

ORDINANCE NUMBER 1312

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING CHAPTER 8.08 OF THE PERRIS MUNICIPAL CODE REGARDING ANIMAL CONTROL REGULATIONS FOR EXOTIC ANIMALS

WHEREAS, the City Council of the City of Perris has the authority to react when the potential exists for jeopardy to the public health, safety and general welfare of its citizens; and

WHEREAS, the City Council finds and determines that unregulated exotic animals pose a serious threat to the residents and the environment throughout the City of Perris; and

WHEREAS, the City Council finds that the regulation of exotic animals and reptiles is necessary for the protection of Perris residents, for the preservation of public health, safety and general welfare; and

WHEREAS, the City Council desires to amend Section 8.08.070 and Section 8.08.180 of the Perris Municipal Code to attain the foregoing objectives.

THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing Recitals are incorporated herein by reference as if set forth in full.

Section 2. Amendment to Section 8.08.070 of the Perris Municipal Code. Section 8.08.070 (PROHIBITED ANIMALS) of the Perris Municipal Code is hereby amended to read in its entirety as follows:

“Section 8.08.070 Prohibited animals.

A. It is unlawful for any person to have, keep, maintain, or have in his or her possession or under his or her control, on any property within the city, any small animal, fowl, bovine, sheep, buffalo, ox, ostrich, donkey, horse, mule, llama, goat or swine, unless:

The lot size of the property is not less than twenty thousand square feet, and:

1. The animal is maintained at least one hundred fifty feet from any building on adjacent property;
2. There are no more than a collective total of five small animals or fowl (including pigeons, chickens, ducks, geese, turkeys and peacocks but excluding roosters), turtles and/or rabbits; and
3. There are no more than a collective total of two: horses, mules, buffalo, ostrich, llama, bovine, sheep, goats, ox, cattle, donkey or swine.

B. In addition, the keeping of large animals, such as horses, cows, sheep and pigs, shall be limited to the following densities:

1. Two large animals on at least twenty thousand square feet;
2. Three large animals on at least thirty thousand square feet;
3. Four large animals on at least one acre; and
4. More than four large animals shall only be allowed on property greater than one acre provided that there is at least twenty thousand square feet per animal.

C. It is unlawful for any person to have, keep, maintain or have in his or her possession or under his or her control:

1. A rooster on any property not less than twenty thousand square feet. No matter how large the property, it is unlawful for any person to keep, maintain or have in his or her possession or under his or her control more than two roosters; and
2. A horse, llama, buffalo, ostrich, sheep, goat, swine, bovine, ox, donkey, elephant, or mule on any property within the City unless the property is zoned RA or A1.

D. Upon receipt of a City permit, an exception is granted for the ownership and/or use of:

1. Pot Bellied Pigs to be kept and maintained in residential zoned areas in the City. No matter how

large the property, it is unlawful for any person to keep, maintain or have in his or her possession or under his or her control more than one Pot Bellied Pig; and

2. Elephants at special events within the City.

E. Permits under this Section shall only be granted by the City upon a showing by the applicant that adequate safeguards have been established and will be maintained which will effectively control the possible dangerous or vicious propensities of such animal eliminating any danger to individuals or property, and provide that the keeping or using of such animal will in no way constitute a nuisance to the occupants of any surrounding property. The denial of the permit shall be in writing and shall specify the grounds for such denial. The applicant shall have ten days from the date the permit was denied in order to appeal such denial to the City Council.”

Section 3. Amendment to Section 8.08.180 of the Perris Municipal Code.
Section 8.08.180 (EXOTIC ANIMALS AND REPTILES) of the Perris Municipal Code is hereby amended to read in its entirety as follows:

“Section 8.08.180 Exotic animals and reptiles.

A. Unless zoning specifically allows otherwise or unless permitted by a state agency, no person shall have, keep or maintain, or have in his or her possession or under his or her control on any property within the city any exotic animal, any venomous or otherwise dangerous reptile or arachnid, or other dangerous or carnivorous wild animal, irrespective of its actual or asserted state of docility, tameness or domesticity. The senior animal control officer may impound any such animal and dispose of it in a humane manner after three working days to allow for legal restraining action by the owner.

B. Upon receipt of a City permit, an exception is granted for venomous spiders and exotic reptiles to be kept and maintained in residential zoned areas in the City of Perris. Such permit shall only be granted upon a showing by the applicant that adequate safeguards have been established and will be maintained which will effectively control the possible dangerous or vicious propensities of such venomous spiders and small exotic reptiles, thereby eliminating any danger to individuals or property, and provide that the keeping or using of such venomous spiders and exotic reptiles will in no way constitute a nuisance to the occupants of any surrounding property. The denial of the permit shall be in writing and shall specify the grounds for such denial. The applicant shall have ten days from the date the permit was denied in order to appeal such denial to the City Council.

C. An exception is granted for elephants pursuant to Section 8.08.070(D).”

Section 4. No Repeal of other Provisions. Unless expressly modified or added herein, all provisions of Chapter 8.08 remain in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect 30 days after its adoption.

Section 6. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance 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 remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions 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 7. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 24th day of February, 2015.

Daryl R. Busch, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris do hereby certify that the foregoing Ordinance Number 1311 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council held on the 10th day of February, 2015, and was duly adopted by the City Council of the City of Perris at a regular meeting of said Council held on the 24th day of February, 2015, and that it was so adopted by the following vote:

AYES: ROGERS, BURKE, RABB, RODRIGUEZ, BUSCH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Nancy Salazar, City Clerk