

Chapter 6.04 ANIMALS AND ANIMAL CONTROL OFFICERS

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Prior legislation: Ords. 641, 655 and 733.

6.04.010 Definitions.

Whenever in this chapter the following terms are used, they shall have the meaning ascribed to them in this section unless it is apparent from the context thereof that some other meaning is intended:

“Adequate shelter” means an area that has adequate space for the size dog being kept, and that area should contain a shelter that would humanely house a dog from the elements.

“Animal Control Agency” shall mean the City or its designee, which may specifically include the City’s contractor for animal control services.

“Animal Control Director” means the Executive Director or similar executive officer of the Animal Control Agency or his/her designee.

“Animal Control Officer” means the person or duly authorized agent of such person so designated by the City.

“At large” means any dog which is off the premises of its owner, custodian or caretaker and which is not under physical restraint by a leash of a size and material appropriate to the size and temperament of the dog and which is held by a person capable of restraining such dog, or is not otherwise physically restrained by some other device or instrumentality, except that such device or instrumentality shall not include voice control, eye control or signal control of the dog by any person, device or instrumentality.

“City” shall mean the City of Lake Elsinore.

“Commercial cattery” means any building, structure, enclosure or premises whereupon, or within which, five or more cats four months of age or older are kept or maintained, for financial profit for the purpose of boarding, breeding, training, marketing, hire or any other similar purpose.

“Commercial kennel” means any building, structure, enclosure or premises whereupon, or within, five or more dogs four months of age or older are kept or maintained, for financial profit for the purpose of boarding, breeding, training, marketing, hire or any other similar purpose.

“Dog or cat owner” means any person harboring, pet sitting, caretaking, custodian, resident at which registered owner, licensed owner, any person in charge of the animal.

“Electrified fence” means an accepted and approved form of fencing providing an electrified perimeter within, and attached to a board, chain link, or block wall fence. Habitual runaways or “at large” offenders could be mandated to install this device per the Animal Control Agency.

“Exotic animals” means any nondomestic animal and/or any animal not native to the Southern California area.

“Impounded” means an animal having been received into the custody of the Animal Control Officer authorized under the provisions of this chapter.

“License inspections” means door-to-door canvassing by an Animal Control Officer for the purpose of determining whether dogs or cats have been vaccinated and are properly licensed.

“Noisy animals” means any animal or animals maintained on the same premises or location whose excessive, unrelenting, or habitual barking, howling, crying, or other noise or sounds annoy or become offensive to a resident or residents in the vicinity thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity residing in the area.

“Noncommercial cattery” means any building, structure, enclosure or premises whereupon, or within which, five to 10 cats, four months of age or older, are kept or maintained for noncommercial reasons. Each cat must be altered by six months of age.

“Noncommercial kennel” means any building, structure, enclosure or premises whereupon, or within which, five to 10 dogs, four months of age or older, are kept or maintained for noncommercial reasons. Each animal shall be individually licensed at four months and altered upon reaching six months of age.

“Person” means any individual, firm, partnership, joint venture, corporation, association, club or organization.

“Pet shop” means any person, establishment, store or department of any store that acquires live animals, including birds, reptiles, fowl and fish, and sells, or offers to sell or rent such live animals to the public or to retail outlets.

“Potentially dangerous or vicious confinement” means any confinement of dog deemed potentially dangerous or vicious by the Animal Control Agency and which may be required to be contained in a chain link kennel of 11- or nine-gauge wire, with the dimensions: minimum 12 feet by six feet high, to be entirely enclosed with an attached chain link top, to include an end protective area from the weather no less than four feet on top and four feet on either side, to be constructed with plywood or fiberglass on the outside of the kennel. Chain link is to be set in concrete flooring around the base of the kennel, and the kennel must be reinforced with a top and lower retaining rail; top is for support and the bottom is to serve as a safety guard against dog pulling chain link out of concrete.

“Potentially dangerous or vicious dog” means any dog which has bitten a person or animal without provocation or which has a disposition or propensity to attack or bite any person or animal.

“Public places” means and shall include, without limitation, streets, highways, fronts of places of business, carnivals, flea markets, swap meets and sidewalks.

“Sentry dog” means any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility.

“Unlicensed dog” means any dog four months of age or older, for which no valid license is currently in force within the incorporated area.

“Vaccination” means an inoculation against rabies of any dog or cat four months of age or older of any vaccine prescribed for that purpose by the California Department of Health Services. [Ord. 1082 § 1, 2002; Ord. 1033 § 1, 1998; Ord. 1003 § 2, 1996].

6.04.020 Animal control fees.

Fees, penalties and charges related to animal control shall be established by resolution of the City Council. [Ord. 1283 § 1, 2010; Ord. 1118 § 2, 2004; Ord. 1082 § 2, 2002; Ord. 1033 § 1, 1998; Ord. 1003 § 2, 1996].

6.04.030 Dog licensing.

A. It is unlawful for any person to own, harbor or keep any dog four months of age or older within the City for a period longer than 30 days, unless there is attached to such dog a valid license tag obtained from the City of Lake Elsinore. A license will be issued for each dog upon payment of a license fee established pursuant to LEMC [6.04.020](#).

Said license shall be valid for a period of one year following issuance and shall be renewed within 30 days after such period termination.

B. If an application for a license is made more than 30 days after the date such license is required, the applicant shall pay a penalty established pursuant to LEMC [6.04.020](#). If a valid license tag is lost or destroyed, a duplicate thereof may be procured from the Animal Control Department upon submission of proof of loss and payment of the fee established pursuant to LEMC [6.04.020](#).

C. Any dog owned by a person moving into Lake Elsinore that has a current license issued in the County of Riverside will be honored for up to one year. A Lake Elsinore license must be issued, however, to ensure that the dog is vaccinated against rabies and to ensure proper information is on file regarding the owner and the animal.

D. No fee shall be required for a license for any dog being reared, possessed and under the control of a blind person, hearing-impaired person, or other certified dogs that are trained to assist the handicapped or police dogs used in the course and scope of their employment by peace officers. [Ord. 1283 § 2, 2010; Ord. 1082 § 3, 2002; Ord. 1003 § 2, 1996].

6.04.040 Vaccination requirements.

A. At the time of payment of the fee for a dog license, the applicant therefor shall deliver to the Animal Control Agency or their designee a certificate of vaccination, signed by a veterinarian licensed to practice as such

in the State, certifying that he vaccinated the dog for which a license is sought with rabies vaccine, one injection or approved method, within a period of 12 months, and giving the date of such one injection or approved method, within a period of 12 months, and giving the date of such vaccination, the brand or type of each dog and the name of the owner of said dog or cat.

B. Each veterinarian after vaccinating any dog shall sign a certificate of vaccination in duplicate in the form required by the Health Officer. The veterinarian shall keep one copy, shall give one copy to the owner of the vaccinated dog and shall send one copy to the Animal Control Agency. The owner shall retain his or her copy of the certificate in a safe place for so long as he or she shall continue to own the dog or until such time as the dog is vaccinated again, at which time the new certificate shall be retained as above indicated. [Ord. 1003 § 2, 1996].

6.04.050 License information – Tags.

Each license shall state the name and residence address of the person to whom each license is issued, the amount paid therefor, the date when issued, the date on which such license shall expire, and in the case of an individual dog license, a description of the dog for which such license is issued, and the number of metallic tag accompanying such license, which metallic tag is required and authorized, and shall be furnished at the expense of the Animal Control Agency. With each license for any individual dog there shall be issued and delivered to the person securing the license a metal tag with a serial number of the license issued. Each kennel or cattery license shall show the maximum number of animals which may be kept in such kennel or cattery under authority of such license. [Ord. 1003 § 2, 1996].

6.04.060 Kennels and catteries.

A. It is unlawful for any person to own or operate a commercial kennel, noncommercial kennel, commercial cattery, noncommercial cattery or a pet shop without first obtaining a permit from the Animal Control Agency or their designee. Said license shall be valid for a period of one year following issuance and shall be renewed within 30 days after such period terminates.

B. If an application for a license is made more than 30 days after the date such license/permit is required, the applicant shall pay a penalty pursuant to LEMC [6.04.020](#). [Ord. 1283 § 3, 2010; Ord. 1003 § 2, 1996].

6.04.070 Kennel or cattery permit/license – Application and issuance condition.

A. Acknowledgment of Standards. A copy of the applicable standards will be supplied to the applicant with each request for an application for a permit, and the applicant shall acknowledge receipt of such standards and agree to comply with them and to allow inspections at reasonable times by signing the application form.

B. Application for a kennel, cattery or pet shop permit/license shall be filed with the Animal Control Agency no later than 10 days after obtaining written verification from the Planning Division of the City that the operation of a kennel, cattery, or pet shop is in compliance with all applicable City codes. After receipt of the application, the Animal Control Agency or their designee shall make, or cause to be made, an examination of the kennel, cattery or pet shop, and the permit/license shall be issued if the kennel, cattery or pet shop in the opinion of the Animal Control Agency or their designee satisfactorily meets each of the following conditions:

1. The kennel, cattery or pet shop is constructed, equipped and maintained so as to continuously provide a healthful and sanitary environment for all animals, including dogs and cats kept, or to be kept therein;
2. There is adequate shelter from the elements and sufficient space for exercise;
3. There is ample and healthful food and potable water, and adequate sanitary facilities for the storage of such food and water;
4. There are provisions made for the removal and disposal of animal and food wastes, bedding, and debris. Disposal facilities shall be so provided and operated to minimize vermin infestation, odors, and disease hazards in compliance with local laws;

5. There are adequate drainage facilities;

6. There is adequate and effective means of the control of insects and rodents, and such control is vigorously and continually maintained;

7. The person applying for the permit/license has not been convicted of the crime of cruelty to animals whether in this State or any other state;

8. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. No person shall knowingly sell a sick or injured animal or bird. Sick animals shall be kept in isolation quarters with adequate ventilation to keep from contaminating well animals;

9. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the store or shop is closed;

10. Living quarters for human habitation shall not be considered adequate for a commercial kennel or cattery or a pet shop.

C. The Animal Control Agency or its designee shall have the authority to enter upon the premises in which a kennel, cattery or pet shop is located for the purpose of determining whether such kennel or cattery satisfactorily meets the conditions set forth in this chapter.

D. The Animal Control Agency may deny an application for a permit/license required by this chapter, whether original or renewal, or suspend or revoke such a permit/license if it finds that any kennel, cattery or pet shop fails to meet any of the conditions set forth in this chapter, or the premises within which dogs or cats are kept or maintained as provided in this chapter fail to meet any of the conditions set forth herein. The Animal Control Agency shall prepare a notice of denial of an application, or suspension or revocation of a permit/license, setting forth the reasons for such a denial, suspension or revocation. Such notice shall be served personally on the applicant or licensee. Such notice of denial, suspension or revocation may be appealed by filing with the City, within 15 days after notice of such denial, suspension or revocation, a written notice of appeal briefly setting forth the reasons why such denial, suspension or revocation is not proper and by paying the fee for appeal established pursuant to LEMC [6.04.020](#). The City Clerk shall give notice to the appellant by regular mail of the time and place of the hearing. Such appeal shall be heard by the City Council which may affirm, amend or reverse the decisions. In conducting the hearing, the Council shall not be limited by the technical rules of evidence. [Ord. 1283 § 4, 2010; Ord. 1082 § 4, 2002; Ord. 1003 § 2, 1996].

6.04.080 Record of dogs and cats sold.

All kennels, catteries, and pet shop operators shall maintain records of all dogs and cats sold of any age. Records shall include the new owner's name, address and the description of the dog or cat sold including breed, color, sex, month and year of birth, and veterinarian records. Copies of these records shall be provided to the Animal Control Agency or their designee monthly within 10 calendar days after the last day of each month. [Ord. 1003 § 2, 1996].

6.04.090 Kennel, cattery and pet shop inspections.

Because of the need to adequately protect animals within kennels, catteries and pet shops from unhealthy conditions and practices, reasonable inspection requirements dictate that the Animal Control Agency or their designee shall have the right to inspect kennels, catteries and pet shops at reasonable times, as a condition of the issuance of a kennel, cattery or pet shop permit/license. [Ord. 1003 § 2, 1996].

6.04.095 Sale or adoption of cats or dogs.

A. Any person who provides or offers to the public, whether or not for compensation, any pet or pet-related goods or services shall provide to their clients, free of charge, information relating to pet care and ownership, including information on City laws pertaining to animal control. This required information will be prepared and provided by the animal control program.

B. Any person offering pets for sale or adoption shall disclose to any purchaser or adoptive owner information regarding the licensing requirements of Lake Elsinore applicable to such animal.

C. Prior to release for adoption, any animal adopted from any animal welfare agency shall be spayed or neutered as early as is medically appropriate, unless the adoptive owner obtains a certificate from a licensed veterinarian certifying as to the health reasons for failing to alter such animal. [Ord. 1003 § 2, 1996. Code 1987 § 6.04.090A].

6.04.100 Sterilization of adopted animals.

A. Except as provided herein, no unclaimed dog or cat shall be released for adoption without being sterilized.

B. If a veterinarian licensed to practice veterinary medicine in this State certifies that the dog or cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the dog or cat to be spayed or neutered, the adopter or purchaser shall pay the Animal Control Agency a deposit of \$50.00. The deposit shall be temporary, and shall only be retained until the dog or cat is healthy enough to be spayed or neutered, as certified by a veterinarian licensed to practice veterinary medicine in this State. The dog or cat shall be spayed or neutered within 14 business days of that certification. The adopter or purchaser shall obtain written proof of spaying or neutering from the veterinarian performing the operation. If the adopter or purchaser presents proof of spaying or neutering to the Animal Control Agency within 30 business days of obtaining the proof, the adopter or purchaser shall receive a full refund of the deposit. [Ord. 1082 § 5, 2002; Ord. 1003 § 2, 1996].

6.04.110 Nonprofit corporations.

A nonprofit corporation formed pursuant to the provisions of the California Corporation Code commencing with Section 10400 for the prevention of cruelty to animals shall not be required to pay a fee for the licenses required by this chapter. With the exception of such fees, all other provisions of this chapter shall be applicable to any such nonprofit corporation. [Ord. 1003 § 2, 1996].

6.04.120 Duties of Animal Control Officer.

It shall be the duty of the Animal Control Officer:

A. To receive, take up and impound:

1. Any dog or cat found running at large in violation of this chapter or of any law of the State of California.
2. Any dog or cat which is molesting any person.
3. Any cat or dog which is molesting or harassing animals, birds or pets upon the premises of any person.
4. Any dog or cat which is found running at large while in season (estrus).

B. To regularly and adequately feed, water, and otherwise care for all animals impounded under the provisions of this chapter, or to provide for such feeding and watering.

C. To investigate the condition and behavior of any dog which he has reason to believe is vicious or dangerous, and if he finds such dog to be vicious in its habits, he shall report his findings in writing, either in person or by mail, to the owner of such dog if the name and whereabouts of said owner are known, and if unknown, then the dog shall be impounded.

D. To follow the provisions of Penal Code [597](#) in humanely destroying or giving emergency care to sick or injured dogs or cats.

E. To do and perform any other acts necessary to carry out the provisions of this chapter and of the laws of the State relating to dogs.

F. Make such reports to the Animal Control Agency and City Council as they may require, relative to his duties as Animal Control Officer and performance of his duties in accordance with this chapter.

G. To conduct license inspections to ensure that all dogs four months of age or older have been vaccinated and are properly licensed. [Ord. 1082 § 6, 2002; Ord. 1003 § 2, 1996].

6.04.130 Animal Control Officers – Enforcement duties – Entrance upon private property.

It shall be the duty of all peace officers to cooperate with and assist the Animal Control Officer in the enforcement of the provisions of this chapter. Unless otherwise prohibited by law, all persons whose duty it is to enforce the provisions of this chapter are hereby empowered to enter upon private property where any dog or cat is kept or believed to be kept for the purpose of ascertaining whether any dog is harbored in violation of any of the provisions of this chapter, subject to constitutional and statutory search and seizure laws. [Ord. 1003 § 2, 1996].

6.04.140 Dog and cat impoundment regulations.

A. No impounded animal shall be redeemed except on payment of all appropriate fees established pursuant to LEMC [6.04.020](#). No dog\ which is to be kept or harbored within the corporate limits of the City of Lake Elsinore shall be released from the shelter unless or until it is duly licensed in accordance with the provisions of this chapter. No unredeemed dog or cat shall be sold if or while the same is suffering from any infectious or communicable disease.

B. Any officer acting under the provisions of this chapter, and impounding a licensed dog or cat shall give notice in person or by regular mail to the last known address of the owner of the impounding of such dog or cat. If such dog or cat is not redeemed within 10 days from the date of the giving of such notice, the officer having custody of the dog shall dispose of it in accordance with the provisions of this chapter or shall have the dog or cat destroyed.

C. Upon impounding an unlicensed dog or cat, the officer shall give notice in person or by regular mail to the owner, if known, of the impounding of such dog or cat. If such dog or cat is not redeemed within five days after such notice has been given, the officer shall dispose of such dog or cat in accordance with the provisions of this chapter or shall have the dog or cat destroyed.

D. The officer having custody of any impounded dog or cat may, by humane methods, summarily destroy said dog or cat if:

1. The dog or cat is suffering from any incurable, dangerous or contagious disease, providing a licensed veterinarian shall certify, in writing, that such dog or cat is so suffering; or
2. It is an unlicensed vicious dog or cat.

E. The Animal Control Officer may not sell, give away or otherwise transfer title of any dog, cat or any other animal to any person, or institution for use in the diagnosis or treatment of human or animal disease or in research for the advancement of veterinary, dental, medical or biological sciences or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals or drugs. [Ord. 1283 § 5, 2010; Ord. 1003 § 2, 1996].

6.04.150 Fees and charges.

Repealed by Ord. 1283. [Ord. 1003 § 2, 1996].

6.04.160 Unlawful acts designated.

It is unlawful:

A. For the owner of any dog to fail, neglect or refuse to obtain a license for each dog as required in this chapter.

B. For an owner of any dog to fail or neglect to keep fastened to such dog or cat the tag as provided in this chapter. The tag shall be attached at all times to a collar, harness or other suitable device upon the dog for which the license tag was issued.

C. For any person to interfere with, oppose or resist the Animal Control Officer or other person charged with the enforcement of this chapter, while the Animal Control Officer or such other person or persons are engaged in the performance of their duties under this chapter.

D. For any person to attach any current license tag on any dog other than the dog for which such license tag was originally issued.

E. For any person other than the owner to remove from any dog any tag which has been attached to such dog pursuant to the provisions of this chapter or for any person to counterfeit or imitate any such tag or attach a counterfeit or imitation tag to any dog or to possess any such counterfeit tag.

F. For the owner or person in charge thereof of any vicious dog to fail, neglect, or refuse to keep posted in a conspicuous place at or near the entrance and around the premises on which said dog is kept, a sign having letters at least two inches in width and reading "BEWARE OF VICIOUS DOG." No vicious dog shall be permitted to leave the premises of the owner or person in charge thereof unless such dog is securely muzzled, leashed, and under the control of a person 18 years of age or older and who is physically capable of restraining said animal.

G. For any person to remove an impounded animal from an Animal Control Center without the consent of the officer in charge thereof.

H. For the owner or person in charge of any dog, whether licensed or unlicensed, to permit such dog to roam, stray or run at large in, or into any position within the City of Lake Elsinore.

I. For any person, after being informed in writing that such person's animal has been declared a noisy animal in accordance with the provisions of LEMC [6.04.245](#) and that the maintenance of a noisy animal is a public nuisance, to fail, refuse, or neglect to take whatever steps or use whatever means are necessary to assure that such animal does not again disturb residents in the vicinity in which the animal is kept.

J. For any person to abandon any animal without care on any public or private property. Any animal abandoned may be impounded and disposed of in a humane manner. At least 72 hours prior to the impoundment of an animal believed to be abandoned, a notice shall be posted on the property on which said animal is being kept. Notice shall be given in person or by regular mail to the last known address of the owner or person entitled to possession thereof, that animal will be impounded if contact is not made with the Animal Control Agency within 72 hours. When it is found that a house is vacant or condemned, the animal may be removed immediately and held for five days. If, in the opinion of the Animal Control Officer, immediate impoundment is necessary for the preservation of the public health or safety, or the health and welfare of the animal, said animal shall be impounded and held for five days, pending contact of the owner or person having control of said animal.

K. For the owner or person in charge thereof of any sentry dog to fail, neglect or refuse to keep posted in a conspicuous place at or near the entrance to the premises on which said dog is kept, a sign having letters at least two inches in width and reading "SENTRY DOG ON DUTY." No sentry dog shall be permitted to leave the premises of the owner or person in charge thereof unless such dog is under the immediate control and physical restraint of such owner or person.

L. For the owner or person in charge thereof of any vicious dog to fail to comply with an order issued pursuant to LEMC [6.04.250](#)(G). [Ord. 1082 §§ 7, 8, 2002; Ord. 1033 § I, 1998; Ord. 1003 § 2, 1996].

6.04.170 Transporting of animals.

It is unlawful for any person to transport an animal in a motor vehicle upon any street within the City of Lake Elsinore unless the animal is fully enclosed within the vehicle or is protected by a belt, two-way tether cage, container or any other device that will prevent the animal from falling, jumping or being thrown from the motor vehicle. [Ord. 1003 § 2, 1996].

6.04.180 Animals unattended in a motor vehicle.

A. It is unlawful for any person to leave an animal unattended in an enclosed vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which will adversely affect the animal's health or welfare. The animal may be removed forthwith from said vehicle by an Animal Control Officer and impounded in the City animal shelter or such other place as said Animal Control Officer deems appropriate. Said Animal Control Officer shall provide to the animal removed, such care as might be necessary.

B. When an animal has been removed from a vehicle pursuant to this chapter, the Animal Control Officer shall cause to be posted in a conspicuous place in said vehicle a notice that shall state that the animal has been removed from the vehicle pursuant to subsection (A) of this section, where the owner may regain custody of it, and that the owner will be liable for impound fees and costs.

C. Exceptions. This chapter is not applicable to animals which are in a peace officer's vehicle or an Animal Control vehicle while such officers are engaged in their regularly assigned duties. [Ord. 1082 § 9, 2002; Ord. 1003 § 2, 1996].

6.04.190 Use of streets, sidewalks, public places.

It shall be unlawful for any person to display, sell, offer for sale, barter or give away, upon any street, sidewalk or other public place within the City of Lake Elsinore as pets or novelties any fish, turtle, snake, lizard, chameleon, bird, cat, dog, fowl, guinea pig, rabbit, or other reptile or animal. [Ord. 1003 § 2, 1996].

6.04.200 Traps and cages.

Humane traps that have been approved by the Animal Control Officer are permitted to be used within the City of Lake Elsinore to be used to confine animals running at large on the private property of persons.

A. A sign shall be posted on the property stating that such a trap is in use.

B. Trapping shall not continue for more than 10 days in a 30-day period, unless monitored by an Animal Control Officer.

C. All animals trapped will be taken to the local shelter or picked up by an Animal Control Officer.

D. If the situation is such that this may cause problems to the person trapping, the Animal Control Officer may give permission for trapping without a sign posted as long as the trapped animals are turned over to an Animal Control Officer. [Ord. 1003 § 2, 1996].

6.04.210 Crimes against animals.

A. Felony or Misdemeanor. Every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of an offense punishable by imprisonment in the State prison, or by a fine of not more than \$20,000 or by both the fine and imprisonment, or alternatively, by imprisonment in the County jail for not more than one year, or by a fine of not more than \$20,000 or by both the fine and imprisonment.

B. Every person who tortures, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates or cruelly kills an animal, or causes or procures any animal who has been tortured, deprived of necessary sustenance, drink, or shelter, and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather is, for every such offense, guilty of a crime punishable as a misdemeanor or as a felony or alternatively punishable as a misdemeanor or a felony and by a fine of not more than \$20,000.

1. This subsection (B) applies to any mammal, bird, reptile, amphibian and fish; if any person is charged with a violation of this subsection (B) and the animal is a mammal, bird, reptile, amphibian or fish that is an

endangered, or threatened species (governed under Fish and Game Sections 2050 through 2098), the proceedings shall be subject to Section [12157](#) of the Fish and Game Code.

2. Upon the conviction of a person charged with a violation of this section by causing or permitting an act of cruelty, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or the City, shall be adjudged by the court to be forfeited and shall thereupon be awarded to the impounding officer for proper disposition. A person convicted of a violation of this section by causing or permitting an act of cruelty shall be liable to the impounding agency for all cost of impoundment from the time of seizure to the time of proper disposition. [Ord. 1003 § 2, 1996].

6.04.220 Animal sanitation.

A. Any area occupied by any animal is to be maintained in a sanitary manner. Water is to be kept fresh and feces disposed of on no less than a biweekly basis. Any extreme conditions would be considered a cruelty and would be cited pursuant to LEMC [6.04.210](#).

B. It shall be unlawful for the owner or person having custody of any dog either willfully or through failure to exercise due care or control to allow said dog to defecate and to allow the feces thereafter to remain on any public or private property not owned or possessed by the owner or the person who has custody, control, or possession of the dog. [Ord. 1082 § 10, 2002; Ord. 1003 § 2, 1996].

6.04.230 Female dogs and cats in season (estrus).

Dog and cat owners shall securely confine their female dogs and cats while in season (estrus) within an enclosure in a manner that will prevent the attraction of male dogs or male cats to the immediate vicinity. Any person found in violation of this chapter is guilty of a misdemeanor. [Ord. 1003 § 2, 1996].

6.04.240 Isolation of animals – Rabies precaution.

A. Whenever it is shown that any animal has bitten any person, the owner or persons having the custody or possession thereof shall, upon order of the Animal Control Officer, quarantine it and keep it confined at the owner's expense for a period of 10 days for cats and dogs, and 14 days for all other types of animals; and shall allow the Animal Control Officer or his representative to make an inspection or examination thereof any time during such period. Animals quarantined must not be removed from the premises without permission of the Animal Control Officer first obtained in writing. The Animal Control Officer shall have the authority to impound any animal at the owner's expense if the owner fails or refuses to confine said animal.

B. If it is determined by the Animal Control Officer, after giving the order of quarantine mentioned in this section, that the dog is a vicious dog, although not afflicted with rabies, the Animal Control Officer shall thereupon order the person who owns or has the custody of the dog that until further order of the Animal Control Officer shall direct to prevent it from biting or having the opportunity of biting any person. Failure to do so on the part of the owner or person having custody of the dog shall constitute a violation of this chapter.

C. The Animal Control Officer may, at his discretion, post or cause to be posted an appropriate sign on any premises where a dog has been quarantined pursuant to this chapter to warn the public of the fact. It is unlawful for any person to remove the sign posted pursuant to this section without permission of the Animal Control Officer first obtained in writing.

D. If it appears to the Animal Control Officer that a dog or other animal has rabies, he may destroy such animal forthwith, or hold the animal for further examination for such time as he may consider advisable.

E. Whenever any animal is bitten by another animal having rabies, or shows any symptoms of rabies, the owner or person having possession of the animal shall immediately notify the Animal Control Officer, and confine the animal, and keep it confined until it is established to the satisfaction of the Animal Control Officer that it does not have rabies. The Animal Control Officer shall have the power to quarantine any such animal or impound it at the owner's expense if the owner or person having possession thereof fails to confine such animal immediately, or in case the owner or person having possession thereof is not readily accessible.

F. Whenever the Animal Control Officer determines that an epidemic of rabies exists or is threatened, he/she shall have the authority to take such measures as may be reasonably necessary to prevent the spread of the disease, including the declaration of a quarantine against any or all animals in any area of the City as the Animal Control Officer may determine and define, for a period of not more than 120 days. An additional or extended quarantine period may also be declared if the same shall be deemed necessary by the Animal Control Officer for the protection and preservation of the public health, peace and safety. Any quarantine declared under the provisions of this section other than as restricted herein shall be upon such conditions as the Animal Control Officer may determine and declare.

G. The City of Lake Elsinore may enter into a written agreement or agreements with any veterinarian licensed by the State of California, or any organized humane society or association, which will undertake to carry out the provisions of this chapter and maintain and operate a pound and license, take up, impound and dispose of animals. Any such veterinarian or society or association which enters into an agreement shall carry out all the provisions of this chapter in the manner herein prescribed. [Ord. 1003 § 2, 1996].

6.04.245 Noisy animals.

A. Declaration of Noisy Animal as Public Nuisance. It is a public nuisance for any person to cause or permit any animal in his or her care, custody or control, to bark, howl, or cry or make any noises or other sounds so as to annoy and become offensive to a resident or residents in the vicinity in which the animal is kept thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity residing in the area.

B. Investigation – Issuance of Notice. Upon receipt of a complaint of a noisy animal, the Sheriff's Department or Animal Control Officer shall investigate such complaint. Based upon such investigation, if the Sheriff or the Animal Control Officer determines that such a nuisance exists or upon receipt of a written complaint signed by the complaining party under penalty of perjury regarding the existence of a noisy animal, the Sheriff or Animal Control Officer shall issue a noisy animal warning notice to the party responsible for the noisy animal. Such notice shall specify that the continued barking, howling, or other noise or sounds of such animal is in violation of the Lake Elsinore Municipal Code and that the nuisance must be abated to avoid further action by the City. The notice shall also state that if a further response to the same location is necessary because of the continuation of the public nuisance, the responsible party will be held liable to the City, or its designee, for the amount of the noisy animal response charge as well as for such further abatement proceedings authorized by this chapter. Such notice shall be served upon the responsible party or, if such notice cannot be safely made, posted at the premises upon which the animal is located. A copy of the noisy animal warning notice shall be filed with the Animal Control Director. The Animal Control Director, or his/her designee, shall make a reasonable attempt to speak with the responsible party regarding the noisy animal warning notice within five days of its issuance.

If within five days of the issuance of the noisy animal warning notice the Animal Control Director determines that the barking, howling, or other sound or cry was provoked and that such barking, howling, or other sound or cry was not excessive, unrelenting, or habitual, the Animal Control Director shall cause the noisy animal warning notice to be voided and the person to whom it was issued shall be so notified. Once voided, the noisy animal warning notice shall not be considered to have been issued for purposes of this chapter.

C. Notice of Hearing. When the Animal Control Director receives a second verbal or written complaint concerning a noisy animal at the same location within six months after the issuance of a noisy animal warning notice, the Animal Control Director, or his/her designee, shall determine if the noisy animal warning notice went unheeded. If the determination is made that the nuisance was not abated, the matter shall be set for hearing before the Lake Elsinore Animal Friends Animal Control Agency (the "Animal Control Hearing Officer") and notice of hearing shall be issued by the Animal Control Director, or his/her designee, to the owner or person having charge, custody, or control of the animal.

The notice of hearing constitutes written notice of violation of the Lake Elsinore Municipal Code and shall include the date, place, and time of the hearing. The notice of hearing shall advise that the person having charge,

custody, or control of the animal may present evidence at the hearing. The notice of hearing shall be personally served or posted upon the premises where the animal is kept and sent by certified mail, return receipt requested. In addition, the notice of hearing shall be delivered to any interested parties requesting notice of the hearing.

D. Hearing. The hearing before the Animal Control Hearing Officer shall be open to the public. The Animal Control Hearing Officer may admit all relevant evidence, including incident reports and affidavits of witnesses; the Officer may limit the scope of discovery and may shorten the time to produce records or witnesses. The Animal Control Hearing Officer may decide all issues even if the owner or person in charge, custody, or control of the animal fails to appear at the hearing. The Animal Control Hearing Officer may find, upon a preponderance of the evidence, that the animal is a noisy animal and that the maintenance of such noisy animal is a public nuisance.

E. Determination and Order. Within 10 working days after the conclusion of the hearing held pursuant to subsection (D) of this section, the Animal Control Hearing Officer shall by certified mail, return receipt requested, notify the owner(s) or person(s) having charge, custody, or control of the animal of the Officer's determination and any orders issued. If the Animal Control Hearing Officer determines that the animal is a noisy animal and that the maintenance thereof is a public nuisance, the owner or keeper of the animal shall comply with the Officer's order within five days after the date of the mailing of the determination and order. The decision of the Animal Control Hearing Officer shall be final, subject to the provisions of State law.

F. Administrative Abatement Measures. The Animal Control Hearing Officer may, as part of its determination that the animal is a noisy animal and the maintenance thereof a public nuisance, direct that appropriate actions be taken to abate the nuisance, including without limitation one or more of the following:

1. Containment of the animal within an enclosed building on the premises of the animal's owner or of the person in charge, custody, or control of the noisy animal.
2. Require that the animal wear a noise suppression device obtained at the expense of the owner of the animal to reduce or eliminate the noise creating the nuisance.
3. Require that the animal undertake obedience training designed to abate the nuisance problem when appropriate and under the conditions imposed by the Animal Control Hearing Officer and at the expense of the animal's owner or the person having charge, custody, or control of said animal.
4. Restrict the time of day, days of the week, and duration when the animal may be placed out-of-doors on the premises of the owner or person in charge, custody, or control of the animal.
5. Require the animal to be debarked at the expense of the owner of said animal.
6. Require the owner or person in charge, custody, or control of the animal to permanently remove the animal from said property and outside the City limits.
7. Require that the animal be impounded at the expense of the owner or person in charge, custody, or control of the animal in accordance with the fee schedule established pursuant to [LEMC 6.04.020](#).

G. Noisy Animal Response Charge. The following shall apply on a subsequent noisy animal response by a Sheriff or Animal Control Officer within six months after the issuance of a noisy animal warning notice to a responsible party:

1. A noisy animal response charge shall be imposed if a subsequent response by a Sheriff or an Animal Control Officer is necessary to control or abate the public nuisance created by the noisy animal or to protect the public peace, health, or general welfare after the issuance of a noisy animal warning notice to a responsible party. The noisy animal response charge shall not exceed the actual and reasonable costs incurred in connection with the actions taken pursuant to this part. The provisions of this section are in addition to any other provisions of this chapter and any other provisions regarding public nuisances and shall supplement, not supplant the exercise of any other applicable law or ordinance.

2. The Animal Control Director, or his/her designee, shall notify the Finance Department in writing of the name and address of the person(s) responsible for the noisy animal, the date and time of the incident, the services performed, any additional services which are required, and such other information as may be necessary. The Finance Department shall thereafter cause appropriate billing of the noisy animal response charge to be made to the responsible party. Such charge shall be paid within 30 days of the date of the issuance of the billing and at the direction of the City may be paid directly to the Animal Control Agency.

3. Any noisy animal response charge charged pursuant to this section shall be deemed a civil debt owing to the City by the responsible party.

4. Any person receiving a bill for a noisy animal response charge may, within 15 days after the date of issuance of the bill, file a written request with the Animal Control Director appealing the charge imposed. The City shall withhold on collection of the bill pending the decision on the appeal. The Animal Control Director shall set the matter for hearing before the Animal Control Hearing Officer, which hearing shall be within 15 business days after receipt of the appeal. The Animal Control Officer shall issue a written decision on the appeal within 10 days of the close of the hearing, which decision shall be mailed by certified mail, return receipt requested to the appellant. The decision of the Animal Control Hearing Officer shall be final. If, after the hearing before the Animal Control Hearing Officer, the appeal is denied in part or in whole, all amounts due to the City shall be paid within 30 days of the date of the mailing of the decision of the Animal Control Hearing Officer. [Ord. 1283 § 7, 2010; Ord. 1082 § 11, 2002; Ord. 1033 § 1, 1998].

6.04.250 Vicious or unsafe dogs.

A. Vicious or Unsafe Dogs. A person owning or having charge of a vicious or unsafe dog shall confine it within a building or secure enclosure except that it may be permitted off the premises only when securely muzzled, leashed, and under the control of a person 18 years of age or older and who is physically capable of restraining said animal.

B. Abatement of Vicious or Unsafe Animals. Within the City of Lake Elsinore there are unconfined or uncontrolled vicious or unsafe animals which constitute a public nuisance which should be abated. The provisions of this chapter provide an administrative procedure by which animals found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This chapter is intended to supplement rather than supplant any other remedy available under State law.

C. Investigation. Any animal confined pursuant to subsection (A) of this section for biting a human being and any incident reported either to the Sheriff's Department or the Animal Control Officer concerning a vicious or unsafe animal(s) shall be investigated by the Sheriff or his designee or the Animal Control Officer. Based on the investigation, if either the Sheriff's Department or the Animal Control Officer has reasonable cause to believe that the animal is vicious or unsafe, and there is need to abate the animal as a vicious or unsafe animal, he shall so certify to the Animal Control Agency in writing within 10 days following completion of the investigation. A copy of the certification shall be mailed to the person owning or controlling the animal.

D. Confinement of Vicious or Unsafe Animal. Whenever the Sheriff's Department or the Animal Control Officer or his designee has reasonable cause to believe that an animal is vicious or unsafe and that it constitutes an imminent threat to the health or safety of persons, of animals or property of another and if the Officer after reasonable investigation is unable to locate the owner, or if the owner is unwilling or unable to take the necessary steps to confine the animal in a manner ordered by the Officer, the Officer may immediately seize and impound the animal. The animal shall be returned to its owner only if the Officer is satisfied that the owner will confine the animal as ordered. If the owner fails or refuses to make such arrangements for the confinement of the animal, the Sheriff's Department or the Animal Control Officer shall issue an order directing the owner to appear at a designated hearing, as provided pursuant to subsection (E) of this section, to show why such animal shall not be declared a nuisance and to have said nuisance abated and to prevent the nuisance and to perpetually enjoin the person maintaining it, and the owner, lessee or agent of the building, or place, in or upon which the animal exists, from maintaining or permitting it.

E. Scheduled Hearing. A hearing date shall be set no later than 25 days from the date of certification of a vicious or unsafe animal. The Animal Control Agency or Animal Control Officer shall mail or otherwise deliver notice of the hearing to the owner or person controlling the animal, the owner of the real property in which the animal is kept, and may mail notice to the interested persons.

F. Hearing. The hearing shall be held by Lake Elsinore Animal Friends Animal Control Agency, as that Animal Control Agency designates pursuant to the procedures set by California Food and Agriculture Code Section [31601](#) et seq. At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in determining whether the animal is vicious or unsafe. Strict rules of evidence need not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs. The decision of the Animal Control Agency shall be supported by the weight of the evidence, and shall be final subject to Section 31621.

G. Finding – Public Nuisance. If, based upon the hearing, the Animal Control Agency finds that the animal is vicious, unsafe or noisy and requires abatement, they shall so specify in writing together with the reasons therefor. Any animal found to be vicious, unsafe or noisy and subject to abatement is hereby deemed a public nuisance and shall be, pursuant to the order of the Animal Control Agency, humanely destroyed, or the nuisance otherwise abated by appropriate order including, but not limited to, confinement, muzzling, fencing, leashing, noise suppression device, obedience training, debarking, or permanent removal of the animal from said property and outside the City limits. The owner of any vicious or unsafe animal that is not required to be humanely destroyed may be required by the Animal Control Agency to have liability insurance or bond in appropriate specified amounts for the specified time. Such insurance or bond shall insure to the benefit of persons who may be subsequently injured or damaged by said animal. The decision of the Animal Control Agency shall be made within 10 days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by registered mail or otherwise delivered to the person owning or controlling the animal and to the Animal Control Agency. The decision of the Animal Control Agency shall be final for all purposes subject to Section 31621.

H. Cost of Impoundment. If the Animal Control Agency finds the animal is vicious, unsafe or noisy and subject to abatement, the costs of impoundment including all cost of abatement shall be paid by the owner of the real property or the person owning or controlling the animal and shall become a lien against the real property upon which the animal was kept and maintained until said assessment is paid. If the Animal Control Agency finds that the animal is vicious or unsafe but not subject to abatement, or if the order includes the release of the animal found to be vicious, unsafe or noisy to the owner or person controlling it, the animal shall not be released until such costs have been paid in full. If such costs have not been paid within 14 days after the date of mailing or delivery of the order, the Animal Control Agency may order the disposition of the animal in any manner provided by law. No fees provided for by this chapter shall be assessed if the animal is found not to be vicious, or unsafe.

I. Payment of Assessment. The assessment shall be due and payable within 14 days after the date of mailing or delivery of the order. If the assessment is not paid on or before said date, the total amount thereof may be entered on the next fiscal year tax roll as a lien against the property upon which the animal was maintained and shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City of Lake Elsinore, or an action may be brought in the name of the City to recover the costs of impoundment and/or abatement.

J. Vicious or Unsafe Animal Registration Fee. An animal that has been deemed vicious or unsafe will be required to be registered with the Animal Control Agency in addition to obtaining all other necessary licenses. The fees for registering a vicious animal license are established in LEMC [6.04.020](#). Failure to renew the registration will result in impoundment of the animal and a citation will be issued as a misdemeanor. [Ord. 1082 § 12, 2002; Ord. 1033 § 1, 1998; Ord. 1003 § 2, 1996].

6.04.260 Keeping of exotic animals.

It is hereby unlawful for any person, firm or corporation to have, keep or harbor or possess any exotic animal, the possession of which requires a California Department of Fish and Game welfare permit, game breeder's license, scientific collector's permit, or a letter permit, within the City, except for potbelly pigs. [Ord. 1003 § 2, 1996].

6.04.270 Keeping of exotic animals – Exceptions.

A. Any exotic animal harbored, owned or possessed prior to the passing of the ordinance codified in this chapter shall be allowed to be kept as per signed agreement between the owner/keeper and the Animal Control Agency.

B. An educational institution may, for an approved, temporary time, have any animal contained with a scientific permit through the Department of Fish and Game. Such a request shall be made, in writing, to the Animal Control Agency, at least five working days prior to possession of such animal. [Ord. 1003 § 2, 1996].

6.04.280 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be guilty of an infraction and upon conviction thereof shall be punished by fine(s) established by a resolution of the City Council. [Ord. 1003 § 2, 1996].

6.04.290 Constitutionality – Separability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of the chapter. [Ord. 1003 § 2, 1996].

[Mobile Version](#)