

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



ITEM  
3.8  
(ID # 4180)

MEETING DATE:  
Tuesday, May 9, 2017

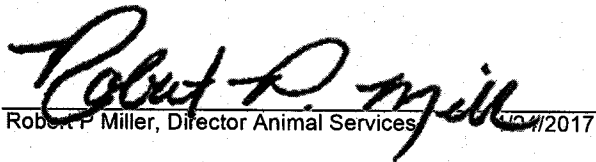
FROM : ANIMAL SERVICES:

SUBJECT: ANIMAL SERVICES: Introduce Ordinance No. 934, Prohibiting the Harassment and Feeding of Undomesticated Burros. [District-2 & 5]; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt an order to introduce and set for public hearing the adoption of Ordinance No. 934 Prohibiting the Harassment and Feeding of Undomesticated Burros;
2. Find Ordinance No.934 is not a project under CEQA per CEQA Guidelines section 15060 (c)(3) and section 15378 and 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;
3. Authorize the Clerk of the Board to place an advertisement for the public hearing in the appropriate local Publications; and
4. Upon the close of the Public Hearing, adopt Ordinance No. 934.

ACTION: Policy

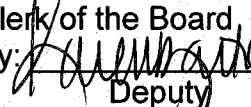
  
Robert P. Miller, Director Animal Services 5/9/2017

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MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended; and that the above Ordinance is approved as introduced with a waiver of reading; and set for public hearing Tuesday, June 27, 2017, at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington and Ashley  
Nays: None  
Absent: None  
Date: May 9, 2017  
xc: Animal Services, COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> N/A			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 16/17	

**C.E.O. RECOMMENDATION:** Approve.

**BACKGROUND:**

**Summary**

Animal Services provides service for the residents of Riverside County, including management of undomesticated burro herds living in highly populated areas in the unincorporated areas and in cities within County of Riverside. The Board of Supervisors approved the initiation of a Burro Ordinance on April 11, 2017, agenda item 3.13.

Burros generally inhabit the Reche Canyon and Pigeon Pass areas, but have been using roadways and railroad tracks to enter populated areas. They are enticed to move further into more urbanized neighborhoods by increased contact with humans, by way of food left on the side of the road or handed-out through vehicle windows directly to the animals. This practice has greatly reduced the burro's instinctual fear of humans and vehicles and has led to burros being found on rail lines and roadways, increasing the number of vehicle accidents in which burros and citizens are injured.

A warning of the likelihood of rail and vehicle accidents was seen on December 4, 2015. Riverside County Transportation Commission requested Animal Services' assistance in removing burros from the Perris Valley Line, a commuter rail-line running through portions of Riverside and unincorporated Riverside County. The burros were found on or very close to tracks being tested, which were, subsequently, placed into service.

Animal Services' investigated the rail-line issue and discovered the majority of burros removed for their safety were no longer exhibiting normal behavior patterns. In the wild, burros eat mostly grass or native vegetation and fear people and vehicles. However, due to easy access to human foods, the burros' discontinued grazing, as burros naturally do, and instead seek out populated areas, roadways and people to obtain the treats provided.

The federal government has recognized the issue presented by undomesticated animals entering populated areas and enacted the Wild Free Roaming Horses and Burro Act of 1971, investing the management of the animals on federal lands to the United States Department of the Interior, Bureau of Land Management. The federal act does not apply to the burro herds found in Riverside County because the land they occupy is not federally controlled.

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

The State of California is also vested in addressing undomesticated burro herds. The Department of Fish and Game enacted Title 14, Division 1, Section 251.1 in an effort to assist counties in managing the wild herds. The regulation expressly prohibits the harassment, including feeding, of undomesticated burros. Ordinance No. 934 was based on section 251.1, and provides additional protections to these unique animals, as permitted by Fish and Game Code section 2156.

Reducing contact between burros and the public results in several positive outcomes, including reducing accidents with injuries on rail lines and roadways, and encouraging the herds to return to their natural behaviors.

**Impact on Residents and Businesses**

Ordinance No. 934 will entice the burros to return to their natural habitat, by reducing human contact, thereby decreasing vehicle accidents that result from burros entering populated areas. The reduction would ease the cost for emergency services necessary when an accident occurs on a roadway.

**SUPPLEMENTAL:**

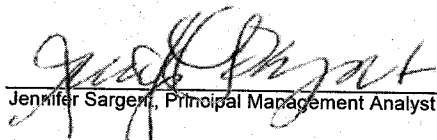
**Additional Fiscal Information**

Approval of this Ordinance will not result in a cost to the county and no budget adjustment is required.

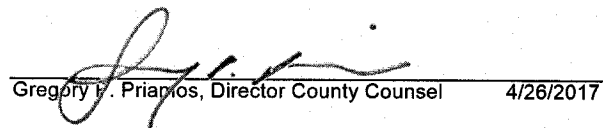
The implementation costs are included in the FY 2016/17 budget and will be supplemented by the penalty fees recovered from violations of ordinance. Additional support will be provided by non-profit organizations working with the Department of Animal Services to develop cooperative agreements that will offset the costs associated with managing the herds.

**ATTACHMENT**

Ordinance No. 934

  
Jennifer Sargent, Principal Management Analyst

5/4/2017

  
Gregory F. Priamos, Director County Counsel

4/26/2017

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ORDINANCE NO. 934

AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROHIBITING THE HARASSMENT AND  
FEEDING OF UNDOMESTICATED BURROS

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

Section 1. FINDINGS. The Board of Supervisors finds that the population growth of undomesticated burro herds, and the increased urbanization of Riverside County, has resulted in an increase in injured wild burros from traffic accidents within the County.

- a. The herds have migrated into populated areas using rail lines and roadways seeking food that is provided by well-meaning people. Food that is made available in more populated areas reduces or eliminates the burros' fear of humans and cars and encourages the burros to abandon their natural instinct to graze.
- b. The change in the food seeking behaviors of the burros because of these well-meaning people presents a safety issue for the residents, and burros of the County.
- c. The burros continue to move further into populated areas in search of food resulting in an increase in traffic accidents with serious injuries to citizens, burros, and the infrastructure of roadways and regional rail lines.
- d. In an attempt to bring this problem under control, it is necessary to (1) prohibit feeding, or providing food in any manner, to burros that are not within the legal possession of that person, (2) prohibit the harassment of the animals to reduce the human interaction that has resulted in the burros abandoning their grazing grounds.

Section 2. PURPOSE. The purpose of this ordinance is to establish reasonable and uniform regulations to protect the undomesticated burro population by encouraging the instinctual behavior of the undomesticated burros by reducing human interactions with them. This purpose will be fulfilled by enforcing restrictions on human and

1 undomesticated burro interactions and will be enforced with infractions and  
2 administrative penalties and the resulting fines.

3 Section 3. AUTHORITY. This ordinance is adopted pursuant to the authority granted by  
4 Article 11, Section 7 of the Constitution of the State of California, section 2156 and  
5 section 4600 of the California Fish and Game Code, section 53074.5 of the  
6 Government Code, and the California Code of Regulations, Title 14, Division 1,  
7 section 251.1 regarding the harassment of animals.

8 Generally the area of fish and game has been preempted by the state, however, Fish  
9 and Game Code section 2156 authorizes regulation of fish and game by local  
10 government in situations where the enacted ordinances relating to the possession or  
11 care of wild animals are more restrictive than the regulations. This ordinance is  
12 based on a regulation of the Department of Fish and Game, 14 CA ADC § 251.1,  
13 which was sought by San Bernardino and Riverside Counties, and prohibits the  
14 harassment, including feeding of, undomesticated mammals, or birds. This  
15 ordinance is more restrictive than the regulation because it is specific to Riverside  
16 County burros and focuses on prohibiting feeding as its primary objective, with a  
17 secondary goal of prohibiting the harassment as set forth in the regulation. The  
18 ordinance is not duplicative of state law, or preempted by state legislation.

19 Section 4. EXEMPTIONS. This ordinance shall not apply to:

- 20 a. Animal Rescue Operation or Animal Rescuer that the County authorizes to assist  
21 the Department of Animal Services in the care and relocation of the  
22 undomesticated burro herds.
- 23 b. A landowner or tenant who drives or herds mammals for the purpose of preventing  
24 damage to private or public property, including aquaculture and agriculture crops.  
25 Such a person must notice the Department of Animal Services of their action as  
26 soon as they are reasonably able.

27 Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have the  
28 following words.

- 1 a. Animal Rescuer. As defined in Ordinance 630 Section 1, subsection b.
- 2 b. Animal Rescue Operation. As defined in Ordinance 630 Section 1, subsection c.
- 3 c. Feeding. The intentional act of providing food to any wild burro by a person.
- 4 d. Harass. An intentional act which disrupts an animal's normal patterns, which
- 5 includes, but is not limited to, breeding, feeding or sheltering.
- 6 e. Person. Any person, firm, cooperation, association, society or other organization.
- 7 f. Providing Food. The intentional act of making food for wild burros available in any
- 8 location in the unincorporated area of the County without the approval of the
- 9 County.
- 10 g. Undomesticated Burro. As defined in California Government Code §53074.5; A
- 11 wild burro or a burro which has not been tamed or domesticated for a period of
- 12 three years after its capture and is not protected by the federal government under
- 13 the federal Wild Free-Roaming Horses and Burros Act

14 Section 6. FEEDING OF UNDOMESTICATED BURROS. Except as provided in Section 6

15 of this Ordinance, it is unlawful for any person to feed, or in any manner, provide

16 food to any burro that is not owned or lawfully possessed by that person.

17 Section 7. HARASSMENT OF ANIMALS. Except as otherwise authorized in this ordinance

18 or in the Fish and Game Code and regulations promulgated pursuant thereto, no

19 person shall feed, harass, herd, drive capture, keep, or attempt to domesticate, any

20 undomesticated burro.

21 Section 8. ENFORCEMENT.

- 22 a. The Animals Services Director shall supervise the administration and enforcement
- 23 of this Ordinance and the laws of the State of California pertaining to the care and
- 24 control of animals.
- 25 b. The Animal Services Director may post signs advising the public that feeding
- 26 undomesticated burros is prohibited by this ordinance and the California Code of
- 27 Regulations, Title 14, Division 1, section 251.1 regarding the harassment of
- 28 animals.

- 1 c. The Board of Supervisors may enter into a written agreement or agreements with  
2 any veterinarian, organized humane society, association, person, corporation or  
3 organization which will provide assistance to the County in providing care for  
4 undomesticated burros.
- 5 d. It shall be unlawful for any person to interfere with, oppose, or resist any officer,  
6 employee or person empowered to enforce the provisions of this Ordinance while  
7 such officer, employee or person is engaged in the performance of his/her duties as  
8 provided in Riverside County Ordinance No. 630, section 8.
- 9 e. Nothing in this Ordinance shall prevent the Animal Services Director from acting,  
10 when he/she deems it appropriate to do so, under the applicable provisions of the  
11 California Penal Code, Section 597, et seq.

12 Section 9. VIOLATION.

- 13 a. An administrative citation, infraction, or other such authorized penalty may be  
14 issued to any person in violation of this ordinance.
- 15 b. An infraction is punishable by;
- 16 1. A fine not to exceed one hundred dollars (\$100.00) for the first violation;
  - 17 2. A fine not to exceed two hundred dollars (\$200.00) for the second violation  
18 within one year;
  - 19 3. A fine not to exceed five hundred dollars (\$500.00) for each additional  
20 violation within one year.
- 21 c. The administrative penalties assessed for each violation of a County Animal  
22 Control Ordinance shall not exceed the following amounts.
- 23 1. One hundred dollars (\$100.00) for a first violation;
  - 24 2. Two hundred dollars (\$200.00) for a second violation of the same  
25 administrative abatement order within one year;
  - 26 3. Five hundred dollars (\$500.00) for each additional violation of the  
27 administrative abatement order within one year.
- 28

- 1 d. Each such person shall be guilty of a separate offense for each and every incident in  
2 which any violation of any provision of the ordinance of the County is committed;  
3 continued or permitted by any such person, and such person shall be punishable  
4 accordingly.
- 5 e. Where the violation would otherwise be an infraction, the administrative penalty  
6 shall not exceed the maximum fine or infraction amount.
- 7 f. The penalties assessed shall be payable to the County of Riverside Department of  
8 Animal Services.
- 9 g. A citation is to issue and be processed in compliance with Riverside Ordinance No.  
10 630, section 22.

11 Section 10. SEVERABILITY. If any provision, clause, sentence or paragraph of this  
12 Ordinance or the application thereof to any person or circumstances shall be held  
13 invalid, such invalidity shall not affect the other provisions or applications of the  
14 provisions of this Ordinance which can be given effect without the invalid  
15 provision or application, and to this end, the provisions of this Ordinance are  
16 hereby declared to be severable.

17 Section 11. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its  
18 adoption.

19  
20 BOARD OF SUPERVISORS OF THE COUNTY  
21 OF RIVERSIDE, STATE OF CALIFORNIA

22 By: \_\_\_\_\_  
23 Chairman, Board of Supervisors

24 ATTEST:

25 CLERK OF THE BOARD:

26 By: \_\_\_\_\_  
27 Deputy


28 (SEAL)



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APPROVED AS TO FORM:

Date: 4/11/17

By:   
KRISTINE BELL-VALDEZ  
Deputy County Counsel

KBV:nh  
04/04/17

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: Ordinance No. 934 Prohibiting the Harassment and Feeding of Undomesticated Burros.

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: Ordinance No 934 provides management of undomesticated burro herds that live in Riverside County. The Ordinance prohibits the harassment of the undomesticated burros, including feeding the burros unless the individual or organization is authorized to do so by the Riverside County Board of Supervisors, and authorized the Department of Animal Services to erect signs advising the public of the ordinance and related law. The California Code of Regulations, Title 14, Division 1, section 251.1 regarding the harassment of animals includes substantially similar language, and Fish and Game Code section 2156 authorizes the county to enact an ordinance that is more restrictive than the regulation.

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
X Other: (State CEQA Guidelines Sec. 15061(b)(3) and Sec. 15378)

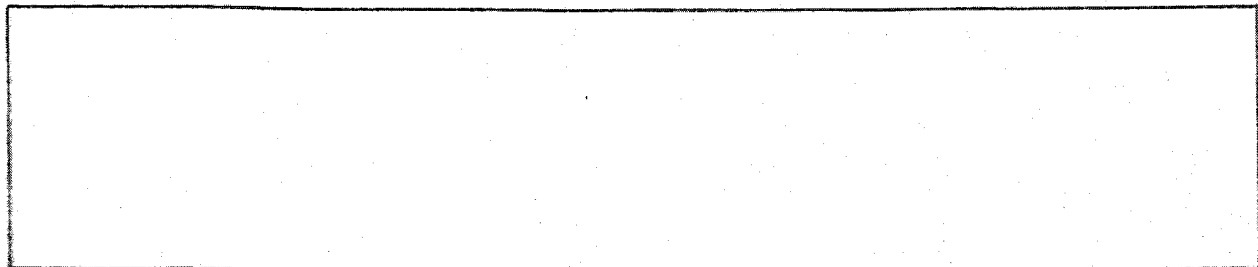
Reasons Why Project is Exempt:

The adoption of Ordinance No. 934 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060 (c)(3), citing section 15378 and section 15061 (b)(3). The Ordinance does not qualify as a project because it does not lead to a potential physical change in the environment or cause a reasonably foreseeable indirect physical change in the environment. The Ordinance is intended to protect and encourage the natural behaviors of the undomesticated burro in its habitat. The herds residing in the Inland Empire are not within a protected rangeland, and therefore are not protected by the federal or California Endangered Species Act or the federal Wild Horse and Burros Act, and Ordinance No 934 will provide protection. The ordinance 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 ensures the protection of Riverside County's undomesticated burro population.

Robert Miller, Director Department of Animal Services (951) 358-7442
County Contact Person Phone Number

Signature: [Handwritten Signature] Title: Director Date: 3/20/17

For County Clerk's Use Only





CALL (951) 368-9222  
EMAIL: legal@pe.com

# THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	Amount
6/10/17	0010962846		PE Riverside	3 x 209 Li	920.40

Invoice text: Ord. No. 934

RECEIVED RIVERSIDE COUNTY  
 CLERK / BOARD OF SUPERVISORS  
 2017 JUN 16 AM 10:46

*Nancy Daudert  
8-5568*

*Animal Services  
3.8 of 05/09/17*

Placed by: Cecilia Gil

**BALANCE DUE**

920.40

## Legal Advertising Memo Invoice

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	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
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BOARD OF SUPERVISORS		
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06/10/2017	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
920.40	0010962846	DUE UPON RECEIPT



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Legal Advertising Memo Invoice

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

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COUNTY OF RIVERSIDE  
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RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPERS PARTNERSHIP  
Riverside Press-Enterprise  
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LOS ANGELES CA 90054-0880

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951-368-9018 FAX

**PROOF OF PUBLICATION**  
**(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Ord. No. 934 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**06/10/2017**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: June 10, 2017

At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
PO BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0010962846-01

P.O. Number:

Ad Copy:

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

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 20, 2017 at 9:00 a.m., or as soon as possible thereafter, to consider adoption of the following:**

### ORDINANCE NO. 934

#### AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROHIBITING THE HARASSMENT AND FEEDING OF UNDOMESTICATED BURROS

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

- Section 1. **FINDINGS.** The Board of Supervisors finds that the population growth of undomesticated burro herds, and the increased urbanization of Riverside County, has resulted in an increase in injured wild burros from traffic accidents within the County.
- The herds have migrated into populated areas using rail lines and roadways seeking food that is provided by well-meaning people. Food that is made available in more populated areas reduces or eliminates the burros' fear of humans and cars and encourages the burros to abandon their natural instinct to graze.
  - The change in the food seeking behaviors of the burros because of these well-meaning people presents a safety issue for the residents, and burros of the County.
  - The burros continue to move further into populated areas in search of food resulting in an increase in traffic accidents with serious injuries to citizens, burros, and the infrastructure of roadways and regional rail lines.
  - In an attempt to bring this problem under control, it is necessary to (1) prohibit feeding, or providing food in any manner, to burros that are not within the legal possession of that person, (2) prohibit the harassment of the animals to reduce the human interaction that has resulted in the burros abandoning their grazing grounds.
- Section 2. **PURPOSE.** The purpose of this ordinance is to establish reasonable and uniform regulations to protect the undomesticated burro population by encouraging the instinctual behavior of the undomesticated burros by reducing human interactions with them. This purpose will be fulfilled by enforcing restrictions on human and undomesticated burro interactions and will be enforced with infractions and administrative penalties and the resulting fines.
- Section 3. **AUTHORITY.** This ordinance is adopted pursuant to the authority granted by Article 11, Section 7 of the Constitution of the State of California, section 2156 and section 4600 of the California Fish and Game Code, section 53074.5 of the Government Code, and the California Code of Regulations, Title 14, Division 1, section 251.1 regarding the harassment of animals. Generally the area of fish and game has been preempted by the state, however, Fish and Game Code section 2156 authorizes regulation of fish and game by local government in situations where the enacted ordinances relating to the possession or care of wild animals are more restrictive than the regulations. This ordinance is based on a regulation of the Department of Fish and Game, 14 CA ADC § 251.1, which was sought by San Bernardino and Riverside Counties, and prohibits the harassment, including feeding of, undomesticated mammals, or birds. This ordinance is more restrictive than the regulation because it is specific to Riverside County burros and focuses on prohibiting feeding as its primary objective, with a secondary goal of prohibiting the harassment as set forth in the regulation. The ordinance is not duplicative of state law, or preempted by state legislation.
- Section 4. **EXEMPTIONS.** This ordinance shall not apply to:
- Animal Rescue Operation or Animal Rescuer that the County authorizes to assist the Department of Animal Services in the care and relocation of the undomesticated burro herds.
  - A landowner or tenant who drives or herds mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops. Such a person must notice the Department of Animal Services of their action as soon as they are reasonably able.
- Section 5. **DEFINITIONS.** As used in this ordinance, the following terms shall have the following words.
- Animal Rescuer. As defined in Ordinance 630 Section 1, subsection b.
  - Animal Rescue Operation. As defined in Ordinance 630 Section 1, subsection c.
  - Feeding. The intentional act of providing food to any wild burro by a person.
  - Harass. An intentional act which disrupts an animal's normal patterns, which includes, but is not limited to, breeding, feeding or sheltering.
  - Person. Any person, firm, cooperation, association, society or other organization.
  - Providing Food. The intentional act of making food for wild burros available in any location in the unincorporated area of the County without the approval of the County.
  - Undomesticated Burro. As defined in California Government Code §53074.5; A wild burro or a burro which has not been tamed or domesticated for a period of three years after its capture and is not protected by the federal government under the federal Wild Free-Roaming Horses and Burros Act.
- Section 6. **FEEDING OF UNDOMESTICATED BURROS.** Except as provided in Section 6 of this Ordinance, it is unlawful for any person to feed, or in any manner, provide food to any burro that is not owned or lawfully possessed by that person.
- Section 7. **HARASSMENT OF ANIMALS.** Except as otherwise authorized in this ordinance or in the Fish and Game Code and regulations promulgated pursuant thereto, no person shall feed, harass, herd, drive, capture, keep, or attempt to domesticate, any undomesticated burro.
- Section 8. **ENFORCEMENT.**
- The Animals Services Director shall supervise the administration and enforcement of this Ordinance and the laws of the State of California pertaining to the care and control of animals.
  - The Animal Services Director may post signs advising the public that feeding undomesticated burros is prohibited by this ordinance and the California Code of Regulations, Title 14, Division 1, section 251.1 regarding the

harassment of animals.

- c. The Board of Supervisors may enter into a written agreement or agreements with any veterinarian, organized humane society, association, person, corporation or organization which will provide assistance to the County in providing care for undomesticated burros.
- d. It shall be unlawful for any person to interfere with, oppose, or resist any officer, employee or person empowered to enforce the provisions of this Ordinance while such officer, employee or person is engaged in the performance of his/her duties as provided in Riverside County Ordinance No. 630, section 8.
- e. Nothing in this Ordinance shall prevent the Animal Services Director from acting, when he/she deems it appropriate to do so, under the applicable provisions of the California Penal Code, Section 597, et seq.

**Section 9. VIOLATION.**

- a. An administrative citation, infraction, or other such authorized penalty may be issued to any person in violation of this ordinance.
- b. An infraction is punishable by:
  1. A fine not to exceed one hundred dollars (\$100.00) for the first violation;
  2. A fine not to exceed two hundred dollars (\$200.00) for the second violation within one year;
  3. A fine not to exceed five hundred dollars (\$500.00) for each additional violation within one year.
- c. The administrative penalties assessed for each violation of a County Animal Control Ordinance shall not exceed the following amounts:
  1. One hundred dollars (\$100.00) for a first violation;
  2. Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;
  3. Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one year.
- d. Each such person shall be guilty of a separate offense for each and every incident in which any violation of any provision of the ordinance of the County is committed, continued or permitted by any such person, and such person shall be punishable accordingly.
- e. Where the violation would otherwise be an infraction, the administrative penalty shall not exceed the maximum fine or infraction amount.
- f. The penalties assessed shall be payable to the County of Riverside Department of Animal Services.
- g. A citation is to issue and be processed in compliance with Riverside Ordinance No. 630, section 22.

**Section 10. SEVERABILITY.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 11. EFFECTIVE DATE.** This 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 hearing.

Dated: June 7, 2017      Kecia Harper-Ihem, Clerk of the Board  
By: Cecilia Gil, Board Assistant

RECEIVED RIVERSIDE COUNTY  
CLERK / BOARD OF SUPERVISORS  
2017 JUN 15 AM 10:47



PART OF THE USA TODAY NETWORK

(866) 875-0854

RIV0690000000000000000059767360063822010825

ADVERTISING INVOICE/STATEMENT

Terms:  
A late payment fee of 1%. 12% per annum, will be added to past due amounts

RETURN THIS SECTION TO ENSURE PROPER CREDIT.  
PLEASE MAKE YOUR PAYMENT PAYABLE TO:

Desert Sun Publishing Co.  
P.O. Box 677368  
Dallas, TX 75267-7368

RIVERSIDE COUNTY-BOARD OF SUP.  
PO BOX 1147  
RIVERSIDE, CA 92502-1147

CUSTOMER NO	INVOICE NO
RIV069	0005976736
DUE DATE	AMOUNT DUE
7/10/2017	6,382.20
FOR THE PERIOD	THRU
05/29/17	06/25/17
AMOUNT PAID	

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

DATE	EDT	CLASS	DESCRIPTION	TIMES RUN	DEPTH	COL	TOTAL SIZE	RATE	AMOUNT
0529			BALANCE FORWARD						11,833.80
0608			CREDIT CARD CHARGE						5,343.80-
0620			CREDIT CARD CHARGE						6,490.00-
0531	CLS	0001	NO 0760: NOTICE OF PUBLIC HE	2	75.00	2	300.00		336.60
0602	CLS	0001	NO 0775: BO	2	396.00	3	2,376.00		2,620.20
0604	CLS	0001	NO 0796: NOTICE OF PUBL	4	127.00	3	1,524.00		1,683.00
0610	CLS	0001	NO 0834: NOTICE OF PUBLI	2	184.00	2	736.00		816.20
0623	CLS	0001	NO 0900: NOTICE OF PUBLIC HE	2	64.00	2	256.00		288.20
0623	CLS	0001	NO 0901: NOTICE OF PUBLIC HE	2	65.00	2	260.00		292.60
0625	CLS	0001	NO 0911: NOTICE OF PUBLIC HE	2	77.00	2	308.00		345.40

<u>0760</u> - Planning 17.2 of 06/20/17 \$336.60	<u>0775</u> - Waste 12.2 of 05/23/17 \$2620.20	<u>0796</u> - EDA 3.20 of 05/23/17 \$1683.00	<u>0834</u> - Animal Surv. 3.8 of 05/09/17 \$816.20
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<u>0900</u> - Planning of 07/25/17 \$288.20	<u>0901</u> - Planning of 07/25/17 \$292.60	<u>0911</u> - Env. Health 3.8 of 06/13/17 \$345.40	
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CURRENT	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS	OVER 120 DAYS	TOTAL DUE
6,382.20	.00	.00	.00	.00	6,382.20
					SALESPERSON OPEN STEPHANSON

The Advertiser shall make payment within 15 days of the billing date indicated on Company's statement, and, in the event that it fails to make payment within such time, Company may reject advertising copy and / or immediately cancel this contract and Advertiser agrees to indemnify Company for all expenses incurred in connection with the collection of amounts payable under this contract, including but not limited to collection fees, attorney's fees and court costs. If this agreement is cancelled due to Advertiser's failure to make timely payment, Company may rebill the Advertiser for the outstanding balance due at the open or earned contract rate, whichever is applicable.

TO ENSURE PROPER CREDIT, PLEASE RETURN TOP SECTION AND INCLUDE YOUR CUSTOMER NUMBER ON REMITTANCE

For your records

CUSTOMER NO.	NAME	INVOICE NUMBER	AMOUNT PAID
RIV069	RIVERSIDE COUNTY-BOARD OF SUP.	0005976736	
<b>THE DESERT SUN PUBLISHING CO.</b> ADVERTISING INVOICE/STATEMENT ADVERTISING INVOICE/STATEMENT		DUE DATE	
		7/10/2017	

The Desert Sun  
750 N Gene Autry Trail  
Palm Springs, CA 92262  
760-778-4578 / Fax 760-778-4731

## Certificate

State Of California ss:  
County of Riverside

Advertiser: RIVERSIDE COUNTY-BOARD OF SUP.  
4080 LEMON ST  
RIVERSIDE, CA 92501  
Order # 0002201112

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non paniel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Newspaper: The Desert Sun

6/10/2017

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 10th day of JUNE, 2017 in Palm Springs, California.

Declarant

NO 0834: NOTICE OF PUBLIC HEARING  
BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

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 20, 2017 at 9:00 a.m., or as soon as possible thereafter, to consider adoption of the following:

### ORDINANCE NO. 934 AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROHIBITING THE HARASSMENT AND FEEDING OF UNDOMESTICATED BURROS

The Board of Supervisors of the County of Riverside ordains as follows:  
Section 1. FINDINGS. The Board of Supervisors finds that the population growth of undomesticated burro herds, and the increased urbanization of Riverside County, has resulted in an increase in injured wild burros from traffic accidents within the County.

a. The herds have migrated into populated areas using rail lines and roadways seeking food that is provided by well-meaning people. Food that is made available in more populated areas reduces or eliminates the burros' fear of humans and cars and encourages the burros to abandon their natural instinct to graze.  
b. The change in the food seeking behaviors of the burros because of these well-meaning people presents a safety issue for the residents, and burros of the County.

c. The burros continue to move further into populated areas in search of food resulting in an increase in traffic accidents with serious injuries to citizens, burros, and the infrastructure of roadways and regional rail lines.

d. In an attempt to bring this problem under control, it is necessary to (1) prohibit feeding, or providing food in any manner, to burros that are not within the legal possession of that person, (2) prohibit the harassment of the animals to reduce the human interaction that has resulted in the burros abandoning their grazing grounds.

Section 2. PURPOSE. The purpose of this ordinance is to establish reasonable and uniform regulations to protect the undomesticated burro population by encouraging the instinctual behavior of the undomesticated burros by reducing human interactions with them. This purpose will be fulfilled by enforcing restrictions on human and undomesticated burro interactions and will be enforced with infractions and administrative penalties and the resulting fines.

Section 3. AUTHORITY. This ordinance is adopted pursuant to the authority granted by Article 11, Section 7 of the Constitution of the State of California, section 2156 and section 4600 of the California Fish and Game Code, section 53074.5 of the Government Code, and the California Code of Regulations, Title 14, Division 1, section 251.1 regarding the harassment of animals.

Generally the area of fish and game has been preempted by the state, however, Fish and Game Code section 2156 authorizes regulation of fish and game by local government in situations where the enacted ordinances relating to the possession or care of wild animals are more restrictive than the regulations. This ordinance is based on a regulation of the Department of Fish and Game, 14 CA ADC § 251.1, which was sought by San Bernardino and Riverside Counties, and prohibits the harassment, including feeding of, undomesticated mammals, or birds. This ordinance is more restrictive than the regulation because it is specific to Riverside County burros and focuses on prohibiting feeding as its primary objective, with a secondary goal of prohibiting the harassment as set forth in the regulation. The ordinance is not duplicative of state law, or preempted by state legislation.

Section 4. EXEMPTIONS. This ordinance shall not apply to:  
a. Animal Rescue Operation or Animal Rescuer that the County authorizes to assist the Department of Animal Services in the care and relocation of the undomesticated burro herds.

b. A landowner or tenant who drives or herds mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops. Such a person must notice the Department of Animal Services of their action as soon as they are reasonably able.

Section 5. DEFINITIONS. As used in this ordinance, the following terms shall have the following words.

a. Animal Rescuer. As defined in Ordinance 630 Section 1, subsection b.

b. Animal Rescue Operation. As defined in Ordinance 630 Section 1, subsection c.

c. Feeding. The intentional act of providing food to any wild burro by a person.

d. Harass. An intentional act which disrupts an animal's normal patterns, which includes, but is not limited to, breeding, feeding or sheltering.

e. Person. Any person, firm, cooperation, association, society or other organization.

f. Providing Food. The intentional act of making food for wild burros available in any location in the unincorporated area of the County without the approval of the County.

g. Undomesticated Burro. As defined in California Government Code §53074.5; A wild burro or a burro which has not been tamed or domesticated for a period of three years after its capture and is not protected by the federal government under the federal Wild Free-Roaming Horses and Burros Act.

Section 6. FEEDING OF UNDOMESTICATED BURROS. Except as provided in Section 6 of this Ordinance, it is unlawful for any person to feed, or in any manner, provide food to any burro that is not owned or lawfully possessed by that person.

Section 7. HARASSMENT OF ANIMALS. Except as otherwise authorized in this ordinance or in the Fish and Game Code and regulations promulgated pursuant thereto, no person shall feed, harass, herd, drive capture, keep, or attempt to domesticate, any undomesticated burro.

Section 8. ENFORCEMENT.

a. The Animal Services Director shall supervise the administration and enforcement of this Ordinance and the laws of the State of California pertaining to the care and control of animals.

b. The Animal Services Director may post signs advising the public that feeding undomesticated burros is prohibited by this ordinance and the California Code of Regulations, Title 14, Division 1, section 251.1 regarding the harassment of animals.

c. The Board of Supervisors may enter into a written agreement or agreements with any veterinarian, organized humane society, association, person, corporation or organization which will provide assistance to the County in providing care for undomesticated burros.

d. It shall be unlawful for any person to interfere with, oppose, or resist any officer, employee or person empowered to enforce the provisions of this Ordinance while such officer, employee or person is engaged in the performance of his/her duties as provided in Riverside County Ordinance No. 630, section 8.

e. Nothing in this Ordinance shall prevent the Animal Services Director from acting, when he/she deems it appropriate to do so, under the applicable provisions of the California Penal Code, Section 597, et seq.

Section 9. VIOLATION.

a. An administrative citation, infraction, or other such authorized penalty may be issued to any person in violation of this ordinance.

b. An infraction is punishable by:

1. A fine not to exceed one hundred dollars (\$100.00) for the first violation;

2. A fine not to exceed two hundred dollars (\$200.00) for the second violation within one year;

3. A fine not to exceed five hundred dollars (\$500.00) for each additional violation within one year.

c. The administrative penalties assessed for each violation of a County Animal Control Ordinance shall not exceed the following amounts:

1. One hundred dollars (\$100.00) for a first violation;

2. Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;

3. Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one year.

d. Each such person shall be guilty of a separate offense for each and every incident in which any violation of any provision of the ordinance of the County is committed, continued or permitted by any such person, and such person shall be punishable accordingly.

e. Where the violation would otherwise be an infraction, the administrative penalty shall not exceed the maximum fine or infraction amount.

f. The penalties assessed shall be payable to the County of Riverside Department of Animal Services.

g. A citation is to issue and be processed in compliance with Riverside Ordinance No. 630, section 22.

Section 10. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

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Dated: June 7, 2017

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant

Published: 6/10/2017

