



CITY OF RANCHO PALOS VERDES

MEMORANDUM

TO: HONORABLE MAYOR & CITY COUNCIL MEMBERS
FROM: CAROL LYNCH, CITY ATTORNEY
DATE: MAY 19, 2009
SUBJECT: INTERFERENCE WITH TRAPPING AND RELOCATION OF PEAFOWL
REVIEWED: CAROLYN LEHR, CITY MANAGER 

Project Coordinator: Gary Gyves, Senior Administrative Analyst 

RECOMMENDATION

Introduce Ordinance No. __; an Ordinance of the City of Rancho Palos Verdes amending Chapter 6.04 (General Provisions) of the Rancho Palos Verdes Municipal Code to Prohibit the feeding of and interference with efforts to trap and relocate peafowl.

BACKGROUND

On May 5, 2009, Staff presented a report detailing information regarding the City's peafowl population. After discussion by Council, Staff was directed to return with an ordinance prohibiting the feeding of and interference with efforts to trap and relocate peafowl.

DISCUSSION

The report presented to Council detailed that the City's peafowl population had increased by an estimated 53% over the last eight years. Staff mentioned that the substantial increase was, among other factors, associated with residents feeding the peafowl. If properly enforced, Staff believes that prohibiting the feeding of peafowl would reduce their overall population growth. At the same meeting, Staff also reported that previous attempts to trap peafowl were unsuccessful due to peafowl enthusiasts sabotaging the City's traps.

**ORDINANCE PROHIBITING THE FEEDING OF AND INTERFERENCE WITH
EFFORTS TO TRAP AND RELOCATE PEAFOWL**

May 19, 2009

2 of 2

FISCAL IMPACT

The fiscal impact associated with enforcement is unknown at this time. Cost estimates will be provided when Staff returns with a report, as directed by Council, on methods for consideration to begin a program to reduce the peafowl population in a more cost effective manner, with an annual program to maintain the population.

Attachment:

ORDINANCE NO. __; AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES ADOPTING BY REFERENCE TITLE 10, ANIMALS, OF THE LOS ANGELES COUNTY CODE, AMENDING CERTAIN SECTIONS THEREOF AND AMENDING CHAPTER 6.04 OF THE RANCHO PALOS VERDES MUNICIPAL CODE

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES
ADOPTING BY REFERENCE TITLE 10, ANIMALS, OF THE LOS
ANGELES COUNTY CODE, AMENDING CERTAIN SECTIONS
THEREOF AND AMENDING CHAPTER 6.04 OF THE RANCHO PALOS
VERDES MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES
ORDAINS AS FOLLOWS:**

Section 1: Section 6.04.010 of Chapter 6.04 of Title 6 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows:

“6.04.010 County animal control ordinance adoption. Except as hereinafter provided, Title 10, Animals, of the Los Angeles County Code, as amended and in effect on July 29, 2008, is hereby adopted by reference as the Animal Control Ordinance of the City of Rancho Palos Verdes and may be cited as such.

A copy of Title 10, Animals, of the Los Angeles County Code, as amended and in effect on July 29, 2008, has been deposited in the office of the City Clerk of the City of Rancho Palos Verdes and shall at all times be maintained by the City Clerk for use and examination by the public.@

Section 2: Section 6.04.020 of Chapter 6.04 of Title 6 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows:

“6.04.020. Animal control ordinance amended.

A. Notwithstanding the provisions of Section 6.04.010, the Animal Control Ordinance is amended by ~~adding~~amending Sections 10.08.230, 10.12.075, 10.12.180, 10.12.190, 10.20.010, 10.20.011, 10.20.020, 10.20.030, 10.20.040 10.20.050, 10.20.060, 10.20.070, 10.20.110, 10.20.130, 10.20.140, 10.20.150, 10.20.160, 10.20.170, 10.20.180, 10.20.190, 10.20.200,~~and~~ 10.20.210, 10.84.010 and 10.84.020 to read as follows:

Section 10.08.230. Unlicensed dog. “Unlicensed dog means any dog for which the license for the current year has not been paid, or to which the tag for the current year, provided for in this Division 1, is not attached

Section 10.12.075. Incentive programs. The director, at his or her discretion, may offer incentive programs to encourage compliance with the dog licensing requirements.

Section 10.12.180. Unlicensed dogs or unvaccinated dogs or cats – Right of entry for enforcement. For the purpose of discharging the duties imposed upon him by this

Division 1, the director, in order to enforce the provisions hereof to take and impound any unlicensed dog or unvaccinated dog or cat, may enter any real property upon which any dog or cat is kept or harbored or upon which he has reason to believe any dog or cat is kept or harbored and demand the exhibition by the person owning or having charge or control of any such dog or cat, the required rabies vaccination certificate, and/or the license or license tag for such dog for the current year provided for by this Division 1. This section does not permit any person to enter any private dwelling, except where necessary to rescue an animal.

10.12.190. Refusing to show license or certificate unlawful. Any person upon whom any demand is made under authority of this Division 1 for the exhibition of any dog or cat rabies vaccination certificate, or any dog license or tag, who fails or refuses to exhibit the same if he has it in his position, is guilty of a violation of this Division 1, which shall be punishable as herein provided.

10.20.010. License tags - Issuance - Fee. Pursuant to Chapter 3 (commencing with Section 30801) of Division 14 and 14.5 of the Food and Agricultural Code, the director shall issue serially numbered permanent dog license tags marked with the name of the county of Los Angeles.

10.20.011. License - Issuance by veterinarians and other qualified persons in the City of Rancho Palos Verdes - Conditions. The director may authorize the issuance of dog licenses, as required by Section 10.20.010, by persons practicing veterinary medicine in the City of Rancho Palos Verdes, or other persons approved by the director who meet the qualifications established by the department. Said persons shall transmit records and negotiable papers to the department of animal care and control at intervals as established by the director, and shall collect and transmit to the director the fee required by this chapter for the issuance of such licenses. The director may reimburse these businesses for such fees.

10.20.020. Person deemed custodian when. Any person keeping or harboring any dog for 15 consecutive days shall be deemed to be the custodian thereof and subject to licensing provisions within the meaning of this Division 1.

10.20.030. License - Required - Costs. Every person owning or having custody or control of any dog over the age of four months in the City of Rancho Palos Verdes shall obtain a license from the director for each of such dogs and shall pay the fees for such licenses as set forth in Section 10.90.010.

10.20.040. Kennel dogs - Individual license required when. An individual dog license shall be obtained for each dog in addition to a kennel license, when such dog is not kept exclusively in a kennel run or cage. No individual license shall be required for any dog in transit, or when attending a dog show in the care of a kennel representative.

10.20.050. Exceptions from licensing requirement.

A. The provisions of this Division 1 do not require either a tag or a license for:

1. Any dog found within the City of Rancho Palos Verdes when the owner thereof resides in any municipality or unincorporated territory within the county, and such dog is wearing or has attached to it a license tag for the current year issued by such municipality or county.
2. Any dog owned by or in the charge of any person who is a nonresident of the City of Rancho Palos Verdes and is traveling through the City or temporarily sojourning therein for a period of not exceeding 30 days;
3. Any dog brought into the City of Rancho Palos Verdes and kept therein for not to exceed 30 days for the exclusive purpose of entering the same in any bench show, or dog exhibition, or field trials or competition;
4. Any dog brought or sent into the City of Rancho Palos Verdes from any point outside thereof for the exclusive purpose of receiving veterinary care in any dog hospital, in the event that such dog is kept at all times strictly confined within such hospital;
5. Any dog wearing having attached to it a license tag for the current year issued by a municipality within the county or by the county when the owner thereof has, within one year last past, moved his principal place of residence from such municipality or unincorporated territory of the county to the City of Rancho Palos Verdes; provided, that such municipality or county similarly exempts from tag and license requirements dogs wearing current City license tags and owned by persons who have moved from the City of Rancho Palos Verdes to such municipality or unincorporated territory of the county.

B. Except, that each guard dog found within the City of Rancho Palos Verdes, regardless of where the owner may reside, must have a dog license issued by the County; and the license tag must be securely affixed to the dog's collar while it is being used as a guard dog within the City.

10.20.060. Unvaccinated dogs - Licensing permitted when. The director may accept the payment of the fee for a license tag and a license for a dog who has not been vaccinated as required by Division 1 on condition that the owner of such dog within five days thereafter, have such dog vaccinated and submit the required veterinarian's certificate to the director. Upon receipt of such certificate, the director shall issue the license tag and license.

10.20.070. Unvaccinated dogs - Time limit for vaccination when dog is disabled. A person who obtains a license without submitting a certificate of vaccination because of the infirmity or disability of the dog shall, within 10 days after the termination of such infirmity or disability, cause such dog to be vaccinated as required by Part 2 of this chapter.

10.20.110. License tag - Fee for spayed or neutered animals. Pursuant to Section 30804.5 of the Food and Agriculture Code, any dog license tag issued pursuant to Section 10.20.030 of this Part 1 shall be issued for one-half or less of the fee required if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.

10.20.130. Record keeping and procurement of tags and receipts. The director shall procure the number of license receipts and dog license tags needed each year, and shall keep a register wherein shall be entered the name and address of each person to whom any dog license tag is issued, the number of such tag, the date of issuance thereof and a description of the dog for which issued.

10.20.140. License - Vaccination requirements and conditions. The director shall not issue a dog license unless the applicant exhibits a certificate signed by a veterinarian, licensed either by the state of California or by any other state to practice veterinary medicine, that:

A. The period elapsing from the date of vaccination with approved rabies vaccine to the date of expiration of the license being issued does not exceed the time as established by the state; or

B. Such dog should not be vaccinated with rabies vaccine because such vaccination would jeopardize the health of such dog due to infirmity or other disability, which infirmity or other disability, and the estimated date of termination thereof, is shown on the face of the certificate to the satisfaction of the director.

10.20.150. License - Information to be shown on receipt. When the director issues a dog license, he shall show on the receipt the age of the dog, the date of last vaccination, and, if the license was issued without proof of vaccination, the reason therefor.

10.20.160. License and License tag - Transfer permitted when - Fee. If, during a license period, a dog is sold or title to the dog is otherwise transferred to a new owner, such new owner may apply to the director for a transfer of such dog's tag and license and pay a transfer fee as specified under Chapter 10.90. Upon receipt of such application and fee, the director shall record the name and address of the new owner.

10.20.170. Replacement of lost tags. In case any license tag for an individual dog is lost or destroyed, a duplicate thereof may be procured from the director upon the submission to the director of such proof as he or she may require and upon the payment therefor as specified under Chapter 10.90.

10.20.180. Tag to be worn by dog. A license tag for an individual dog shall be securely affixed to a collar, harness or other device which shall at all times be worn by such dog, except while such dog remains indoors or in any enclosed yard or pen.

10.20.190. Keeping unlicensed dogs prohibited. A person shall not harbor or keep, or cause or permit to be harbored or kept, any unlicensed dog in the City of Rancho Palos Verdes.

10.20.200. Counterfeit or imitation tags prohibited. A person shall not attach to or keep upon any dog, or cause or permit to be attached to or kept upon any dog, any tag provided for in Section 10.20.010 of this chapter except a tag issued for such dog under the provisions of this chapter, or attach or keep upon or cause or permit to be attached to or kept upon any dog, or make or cause or permit to be made or have in possession, any counterfeit or imitation of any tag provided for in this chapter.

10.20.210. Removing tag from collar prohibited. An unauthorized person shall not remove from any dog any collar or harness or other device to which is attached a license tag, or remove such tag or other identification therefrom.

B. Notwithstanding the provisions of Section 6.04.010, the Animal Control Ordinance is further amended by amending the first paragraph of Schedule VI to read as follows:

“Every person owning a dog over the age of four months shall obtain an annual license and tag for each such dog; except, there shall be a one-time only fee for registration of discharged military dogs, for guide dogs or Seeing-eye dogs, for signal dogs trained to assist the hearing impaired, for service dogs trained to perform tasks to assist the physically handicapped, upon payment of the following fees:@

10.84.010 Providing food for certain animals—prohibited. Except as otherwise provided for in Section 10.84.020, no person shall feed or in any manner provide food to any peafowl, crow, pigeon, seagull, nondomesticated rodent, including tree squirrels or ground squirrels, or to a nondomesticated mammalian predator, including coyotes, foxes, opossums, skunks and raccoons.

10.84.020 Feeding animals permitted—when. A person may feed or provide food to the animals specified in Section 10.84.020 in the following circumstances:

A. When the person is the owner of such animal, and such animal is kept under a valid certificate or permit issued by the State of California Department of Fish and Game;

B. When the person feeds or provides food to a trapped, injured or unweaned animal between the time when the agency in charge of animal control or its designated agent is notified and is picked up by said agency.

Section 3. Section 6.04.030 of Chapter 6.04 of Title 6 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows:

“6.04.030 Violations - Penalty

A. Unless a different penalty is provided for in this Chapter, any person violating any provision of the Animal Control Ordinance is guilty of an infraction that is punishable by:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within twelve (12) calendar months; and
3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision within twelve (12) calendar months.

B. Any person violating any of the following Sections, or violating any of the Chapters or provisions referenced in the following Sections, is guilty of a misdemeanor that is punishable as provided for in Section 1.08.010 of Chapter 1.08 of this Code:

Section 10.12.190	Section 10.32.080
Section 10.12.200	Section 10.37.030
Section 10.20.280	Section 10.37.050(C)
Section 10.20.310	Section 10.37.060(F)
Section 10.28.060	Section 10.40.010
Section 10.28.280(C)	Section 10.40.040
Section 10.32.020	Section 10.86.010
Section 10.32.070	

Section 4: Chapter 6.04 of Title 6 of the Rancho Palos Verdes Municipal Code is hereby amended by adding new Section 6.04.070 thereto to read as follows:

6.04.70 Interference with the trapping and relocation of peafowl—prohibited.

No person shall prevent or interfere with the trapping or relocation of peafowl, either on public or private property, by releasing any captured peafowl or by damaging, disabling or disengaging any peafowl trap or enclosure.

_____ Section 45. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 56. The City Clerk is directed to forward a certified copy of this ordinance to the Director of the Los Angeles County Department of Animal Care and Control.

PASSED, APPROVED and ADOPTED this ___ day of _____, 20098.

MAYOR

ATTEST:

CITY CLERK