

ORDINANCE NUMBER O- 20937 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 15 2018

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 44.0300, RELATING TO ANIMAL CONTROL REGULATIONS AND SERVICES.

WHEREAS, the County of San Diego (County) has provided animal control services to the City of San Diego (City) since 1971; and

WHEREAS, the County has notified the City that as of June 30, 2018, it will no longer provide animal control services to the City; and

WHEREAS, because the County will no longer provide animal control services to the City, the San Diego Municipal Code (Code) must be amended to allow the City to contract with another public agency, organization, or organizations, to provide animal control services; and

WHEREAS, the California Health and Safety Code and the California Food and Agriculture Code establish some animal control regulations, and authorize a city to adopt its own comprehensive regulations related to animal control within its jurisdiction; and

WHEREAS, the City's animal control ordinance previously adopted by reference the San Diego County Code of Regulatory Ordinances relating to animal control and regulation; and

WHEREAS, the City wishes to adopt the most recent San Diego County Code of Regulatory Ordinances (Title 6, Division 2, Chapter 6) that govern animal control regulations related to dog licensing; rabies vaccinations; treatment and isolation of diseased animals; impoundment of strays, guard dogs, potentially dangerous dogs, cats, and other animals; and

WHEREAS, this ordinance supplements state law and protects the health and safety of the public and animals in the City; and

WHEREAS, section 14501 of the California Corporations Code authorizes a humane society or other incorporated organization for the prevention of cruelty to animals to enter into a contract with any city, and to enforce the provisions of laws of California for the prevention of cruelty to animals, or arresting or prosecuting offenders thereunder, or preventing cruelty to animals; and

WHEREAS, the City also wishes to amend the Code to authorize the City and its designees to collect fees and fines on behalf of the City, and in accordance with City Charter section 45, to deposit those fees and fines as authorized by the City, and to otherwise enforce Chapter 4, Article 4, Division 3 of the Code; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. Chapter 4, Article 4, Division 3 of the San Diego Municipal Code is amended by amending section 44.0300 to read as follows:

§44.0300 San Diego County Animal Control Ordinance Adopted

- (a) The animal control ordinance of the County of San Diego, California, under Title 6, Division 2, Chapter 6 of the San Diego County Code of Regulatory Ordinances, adopted by the Board of Supervisors, hereafter referred to as the County Code, a copy of which is on file in the Office of the City Clerk of the City of San Diego as Document No. [00-20937] is hereby adopted by reference, and incorporated as the Animal Control Ordinance of the City of San Diego, and made a part hereof as if fully set out in this Division; provided, however, that any of the provisions of the County Code as herein adopted which are in conflict with any of the other

provisions of this Division shall be superseded by the provisions of this Division.

- (b) Any person who violates a provision of the County Code as adopted and incorporated hereinabove shall be charged with a violation of the applicable section of the County Code and upon conviction said person shall be punished as prescribed by Section 12.0201 of the San Diego Municipal Code, irrespective of whether the County Code specifies that that violation is a misdemeanor or an infraction.
- (c) All hearings under this Division shall be conducted in accordance with County Code section 62.684.
- (d) Definitions. Whenever the following terms appear within the text of the County Code, they shall have the following definitions:

County means *City* or its designee, its agents or employees.

County animal shelter means a *City* animal shelter.

Department or the *County Department of Animal Services* means the *City* or its designee, its agents or employees.

Director or the *Director of the County Department of Animal Services* means the *City* or its designee, its agents or employees.

Unincorporated areas of the County means *City*.

- (e) The *City* authorizes any animal control officer, humane officer, peace officer, *enforcement official*, or any other *City* employee or designee to

enforce the provisions of this Division. Humane Officer has the same meaning as in California Corporations Code section 14502.

- (f) The *City* may enter into a contract with any public agency, organization, or organizations for the administration and enforcement of provisions of this Division. The contracting public agency or organization shall be the *City's* designee for purposes of administering and enforcing this Division.
- (g) The provider of animal control services for the *City* is authorized to collect fees and fines on behalf of the *City*, in accordance with this Division and state law. The provider of animal control services for the *City* is authorized to deposit fees and fines collected on behalf of the *City* in accordance with the terms of the contract in subsection (f), and is not required to deposit these fees and fines daily with the City Treasurer, as mandated by City Charter section 45. The City may approve programs whereby the provider of animal services waives or reduces fees when the City determines that such programs benefit the public by encouraging animal adoption, helping prevent cruelty and neglect to animals, or providing animals in need with medical care, provided such waivers and fee reductions are consistent with applicable law.
- (h) All fees and fines applicable to implementation and enforcement of this Division shall be assessed according to the established rates kept in the fee schedule on file in the Office of the City Clerk, or as mandated by state law.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. This ordinance shall take effect and be in force on July 1, 2018, or the thirtieth day, or whichever is later.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Jill S. Cristich
Deputy City Attorney

JSC:jdf
03/27/18
Or.Dept: P&C
Doc. No.: 1708981_5

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 15 2018.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 5/15/18

(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 44.0300, RELATING TO ANIMAL CONTROL REGULATIONS AND SERVICES.

Article 4: Disease Control — Nuisances

Division 3: Animals

§44.0300 San Diego County Animal Control Ordinance Adopted — ~~Adoption by~~

Reference

- (a) The animal control ordinance of the County of San Diego, California, under Title 6, Division 2, Chapter 6 of the San Diego County Code of Regulatory Ordinances, The following sections of the County Code of the County of San Diego, California, adopted by the Board of Supervisors, hereafter referred to as the County Code, as Ordinances Nos. 7182, and 7177 (New Series), one copy of each of which is on file in the office of the City Clerk of The City of San Diego as Document Nos. OO 16829 1 and OO 17020, are a copy of which is on file in the office of the City Clerk of the City of San Diego as Document No. [_____], is hereby adopted by reference, and incorporated as the Animal Control Ordinance of The the City of San Diego, Sections 41.102.1, 62.601, 62.603, 62.604, 62.610, 62.611, 62.612, 62.613, 62.614, 62.615, 62.616,

~~62.617, 62.618, 62.619, 62.620, 62.622, 62.623, 62.624, 62.630, 62.631, 62.641, 62.642, 62.645 (including subsections 62.645.1 through 62.645.13), 62.646, 62.647, 62.660, 62.661, 62.662, 62.664, 62.665, 62.667, 62.668, 62.669 (including subsections 62.669.1 and 62.669.5), 62.671, 62.673, 62.674, 62.675, 62.676, 62.677, 62.678, 62.679, 62.680, 62.682, 62.683, 62.684, 62.685, 62.700 and 62.701, and in regard to kennel licensing, the following sections of the County Code of the County of San Diego, one copy of which is on file in the office of the City Clerk of the City of San Diego as Document No. OO 16829 2: Sections 16.101 (less all subsections except (m)), 16.102, 16.103, 16.104, 16.105, 16.106, 16.107, 16.108, 16.109, 16.110, 16.111, 16.112, 16.113, 16.114 and 16.115, all relating to animal control and regulation. Each and all of the regulations, provisions, conditions and terms of said sections are hereby referred to, adopted and made a part hereof as if fully set out in this Division; provided, however, that any of the provisions of said sections the County Code as herein adopted ~~which~~that are in conflict with any of the other provisions of this Division shall be superseded by the provisions of this Division.~~

- (b) Any person who violates a provision of the San Diego County Code as adopted and incorporated hereinabove shall be charged with a violation of the applicable section of the County Code and upon conviction said person shall be punished as prescribed by Section 12.0201 of the San Diego

Municipal Code, irrespective of whether the County Code specifies that that violation is a misdemeanor or an infraction.

(c) All hearings under this Division shall be conducted in accordance with County Code section 62.684.

(d) Definitions. Whenever the following terms appear within the text of the County Code, they shall have the following definitions:

County means City or its designee, its agents or employees.

County animal shelter means a City animal shelter.

Department or the County Department of Animal Services means the City or its designee, its agents or employees.

Director or the Director of the County Department of Animal Services means the City or its designee, its agents or employees.

Unincorporated areas of the County means City.

(e) The City authorizes any animal control officer, humane officer, peace officer, enforcement official, or any other City employee or designee to enforce the provisions of this Division. Humane officer has the same meaning as in California Corporations Code section 14502.

(f) The City may enter into a contract with any public agency, organization, or organizations, for the administration and enforcement of provisions of this Division. The contracting public agency or organization shall be the City's designee for purposes of administering and enforcing this Division.

- (g) The provider of animal control services for the City is authorized to collect fees and fines on behalf of the City, in accordance with this Division and state law. The provider of animal control services for the City is authorized to deposit fees and fines collected on behalf of the City in accordance with the terms of the contract in subsection (f), and is not required to deposit these fees and fines daily with the City Treasurer, as mandated by City Charter section 45. The City may approve programs whereby the provider of animal services waives or reduces fees when the City determines that such programs benefit the public by encouraging animal adoption, helping prevent cruelty and neglect to animals, or providing animals in need with medical care, provided such waivers and fee reductions are consistent with applicable law.
- (h) All fees and fines applicable to implementation and enforcement of this Division shall be assessed according to the established rates kept in the fee schedule on file in the Office of the City Clerk, or as mandated by state law.

§44.0301 through §44.0357 [No change in text.]

JSC:jdf
03/13/18
Or.Dept: P&C
Doc. No.: 1708983_5

Passed by the Council of The City of San Diego on MAY 15 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 15 2018

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Hy Reed*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 30 2018, and on MAY 15 2018

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Hy Reed*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20937</u>