

**ORDINANCE NO. 534
(AS AMENDED THROUGH 534.7)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
534 PROHIBITING THE RUNNING AT LARGE OF DOMESTIC FOWLS OR
DOMESTIC ANIMALS OTHER THAN DOGS OR CATS AND PROVIDING FOR THEIR
IMPOUNDING, FORFEITURE AND DISPOSITION**

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. DEFINITIONS. Whenever in this ordinance the words herein defined are used they shall have the respective meanings assigned to them in the following definitions:

- a. **"Animal"** includes any domestic bovine animal, horse, mule, burro, sheep, goat, swine or other domestic animal except a dog or cat.
- b. **"Director"** means the Director of the County of Riverside Department of Animal Services or his/her duly authorized representative.
- c. **"Fowl"** includes any chicken, duck, turkey, goose or other domestic fowl.
- d. **"At large"** means off the premises of, and not under physical restraint, by, the owner or other person having charge of an animal.

Section 2. ANIMALS OR FOWLS AT LARGE PROHIBITED. No person owning or having charge of any animal or fowl shall permit the same to be at large on any highway, street, sidewalk, lane, alley or other public place, or upon any private property other than that of the person owning or having charge of such animal or fowl unless such owner or person having charge of such animal or fowl has the consent of the owner of the private property.

Section 3. EXEMPTION. This ordinance shall not prohibit leading, driving, riding or conducting animals under adequate supervision along a public highway.

Section 4. IMPOUNDING ANIMALS. Subject to the provisions contained in Section 14 herein, it shall be the duty of the Director to take up and impound all animals found at large upon any highway, street, sidewalk, lane, alley or other public place, or upon any private property. The Director may contract with any person to keep, feed and care for any such animal at reasonable rates for not more than twenty (20) days.

Section 5. DISPOSITION OF ANIMALS, RABID OR DISABLED. If it shall appear to the Director from the report of a Licensed veterinarian or other qualified person that an animal is afflicted with rabies, he shall humanely destroy such animal, and shall take such other action as may be required by law and as he deems necessary to prevent the spread of such disease. He may humanely destroy any sick, disabled, infirm or crippled animal found at large if he is unable to identify and locate the owner.

Section 6. DISPOSITION OF BOVINE ANIMALS, HORSES, MULES OR BURROS. Upon impounding of any bovine animal, horse, mule or burro, the Director shall comply

with Food and Agriculture Code Section 17003 and immediately notify the Secretary of Food and Agriculture.

Section 7. DISPOSITION OF OTHER ANIMALS. If any animal other than a domestic bovine animal, horse, mule, or burro, and except an animal afflicted with rabies, impounded by the Director, is not reclaimed within 2 days thereafter, it shall be sold by the Director after giving notice of sale in accordance with Section 8 of this ordinance.

Section 8. NOTICE OF SALE. The notice of sale shall contain a description of the animal, including any identifying marks or brands; the date and place where the animal was taken up; and the time and place of sale. At least 5 days prior to the sale of any impounded animal, the Director shall cause a copy of the notice to be published in a newspaper circulated in the area where the animal was found, and shall mail a copy of the notice to the owner or person entitled to possession of the animal at his residence or place of business, if known.

Section 9. SALE OF ANIMALS. At the time and place set forth in the notice of sale, the Director shall sell the impounded animal at public sale, to the highest bidder, for cash. If no bid is offered for such animal, the Director may sell such animal at private sale or humanely destroy such animal, or otherwise dispose of it as permitted by law.

Section 10. PROCEEDS OF SALE. The proceeds of such sale, after first deducting fees and charges of the Director, including costs of sale, shall be paid by the Director to the County Treasurer who shall pay then over to the owner of such animal sold if claimed within one year thereafter. If not so claimed, they shall be transferred into the general fund of the County.

Section 11. REDEMPTION OF ANIMALS BY THE OWNER. The owner or person entitled to possession of any animal impounded, may at any time before the sale or other disposition thereof, redeem the same by paying the Director all fees and charges thereon.

Section 12. COSTS OF REDEMPTION. The Director shall charge and collect from each person redeeming an impounded animal the actual costs of transporting the animal to impound, the actual costs of veterinary and related services rendered to the animal while impounded, the actual costs of sale incurred, the actual costs of any extraordinary measures required in or for the handling and maintenance of the animal while impounded, and in addition thereto, the following fees set forth below:

1. For the maintenance of swine, goats and sheep: per animal, for each day of impoundment - \$12.00
2. For the maintenance of horses and cattle: per animal, for each day of impoundment - \$20.00
3. For the maintenance of ponies: per animal, for each day of impoundment - \$20.00
4. For the maintenance of fowl: per animal, for each day of impoundment - \$5.00

5. For the taking up of large sized animals, such as horses, cattle, and ponies: per animal - \$75.00
6. For the taking up of medium sized animals, such as swine, goats, and sheep: per animal - \$60.00
7. For the taking up of small sized animals, such as rabbits and guinea pigs: per animal - \$5.00
8. For the taking up of animals after normal business hours - \$90.00 per hour. This after hours fee is in addition to any other applicable fees set forth in this ordinance.

The fees set forth in this section shall be in effect until the Board of Supervisors shall by ordinance fix some other fee upon the basis of a cost analysis as determined by the County Auditor- Controller.

Section 13. AUTHORIZATION TO ENTER UPON PRIVATE PROPERTY.

Notwithstanding any provisions contained in this ordinance relating to the entry upon private property for any purposes hereunder, no such entry may be conducted (a) without the consent of the property owner or the person having lawful possession thereof, or (b) unless an inspection warrant has been issued and the entry is conducted in accordance with Code of Civil Procedure Sections 1822.50 through 1822.56, inclusive, or (c) except as may otherwise be prescribed by law.

Section 14. IMPOUNDMENT HEARING. At least three (3) working days prior to the impoundment of any animal, notice shall be given in person to, or by mail to the last known address of, the owner or person entitled to possession thereof of his or her right to a hearing as to whether or not such impoundment is justified. If the owner or person entitled to possession thereof requests a hearing prior to impoundment, no impoundment shall take place until the conclusion of the hearing except as provided herein. If in the opinion of the Director, immediate impoundment is necessary for the preservation of the public health or safety, the pre-impoundment hearing may be dispensed with; provided, however, in such cases the owner or person entitled to possession thereof shall be given three (3) working days notice as provided herein of his or her right to a hearing. If a hearing is requested, the hearing shall be held within five (5) days of the request, and the animal shall not be sold, destroyed or otherwise disposed of prior to the conclusion of the hearing. Notice of the time, date and place of the hearing shall be given to the owner or person entitled to possession thereof. If, at the end of the hearing, the impoundment is found to be unjustified, the animal shall be returned to the owner or person entitled to possession thereof without charge.

Section 15. FORFEITURE AND DISPOSITION.

- a. Upon the conviction of a person of a violation of this ordinance, all animals lawfully seized and impounded with respect to the violation by a Peace Officer or an Animal Control Officer, shall be adjudged by the Court wherein the conviction took place to be forfeited and shall thereupon be awarded to the Impounding Officer for disposition in accordance with the written Policy on Disposition of Impounded Animals adopted by the Board of Supervisors.

- b. Any animals adjudged forfeited under the provisions of Penal Code Section 597, shall be disposed of in accordance with the written Policy on Disposition of Impounded Animals adopted by the Board of Supervisors.

Section 16. REMEDIES AND PENALTIES IN ORDINANCE 630. The additional remedies, penalties and procedures for violation of this Ordinance and for recovery of costs related to enforcement provided for in Ordinance 630 are incorporated by this reference.

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

Adopted:

534 08/17/1971 (Eff: 09/16/1971)

Amended:

534.1 01/27/1976 (Eff: 02/25/1976)

534.2 02/03/1981 (Eff: 03/04/1981)

534.3 Item 3.5 01/03/1985 (Eff: 02/02/1985) (Oper.: 03/01/1985)

534.4 Item 3.2 of 02/21/1989 (Eff: 03/23/1989)

534.5 Item 3.3 of 12/11/1990 (Eff: 01/10/1991)

(798) (Item 3.5 of 10/26/1999) (Eff: 11/25/1999 - Amends Sec. 6)

534.6 Item 9.8 of 12/11/2007 (Eff: 01/10/2008)

534.7 Item 9.10 of 07/14/2009 (Eff: 08/13/2009)