



# ***Agenda Report***

## ***Fullerton City Council***

**MEETING DATE:** SEPTEMBER 18, 2018

**TO:** CITY COUNCIL / SUCCESSOR AGENCY

**SUBMITTED BY:** KENNETH A. DOMER, CITY MANAGER

**PREPARED BY:** NADIA COOK, SENIOR ADMINISTRATIVE ANALYST

**SUBJECT:** ORDINANCE TO AMMEND FULLERTON MUNICIPAL CODE CHAPTER 11.01 OF TITLE 11 REGARDING THE ADOPTION OF ANIMAL CONTROL PROVISIONS

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### **SUMMARY**

The City of Fullerton entered into an agreement with the County of Orange on May 1, 2016, for the provision of animal care services. As part of the services agreement, the County requires the City's animal control ordinances to be consistent with the County's revised animal control ordinances. The next step in this process is to amend Chapter 11.01 of Title 11 of the Fullerton Municipal Code and adopt by reference provisions in the County's animal control ordinances regarding the adoption of animal care provisions.

### **RECOMMENDATION**

Introduce Ordinance No. XXXX for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 11 OF THE FULLERTON MUNICIPAL CODE PERTAINING TO THE ADOPTION OF ANIMAL CONTROL PROVISIONS

### **PRIORITY POLICY STATEMENTS**

This item matches the following Priority Policy Statement/s:

- Fiscal and Organizational Stability.

## FISCAL IMPACT

None.

## DISCUSSION

The County Board of Supervisors approved changes recommended by Orange County Animal Care to the County animal control ordinances in November 2017.

The amendments were intended to improve the Vicious Dog Program by providing for the use of independent hearing officers; adding the ability to ban owners of vicious dogs from owning dogs for up to three years; clarifying provocation and other terms for identifying aggressive dogs; and removing potentially Dangerous Dog designations following a specified period with no recurrences. The changes also made the program consistent with recent State law changes eliminating automatic designation for animals seized from convicted violators of fighting dog statutes.

The Barking Dog program was also expanded to include nuisances from animals other than dogs. Other amendments clarified language relating to animal permits, kennel permits and mobile grooming licenses. The changes were intended to provide clarity as to the applicability of permits, particularly with respect to animal rescues.

Subsequent to approval by the Board, the County requested the City take this opportunity to ensure its entire animal control ordinances were in full alignment with the County's current ordinances. As a contractor, OC Animal Care can only enforce municipal codes. The County has expressed a desire to bring municipal codes in line with County codes to allow uniform enforcement by their offices throughout the unincorporated areas and contract cities they service. This amendment would adopt by reference much of the Animal Control Ordinances of Orange County, ensuring consistent levels of enforcement by the County. City staff and the City Attorney reviewed the OC Animal Care's recommendations and deemed them reasonable to adopt.

Chapter 11.01 of Title 11 of the Fullerton Municipal Code will be deleted and replaced with the following adoptions by reference to the County's revised animal control ordinances:

- Division 1: Animal Control, Welfare and License Requirements, of Title 4: Health Sanitation and Animal Regulations
- Article 1: Definitions, of Division 1: General, of Title 5: Businesses and Special Licenses, Regulations
- Article 2: Licenses or Permits Required, of Division 1: General, of Title 5: Businesses and Special Licenses, Regulations, Section 5-1-29: Licenses or Permits Required
- Article 2: Licenses or Permits Required, of Division 1: General, of Title 5: Businesses and Special Licenses, Regulations, Section 5-1-30: Multiple Businesses
- Article 3: Business Regulations, of Division 1: General, of Title 5: Businesses and Special Licenses, Regulations

- Division 2: General License and Permit Requirements and Procedure, of Title 5: Businesses and Special Licenses, Regulations
- Article 17: Animal Facilities, of Division 3: Special Additional License/Permits Requirements and Business Regulations, of Title 5: Businesses and Special Licenses, Regulations.

All other contracting agencies with the Orange County Animal Control have or are in the process of conducting similar ordinance reviews and adoptions.

Attachments:

- Attachment 1 - Draft Ordinance No. XXXX