

**ORDINANCE NO. 1028**

**AN ORDINANCE OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AMENDING CHAPTER 6.04 OF THE RANCHO CUCAMONGA MUNICIPAL CODE CONCERNING REGULATIONS AND PROCEDURES RELATED TO POTENTIALLY DANGEROUS AND VICIOUS ANIMALS AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City Council of the City of Rancho Cucamonga does ordain as follows:

**SECTION 1.** Recitals.

A. The City of Rancho Cucamonga (the “City”) is proposing amendments to regulations and procedures related to the declaration, conditions for release and control, and the disposition and destruction of potentially dangerous and vicious animals set forth in Chapter 6.04 (“Potentially Dangerous and Vicious Animals”) of Title 6 (“Animals”) of the Municipal Code (the “Amendments”).

B. The City is a municipal corporation, duly organized under the constitution and laws of the State of California.

C. As shown in the Exhibit A this Ordinance, the Amendments propose to amend Sections 6.04.010 through 6.04.090 of, and add a new Section 6.04.100 to, Chapter 6.04 of Title 17 of the Municipal Code.

D. On May \_\_, 2024, the City Council of the City of Rancho Cucamonga considered the proposed Amendments.

E. All legal prerequisites to the adoption of this Ordinance have occurred.

**SECTION 2.** Ordinance.

The City Council of the City of Rancho Cucamonga does ordain as follows:

A. Recitals. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Section 1, of this Ordinance are true and correct.

B. CEQA. The proposed Amendments are exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Amendments, revising the regulations and procedures related to the declaration, conditions for release and control, and the disposition and destruction of potentially dangerous and vicious animals, will have a significant effect on the environment. The proposed Amendments constitute an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Amendments and the proposed CEQA determination, and based on its own

independent judgment, finds that the Amendments set forth in this Ordinance is not subject to, or exempt from, the requirements of the CEQA and the State CEQA Guidelines pursuant to CEQA Section 21080.17 and CEQA Guidelines Section 15061(b)(3).


C. The City Council hereby amends Chapter 6.04 (“Potentially Dangerous and Vicious Animals”) of Title 6 (“Animals”) of the Rancho Cucamonga Municipal Code to read as shown in Exhibit A of this Ordinance, attached hereto and incorporated herein by this reference.

D. Severability. The City Council declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is 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 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.

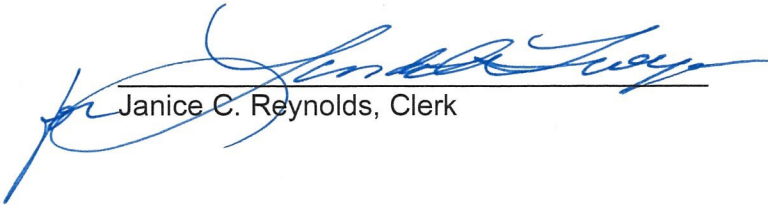
E. Enforcement. Neither the adoption of this Ordinance nor the repeal of any other Ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

F. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** this 15<sup>th</sup> day of May, 2024.

  
Lynne B. Kennedy, Mayor Pro Tem

**ATTEST:**

  
Janice C. Reynolds, Clerk

**STATE OF CALIFORNIA            )**  
**COUNTY OF SAN BERNARDINO ) ss**  
**CITY OF RANCHO CUCAMONGA )**

I, **JANICE C. REYNOLDS**, City Clerk of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 1<sup>st</sup> day of May 2024, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 15<sup>th</sup> day of May 2024.

- AYES:**                   Hutchison, Kennedy, Scott, Stickler
- NOES:**                   None
- ABSENT:**               Michael
- ABSTAINED:**         None

Executed this 16<sup>th</sup> day of May 2024, at Rancho Cucamonga, California.

  
Janice C. Reynolds, Clerk

**EXHIBIT A**

**Amendments to Chapter 6.04 of Title 6 of the Rancho Cucamonga Municipal Code**

**Amended Chapter:**

**Chapter 6.04 Potentially Dangerous and Vicious Animals**

"CHAPTER 6.04

**POTENTIALLY DANGEROUS AND VICIOUS ANIMALS**

**§ 6.04.010 Purpose.**

**§ 6.04.020 Exceptions to chapter.**

**§ 6.04.030 Determination of potentially dangerous or vicious animal and notice process.**

**§ 6.04.040 Authority to seize animal posing immediate threat to public safety.**

**§ 6.04.050 Handling of potentially dangerous or vicious animals.**

**§ 6.04.060 Removal of designation as potentially dangerous or vicious.**

**§ 6.04.070 Conditions for destroying animal found vicious or potentially dangerous.**

**§ 6.04.080 Conditions for prohibiting ownership of vicious animals.**

**§ 6.04.090 Unlawful to own, harbor, or keep dog found by another jurisdiction to be potentially dangerous or vicious.**

**§ 6.04.100 Criminal penalties/civil remedies.**

**§ 6.04.010 Purpose.**

The purpose of this chapter is to provide regulations and procedures related to the declaration, conditions for release and control, and the disposition and destruction of potentially dangerous and vicious animals.

A. Potentially dangerous animal defined. The term "potentially dangerous animal" means any of the following:

1. Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or custodian of the animal;
2. Any animal which, when unprovoked, bites a person causing a less severe injury than as defined in subsection C of this section;
3. Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or custodian of the animal.



- B. Vicious animal defined. The term “vicious animal” means any of the following:
1. Any animal seized under Penal Code § 599aa and upon the sustaining of a conviction of the owner or custodian under Penal Code § 597.5(a);
  2. Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being;
  3. Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner or custodian has been notified of this determination, continues the behavior described in subsection A of this section or is maintained in violation of section 6.04.050.
- C. Severe injury defined. The term “severe injury” means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.
- D. Unprovoked defined. The term “unprovoked” means the person who has suffered the injury has not caused nor been a party to any act of teasing, tormenting, abusing or assaulting the animal, which act of teasing, tormenting, abusing or assaulting resulted in the animal inflicting injury on that person.

**§ 6.04.020 Exceptions to chapter.**

- A. This chapter shall not apply to any dog utilized by any fire department, fire district, police department or any fire or law enforcement officer in the performance of public safety work.
- B. This chapter shall not apply to any exemption as listed under Food and Agricultural Code § 31626, as may be amended.

**§ 6.04.030 Determination of potentially dangerous or vicious animal and notice process.**

- A. Determination of potentially dangerous or vicious animal. If an animal services officer or contracted county sheriff's deputy (RCPD), after conducting an investigation, has determined that probable cause exists to believe that an animal is potentially dangerous or vicious, he or she shall report the results of his or her investigation in writing to the senior animal services officer or designee who shall review said written report for the purpose of determining whether or not the animal in question shall be declared potentially dangerous or vicious.
- B. Complaints. If the written report submitted by the animal services officer or contracted county sheriff's deputy (RCPD) is based on a complaint or complaints received from a member of the public, the animal services officer or RCPD may require the complainant to put the complaint in writing and sign it under penalty of perjury, so that it may be offered as evidence at subsequent hearings.

C. Notice of determination and administrative hearing.

1. If a determination is made by the senior animal services officer, RCPD, or designee that the animal is potentially dangerous or vicious, the owner or custodian ("responsible person") shall comply with sections 6.04.050 and 6.04.070 in accordance with a time schedule established by the senior animal services officer, RCPD, or designee but in no case more than 14 days after the date of mailing of the notice of determination.
2. If the responsible person contests the determination, he or she may request an administrative hearing of the decision of the senior animal services officer or designee by completing and submitting a "request for an administrative hearing" form within ten business days of receipt of the determination.
3. Failure of the responsible person to request an administrative hearing within the ten-day period shall constitute a waiver of the right to a hearing and shall satisfy the hearing requirements provided herein.
4. Upon receipt of a request for review, an administrative hearing to review the case shall be held, in accordance with chapter 1.12. If the hearing officer determines that an animal is potentially dangerous or vicious, the hearing officer may establish a time schedule to ensure compliance with this chapter, but in no case more than 14 business days subsequent to the date of the mailing of the hearing officer's findings and orders.
5. Within 20 days after service of the decision of the administrative hearing officer upon the responsible person, the responsible person may seek de novo review of the decision by filing a notice of appeal with the County Superior Court. The responsible person shall serve upon the office of the city clerk, either in person or by registered mail, a copy of the notice of appeal. If the responsible person fails to timely file a notice of appeal, the administrative hearing officer's decision shall be deemed confirmed.
  - a. The County Superior Court hearing the appeal may decide all issues for or against the responsible person even if the responsible person fails to appear at the appeal hearing.
  - b. The ruling of the County Superior Court on the appeal shall be final and conclusive upon all parties.
6. Costs for enforcement, hearing procedures, and care and housing of the animal shall be recoverable from the responsible person in accordance with Penal Code § 597.1, as may be amended.

**§ 6.04.040 Authority to seize animal posing immediate threat to public safety.**

If an animal services officer or a contracted county sheriff's deputy (RCPD), has investigated and determined there exists probable cause to believe an animal poses an

immediate and serious threat to the safety of the public, then the animal services officer or RCPD may seize and impound the animal pending the hearing to be held pursuant to section 6.04.030. If confinement is not contrary to public safety, the animal services officer may require the animal to be confined at the responsible person's expense in a kennel or veterinary facility approved by the animal care and services department or at the home of the responsible person.

**§ 6.04.050 Handling of potentially dangerous or vicious animals.**

A. Animal to be kept under control at all times.

1. Control while on responsible person's premises. A potentially dangerous or vicious animal, while on the responsible person's property, shall at all times be kept indoors or in an enclosure which shall secure the yard so that the animal cannot escape and children cannot trespass. The enclosure shall be approved by the animal care and services department and meet the following criteria:
  - a. The enclosure shall be constructed to prevent the going in of the public or other animals and the entrance to the enclosure shall be locked at all times while the animal is contained within the enclosure;
  - b. The enclosure shall be well ventilated and shall be six-sided, consisting of four walls, a cover or roof and a permanent floor to prevent the animal from escaping by either climbing or digging under the wall. If the bottom is not secured to the sides, the sides must be embedded in the ground no less than two feet;
  - c. The animal shall be housed pursuant to the provisions of Penal Code §597t (adequate enclosed area). The minimum dimensions of the enclosure shall measure five feet by ten feet and be of a height which does not restrict the animal's natural movements and which allows the owner or custodian into the enclosure to maintain the animal;
  - d. The enclosure shall be surrounded by a perimeter fence which prevents the entry of the public onto the property of the owner or custodian but which shall not serve in any part as a primary enclosure for the animal.
2. Compliance inspections. As a condition of maintaining a potentially dangerous or vicious animal, its owner or custodian shall allow access to the animal care and services department to inspect the premises to ensure compliance with the provisions of this chapter between the hours of 9:00 a.m. and 9:00 p.m. daily. Prior notification of the inspection to the owner or custodian of the potentially dangerous or vicious animal shall not be required.

B. Control when off owner's or custodian's premises.

1. At all times, when a potentially dangerous or vicious animal is not on the premises of the responsible person, the animal shall be securely muzzled and restrained by

a leash. The animal shall also be under the control of a person 18 years of age or older, who is physically capable of restraining the animal.

2. If a potentially dangerous or vicious dog escapes, the responsible person must immediately notify the animal services department. The dog may be seized by the animal services department pending an investigation and may be destroyed.
- C. Warning notice. The responsible person of the animal shall display, in a prominent place upon the premises where the animal is kept or maintained, a sign easily readable by the public using the words "DANGEROUS ANIMAL" or "VICIOUS ANIMAL," as ordered by the senior animal services officer, hearing officer, or any duly authorized person after a hearing or hearings pursuant to section 6.04.030, in letters at least two inches in height.
- D. Liability Insurance. The responsible person of the animal may be required to maintain general liability insurance covering property damage and bodily injury caused by a potentially dangerous or vicious dog in the amount of one hundred thousand dollars. If required to maintain insurance, the responsible person must show proof of insurance within 14 days after the decision or court order declaring the animal to be potentially dangerous or vicious is served on the responsible person.
- E. Permanent identification of animal. The owner or custodian of the animal shall provide a permanent identification by means of an implanted microchip that shall be registered with the animal services department. A photograph of the animal shall be kept on record for identification, in addition to registration as a dangerous animal or vicious animal.
- F. Notice of change of location or death of animal.
1. If an animal determined to be potentially dangerous or vicious dies, is sold, transferred or permanently removed from the city, the owner or custodian shall notify the senior animal services officer of the changed conditions and new location of the animal in writing within two working days of the changed status.
  2. Animals determined to be potentially dangerous or vicious may be relocated to other premises within the city only upon written notification to the senior animal services officer a minimum of five business days in advance of the animal being physically transferred to new premises. Such physical transfer requires the inspection and approval by the senior animal services officer or designee of the new premises' enclosure and perimeter fencing for compliance with this section.
- G. Licensing and vaccination. All potentially dangerous and vicious dogs shall be licensed and vaccinated in accordance with chapter 6.02. The potentially dangerous or vicious dog designation shall be included in the license records of the dog. A potentially dangerous or vicious dog fee shall be charged in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog pursuant to the city schedule of fees.

H. Designated potentially dangerous and vicious animal listing. All animals designated potentially dangerous or vicious shall be recorded on a listing maintained by the animal care and services department. Animals designated potentially dangerous or vicious shall remain on the listing until the animal dies, is permanently removed from the city, or is removed from designation pursuant to section 6.04.060.

**§ 6.04.060 Removal of designation as potentially dangerous or vicious.**

If there are no additional instances of the behavior described in section 6.04.030 within a 36-month period from the date of designation as a potentially dangerous or vicious dog, and the owner or custodian demonstrates changes that mitigate the risk to public safety, the dog may be removed from the list of potentially dangerous and vicious.

**§ 6.04.070 Conditions for destroying animal found vicious or potentially dangerous.**

A. An animal determined to be a vicious or potentially dangerous animal may be destroyed by the animal services department when it is found, after proceedings conducted under section 6.04.030, that the presence of the animal in the community would create a significant threat to the public health, safety and welfare. If it is determined that a vicious or potentially dangerous animal may be maintained in the community, the senior animal services officer, hearing officer, or other duly authorized person shall impose conditions upon the ownership of the animal, including, but not limited to, the conditions set forth in section 6.04.050 in order to protect the public health, safety and welfare.

B. An animal previously determined to be a vicious or potentially dangerous animal may be destroyed by the animal services department when it is found, after proceedings conducted under section 6.04.030, that the owner or custodian of the animal has failed to comply with the provisions of section 6.04.050.

**§ 6.04.080 Conditions for prohibiting ownership of vicious animals.**

The responsible person of an animal determined to be vicious or potentially dangerous may be prohibited by the senior animal services officer, hearing officer, or other duly authorized person from owning, possessing, controlling or having custody of any other animals having dangerous propensities for a period of up to three years, when it is found, after proceedings conducted under section 6.04.030, that ownership or possession of such an animal by that person would create a significant threat to the public health, safety, and welfare, as determined by the senior animal services officer, hearing officer, or other duly authorized person.

**§ 6.04.090 Unlawful to own, harbor, or keep dog found by another jurisdiction to be potentially dangerous or vicious.**

No dog which has previously been determined to be potentially dangerous or vicious after an administrative hearing or court order by another jurisdiction will be allowed to be kept, owned, or harbored in the city.

**§ 6.04.100 Criminal penalties/civil remedies.**

- A. The criminal penalties for violation of this chapter shall be the same as provided in subsections a through d of section 6.02.010(B)(1).
- B. Penalties. The violation of any of the provisions of this chapter shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.”