

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



609C

FROM: Department of Animal Services

SUBMITTAL DATE:
April 13, 2016

SUBJECT: Adopt Riverside County Ordinance No. 878.1, amending Ordinance No. 878, Regarding Noisy Animals – All Supervisorial Districts [\$0] [CEQA Exempt]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find Ordinance No. 878.1 is not a project under CEQA per CEQA Guidelines section 12578 and that it is otherwise exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) based on the findings and conclusions contained in the attached Notice of Exemption;
2. Upon the close of the public hearing, adopt Ordinance 878.1; and
3. Direct the Clerk of the Board to submit the attached Notice of Exemption to the County Clerk for filing and posting within five (5) working days of the Board's adoption of the amendments to the ordinance.

BACKGROUND:

Summary

(Continued on page 2)

Robert Miller
Robert Miller
Director of the Department of
Animal Services

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS:	Budget Adjustment: N/A
	For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY: *Jennifer L. Sargent*
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL 4/26/16
DATE
BY: GREGORY P. PRAMOS

Departmental Concurrence

- A-30
- 4/5 Vote
- Positions Added
- Change Order

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Adopt Riverside County Ordinance No. 878.1, amending Ordinance No. 878, Regarding Noisy Animals – All Supervisorial Districts [\$0] [CEQA Exempt]

DATE: April 13, 2016

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

Riverside County Ordinance No. 878 declares that excessive, unrelenting or habitual noise of any animal is disruptive of the public's peace and tranquility and represents an unwarranted invasion of privacy and identifies such noisy animals as a public nuisance. Ordinance No. 878 expedites the investigation of noisy animal complaints by establishing procedures for the proper notification of pet owners and administrative hearings to determine liability and impose abatement processes using administrative abatements.

The requested amendment to Section 11 of Riverside County Ordinance No. 878 will provide consistency of the completion and noticing of administrative orders arising out of Riverside County Ordinances relating to the care and control of animals. In its current draft, Ordinance No. 878 requires the administrative hearing officer to notice the pet owner of the decision within three (3) business days of the hearing. The three day time period for consideration of the evidence presented, drafting the administrative abatement order and perfecting notice is inconsistent with the ten (10) business day time period granted by Riverside Ordinance No. 630, regulating dogs and cats and the suppression of rabies, and Ordinance No. 771 controlling potentially dangerous and dangerous animals. The proposed amendment will ensure constant procedures in administrative hearings related to animals.

Ordinance No. 878.1 is not a project under the California Environmental Quality Act (CEQA) per CEQA Guidelines sections section 15278 and section 15061(b)(3).

Impact on Citizens and Businesses

The amendment to Ordinance 878 will benefit the public by providing additional time for thoughtful consideration of the evidence, perfecting notice to the pet owner and reducing confusion about the procedures following a Department of Animal Services administrative hearing. The public has a vested interest in providing sufficient time for the administrative hearing officer to issue a complete administrative abatement order and preventing confusion caused by inconsistencies in the administrative hearing produces in Riverside County Ordinances relating to the care of animals. Unfortunately, increasing the time period from three (3) days to ten (10) days extends the period of uncertainty for the pet owners, but this concern is overcome by the benefits that the amendment will provide.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

Enclosure

1. Riverside County Ordinance No. 878.1
2. Notice of Exemption

1 ORDINANCE NO. 878.1

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 AMENDING ORDINANCE NO. 878

4 REGARDING NOISY ANIMALS

5
6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. Section 11 of Ordinance No. 878 is amended to read as follows:

8 "DETERMINATION AND ORDER. Within ten (10) business days after the
9 conclusion of the hearing, the administrative hearing officer shall, by certified mail, return receipt
10 requested and by posting upon the premises where the animal is kept, notify the Responsible Party of the
11 administrative hearing officer's determination and any orders issued. The order shall be called and
12 administrative abatement order. If the administrative hearing officer determines that the animal is a Noisy
13 Animal and the maintenance thereof, a public nuisance, the Responsible Party shall comply with the
14 administrative hearing officer's order within five (5) days after the date of mailing and posting of the
15 determination and order. The decision of the administrative hearing officer shall be final.

16 Section 2. The ordinance shall take effect thirty (30) days after its adoption.

17
18 BOARD OF SUPERVISORS OF THE COUNTY
19 OF RIVERSIDE, STATE OF CALIFORNIA

20 By: _____

21 Chairman

22
23 ATTEST:

24 KECIA HARPER-IHEM
25 CLERK OF THE BOARD

26 By: _____

27 Deputy

28 FORM APPROVED COUNTY COUNSEL
BY Kristine Bell-Valdez 4/26/16.
KRISTINE BELL-VALDEZ DATE

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: County of Riverside
4080 Lemon Street
Riverside, CA 92501

To: X Office of the County Clerk & Recorder

Project Title: Riverside County Ordinance No. 878.1, Amending Ordinance No. 878, regarding noisy animals.

Project Location: The unincorporated area of Riverside County and the jurisdiction of city partners that contract with the Department of Animal Services for field, sheltering and related services.

Project Description: Riverside County Ordinance No. 878 declares that excessive, unrelenting or habitual noise of any animal is disruptive of the public's peace and tranquility and represents an unwarranted invasion of privacy and identifies such noisy animals as public nuisances. Ordinance No. 878 expedites the investigation of noisy animal complaints by establishing procedures for administrative hearings to determine liability and impose abatement processes using administrative abatements.

The requested amendment to Section 11 of Riverside County Ordinance No. 878 will provide constancy in the completion and noticing of administrative orders arising out of Department of Animal Service regulations. In its current draft, Ordinance No. 878 requires the administrative hearing officer to notice the pet owner of the decision within three (3) business days of the hearing. The three day time period for consideration of the evidence presented, drafting the administrative abatement order and perfecting notice is inconsistent with the ten (10) business day time period granted by Riverside Ordinance No. 630 regulating dogs and cats and suppression of rabies, and Ordinance No. 771 controlling potentially dangerous and dangerous animals. The amendment seeks to ensure consistency in Riverside County Ordinances relating to the care and control of animals that provide for administrative hearings.

Name of Public Agency Approving Project: County of Riverside

Project Sponsor: Department of Animal Services

Exempt Status: (check one)

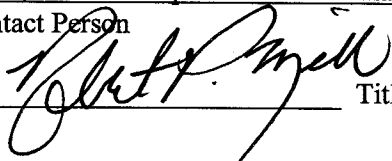
- Ministerial
- Declared Emergency
- Emergency Project
- Categorical Exemption
- Statutory Exemption (State CEQA Guidelines Sec. 15278)
- Other: (State CEQA Guidelines Sec. 15061(b)(3))

Reasons Why Project is Exempt:

The adoption of Ordinance No. 878.1 is not a project pursuant the California Environmental Quality Act (CEQA) Guidelines section 15278 and section 15061(b)(3). The extension of time to file an administrative hearing order is solely for the purpose of ensuring consistent and thoughtful orders when an administrative hearing relating to the care of animals occurs and is therefore exempt under CEQA Guidelines section 15273. The ordinance amendment is also exempt under the common sense exemption of CEQA Guidelines section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The ordinance merely provides the public with a means to address noisy animals.

Robert Miller, Director Department of Animal Services
County Contact Person

(951) 358-7442
Phone Number

Signature:  Title: Director Date: 4/13/16

For County Clerk's Use Only



FORM APPROVED COUNTY COUNSEL 4/26/16
 BY: GREGORY P. PRAMOS DATE

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

209



FROM: Department of Animal Services

SUBMITTAL DATE:
 April 13, 2016

SUBJECT: Introduction of Riverside County Ordinance No. 878.1 Amending Ordinance No. 878, Regarding Noisy Animals – All Supervisorial Districts [\$0]

- RECOMMENDED MOTION:** That the Board of Supervisors:
1. Introduce and set for public hearing the adoption of Riverside County Ordinance No. 878.1, an amendment to Ordinance No. 878 regulating noisy animals;
 2. Authorize the Clerk of the Board to place and advertisement for the Public Hearing in the appropriate local publications; and
 3. Upon the close of the public hearing, adopt Ordinance No. 878.1.

BACKGROUND:
Summary
 (Continued on page 2)

Robert Miller
 Robert Miller
 Director of the Department of
 Animal Services

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS:

Budget Adjustment:	N/A
For Fiscal Year:	N/A

C.E.O. RECOMMENDATION:

APPROVE

BY: *Jennifer L. Sargent*
 Jennifer L. Sargent
 County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading and is set for public hearing June 7, 2016 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
 Nays: None
 Absent: None
 Date: May 17, 2016
 xc: Animal Services, COB

Kecia Harper-Ihem
 Clerk of the Board
 BY: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.: 9.2; 01/06/09 | District: All | Agenda Number:

3-7

A-30
 Positions Added
 4/5 Vote
 Change Order

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Introduction of Riverside County Ordinance No. 878.1 Amending Ordinance No. 878, Regarding Noisy Animals – All Supervisorial Districts [\$0]

DATE: April 13, 2016

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

Riverside County Ordinance No. 878 declares that excessive, unrelenting or habitual noise of any animal is disruptive of the public's peace and tranquility and represents an unwarranted invasion of privacy. Ordinance No. 878 declares such noisy animals to be public nuisances. Ordinance No. 878 also expedites the investigation of noisy animal complaints by establishing procedures for the proper notification to pet owners and administrative hearings that determine liability and impose abatement processes using administrative abatements.

The requested amendment to Section 11 of Riverside County Ordinance No. 878 will provide consistency of the completion and noticing of administrative orders arising out of Department of Animal Service regulations. In its current draft, Ordinance No. 878 requires the administrative hearing officer to notice the pet owner of the decision within three (3) business days of the hearing. The three day time period for consideration of the evidence presented, drafting the administrative abatement order and perfecting notice is inconsistent with the ten (10) business day time period granted by Riverside Ordinance No. 630 regulating dogs and cats and suppression of rabies, and Ordinance No. 771 controlling potentially dangerous and dangerous animals.

The Ordinance amendment has been reviewed and approved by County Counsel as to form.

Impact on Citizens and Businesses

The amendment to Ordinance 878 will benefit the public by providing additional time for thoughtful consideration of the evidence, perfecting notice to the pet owner and reducing confusion about the procedures following a Department of Animal Services administrative hearing. The public has a vested interest in providing sufficient time for the administrative hearing officer to issue a complete administrative abatement order and to reduce confusion due to the inconstant time periods found in Animal Service Ordinances. Unfortunately, increasing the time period from three (3) days to ten (10) days extends the period of uncertainty for the pet owners, but this concern is overcome by the benefits that the amendment will provide.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

Enclosures

Riverside County Ordinance 878.1

1 ORDINANCE NO. 878.1

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 AMENDING ORDINANCE NO. 878

4 REGARDING NOISY ANIMALS

5
6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. Section 11 of Ordinance No. 878 is amended to read as follows:

8 “DETERMINATION AND ORDER. Within ten (10) business days after the
9 conclusion of the hearing, the administrative hearing officer shall, by certified mail, return receipt
10 requested and by posting upon the premises where the animal is kept, notify the Responsible Party of the
11 administrative hearing officer’s determination and any orders issued. The order shall be called and
12 administrative abatement order. If the administrative hearing officer determines that the animal is a Noisy
13 Animal and the maintenance thereof, a public nuisance, the Responsible Party shall comply with the
14 administrative hearing officer’s order within five (5) days after the date of mailing and posting of the
15 determination and order. The decision of the administrative hearing officer shall be final.

16 Section 2. The ordinance shall take effect thirty (30) days after its adoption.

17
18 BOARD OF SUPERVISORS OF THE COUNTY
19 OF RIVERSIDE, STATE OF CALIFORNIA

20 By: _____

21 Chairman

22
23 ATTEST:

24 KECIA HARPER-IHEM
25 CLERK OF THE BOARD

26 By: _____

27 Deputy

28 FORM APPROVED COUNTY COUNSEL
BY Kristine Bell-Valdez 4/24/14
KRISTINE BELL-VALDEZ DATE



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

May 18, 2016

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: (951) 368-9018

RE: INTRODUCTION OF ORDINANCE NO. 878.1

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, May 22, 2016.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PEC Legals Master <legalsmaster@pe.com>
Sent: Wednesday, May 18, 2016 8:44 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Intro of Ord. No. 878.1

Received for publication on 5/22

Legal Advertising Phone: 1-800-880-0345 / Fax: 951-368-9018 / E-mail: legals@pe.com

Please Note: Deadline is 10:30 AM, three (3) business days prior to the date you would like to publish. **Additional days required for larger ad sizes**

****Employees of The Press-Enterprise are not able to give legal advice of any kind****

The Press-Enterprise PE.COM/UNIDOS

From: Gil, Cecilia <CCGIL@rcbos.org>
Sent: Wednesday, May 18, 2016 8:42:16 AM
To: PEC Legals Master
Subject: FOR PUBLICATION: Intro of Ord. No. 878.1

Good morning! Attached is an Introduction of Ordinance, for publication on Sunday, May 22, 2016. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant
Clerk of the Board of Supervisors
(951) 955-8464
MS# 1010



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

May 18, 2016

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

E-MAIL: legals@thedesertsun.com
FAX: (760) 778-4731

RE: INTRODUCTION OF ORDINANCE NO. 878.1

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, May 22, 2016**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: Email, TDS-Legals <legals@thedesertsun.com>
Sent: Wednesday, May 18, 2016 9:23 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Intro of Ord. No. 878.1

Good Morning Cecilia ☺

Ad received and will publish on date(s) requested.

Charlene Moeller | Customer Care Representative / Legals

The Desert Sun Media Group
750 N. Gene Autry Trail, Palm Springs, CA 92262
t 760.778.4578 | f 760.778.4528 e: legals@thedesertsun.com

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This email and any files transmitted with it are confidential and intended for the individual to whom they are addressed. If you have received this email in error, please notify the sender and delete the message from your system

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Wednesday, May 18, 2016 8:43 AM
To: Email, TDS-Legals <legals@thedesertsun.com>
Subject: FOR PUBLICATION: Intro of Ord. No. 878.1

Good morning! Attached is an Introduction of Ordinance, for publication on Sunday, May 22, 2016. Please confirm. THANK YOU!

Cecilia Gil
Board Assistant
Clerk of the Board of Supervisors
(951) 955-8464
MS# 1010

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, June 7, 2016 at 9:00 a.m.** to consider adoption of the following ordinance:

ORDINANCE NO. 878.1

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 878
REGARDING NOISY ANIMALS

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

Section 1. Section 11 of Ordinance No. 878 is amended to read as follows:

“DETERMINATION AND ORDER. Within ten (10) business days after the conclusion of the hearing, the administrative hearing officer shall, by certified mail, return receipt requested and by posting upon the premises where the animal is kept, notify the Responsible Party of the administrative hearing officer’s determination and any orders issued. The order shall be called and administrative abatement order. If the administrative hearing officer determines that the animal is a Noisy Animal and the maintenance thereof, a public nuisance, the Responsible Party shall comply with the administrative hearing officer’s order within five (5) days after the date of mailing and posting of the determination and order. The decision of the administrative hearing officer shall be final.

Section 2. The ordinance shall take effect thirty (30) days after its adoption.

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the hearing or may appear and be heard in support or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at 951-955-1063, 72 hours prior to the hearing.

Dated: May 18, 2016

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant