13-20.040 Proof of vaccination.
13-20.050 Duty of person performing vaccination.

13-20.010 Dog vaccination required.
Every person owning or harboring a dog four (4) months of age or older, for fifteen (15) days or more, shall, if not currently vaccinated, have such dog vaccinated against rabies by a licensed veterinarian with a vaccine approved by the State Department of Health. Upon approval of the Director, dogs that are ill may be given temporary deferment from the rabies vaccination requirements of this section if given an antirabies deferment from a licensed veterinarian; old age of the dog, however, shall not be a basis for such deferment. Such a deferred dog shall be vaccinated within ten (10) days of the conclusion of the deferment period.

13-20.020 Quarantine.
A. The State Director of Health has declared the city a rabies area. The Director is authorized under state law to quarantine suspected rabid animals. The Director or his or her authorized deputies or agents are hereby empowered to enter upon any private property, including the home or residence where the animal is kept or has strayed, to inspect and, if necessary, to seize and impound any animal suspected of being rabid for a period of fourteen (14) days (ten (10) days for dogs and cats). The impounding officer shall make reasonable effort to immediately notify the owner and/or custodian of the animal before it has been impounded and the address of the facility to which it will be taken. If the owner and/or custodian is not present at the time of impounding, the above notice shall be posted on the property of such owner and/or custodian, if known. In lieu of impounding the animal, the Director may, by serving a written notice upon the owner and/or custodian, require the owner and/or custodian to quarantine the animal for such period.

B. No person shall disobey any quarantine order issued by the Director or remove from its place of confinement any animal under quarantine without the written permission of the Director.

13-20.030 Duty to report.
Any person having knowledge of the location of an animal suspected of having rabies, or of any person having been bitten or scratched by any warm-blooded mammal, or of any signs of disease or unusual behavior in any animal under quarantine, shall immediately report such facts to the Director.

13-20.040 Proof of vaccination.
No person who owns or harbors any dog shall fail or refuse to produce for inspection his or her copy of the rabies vaccination form, anti-rabies inoculation deferment form, or health certificate upon demand by any person charged with the enforcement of this title.

13-20.050 Duty of person performing vaccination.
Each duly licensed veterinarian shall complete and sign a rabies certificate in triplicate after vaccinating any dog. The veterinarian shall keep one copy and shall give one copy to the owner of the vaccinated dog, which the owner shall retain in his or her possession. The veterinarian shall file the other copy with the Director within the calendar month in which the vaccination occurred.

Chapter 13-24
DANGEROUS AND VICIOUS ANIMALS

Sections:

13-24.010 Wild, exotic, dangerous and nondomestic animals.
13-24.020 Declaration and possession of a potentially dangerous or vicious dog.

13-24.010 Wild, exotic, dangerous and nondomestic animals.
A. No person shall have, keep, or maintain any wild, exotic, dangerous or nondomestic animal without first applying to and receiving a license from the Director. The Director shall by regulation determine those animals to be covered by this section. The keeping or maintenance of such animals shall also conform to Title 9 of this code.

B. The Director shall issue a license to any person for the keeping or maintaining of any wild, exotic, dangerous or nondomestic animal upon receipt of the fee established by the City of Mission Viejo and when, in the Director's opinion, such animal may be kept or maintained without endangering its safety and comfort and the safety and comfort of any person or property; provided, however, that the Director may require any such animal to be properly caged or tethered and may make such additional rules and regulations that may be necessary and proper under the circumstances. The Director may revoke any such license for the violation of any of the provisions of this title or of any of the rules and regulations adopted pursuant thereto, or when it is reasonably determined by the Director that the safety or comfort of such animal or any person or property is endangered by the keeping of any such animal. The provisions of Section 4-04.180 of this code shall govern appeals from the denial or revocation of a license under this section.

C. The owner and/or custodian of such animal shall give written notice to the Director prior to the transfer, trade or barter of the animal or its progeny.

13-24.020 Declaration and possession of vicious dog or potentially dangerous dog.

A. Generally.

1. If the Director has cause to believe that a dog is a vicious dog or potentially dangerous dog within the meaning of Section 13-04.020, the Director may tentatively find and declare such dog a vicious dog or potentially dangerous dog.

2. Upon tentatively finding and declaring that a dog is a vicious dog or potentially dangerous dog, the Director shall notify the owner and/or custodian in writing of the Director's tentative finding and declaration.

3. The notice shall inform the owner and/or custodian of such dog that he or she may request a hearing in writing before the Director within five (5) working days of receipt of such notice to contest the tentative finding and declaration. Any such hearing shall be requested and conducted as provided in Subsection (D) of this section.

4. Failure of the owner and/or custodian to request a hearing pursuant to Subsection (A) (3) of this section shall result in the declaration becoming final.

5. The possession or maintenance of a vicious dog or potentially dangerous dog, or the allowing of any such dog to be in contravention of this title, is hereby declared to be a public nuisance. The Director is hereby authorized and empowered to impound and/or abate any vicious dog or potentially dangerous dog independently of any criminal prosecution or the results thereof by any means reasonably necessary to ensure the health, safety and welfare of the public, including, but not limited to, the destruction of the dog or by the imposition upon the owner and/or custodian of specific reasonable restrictions and conditions for the maintenance of the dog. The restrictions and conditions may include but are not limited to:

a. Obtaining and maintaining liability insurance in the amount of $1,000,000.00 against bodily injury or death or damage to property and furnishing a certificate or proof of insurance by which the Director shall be notified at least ten days prior to cancellation or nonrenewal or, at the owner's or custodian's option, the filing with the Director of proof of a bond in the amount of $1,000,000.00, to be able to respond in damages.

b. Requirements as to size, construction and design of the dog's enclosure.

c. Location of the dog's residence.

d. Requirements as to type and method of restraints and/or muzzling of the dog.

e. Photo identification or permanent marking of the dog for purposes of identification.

f. Requirements as to the posting of a warning notice or notices conspicuous to the public warning persons of the presence of a vicious dog.

g. Payment of a fee or fees as established by the City of Mission Viejo to recover the costs of enforcing the provisions of this chapter as applied to the regulation of vicious dogs.

B. Notification of right to hearing.

At least five (5) working days prior to impoundment and/or abatement, of a vicious dog or potentially dangerous dog, the Director shall provide written notification to the owner and/or custodian of his or her right to request a hearing in writing to determine whether grounds exist for such impoundment and/or abatement. If a hearing is requested, the impoundment and/or abatement hearing may be held in conjunction with the hearing provided for in Subsection (A) of this section. If the owner and/or custodian requests a hearing prior to impoundment and/or abatement, no impoundment and/or abatement shall take place pending a decision by the Director following a hearing, except as provided in Subsection (C) of this section. Pending such impoundment and/or abatement hearing and the decision by the Director, the Director may order the owner and/or custodian to keep the dog within a substantial enclosure or securely attached to a chain or other type of control which the Director may deem necessary under the circumstances. The Director may also order the owner and/or custodian to post and keep posted upon the premises where such dog is kept under restraint, a warning notice pending such impoundment and/or abatement hearing and the decision by the Director. The form, content, and display of such notice shall be specified by the Director. Any hearing under this subsection shall be conducted in accordance with Subsection (D) of this section.

C. Immediate impoundment.

When in the opinion of the Director immediate impoundment is necessary for the preservation of animal or public health, safety or welfare, or if the dog has been impounded under other provisions of this code or pursuant to state law, the pre-impoundment hearing shall not be required; however, the owner and/or custodian shall be given written notice allowing five (5) working days from receipt of such notice to request in writing an abatement hearing. If requested, a hearing shall be held within five (5) working days of receipt of the request by the Director and the dog shall not be disposed of prior to the decision of the Director following such hearing. A hearing under this Subsection (C) shall be conducted in accordance with Subsection (D) of this section except as otherwise indicated. If, after five (5) working days following receipt of such

notice, no written request for a hearing is received from the owner and/or custodian, the dog in question shall be disposed of under applicable provisions of law.

D. Request for and conduct of hearings.

1. Except as otherwise provided in Subsection (D) of this section, the Director shall conduct a hearing within fifteen (15) days following receipt of a written request from the owner and/or custodian requesting a hearing under this section, and notice of the time, date and place thereof shall be mailed to the person requesting the hearing at the address given in the hearing request, at least ten (10) days prior to the hearing. The Director may appoint a hearing officer to take evidence, summarize the evidence presented and report his findings and recommendations based on such evidence to the Director, or the Director may personally conduct the hearing.

2. At the hearing each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, impeach any witness, and to rebut the evidence against him. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to relying in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant or unduly repititous evidence shall be excluded.

3. Within fifteen (15) days following the conclusion of the hearing, the Director shall determine, on all the evidence presented to the Director, or on the summary of evidence and findings of fact and recommendations of the person holding the hearing, whether any designation, impoundment and/or abatement under this section should be rescinded or amended. Within five (5) working days following such decision, the Director shall notify in writing the person requesting the hearing of his determination as to any issue as to which the hearing was requested.

E. Change of circumstances.

In the event of changed circumstances, the Director may amend or rescind any abatement and/or impoundment imposed pursuant to Subsection (A) (5) of this section. Any such revision to the abatement and/or impoundment due to changed circumstances shall be subject to the same notice, hearing and other procedural requirements as required for imposing an initial abatement and/or impoundment set forth in Subsections (B), (C) and (D) of this section.

F. Change of ownership, custody and/or residence.

Owners of a vicious dog or potentially dangerous dog who sell or otherwise transfer the ownership, custody or residence of the dog shall at least ten (10) days prior to the sale or transfer, inform the Director in writing of the name, address and telephone number of the new owner, custodian and/or residence and the name and description of the dog. The owner shall, in addition, notify the new owner or custodian in writing of the details of the dog's record, terms and conditions of maintenance and provide the Director with a copy thereof containing an acknowledgment by the new owner or custodian of his receipt of the original. The Director shall notify the new owner and/or custodian in writing of any different or additional restrictions or conditions imposed pursuant to Subsection (A)(5) of this section as a result of the change of ownership, custody or residence. The imposition of any such different or additional restrictions or conditions shall be subject to the same notice, hearing and other procedural requirements as required for imposing an initial abatement and/or impoundment set forth in Subsections (B), (C) and (D) of this section.

G. Possession unlawful.

It is unlawful to have custody of, own or possess a vicious dog or potentially dangerous dog unless the dog is restrained, confined or muzzled so that it cannot bite, attack or cause injury to any person or property.

H. Declared vicious dog or potentially dangerous dog.

It shall be unlawful for the owner and/or custodian of a dog declared vicious or potentially dangerous dog pursuant to Subsection (A) of this section to fail to comply with any requirements or conditions imposed pursuant to Subsection (A)(5) of this section. If a vicious dog or potentially dangerous dog escapes, the owner and/or custodian shall immediately notify the Director and make every reasonable effort to recapture it, including assisting the Director, animal services officers, and city in all recapture efforts.

Chapter 13-28
ANIMAL IMPOUNDMENT

Sections:

13-28.010	Impoundment by Director.
13-28.020	Retention without owner's consent.
13-28.030	Removal of animals from animal shelter prohibited.
13-28.040	Redemption of animals from animal shelter.
13-28.050	Sale of unredeemed animals.
13-28.060	Disposition by euthanasia.
13-28.070	Animal shelter.
13-28.080	Sale, give away, acceptance and/or barter of animals on animal shelter property.

13-28.010 Impoundment by Director.
A. The Director and his or her duly authorized deputies and agents may take into custody:

1. Any animal kept or maintained contrary to the provisions of this Code, any regulation adopted thereunder, or any state statute.

2. Animals running at large contrary to the provisions of this title or any state statute.

3. Sick, injured, stray, unwanted animals, for which the owner and/or custodian cannot be found or is unable or unwilling to provide proper care.

4. Animals quarantined for which no other place of quarantine is acceptable to the Director.

5. Animals delivered or requested to be impounded by a peace officer, or public officer or employee as defined in Penal Code § 836.5.

6. Any wild animal found to be at large upon any public property, or upon request of the owner or tenant, found to be at large on private property.

7. Any other animal authorized to be impounded under this title.

B. The Director may place animals which are taken into custody in the City of Mission Viejo Animal Services Center or other facility designated by the Director, except that animals impounded pursuant to Subsection (A)(6) above may be summarily destroyed.

13-28.020 Retention without owner's consent.
No person shall, without the consent of the owner, hold or retain possession of any animal for more than twenty-four (24) hours without first reporting the possession of such animal to the Director, giving their name and address and a true description of the animal, and then surrendering such animal to the Director upon demand.

13-28.030 Removal of animals from animal shelter prohibited.
No person shall remove any animal from the custody of the Director or from the City of Mission Viejo Animal Services Center without permission from the Director to do so.

13-28.040 Redemption of animals from animal shelter.
A. Except as otherwise provided by state law or this title, when any animal, other than an animal abandoned by its owner, is impounded pursuant to this chapter, the Director shall, within twelve (12) working hours after impounding such animal, notify the owner, if known, of the location of such animal. The notification shall be by mail with postage fully prepaid thereon, together with any other reasonable means.

B. Any impounded animal may be redeemed by the owner upon payment of the fees established by the City of Mission Viejo. The owner must also demonstrate to the satisfaction of the Director that they are the owner of the animal and that they can keep such animal in conformance with the requirements of this title.

C. If a licensed animal is not redeemed within ten (10) days of impoundment, excluding City of Mission Viejo holidays and the day of impoundment, it shall be deemed abandoned and the Director may sell, release, or destroy such animal pursuant to the regulations established in this in this chapter. If an unlicensed animal is not redeemed within five (5) days of impoundment, excluding City of Mission Viejo holidays and the day of impoundment, it shall be deemed abandoned and the Director may sell, release, or destroy such animal pursuant to the guidelines established in this in this chapter.

13-28.050 Sale of unredeemed animals.

A. Except as otherwise provided by state law or by this title any unredeemed animal shall be deemed to have escheated to the City of Mission Viejo and thereafter may be sold by the Director upon payment of the fees established by the City of Mission Viejo.

B. An unredeemed dog or cat which has not been spayed or neutered shall not be sold or given away unless the deposit specified in Section 13-28.070 has been received.

13-28.060 Disposition by euthanasia.

Any impounded animal which has not been redeemed or adopted may be disposed of by euthanasia.

13-28.070 Animal shelter.

No humane shelter or shelter operated by a society for the prevention of cruelty to animals shall adopt or give away any dog or cat that has not been spayed or neutered unless a spay/neuter deposit is made at the time of adoption or give away. The deposit will be refunded to the person adopting or receiving the dog or cat when a notice is received by the shelter from a licensed veterinarian that the spay or neuter has been completed

13-28.080 Sale, give away, acceptance and/or barter of animals on animal shelter property.

No person shall sell, barter or give away, nor shall any person buy, accept or take possession of any animal on premises upon which a municipally owned or operated animal shelter is located, including adjacent parking areas, without the written permission of the Director. The Director may define the premises covered by this section and cause those areas to be posted so as to advise persons of the provisions of this section.

Chapter 13-32
ANIMALS RUNNING AT LARGE

Sections:

13-32.010 "Animal" defined.
13-32.020 Staking or grazing.
13-32.030 Impounding livestock.
13-32.040 Sale of unclaimed animals.
13-32.050 Animals valued at less than $20.00.

13-32.010 "Animal" defined.
"Animal", as used in this chapter only, shall not include a cat or dog, but shall include livestock.

13-32.020 Staking or grazing.
No person owning or having charge, care, custody or control of any animal shall cause or permit, either willfully or through failure to exercise due care or control, any such animal to be placed, staked or to graze or be upon the land of another without the written consent of the owner or other authorized person, or upon public lands or highways or to allow any such animal to run at large.

13-32.030 Impounding livestock.
The Director may seize and impound any animal found on any premises in violation of Section 13-32.020 and he shall have a lien upon such animal sufficient to secure payment of all expenses incurred by reason of the Director's seizing, keeping and caring for such animal.

13-32.040 Sale of unclaimed animals.
If no person appears and claims the animal impounded under this chapter within five (5) days, or if a person does appear to claim the animal impounded within such time but fails to pay the Director the expenses as provided in Section 13-32.030 hereof, the Director shall proceed to sell or cause to be sold such animal, except a bovine, at public sale in accordance with the general procedure provided in the law concerning the sale or execution of personal property.

13-32.050 Animals valued at less than $20.00.
If the animal impounded under this chapter is of a value less than $20.00 and has not been claimed, the Director may, after the expiration of three (3) days from the date of seizure, sell such animal, except a bovine, at private sale without notice. In the alternative, the Director may dispose of the animal, except a bovine, in any humane manner.

Chapter 13-36
KEEPING OF LIVESTOCK

Sections:

13-36.010 Livestock fences.

13-36.010 Livestock fences.

Every owner, keeper, custodian or harborer of livestock shall erect and/or maintain a fence as herein described to contain and confine, and also consistent with zoning requirements, all livestock kept or maintained on his or her premises. Such fence shall be sufficiently good, strong and substantial as to prevent the ingress and egress of livestock. No wire fence may be considered a good and substantial fence within the meaning of this section unless it has three (3) tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set into the ground not more than one rod apart, one of which wires shall be at least four (4) feet above the surface of the ground. Any kind of wire or another fence of height, strength, and capacity equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this section. Cattle guards of such width, depth, rail spacing and construction as will effectively turn livestock are also a good and substantial fence.

Chapter 13-40
GENERAL LICENSING PROCEDURES

Sections:

13-40.010 Applications for licenses.
13-40.020 License fees.
13-40.030 Duration of license.
13-40.040 Reasons for denial.
13-40.050 Form of license.
13-40.060 Display of license.
13-40.070 Revocation of license.
13-40.080 Licenses not transferable.
13-40.090 Appeals.
13-40.100 Licenses required.

13-40.010 Applications for licenses.

The Director shall develop and manage an animal facility licensing process and receive all applications for animal licenses. The Director thereafter shall provide such application forms as are necessary for the convenience of the city, public and the economic and efficient administration of this title.

13-40.020 License fees.

The City of Mission Viejo shall establish the amount of fees to be charged for the application and/or issuance of an animal facility license. Such fees shall be payable in full and shall not be refundable.

13-40.030 Duration of license.
Each animal facility license shall be in effect for one (1) year from the date on which it was issued unless otherwise provided by the City of Mission Viejo.

13-40.040 Reasons for denial.
The Director shall deny the application for an animal facility license if it is found that:

1. The applicant does not fulfill the specific requirements for such license as set forth in this title.

2. The applicant has made any false, misleading, or otherwise deceptive statement in the application.

3. The applicant is not a fit person to carry on the licensed animal facility business, as determined by specific and definite evidence in the record.

4. The issuance of an animal facility license to the applicant, or at the location desired, would be detrimental to the public health, safety, or general welfare.

13-40.050 Form of license.
The animal facility license and each duplicate thereof shall contain the date of issuance, the date of expiration, the location(s) of the licensed activity, the signature of the Director, and such other matters as are specified in this title and as the Director deems appropriate.

13-40.060 Display of license.
Each animal facility licensee shall display his or her license or duplicate license in a prominent location in each licensed establishment; or if there is none in the city, shall carry his or her license on the licensee's person at all times when conducting the licensed animal facility or animal-related business; or, if a vehicle is licensed, in such vehicle; and each licensee shall display his or her license to any peace officer so requesting to see it.

13-40.070 Revocation of license.
When the Director has issued an animal facility license under the terms of this chapter, the same may be revoked at any time thereafter by the Director if the Director becomes satisfied that the conduct of the licensee's animal facility does not or will not comport with the public welfare for any reason or that the same has been conducted in an illegal, improper or disorderly manner, or in a manner substantially different than that described in the licensee's application, or for any other reason for which the application could have been denied.

13-40.080 Licenses not transferable.
No animal facility license issued under the terms of this chapter shall be transferable or used in conjunction with any activity other than the licensed animal establishment

business, and no such license shall be displayed by any person other than the licensee or his or her employee, nor at any location other than that indicated in the license or application.

13-40.090 Appeals.
The provisions of Section 4-04.180 of this code shall govern appeals from the denial or revocation of an animal facility license under this chapter.

13-40.100 Licenses required.
It shall be unlawful for any person(s) to maintain additional or unusual animals, as specified in Chapter 13-44, or to engage in, conduct, manage or carry on any of the following animal events, facilities, businesses, practices, professions, or occupations within the city without first having obtained a license therefor in accordance with this chapter:

1. Animal exhibition;
2. Animal rental establishment;
3. Additional animal, per Sections 13-12.070 and 13-16.020;
4. Commercial stable;
5. Grooming facility;
6. Kennel;
7. Pet shop;
8. Animal event.

Chapter 13-44
ADDITIONAL OR UNUSUAL ANIMAL LICENSE

Sections:

13-44-010 Purpose.
13-44-020 Application—filing.
13-44-030 Issuance of license.
13-44-040 Conditions.
13-44-050 Limitations on and duration of license.

13-44.010 Purpose.
The additional or unusual animal license is established to permit the keeping or maintaining as a pet or for the personal utilization by members of the family residing on the premises the following:

A. Wild or domestic animals not specifically classified which will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare, subject to any land use limitations, restrictions, or requirements imposed by Title 9 of this code; and

B. Domestic or wild animals exceeding the number of animals specified in Sections 13-12.070 and 13-16.020, and except as may otherwise be restricted by Title 9 of this code, which will not be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of such site.

13-44.020 Application—filing.
Any person desiring an additional or unusual animal license may file an application, together with any fees established by the City of Mission Viejo, with the Director, except that no application shall be filed or accepted if final action has been taken within one year prior thereto by the Director on an application requesting the same, or substantially the same license.

13-44.030 Issuance of license.
The Director shall grant an additional or unusual animal license when the following criteria are met:

A. That the requested animal or animals at the location proposed will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;

B. That the proposed site is adequate in size and shape to accommodate the animal or animals requested without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site; and

C. That the owner and/or custodian has complied with, and the maintenance of animals at the location proposed will comply with, any other applicable laws, including without limitation Title 9 of this code.

The Director shall deny the application where the information submitted by the applicant fails to substantiate these criteria to the reasonable satisfaction of the Director.

13-44.040 Conditions.
The Director, in approving an application for an additional or unusual animal license, may impose such reasonable conditions as are deemed necessary to ensure that such animals will be kept or maintained in accordance with the findings required by Section 13-44.030 or the requirements of Section 13-04.120.

13-44.050 Limitations on and duration of license.
A. Each individual additional or unusual animal must be licensed under this chapter. An additional or unusual animal license shall specify the number and types of animals

authorized to be kept on the parcel and shall contain any conditions deemed necessary by the Director.

B. The additional or unusual animal license is non-transferable and must be renewed annually.

C. Failure to comply with the requirements set forth in this title, regulations promulgated by the City Council of the City of Laguna Hills, or conditions imposed by the Director shall constitute cause for denial or revocation of the license.

Chapter 13-48
LICENSING OF ANIMAL FACILITIES

Sections:

13-48.010 Regulations.
13-48.020 Dog kennel.
13-48.030 Cat kennel.
13-48.040 Pet shop.
13-48.050 Veterinary hospitals and clinics.

13-48.010 Regulations.
All animal facilities must comply with the requirements of Section 13-04.120. In addition, the City of Mission Viejo may adopt regulations governing the construction and maintenance of animal facilities licensed under this title, including animal exhibitions, animal rental establishments, kennels, grooming facilities and pet shops. Failure to comply with such regulations shall constitute cause for denial or revocation of such license.

13-48.020 Dog kennel.
In addition to complying with Section 13-04.120, holders of a dog kennel license must comply with the following additional requirements:

A. Dog kennel runs may be of concrete, provided with adequate draining for proper sanitation, or, if sand or pea gravel is used, droppings must be picked up and disposed of and the runs treated periodically with an effective disinfectant.

B. All dogs under the custody or control of a dog kennel must be vaccinated for rabies in accordance with the provisions of Section 13-20.010. Upon the sale of any dog for which a kennel has obtained a vaccination pursuant to this section, the owner of such kennel or pet shop shall provide the purchaser of such dog with the certificate of vaccination.

C. An individual license shall be obtained for each dog, in addition to a kennel license, when such dog is not kept exclusively in a kennel run or cage. No individual license

shall be required for any dog in transit, or when attending a dog show in the care of a kennel representative.

D. The holder of a dog kennel license shall keep available for inspection, on the premises, a record that shall show:

1. The name, current address and telephone number of the owner of each animal kept at the kennel;

2. The date such animal entered the kennel;

3. The reason for such animal being at the kennel, such as for boarding, sale, breeding or grooming;

4. The description of the animal, including its age, breed, sex and color; and

5. Vaccination for the prevention of distemper and parvo, date of vaccination, lot number, and manufacturer.

As a part of such record, a current, valid rabies certificate shall be maintained for every dog over four (4) months of age so long as such dog is kept at the kennel.

13-48.030 Cat kennel.

In addition to complying with Section 13-04.120, holders of a cat kennel license must comply with the following additional requirements:

A. The cat kennel operator shall keep all cats therein under proper confinement on the premises and shall not cause, permit or allow such cats to be or to run at large.

B. An individual license shall be obtained for each cat, in addition to a kennel license when such cat is not kept exclusively in a kennel run or cage. No individual license shall be required for any cat in transit, or when attending a cat show in the care of a kennel representative.

C. Each cat must have been vaccinated with an FVRCP vaccine to prevent feline distemper/panleukopenia.

13-48.040 Pet shop.

In addition to complying with the requirements of Section 13-04.120, the holder of a pet shop license shall obtain a rabies vaccination for each dog within its custody or control in accordance with the provisions of Section 13-20.010. Upon the sale of any dog for which a kennel or pet shop has obtained a vaccination pursuant to this section, the owner of such kennel or pet shop shall provide the purchaser of such dog with the certificate of vaccinationn.

13-48.050 Veterinary hospitals and clinics.

Veterinary hospitals and veterinary clinics shall be exempt from the provisions of this title with regard to those activities conducted pursuant to any license or permit issued by the state.

Chapter 13-52
ANIMAL EXHIBITIONS

Sections:

13-52.010 Scope.
13-52.020 Food service.
13-52.030 Toilet facilities.
13-52.040 Animal safekeeping.
13-52.050 Water supply.
13-52.060 Fly control.
13-52.070 Final cleanup.
13-52.080 Safety.

13-52.010 Scope.

All animal exhibitions and animal events shall comply with Section 13-04.120 and the requirements of this chapter.

13-52.020 Food service.

All food handling and food preparation at an animal exhibition shall meet the requirements of the California Restaurant Act, Health and Safety Code § 28520 et seq., and applicable county health ordinances and regulations.

13-52.030 Toilet facilities.

Toilets at any animal exhibition shall be either water-flush or the chemical-type. The chemical-type toilets shall be serviced by a licensed vacuum truck. An adequate number of toilets for each sex shall be provided according to the following table:

	No. persons in attendance	
No. toilets required	Male	Female
1	1—100	1—100
2	101—200	101—200
3	201—400	201—400
	Over 400, add 1 toilet for each additional 500 males and 1 for each additional 300 females.	

13-52.040 Animal safekeeping.
All livestock, such as ponies, dogs, monkeys or other animals, are to be kept tied or in cages, so as not to endanger human life or destroy growing crops or other property adjoining the exhibition or event.

13-52.050 Water supply.
All water supplied for domestic use at an animal exhibition or animal event shall be from an approved source of potable water.

13-52.060 Fly control.
Fly breeding shall be controlled by removing all organic waste daily from the premises of an animal exhibition or animal event. This includes cleaning of the vehicles, upon arrival, that transport the animals. Insecticides, both residual and quick knockdown sprays, shall be available and used as directed by the health officer.

13-52.070 Final cleanup.
All manure, garbage, trash or other types of refuse shall be removed from the premises immediately after the last showing of any event at an animal exhibition or animal event.

13-52.080 Safety.
All electrical wiring, machinery, lighting and other electrical devices, tents, grandstands, amusement rides, compressed gas containers, inflammable liquids and any and all other structural, mechanical, electrical and chemical materials, devices, structures or installations at an animal exhibition shall conform in all respects to the building and safety standards of the city's building and fire codes.

SECTION 2. The City Council of the City of Laguna Hills declares this Ordinance to be an urgency measure necessary for the immediate preservation of public peace, health or safety. The facts constituting the urgency are these: historically, Orange County Animal Care Services has provided animal control and shelter services under contract to the City. On April 12, 2016, the City Council approved an Agreement for Animal Control and Shelter Services with the City of Mission Viejo ("Agreement"), whereby the City of Mission Viejo will provide these services to the City of Laguna Hills beginning January 1, 2017. Pursuant to the Agreement, the City of Laguna Hills is required to amend its existing animal control ordinance (LHMC Title 13) to comport with the City of Mission Viejo's animal control ordinance. In order to ensure a smooth transfer of responsibility from Orange County Animal Care Services to the City of Mission Viejo and a continuity of these vital services, it is necessary for the preservation of public peace, health, and safety that this Ordinance takes effect immediately.

SECTION 3. If any section, subsection, subdivision, sentence, clause, phrase, or a portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or

more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 4. The City Council finds that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED this 13th day of December 2016.

DON SEDGWICK, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 2016-9 was duly adopted and passed as an urgency measure by a four-fifths vote at a Regular Meeting of the City Council held on the 13th day of December 2016, by the following vote, to wit:

AYES: Council Members Gilbert, Heft, Kogerman, Mayor Pro Tempore Carruth, and Mayor Sedgwick

NOES: None

ABSENT: None

ABSTAIN: None

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

AFFIDAVIT OF POSTING
AND PUBLICATION

MELISSA AU-YEUNG, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Laguna Hills;

That in compliance with State Laws of the State of California, ORDINANCE NO. 2016-9, being:

> AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA AMENDING AND RESTATING TITLE 13 OF THE LAGUNA HILLS MUNICIPAL CODE RELATING TO ANIMAL CONTROL, WELFARE AND LICENSE REQUIREMENTS

on the 23rd day of December 2016, was published in the Saddleback Valley News; and was, in compliance with City Resolution No. 2004-05-25-2, on the 14th day of December 2016, caused to be posted in three places in the City of Laguna Hills, to wit:

Laguna Hills City Hall
Laguna Hills Community Center
La Paz Center

MELISSA AU-YEUNG, CITY CLERK
Laguna Hills, California