

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



ITEM
9.1
(ID # 4336)

MEETING DATE:

Tuesday, June 20, 2017

FROM : ANIMAL SERVICES:

SUBJECT: ANIMAL SERVICES: Public hearing for the adoption of Ordinance 934, Prohibiting the Harassment and Feeding of Undomesticated Burros. [Districts-2 & 5]; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct a public hearing for the adoption of Ordinance No. 934, Prohibiting the Harassment and Feeding of Undomesticated Burros; and
2. Upon the close of the public hearing, adopt Ordinance No. 934.

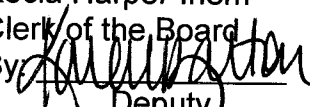
ACTION: Policy


Robert P Miller, Director Animal Services 6/20/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 934 is adopted with waiver of the reading.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: June 20, 2017
xc: Animal Services, MC, COB

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

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

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

Animal Services provides service for the residents of Riverside County, including the management of undomesticated burro herds living in highly populated areas in the unincorporated areas and cities within the County of Riverside. The Board of Supervisors approved the initiation of a Burro Ordinance on April 11, 2017, agenda item 3.13, and the introduction of Ordinance 934 was approved on May 9, 2017, agenda item 3.7.

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 burros' instinctual fear of humans and vehicles and has led to burros being found on rail lines and roadways, increasing the number of vehicle accidents through which burros and citizens are injured.

A warning of the likelihood of rail and vehicle accidents was observed 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, and 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 food, the burros discontinued grazing, instead seeking out populated areas, roadways and people to obtain the treats provided.

The federal government 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 fewer 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.

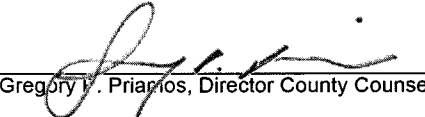
The implementation costs are included in the FY 2016/17 budget and will be supplemented by the penalty fees recovered from violations of ordinance. Additional support will be received from non-profit organizations working with the Department of Animal Services to develop cooperative agreements that will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

ATTACHMENT

Ordinance No. 934


Jennifer Sargent, Principal Management Analyst

6/13/2017


Gregory V. Priarios, Director County Counsel

5/10/2017

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: 

Chairman, Board of Supervisors
23 JOHN TAVAGLIONE

24 ATTEST: **KECIA HARPER-IHEM**
CLERK OF THE BOARD:

25
26 By: 

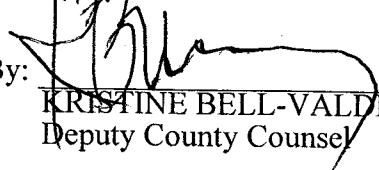
Deputy

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28 (SEAL)

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APPROVED AS TO FORM:

Date: 4/4/17

By: 
KRISTINE BELL-VALDEZ
Deputy County Counsel

KBV:nh
04/04/17

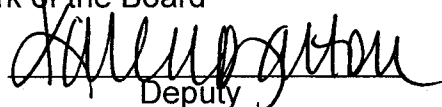
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on June 20, 2017, the foregoing ordinance consisting of 11 Sections was adopted by the following vote:

AYES: Jeffries, Tavaglione, Washington, Perez and Ashley
NAYS: None
ABSENT: None

DATE: June 20, 2017

KECIA HARPER-IHEM
Clerk of the Board
BY: 
Deputy

SEAL

Item 9.1

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



ITEM
3.8
(ID # 4180)

MEETING DATE:
Tuesday, May 9, 2017

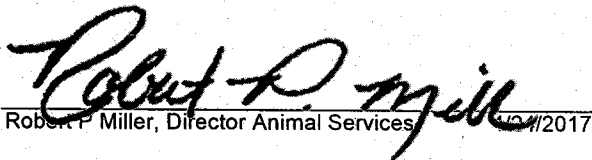
FROM : ANIMAL SERVICES:

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.

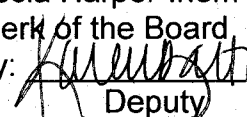
ACTION: Policy


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

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**

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

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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**

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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:

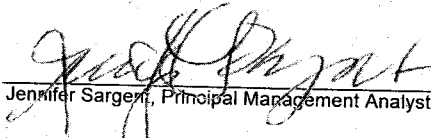
Additional Fiscal Information

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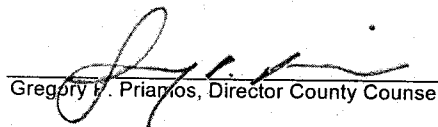
The implementation costs are included in the FY 2016/17 budget and will be supplemented by the penalty fees recovered from violations of ordinance. Additional support will be provided by non-profit organizations working with the Department of Animal Services to develop cooperative agreements that will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

ATTACHMENT

Ordinance No. 934


Jennifer Sargent, Principal Management Analyst

5/4/2017


Gregory E. Priamos, Director County Counsel

4/26/2017



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

June 7, 2017

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

E-MAIL: legals@pe.com
TEL: 951-368-9225

RE: NOTICE OF PUBLIC HEARING FOR ADOPTION OF: ORDINANCE NO. 934
PROHIBITING THE HARASSMENT AND FEEDING OF UNDOMESTICATED BURROS

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on Saturday:
June 10, 2017.

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

Your invoice must be submitted to this office in duplicate, 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

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

Gil, Cecilia

From: Legals <legals@pe.com>
Sent: Wednesday, June 7, 2017 9:35 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Ord. No. 934

Received for publication on 6/10. Proof with cost to follow.

Nick Eller

Legal Advertising Phone: 951-368-9222 / Fax: 951-368-9018 / E-mail: legals@pe.com
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 / La Prensa

On Wed, Jun 7, 2017 at 9:32 AM, Gil, Cecilia <CCGIL@rivco.org> wrote:

Attached is a Notice of Public Hearing for adoption of Ord. No. 934, for publication on Saturday, June 10, 2017. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant

Clerk of the Board of Supervisors

4080 Lemon St., 1st Floor, Room 127

Riverside, CA 92501

(951) 955-8464 Fax (951) 955-1071

Mail Stop# 1010

ccgil@rivco.org

http://rivcocob.org/



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

June 7, 2017

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

E-MAIL: legals@thedesertsun.com
TEL: 760-778-4578

RE: NOTICE OF PUBLIC HEARING FOR ADOPTION OF: ORDINANCE NO. 934
PROHIBITING THE HARASSMENT AND FEEDING OF UNDOMESTICATED BURROS

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on Saturday:
June 10, 2017.

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

Your invoice must be submitted to this office in duplicate, **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

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

Gil, Cecilia

From: Email, TDS-Legals <legals@thedesertsun.com>
Sent: Wednesday, June 7, 2017 9:37 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Ord. No. 934

Good Morning!!!

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

Lobby hours are 9am-noon (closed for lunch) 1:30p-4pm

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@RIVCO.ORG]
Sent: Wednesday, June 07, 2017 9:33 AM
To: Email, TDS-Legals <legals@thedesertsun.com>
Subject: FOR PUBLICATION: Ord. No. 934

Good morning!

Attached is a Notice of Public Hearing for adoption of Ord. No. 934, for publication on Saturday, June 10, 2017. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon St., 1st Floor, Room 127
Riverside, CA 92501
(951) 955-8464 Fax (951) 955-1071
Mail Stop# 1010

ccgil@rivco.org

<http://rivcocob.org/>



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 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.
- 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.

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

Gil, Cecilia

From: Daudert, Nancy
Sent: Wednesday, June 7, 2017 9:09 AM
To: Gil, Cecilia
Subject: RE: Ord. 934 Undomesticated Burros Public Hearing

Good morning Cecilia,

Yes June 20, 2017 should be fine. Thanks so much for your help with this☺
Nancy 85568

From: Gil, Cecilia
Sent: Wednesday, June 07, 2017 7:46 AM
To: Daudert, Nancy
Subject: Ord. 934 Undomesticated Burros Public Hearing

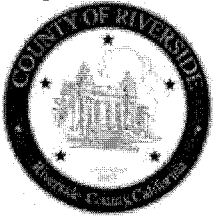
Good morning Nancy,

Is everything okay that we can schedule the hearing on June 20, 2017? I need to send the Notice to the newspapers today so I'd like to be sure I'm putting down the correct date for the hearing. Can you please confirm?

Thank you!

Cecilia Gil

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon St., 1st Floor, Room 127
Riverside, CA 92501
(951) 955-8464 Fax (951) 955-1071
Mail Stop# 1010
ccgil@rivco.org
<http://rivcocob.org/>



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain **information that is privileged, confidential and exempt from disclosure** under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.



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

June 26, 2017

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

TEL: (951) 368-9225
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 934

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday, June 29, 2017**.

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

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

Gil, Cecilia

From: Legals <legals@pe.com>
Sent: Monday, June 26, 2017 8:30 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: Adoption of Ord. No. 934

Received for publication on 6/29. Proof with cost to follow.

Nick Eller

4th Of July Deadlines

Pub Date	Deadline
7/4	6/29 @ 10:30 am
7/5	6/30 @ 10:30 am
7/6-7/7	7/3 @ 10:30 am

Legal Advertising Phone: **951-368-9222** / Fax: 951-368-9018 / E-mail: legals@pe.com

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 / La Prensa

On Mon, Jun 26, 2017 at 8:27 AM, Gil, Cecilia <CCGIL@rivco.org> wrote:

Adoption of Ordinance for publication on Thursday, June 29, 2017. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant

Clerk of the Board of Supervisors

4080 Lemon St., 1st Floor, Room 127

Riverside, CA 92501

(951) 955-8464 Fax (951) 955-1071

Mail Stop# 1010

ccgil@rivco.org

<http://rivcocob.org/>



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

June 26, 2017

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

TEL: (760) 778-4502
E-MAIL: legals@thedesertsun.com

RE: ADOPTION OF ORDINANCE NO. 934

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday, June 29, 2017**.

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

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

Gil, Cecilia

From: Email, TDS-Legals <legals@thedesertsun.com>
Sent: Monday, June 26, 2017 8:32 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Adoption of Ord. No. 934

Good Morning Cecilia,

I hope you had a pleasant weekend. I am staying as cool as I can ☺ considering the sun is doing its best to turn me in to a crispy critter!

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

Lobby hours are 9am-noon (closed for lunch) 1:30p-4pm

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@RIVCO.ORG]
Sent: Monday, June 26, 2017 8:28 AM
To: Email, TDS-Legals <legals@thedesertsun.com>
Subject: FOR PUBLICATION: Adoption of Ord. No. 934

Adoption of Ordinance for publication on Thursday, June 29, 2017. Please confirm. THANK YOU!

Stay cool ☺!

Cecilia Gil

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon St., 1st Floor, Room 127
Riverside, CA 92501
(951) 955-8464 Fax (951) 955-1071
Mail Stop# 1010
ccgil@rivco.org
<http://rivcocob.org/>

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

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 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.
- 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.

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

John F. Tavaglione, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **June 20, 2017** the foregoing Ordinance consisting of eleven (11) sections was adopted by said Board by the following vote:

AYES: Jeffries, Tavaglione, Washington, Perez and Ashley
 NAYS: None
 ABSENT: None

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



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

THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	Amount
6/29/17	0010971362		PE Riverside	3 x 217 Li	846.30

Invoice text: Adoption of Ord. No. 934

RECEIVED RIVERSIDE COUNTY
 CLERK/BOARD OF SUPERVISORS
 2017 JUL -5 AM 10:42

*Animal Svcs.
9.1 of 06/20/17*

Placed by: Cecilia Gil

BALANCE DUE

846.30

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Nick Eller 951-368-9229	06/29/2017	5209148	5209148	BOARD OF SUPERVISORS

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

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 **SOUTHERN CALIFORNIA NEWS GROUP**
THE PRESS-ENTERPRISE

Legal Advertising Memo Invoice

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

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

CALIFORNIA NEWSPAPERS PARTNERSHIP
Riverside Press-Enterprise
PO BOX 54880
LOS ANGELES CA 90054-0880

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

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

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption of 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:

06/29/2017

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

Date: June 29, 2017
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

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

Ad Number: 0010971362-01

P.O. Number:

Ad Copy:

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

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.
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- 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.
 - 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.
 - 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 per-

formance 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.

John F. Tavaglione, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on June 20, 2017 the foregoing Ordinance consisting of eleven (11) sections was adopted by said Board by the following vote:

AYES: Jeffries, Tavaglione, Washington, Perez and Ashley
NAYS: None
ABSENT: None

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

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

State Of California ss:
County of Riverside

Advertiser: RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST
RIVERSIDE , CA 92501
Order # 0002243319

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 pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

Newspaper: The Desert Sun

6/29/2017

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 29th day of JUNE, 2017 in Palm Springs, California.

Declarant

Certificate of

NO 0925:
BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

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 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.

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

careerbuilder

