



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-29

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July 21, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare the ordinance amending Subsection 1.32.010(E) and Chapters 6.04, 6.08, 6.12, 6.16 and 9.65 of the Long Beach Municipal Code, related to Animal Care Services Bureau, Code Enforcement, and Development Services use of administrative citations, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

The City Council approved a recommendation to amend the Long Beach Municipal Code to establish administrative citations, with appropriate fine schedules, for public safety hazards. The proposed amendments address the existence, use and occupancy of illegal, unpermitted and dangerous human dwellings, as well as lost and stray animals, unlicensed animals, unleashed animals, animals without identification and unvaccinated and/or vicious animals.

These administrative tools are intended to (1) act as reasonable deterrents in preventing human occupation of such dangerous structures; (2) reunite lost and stray animals with their families; (3) reduce euthanasia of lost, stray and unidentified animals; (4) reduce prolonged and unreasonable barking, howling and/or whining; (5) address proper disposal of animal waste; (6) ensure that licensed animals receive anti-rabies inoculations; and (7) reduce potential dangers associated with unleashed and unattended animals.

FISCAL IMPACT

It is anticipated that these amendments to the Municipal Code will have no fiscal impact due to the utilization of existing staff and resources, however, in the alternative, may generate additional revenue by employing administrative versus criminal citations in support of enforcement actions.

PRINCIPAL DEPUTIES

Dominic Holzhaus
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DEPUTIES

C. Geoffrey Allred
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Christina L. Checel
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Howard D. Russell
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HONORABLE MAYOR AND CITY COUNCIL

July 21, 2009

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SUGGESTED ACTION

Declare the attached ordinance amending Subsection 1.32.010(E) and Chapters 6.04, 6.08, 6.12, 6.16 and 9.65 of the Long Beach Municipal Code read the first time and laid over to the next regular meeting of the City Council for final reading.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cristyl Meyers", with a long horizontal flourish extending to the right.

CRISTYL MEYERS
DEPUTY CITY ATTORNEY

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REDLINED VERSION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 1.32.010(E), CHAPTER 6.04, CHAPTER 6.08, CHAPTER 6.12, CHAPTER 6.16 AND CHAPTER 9.65, ALL RELATING TO THE ANIMAL CARE SERVICES BUREAU, CODE ENFORCEMENT, AND DEVELOPMENT SERVICES ADMINISTRATIVE CITATIONS.

Section 1. The Long Beach Municipal Code Chapter 1.32 entitled "General Penalty" Subsection 1.32.010(E) is amended to read:

1.32.010(E) Criminal violations – Misdemeanors and infractions.

E. In the sole discretion of the city prosecutor, any violation of this code, unless provision is otherwise made herein, may be prosecuted as either a misdemeanor or an infraction. Notwithstanding the foregoing, violations of Municipal Code Sections 6.16.080, 6.16.190, 6.16.260(C), 6.16.270(D), 6.16.290(C), 18.08.050, 18.16.150, 18.20.080, 21.31.245(C), 21.51.227, and 21.41.170 shall not be prosecuted as infractions ~~misdemeanor~~ violations.

Section 2. The Long Beach Municipal Code Chapter 6.04 entitled "Animal Shelter" is amended to read:

6.04.010 Established.

There shall be provided a suitable enclosure or place for the purpose of keeping and safely holding animals impounded, which shall be designated as the animal shelter; provided, that one or more suitable enclosures or places may be provided for the purpose of keeping and safely holding animals impounded, which places shall be designated as branches of the city animal shelter and shall

1 be included within the meanings of the words animal shelter wherever the name
2 may appear in this title.

3 6.04.020 Director designated.

4 Whenever in this Title 6 of the Long Beach Municipal Code the words
5 "Director" or "Director of Animal Care Services Bureau shelter" are used, they
6 shall mean the Director of the Animal Care Services Bureau of the Department
7 of Health and Human Services ~~regulation division of the department of public~~
8 ~~service~~ or his/her designee.

9 6.04.025 Person responsible – Defined.

10 Whenever in this Title 6 of the Long Beach Municipal Code, the words
11 "Person Responsible" are used, they shall mean any person owning, having a
12 proprietary interest in harboring or having the care, charge, control, custody or
13 possession of an animal.

14 6.04.030 Impoundment – Authority.

15 The Director shall take up, impound and safely keep any and all of the
16 animals enumerated in this Chapter and found running at large, pastured,
17 herded, staked or tied in any street, park, or other public place, or upon any
18 private property, in violation of any of the provisions of this Title 6.

19 6.04.040 Impoundment – Duty Dogs.

20 It shall be the duty of the Director and of every police officer to take up
21 and deliver to the animal shelter any dog animal, regulated pursuant to Title 6 of
22 the Long Beach Municipal Code, found to be at large, loose and/or unattended,
23 by a Person Responsible for that animal, upon any public or private property
24 within the city in violation of any of the provisions of this Title 6.

25 6.04.050 Impoundment – Care of animals.

26 The Director shall safely keep all ~~dogs, or other animals,~~ regulated
27 pursuant to Title 6 of the Long Beach Municipal Code, impounded at the animal
28 shelter and shall furnish the same all necessary food and water, and shall give

1 the same ordinary attention as may appear to be reasonably required for the
2 welfare of such animals.

3 6.04.060 Voluntary impoundment.

4 The ~~owner~~ Person Responsible ~~of an animal dog or cat~~ may, with the
5 consent of the Director, place the custody of such animal with said official for the
6 purpose of obtaining his/her assistance in procuring a new owner for the animal
7 under such terms and conditions as that official, in his/her sole and absolute
8 discretion, shall determine. The act of the ~~owner~~ Person Responsible in so
9 placing the custody of the animal with the Director shall, in no event and under
10 no circumstances, obligate that official of the city to procure a new owner for the
11 animal and, in the event such official so determines, the animal may be
12 destroyed and disposition made of the carcass. ~~The owner of any other small~~
13 ~~animal may, with the consent of the director, place the custody of such animal~~
14 ~~with said official for the purpose of disposing of the animal as that official so~~
15 ~~determines.~~ By placing the animal in the custody of the Director in accordance
16 with this section, the ~~owner~~ Person Responsible thereof relinquishes and
17 conveys to the city all his/her right, title and interest in and to the animal and to
18 the proceeds of any sale of the animal thereafter made, and neither the city nor
19 the official shall be required to make an accounting for any such proceeds. If the
20 Director elects to accept the custody of the animal, he/she shall require the
21 ~~owner~~ Person Responsible thereof to evidence in writing his/her knowledge and
22 acceptance of the provisions of this section. Notwithstanding anything in this
23 section to the contrary, in the event the Director has not procured a new owner
24 for the animal and the same has not been destroyed, the person so placing the
25 animal in custody may redeem and reclaim it from the custody of the city upon
26 the payment of a fee ~~therefor~~ established by the City Council by resolution. The
27 ~~owner of~~ Person Responsible for the unwanted animal may deliver the animal to
28 ~~the director at the animal shelter~~ subject to a fee determined by the City Council

1 ~~by resolution, without charge or, in the alternative, at the owner's~~ Person
2 ~~Responsible~~ may request, that ~~official~~ a representative of the Animal Care
3 ~~Services Bureau~~ will pick up the animal at a fee established ~~therefor~~ by the City
4 Council by resolution.

5 6.04.070 Impoundment – Disposal.

6 Upon the impounding of any ~~stray dog, or other~~ animal, the
7 ~~superintendent~~ Director shall immediately notify the ~~owner~~ Person Responsible
8 thereof, if known, to redeem the ~~dog or other~~ animal within five (5) days following
9 the date of impoundment; and unless ~~sooner~~ timely redeemed, the
10 ~~superintendent~~ Director ~~of animal control~~ shall sell the ~~dog or other~~ animal at
11 public or private sale, at such price as he/she may deem reasonable. At the time
12 of sale of any ~~dog or cat~~ impounded animal, the purchaser shall pay a spay and
13 neuter ~~deposit~~ fee established by the City Council by resolution ~~shall be required~~
14 ~~from the purchaser. Such deposit shall be established by the City Council by~~
15 ~~resolution. All such deposits~~ fees shall be deposited in the City of Long Beach
16 Animal Care Services Bureau ~~control program unclaimed altering deposits~~ spay
17 ~~and neuter~~ trust account fund. A ~~purchased dog or cat under six months of age~~
18 ~~at the time it is sold shall be spayed or neutered within six months or the deposit~~
19 ~~shall be deemed unclaimed and forfeited to the city. Any dog or cat six months of~~
20 ~~age or over, at the time it is sold, shall be spayed or neutered within sixty days or~~
21 ~~the deposit shall be deemed unclaimed and forfeited to the city. If a written~~
22 ~~statement is obtained by the purchaser from a veterinarian that the dog or cat is~~
23 ~~not suitable for surgery the deposits shall not be deemed forfeited. All unclaimed~~
24 ~~and forfeited deposits shall be used by the city only for those specific purposes~~
25 ~~set out in Sections 30503 of the California Food and Agricultural Code. In the~~
26 event a purchaser cannot be obtained for any ~~dog or cat or any other~~ animal, the
27 ~~superintendent~~ Director shall destroy such animal and dispose of the carcass.
28 The ~~superintendent~~ Director may, without waiting for such five (5) day period to

1 elapse, cause any impounded animal to be destroyed when ~~that official~~ he/she
2 reasonably determines that such animal is unfit for further use by reason of its
3 having been injured, having become infected with a dangerous or communicable
4 disease, having become incurably crippled or having become infirmed on
5 account of advanced age. ~~Such official~~ The Director may likewise so destroy any
6 impounded animal upon receiving the written, telephonic, or verbal directive from
7 ~~report of~~ a duly licensed veterinarian that such animal is afflicted with a painful
8 and incurable disease.

9 6.04.080 Impoundment – Redemption by owner.

10 The ~~owner of~~ Person Responsible ~~entitled to the possession of~~ for any
11 impounded ~~dog or other~~ animal, regulated pursuant to Title 6 of the Long Beach
12 Municipal Code, shall have the right to redeem and have to take the possession
13 of the same animal at any time prior to the sale or destruction thereof upon
14 payment to the Director of the costs and charges incident to the impounding,
15 taking and keeping thereof, and upon satisfactory proof of the ownership and
16 right to possession of the ~~dog or other~~ animal being made to the director and, if
17 sold, ~~to receive all of the net proceeds of such sale in excess of the costs and~~
18 ~~charges for the taking, impounding, keeping and expenses of sale thereof.~~ As an
19 incident to the redemption of any dog, the ~~owner or other~~ Person Responsible
20 shall also pay the license tax plus any penalty, determined by the City Council by
21 resolution, for any dog for which a license tag has not been issued for the current
22 year, ~~The person redeeming the dog~~ and shall also provide satisfactory evidence
23 of compliance with Section 6.12.110.

24 6.04.090 Redemption – Microchips ~~Impoundment – Fees – Establishment.~~

25 When the Director determines that an impounded animal is without
26 microchip identification, in addition to the requirements set forth in Section
27 6.04.080, the Person Responsible shall, prior to redemption, pay a fee at his/her
28 own expense to have microchip identification implanted into the animal. The

1 Director shall provide the Person Responsible with a written statement
2 confirming that a microchip, approved by the Animal Care Services Bureau, has
3 been implanted by the Director's designee only after the procedure is complete.
4 The identifying microchip information shall be maintained by the Animal Care
5 Services Bureau. Fees for impounding animals shall be those established by the
6 City Council by resolution.

7 ~~6.04.100 Impoundment Boarding or keeping fees.~~

8 ~~Fee for boarding or keeping impounded animals, which shall be charged in~~
9 ~~addition to the impounding fees to which section 6.04.090 makes reference, shall~~
10 ~~be those established by the city council by resolution.~~

11 ~~6.04.110 Impoundment Fees Deposit.~~

12 ~~The director shall deposit all funds collected by him as license tax,~~
13 ~~impounding fees or costs, proceeds of sales or otherwise, with the treasurer~~
14 ~~promptly and at least once each week.~~

15 ~~6.04.1020 Interference with officers or shelter.~~

16 No person shall conceal or attempt to conceal, remove/retrieve rescue, or
17 attempt to remove/retrieve rescue any ~~dog~~ or any of the animals mentioned
18 regulated pursuant to in this Title 6 from the Director, or from any other officer
19 authorized to enforce any of the provisions of this Title 6, while engaged in the
20 capture or in conveying to the animal shelter any such ~~dog~~ or animal, or to
21 interfere in any manner with said persons in the performance of any duty incident
22 to their office, or to conceal rescue or attempt to conceal, remove/retrieve or
23 attempt to remove/retrieve rescue any ~~dog~~ or other animal which has been
24 impounded in the animal shelter.

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1 Section 3. The Long Beach Municipal Code Chapter 6.08 entitled "Dog
2 Licensing" is amended to read:

3 6.08.010 Tag – Required.

4 No Person Responsible for any dog shall ~~own or have in custody or~~
5 ~~control any such~~ dog, male or female, over the age of four months, within the city
6 without at all times having upon such dog a collar or harness to which shall be
7 securely fastened a tag as provided in this Chapter. Said tag may be issued at
8 any time during the calendar year and may be issued for a period of twelve
9 months. The tag shall be obtained from the Director ~~or from the office of the tax~~
10 ~~collector~~, inscribed with the letters and words "LONG BEACH L.B. Dog Tag" and
11 with the serial number of the tag. The tax shall be sufficient only during the
12 period for which the tag is issued.

13 6.08.015 Penalties.

14 A. Violation of or failure to comply with any provision of Chapter 6.08
15 of this Code constitutes a criminal offense ~~an infraction~~ punishable by a fine of
16 ~~not more than one hundred dollars~~ as an infraction for the first offense, ~~and not~~
17 ~~more than two hundred dollars for the second offense within a twelve month~~
18 ~~period. A third~~ and a misdemeanor for any subsequent offense committed within
19 a twelve month period, ~~shall be a misdemeanor with criminal penalties set forth~~
20 in Chapter 1.32 of this Code.

21 B. In addition to criminal penalties, persons who violate any
22 provision of this Chapter may be assessed administrative fines and penalties
23 established pursuant to Chapter 6.16 of this Code.

24 6.08.020 Annexed territory – County license acceptable.

25 It shall not be necessary for a person who is a resident of any area at the
26 time the area is annexed to the city and who at said time ~~owns or has in his~~
27 ~~custody or control~~ is a Person Responsible for a dog for which a license fee has
28 been paid and a dog license issued under and by virtue of the ordinances of the

1 county to obtain a tag for the animal as is provided in Section 6.08.010 except
2 that after the effective date of an annexation such person shall cause the dog to
3 have upon it a collar, harness or similar device to which shall be attached the
4 county dog license tag or such other official indicia as is issued by the county;
5 but such person shall be subject to all provisions of Section 6.08.010 from and
6 after the expiration date of the county dog license.

7 6.08.030 Tag – Issuance – Records.

8 The Director ~~of the animal regulation division~~ is authorized and directed to
9 procure on an as needed basis such quantity of tags as may be required for
10 dogs in the city, which tags shall be plainly inscribed as set forth in this chapter,
11 and shall be valid for only the period for which they are issued. ~~The director of~~
12 ~~the animal regulation division shall furnish the tax collector, from time to time,~~
13 ~~with such quantity of such tags and necessary receipt books as may be~~
14 ~~necessary to meet the demands of applicants for such tags applying therefor at~~
15 ~~the office of the tax collector. The tax collector shall report all collections~~
16 ~~promptly to the director of animal regulation division and shall furnish him/her~~
17 ~~with a duplicate record of all tags issued and the registration numbers thereof,~~
18 ~~but shall deposit all funds so collected promptly with the city treasurer. The~~
19 ~~Director of the animal regulation division, his assistants, deputies and the tax~~
20 ~~collector shall furnish such tags to the owners and persons in control of~~
21 Person(s) Responsible for dogs in the city for fees which shall be established by
22 the City Council by resolution for each unaltered dog and for each altered dog
23 whose spaying or neutering is verified by a certificate from a licensed
24 veterinarian. The Director ~~of the animal regulation division~~ shall keep a register
25 wherein shall be entered the name of every person to whom a dog tag has been
26 issued, together with the serial number, and the period for which it is valid, the
27 date of issuance, the address of applicant, and any other data deemed pertinent.
28 Such tag shall be good only for use upon the dog described in such application.

1 6.08.040 Tag – Late penalty.

2 Penalties, which shall be established by the City Council by resolution,
3 shall be added to the dog tag fees established by the City Council by resolution
4 for altered and unaltered dogs, respectively, if the required tag for a dog is
5 secured more than sixty days subsequent to the required renewal date;
6 provided, that no penalty shall be added for the securing of any tag secured
7 within sixty days after the date on which the dog for which the tag is secured
8 becomes subject to the provisions of this chapter, nor shall any penalty be added
9 for a tag secured within sixty days after the applicant becomes the owner Person
10 Responsible for of the dog for which the tag is bought.

11 ~~6.08.050 Annexed territory Prorated fee.~~

12 ~~On and after the date a person specified in Section 6.08.020 becomes~~
13 ~~subject to all the provisions of Section 6.08.010, such person shall be furnished~~
14 ~~a dog tag upon payment of a sum equal to the product resulting from multiplying~~
15 ~~the charge per day established by the city council by resolution by the number of~~
16 ~~days from said date to the end of the calendar year during which the date~~
17 ~~occurs, both inclusive, plus applicable penalties, if any.~~

18 6.08.0650 Tag – Replacement.

19 In case of loss or destruction of any tag required by the provisions of this
20 Chapter, a duplicate shall be issued by the Director ~~or the tax collector~~ upon
21 request and upon the payment of the fee established therefor by the City Council
22 by resolution.

23 6.08.0760 Exemptions.

24 No license fee or tax shall be required for the issuance of a tag for any
25 dog owned as a ~~pet of a blind person~~ guide dog, signal dog and/or service dog,
26 as those terms are currently defined in California Penal Code Section 365.5 or
27 as may be amended in the future. ~~or certified as being duly and properly trained~~
28 ~~to aid or assist blind persons when such dog is actually being used by a blind~~

1 ~~person for the purpose of aiding or assisting such blind person, and the~~
2 ~~Superintendent The Director, or the Tax Collector,~~ shall annually issue tags free
3 of charge to ~~owners or~~ Persons Responsible for having the custody and control
4 of such dogs.

5 6.08.08~~70~~ Tag – Counterfeit prohibited.

6 No person shall imitate or counterfeit any tag, receipt, or registration
7 certificate required or issued pursuant to this chapter or use any imitation or
8 counterfeit of any such tag, receipt or certificate.

9 6.08.09~~80~~ Exhibit of receipt or tag required.

10 No Person Responsible for ~~owning or having in his control~~ any dog
11 subject to license under this Chapter shall refuse to show upon demand to the
12 Director, any Animal Care Services Bureau enforcement officer or inspector
13 ~~license investigators of the tax collector's office,~~ or any police officer, the city dog
14 tax receipt or the license tag for any duly registered dog.

15
16 Section 4. The Long Beach Municipal Code Chapter 6.12 entitled
17 "Rabies Control" is amended to read:

18 6.12.010 ~~Owner~~ Rabies report responsibility.

19 Whenever ~~the owner or person having custody or control of any dog or~~
20 ~~other animal~~ a Person Responsible for a dog or other animal observes or learns
21 that such dog or animal shows symptoms of rabies, or acts in a manner which
22 would lead to a reasonable suspicion that the dog or animal may have rabies,
23 ~~the owner or person having the custody or control~~ that person of the dog or
24 animal shall immediately notify the health officer, and it shall be the duty of the
25 health officer, when called upon, to examine or have examined the dog or animal
26 and to ascertain whether or not the dog or animal is afflicted with rabies, and no
27 ~~owner or person having the custody or control~~ Person Responsible of any for
28 such dog or animal shall fail, refuse or neglect to notify the health officer.

1 6.12.020 Suspected infection.

2 Whenever the Director, or any other person, captures a dog or any other
3 animal suspected of having rabies, he/she shall deliver the same to the animal
4 shelter or shall confine the same in some safe place and shall immediately report
5 the same to the health officer, and it shall be the duty of the health officer, when
6 called upon, to examine or cause to be examined any such dog or other animal
7 and to ascertain whether or not any such dog or animal is afflicted with rabies.

8 6.12.030 Refusal to report prohibited.

9 No ~~owner or person having custody or control~~ Person Responsible of ~~for~~
10 any dog or other animal showing symptoms of rabies, or that acts in a manner
11 which would lead to a reasonable suspicion that such dog or animal may have
12 rabies, or whenever it is shown that any dog or other animal has bitten any
13 person, shall refuse or fail to submit such dog or animal to inspection or
14 examination by the health officer or his/her representative in order to ascertain
15 whether or not such dog or animal is afflicted with rabies.

16 6.12.040 Dog or other animal bite – Report.

17 Any person having knowledge that any dog or other animal has bitten any
18 person shall immediately and without delay advise the Director or the police
19 department of such fact, furnishing such information as he/she may possess
20 relative to the identity of the animal, ~~and it's~~ the Person Responsible for the
21 animal ~~owner, or the person in care, custody and control of such animal,~~ and the
22 person bitten.

23 6.12.050 Dog or other animal bite – Identification of animal.

24 Upon receipt of a report as described in Section 6.12.040, the Director
25 shall undertake all measures necessary to the identification of the subject dog or
26 other animal ~~and its owner or the person in care, custody or control of the animal~~
27 the Person Responsible for the dog or other animal and upon the identification of

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1 the dog, or other animal, or Person Responsible, or both, shall inform the health
2 officer thereof.

3 6.12.060 Dog or other animal bite – Quarantine.

4 A. Upon written order of the health officer or his/her authorized
5 representative so directing any Person Responsible, ~~the owner or person in~~
6 ~~care, custody and control of~~ for a dog or other animal having bitten any person
7 shall cause the animal to be kept in strict quarantine in a closed, fenced yard,
8 kennel or animal shelter for a period of ~~fourteen~~ ten (10) days and shall permit
9 the health officer or his/her authorized representative to inspect or examine the
10 dog or other animal at any time during the period.

11 B. The health officer shall have the power, in his/her discretion, to
12 quarantine the animal in the animal shelter.

13 6.12.070 Dog or other animal bite – Quarantine order.

14 A. Upon the issuance of a written order of quarantine as described in
15 Section 6.12.060, the person to whom such order is directed shall permit the
16 health officer or his/her authorized representative to post a printed or written
17 notice of the quarantine order upon or about the premises wherein the subject
18 dog or other animal is confined.

19 B. No person shall obscure, deface, render illegible, or remove the
20 posted notice during the quarantine period.

21 6.12.080 Dog or other animal bite – Redemption from animal shelter.

22 Whenever any dog or other animal is quarantined in the animal shelter for
23 inspection, examination or observation for rabies, and at the expiration of the
24 period of quarantine, the dog or other animal is determined by the health officer
25 or his/her representative to be free from said disease, then the Director shall
26 immediately cause the ~~owner~~ Person Responsible ~~of~~ for the dog or animal, if
27 known, to be notified to redeem the dog or other animal from the animal shelter
28 within the time and in the same manner provided for the redemption of other

1 impounded dogs or animals. The ~~owner~~ Person Responsible ~~of~~ for any animal
2 which has been quarantined in the animal shelter shall pay to the Director the
3 boarding fee established by the City Council by resolution for the period the
4 animal is held under quarantine in the animal shelter. If the dog or other animal
5 is not redeemed after the period of such quarantine within the time specified for
6 redemption of impounded animals, then the dog or other animal shall be
7 disposed of in the same manner provided for the disposition of other impounded
8 dogs or animals.

9 6.12.090 Impoundment of diseased animals.

10 If it appears to the health officer or his/her representative that any dog or
11 other animal has rabies, it shall be his/her duty to immediately quarantine the
12 dog or other animal at the animal shelter, subject to his/her further orders, or to
13 notify the Director to destroy such animal and dispose of its carcass.

14 6.12.100 Contact with rabid animal.

15 Every dog or other animal which has been bitten by a rabid dog or other
16 rabid animal, or which has come in contact or consorted with a rabid dog or other
17 rabid animal, or which has been harbored in the same home, apartment, kennel
18 or part of any premises with a rabid dog or other rabid animal, shall be kept
19 isolated and under quarantine for ninety (90) days in a veterinary hospital
20 approved by the health officer, or surrendered to the Director to be destroyed.

21 6.12.110 Inoculation – Required.

22 No Person Responsible for any dog shall ~~keep, own or harbor any permit~~
23 a dog four months of age or older to be in the city, for a period of thirty (30) days
24 ~~or more unless such person has procured a canine anti-rabies vaccine for the~~
25 dog from a state licensed veterinarian unless:

26 A. Such dog ~~has been inoculated with chick embryo rabies vaccine~~
27 ~~within the last preceding two years~~ is less than four months of age; or

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1 B. Such dog is in a state of health that inoculation at the time would
2 be hazardous to the life of the dog, as evidenced by the written, dated and
3 signed statement of a licensed veterinarian, and approved by the authority of the
4 health officer. Such statement shall provide exemption from the requirements of
5 this section for a maximum period of one year. The health officer shall not
6 authorize the endorsement of the statement for any period of time unless the
7 illness of the dog requires it. ~~has been inoculated with nerve-tissue rabies~~
8 ~~vaccine within the last preceding year; or~~

9 C. ~~Such dog is less than four months of age; or~~

10 D. ~~Such dog is in such a state of health that inoculation at the time~~
11 ~~would be hazardous to the life of the dog, as evidenced by the written, dated and~~
12 ~~signed statement of any licensed veterinarian, and approved by the authority of~~
13 ~~the health officer. Such statement shall provide exemption from the requirements~~
14 ~~of this section for a maximum period of one year, unless such statement is~~
15 ~~endorsed for a different period of time by authority of the health officer. The~~
16 ~~health officer shall not authorize the endorsement of the statement for any period~~
17 ~~of time unless the illness of the dog requires it.~~

18 6.12.120 Inoculation – Certificate.

19 Every Person Responsible ~~owning, keeping or harboring~~ for a dog in the
20 city, whenever such dog is required to be inoculated by the provisions of Section
21 6.12.110, shall have such dog inoculated against rabies by a licensed
22 veterinarian. The inoculation by any person licensed to practice veterinary
23 medicine in the state, or in the event the dog is inoculated in any state other than
24 California, then the inoculation by any person authorized or permitted by such
25 state to practice veterinary medicine, shall be deemed to be inoculated by a
26 licensed veterinarian. The health officer shall, at such intervals of time as he
27 deems necessary, provide for the rabies inoculation of such dog upon payment
28 of a fee established therefor by the City Council by resolution. The health officer

1 shall issue to such person a certificate of inoculation, signed under the authority
2 of the health officer, stating thereon the breed and description of the dog, the
3 date of the inoculation, and the type of vaccine used.

4 6.12.130 Inoculation – Required for license issuance.

5 ~~Annually, on or before January 1, Every Person Responsible for any~~
6 ~~owning, keeping or harboring a dog, and who is~~ required by the provisions of
7 Chapter 6.08 to secure a license tag for such dog, shall provide evidence
8 satisfactory to the licensing authority of compliance with Section 6.12.110. A
9 certificate of inoculation or a statement of health containing the information
10 required by Sections 6.12.110 and 6.12.120, signed under the authority of the
11 health officer and a licensed veterinarian, shall be deemed satisfactory evidence
12 of compliance with Section 6.12.110. No dog license shall be issued unless and
13 until the requirements of this Section are fulfilled.

14 6.12.140 Inoculation – Record.

15 The Director shall, at the time a dog license is issued, record on the
16 register, provided for by Section 6.08.030, the date of inoculation, the type of
17 vaccine used, or the reason no vaccine was used.

18 6.12.150 Rabies vaccination certificates.

19 Every person practicing veterinary medicine in the city of Long Beach who
20 vaccinates a dog with rabies vaccine shall issue to the Person Responsible to
21 whom he or she delivers the dog the original certificate and to the ~~superintendent~~
22 Director of the Animal Care Services Bureau ~~control~~ of the city of Long Beach a
23 copy of every rabies immunization certificate issued by such veterinarian. The
24 certificate should contain the following:

- 25 A. Name, address, and telephone number of the Person Responsible
26 for the dog's owner;
- 27 B. A description of the dog, including breed, color, sex, and age;
- 28 C. The date of rabies immunization;

- 1 D. The type of rabies vaccine administered;
- 2 E. The name of the manufacturer and the lot number of the vaccine
- 3 used;
- 4 F. The veterinarian's name, address, and telephone number either
- 5 stamped, printed or typed on the certificate;
- 6 G. The signature of the veterinarian who administered the vaccine or
- 7 the signature of a person authorized by the veterinarian to sign the certificate.
- 8

9 Section 5. The Long Beach Municipal Code Chapter 6.16 entitled

10 "Animal Regulations" is amended to read:

11 6.16.010 Livestock – Running at large – Distance from habitation.

12 No Person Responsible , ~~as owner or the one in control of~~ for any

13 ox, steer, bull, cow, calf, horse, mare, stallion, colt, jack, mule, sheep, goat, or

14 hog, shall permit the same, of any thereof, to run at large or pasture, herd, stake,

15 tie or stable any thereof in any of the streets, avenues, places, lanes, alleys,

16 parks, or other public places in the City, or tie, stake, pasture, stable, or

17 otherwise keep any thereof upon any private property in the so as to permit any

18 thereof to approach nearer than one hundred feet (100') to any building used or

19 occupied or designed for use and occupancy as a residence for human

20 habitation other than such building so occupied by the Person Responsible

21 ~~owning or having the control of~~ for any such animal, and other than such

22 building, the occupant of which continues his or her consent to the closer

23 approach of any such animal.

24 6.16.020 Livestock – Driving in street.

25 No person , ~~as principal, agent, employee or otherwise,~~ shall drive

26 or conduct along any street, avenue, place, lane, alley, park or other public place

27 any ox, steer, bull, cow, calf, horse, stallion, colt, jack, mule, sheep, goat or hog

28 without having such animal or animals enclosed in some conveyance or tied or

1 otherwise attached to some person or vehicle in such manner that such animal
2 or animals cannot run at large or enter upon private property, or drive or conduct
3 a herd or any number of such animals along any street or other public place
4 without obtaining a written permit therefore from the ~~police department~~ Director,
5 and such permit shall be granted only upon the applicant therefore depositing
6 with the ~~police department~~ a ~~certified check on a responsible bank in the City in~~
7 ~~the sum of twenty five dollars (\$25.00), or the sum of twenty five dollars (\$25.00)~~
8 ~~in lawful money of the United States, Director a fee established by the City~~
9 Council by resolution which money shall be transmitted to the City treasurer for
10 the ~~purpose of paying any damage that may be done or caused by any such~~
11 ~~animal or animals while being so driven or conducted, and such deposit shall~~
12 ~~inure to the benefit of every person damaged by such animal or animals while~~
13 ~~being so driven or conducted, and a lien shall attach to the deposit on behalf of~~
14 ~~every such person so sustaining damage, provided a claim therefore is filed with~~
15 ~~the treasurer within five days after such damage has been suffered, and if no~~
16 ~~claim is so filed, the treasurer shall return the deposit upon the filing of a claim~~
17 ~~for refund thereof after the expiration of five days after the driving or conducting~~
18 ~~of such animal or animals has been concluded.~~

19 6.16.030 Dangerous animals – Permit required.

20 No person shall have, keep, maintain, or have in possession or under
21 control, within the City, any elephant, bear, hippopotamus, rhinoceros, lion, tiger,
22 leopard, wolf, reptile, serpent or any dangerous or carnivorous wild animal
23 without first applying to and receiving from the ~~public service department~~ Animal
24 Care Services Bureau a permit so to do.

25 6.16.040 Dangerous animals – Permit issuance.

26 The ~~public service department~~ Director is invested with the authority to
27 issue permits for the keeping or maintaining of any of the animals, reptiles or
28 serpents enumerated and described in Section 6.16.030 to any person when, in

1 the opinion of the Director ~~of public service~~, any such animal or animals,
2 serpents or reptiles may be kept or maintained without menacing the safety of
3 any person or property; provided, however, that the Director ~~of public service~~
4 may require any such animal or animals, serpents or reptiles to be properly
5 caged or tethered, and may make and issue additional rules and regulations
6 regulating the keeping or maintaining of any such animals, reptiles or serpents,
7 and may revoke any such permit for the violation of any other provisions of this
8 chapter or any of the rules and regulations issued by the Director ~~of public~~
9 ~~service~~, or when, in his or her opinion, the safety of any person or property is
10 menaced by the keeping of any such animal.

11 6.16.050 Selling animals on public place.

12 No person shall sell, offer or display for sale, barter, or give any live
13 animal to any person on any public street or other public place within the City
14 other than a person maintaining a fixed place of business wherein such animals
15 are sold.

16 6.16.060 Animal shop – Location restricted.

17 No person shall establish, conduct, or maintain any store or place of
18 business in which dogs, ~~monkeys~~, cats, guinea pigs, mice, ~~or rats~~ or other
19 domestic pets are legally sold or kept for sale, or carry on the business of
20 dealing in any of such animals within fifty feet (50') of any residence, dwelling
21 house, hotel, theater, or within five hundred feet (500') of any schoolhouse or
22 church, unless such person has been issued a permit to breed at a residence
23 under Section 6.16.190 of this Chapter.

24 6.16.061 Animal shop – Report of sales to City.

25 Every person who owns, operates or maintains an animal shop, as
26 described in Section 6.16.060, shall report to the ~~superintendent of animal~~
27 ~~control~~ Director the name and address of the purchaser of every dog sold by the
28 animal shop, along with the breed, age and description of the animal, on forms

1 provided by the City. The report shall be transmitted to the ~~superintendent~~
2 Director no later than ten (10) days from the date of sale. The shop may charge
3 a fee of up to one dollar to the purchaser to cover the cost of the report.

4 6.16.070 Herding on unenclosed private property.

5 No person, as principal, agent, employee, or otherwise, shall herd any of
6 the animals mentioned in this Chapter on any unenclosed private property.

7 6.16.080 Breeding prohibited.

8 No person, as principal, agent, employee or otherwise, shall breed any
9 dog, cat or other animal at any place within the City, except as provided in
10 Section 6.16.190 of this Chapter. "Breeding" shall be deemed to have occurred
11 upon the production of offspring, whether such offspring result from sexual
12 activity or artificial insemination, and whether such sexual activity was intentional
13 or the result of improper confinement.

14 6.16.085 Unaltered cats prohibited.

15 No Person Responsible ~~who owns, or has in custody or control, for~~ a cat
16 over the age of four months shall allow such cat to remain unaltered, unless the
17 cat is certified by a licensed veterinarian as not being suitable for spaying or
18 neutering due to health reasons.

19 6.16.090 Dogs prohibited on beaches or school grounds.

20 A. Except as provided in Section 6.16.310 of this Chapter, no Person
21 Responsible ~~owning, having a proprietary interest in, harboring or having the~~
22 ~~care, charge, control, custody or possession of~~ for a dog shall permit such dog to
23 be upon any of the beaches or public school grounds within the City.

24 B. Notwithstanding the provisions of Subsection A of this Section or of
25 Section 6.16.010 of this Chapter, no Person Responsible for any dog(s) and/or
26 ~~no~~ other animal(s) shall permit such animal(s) may to be permitted on the a
27 beach bike path, ~~and on the beach immediately adjacent to the bike path, and/or~~
28 ~~in no~~ on other ~~locations of the beach~~ locations within the City unless:

1 1. ~~The animal is authorized to be present pursuant to and only~~
2 ~~during special events where such dogs are present pursuant to authorization~~
3 ~~contained in a special event permit issued by the City pursuant to Chapter 5.60~~
4 of this Code which permit contains terms and conditions governing
5 indemnification, supervision, cleanup and control relating to the presence of
6 dogs and/or other animals at such special events; and/or

7 2. The animal is deemed a guide dog, signal dog and/or
8 service dog, as those terms are currently defined in California Penal Code
9 Section 365.5 or may be amended in the future.

10 6.16.100 Dog leash required.

11 A. No Person Responsible ~~owning, having a proprietary interest in,~~
12 ~~harboring or having the care, charge, control, custody or possession of for~~ a dog
13 shall permit such dog to do any of the following, unless the dog is upon a secure
14 leash not more than six feet (6') long held continuously in the hands of a
15 Responsible Person capable of controlling the dog, or unless the dog is securely
16 confined within an automobile:

17 1. Be in or upon any public street, sidewalk, improvement, park
18 or other public place, or private property if the private property is open or
19 accessible to the public; or unless such dog is upon a secure leash not more
20 ~~than eight feet long held continuously in the hands of a responsible person~~
21 ~~capable of controlling the dog, or unless the dog is securely confined within an~~
22 ~~automobile, or in or upon any unenclosed lot or premises unless the dog is~~
23 ~~securely leashed upon the unenclosed lot or premises; provided~~

24 2. Enter upon another person's property without permission.

25 B. ~~However, that~~ This section shall not apply to any such person who
26 is in possession or operating within the terms of a valid, unrevoked permit from
27 the City for the conduct of obedience or other types of trial or show of dogs in or
28 upon any public place.

1 ~~BC.~~ This section shall not apply to dogs under the control of a
2 responsible Person Responsible for a dog in a fenced dog exercise area in a
3 City park, or portion of a City park, approved and designated for that purpose by
4 the City Council.

5 ~~GD.~~ A Person Responsible for a dog shall comply with the following
6 regulations and limitations shall applied to all dog exercise areas identified in
7 Subsection C of this Section:

8 1. Designated off leash exercise areas will be open from six
9 a.m. to ten p.m.

10 2. As a condition of admission to such dog exercise areas, the
11 ~~owner~~ Person Responsible for ~~of~~ such dog(s) shall use a suitable container or
12 instrument to remove dog feces and shall dispose of it in waste containers for
13 that purpose.

14 3. Aggressive dogs are not permitted. ~~Owners~~ Persons
15 Responsible for such dogs are legally responsible for any injury caused by their
16 dog(s).

17 4. Any dog(s) which has been declared vicious under Section
18 6.16.250 of this chapter, or any other state law or local ordinance, is not
19 permitted. Persons Responsible for such dogs are legally responsible for any
20 injury caused by their dog(s).

21 45. All Persons Responsible for dogs must ~~be~~ keep their dogs
22 under visual and voice control by ~~their owners~~ at all times.

23 56. Dogs shall not be left unattended.

24 67. Dogs under four months old are not permitted.

25 78. All dogs must have current vaccinations and licenses.

26 89. Female dogs in estrus (heat cycle) are not permitted.

27 910. Professional dog trainers may not use the dog exercise
28 areas to conduct classes or individual instruction.

1 4011. Professional dog handlers and walkers shall have a City
2 business license.

3 4112. Children shall be accompanied by an adult and shall not run,
4 shout, scream, wave their arms, or otherwise excite or antagonize dogs.

5 4213. Bicycles, rollerblades, roller skates, skateboards, strollers,
6 and the like, are not permitted. Wheelchairs and other aids for the disabled are
7 permitted.

8 4314. Spiked collars on dogs are not permitted.

9 4415. ~~The owner of~~ A Person Responsible for a dog must have in
10 his/her possession a leash for the dog which shall be worn by the dog at all
11 times that the dog is not in the exercise areas.

12 4516. ~~Owners~~ A Person Responsible for a dog shall otherwise
13 comply with all rules governing the parks and relevant parking regulations.

14 4617. Use of the exercise areas by any Person Responsible for a
15 dog shall constitute implied consent of ~~the dog's owner~~ that person to all
16 regulations and shall constitute a waiver of liability to the City of Long Beach and
17 an agreement to protect, defend, indemnify, and hold harmless the City of Long
18 Beach, its officials and employees for any injury or damage caused by a dog
19 when the dog is not on its leash.

20 4718. No person ~~one~~ shall play any team sport including, but not
21 limited to, football, baseball, soccer, rugby and volleyball within the exercise
22 area. The use of a frisbee is permitted.

23 E. A Person Responsible for a dog may be deemed to have violated
24 Subsection A, of this Section, when the violation was not committed in the
25 presence of the Director or Animal Care Services Bureau enforcement officer(s)
26 or inspector(s) if three (3) or more persons have submitted, within a one (1) year
27 period, declarations signed, under penalty of perjury, that the violation(s) was
28 committed in their presence.

1 6.16.110 Dog noise – ~~Permitting~~ Prohibited.

2 No Person Responsible for a dog shall permit ~~any such dog under his or~~
3 ~~her control~~ to bark, howl, whine and/or make other loud and unusual noises,
4 whether within a building or enclosure, tied, or otherwise confined, or while at
5 large upon any public street, sidewalk, improvement, park or other public place,
6 or private property, so as to annoy and become offensive to the neighborhood or
7 ~~persons residing immediately surrounding the habitation of the same~~ which
8 disrupts the public peace or which causes discomfort or annoyance to any
9 reasonable person of normal sensitiveness residing in the area.

10 6.16.120 Dog noise – Enforcement ~~Causing by confinement~~.

11 When the Director or his/her enforcement officer(s) and/or inspector(s)
12 determine that a Person Responsible for a dog has violated Section 6.16.110 of
13 this Code, such Animal Care Services Bureau personnel are authorized to:

14 A. Direct the Person Responsible for the dog to immediately terminate
15 the actions of the dog that are causing the loud noise;

16 B. Issue a written notice to the Person Responsible that if, within a
17 twelve month period following the initial response, Animal Care Services Bureau
18 personnel are again required to respond to the same Person Responsible for
19 violating Section 6.16.110 of this Code, a criminal and/or administrative citation
20 will be issued pursuant to Chapters 1.32 and 6.16 if this Code; and

21 C. Issue criminal and/or administrative citations to the Person
22 Responsible for recurrent violations of Section 6.16.110 of this Code within a
23 twelve month period.

24 ~~No person shall tie up, lock up, or enclose and leave unattended any dog~~
25 ~~under his or her control within any house, garage or similar structure by reason~~
26 ~~of which the dog barks, howls, whines or makes other loud and unusual noises~~
27 ~~so as to annoy and become offensive to the neighborhood or persons residing~~
28 ~~immediately surrounding the habitation of the same.~~

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6.16.130 Food business – Keeping animals prohibited.

No person shall keep any dog or other animal in any bakery, restaurant, lunch stand, or other place of business wherein food or foodstuffs are served or sold.

6.16.140 Food business – Permitting animal at large prohibited.

No ~~owner~~ Person Responsible for ~~of~~ any dog or any other animal shall permit the same to run at large in any place where food or foodstuffs are served, displayed, and offered for sale or shall permit any dog or any other animal to come in contact with any food products intended for human consumption in any such place of business where food or foodstuffs are served, displayed or offered for sale.

6.16.150 Food business – Allowing animal on premises prohibited.

No owner, operator, manager, or employee of any place of business where food or foodstuffs are served, displayed or offered for sale shall permit any dog or any other animal on such premises or in such place of business.

6.16.160 Possession without owner's consent.

No person, ~~not the owner thereof, and~~ without the consent of the Person Responsible for a dog, cat or other domestic animal ~~owner thereof~~, shall hold or retain in his or her possession such dog, cat or other animal legally owned as a domestic pet within the City for any period longer than twenty-four (24) hours unless such person reports the same, with the true description thereof, to the Director.

6.16.170 Dog and cat hospital – Location.

No person shall erect, construct, establish or maintain any dog hospital, cat hospital, or dog and cat hospital, outside of industrial districts, as defined by the Zoning provisions of this Code, as the same now is or may hereafter be.

////
////

1 6.16. 180 Dog and cat hospital – Defined.

2 The terms “dog hospital,” “cat hospital” and “dog and cat hospital,” as
3 used in this Chapter, mean and include any place where dogs or cats, or both,
4 are received and kept, or either, for the purpose of treating such animals for any
5 disease or injury.

6 6.16.190 Restricted dog breeding and dog and cat transfer.

7 A. No person, as principal, agent, employee or otherwise, shall
8 establish or maintain any dog kennel for breeding purposes, keep any dog for
9 breeding purposes, or breed any dog which is owned, harbored or kept within
10 the City, without first applying to and receiving a breeding permit to do so from
11 the department of health and human services, animal control division. “Breeding”
12 shall be deemed to have occurred upon the production of a litter, whether such
13 litter results from sexual activity or artificial insemination, and whether such
14 sexual activity was intentional or the result of improper confinement.

15 B. The application for a breeding permit shall be filed by all of the
16 ~~owners~~ Persons Responsible and/or ~~handlers of~~ for both dogs to be bred,
17 including persons who may reside outside of the City, and shall contain such
18 information as is requested by the City, including without limitation the following:

19 1. A complete description of the nature and extent of the
20 breeding to be conducted and for which application is made, including the breed
21 of dogs proposed to be bred;

22 2. The address of the location at which breeding will occur and,
23 if different from the breeding address, the address of the location at which the
24 litter shall be whelped;

25 3. The name and address of the applicant(s);

26 4. A statement by the applicant(s) stating that each applicant(s)
27 owns either of the dogs to be bred and that there are no other owners;

28 ////

1 5. A statement by the applicant(s) stating that at least one of
2 the litter is intended to be offered for sale;

3 6. Evidence that the dogs to be bred do not have the same sire
4 or dam;

5 7. Evidence that the dam to be bred is at least two (2) years
6 old and not older than seven (7) years old;

7 8. A copy of a valid certificate of health for the dam;

8 9. Evidence that both dogs to be bred have electronic animal
9 identification devices implanted;

10 10. Written authorization to breed and/or whelp from the
11 owner(s) of the properties at which the dogs will be bred and/or whelped, if such
12 owners are not the applicant(s);

13 11. A statement by the applicant(s) stating that the applicant(s)
14 have reviewed and will comply with all applicable rules and regulations regarding
15 breeding and keeping animals on private property;

16 12. Such other information as may be required by the Director,
17 ~~or designee~~, consistent with the purposes of this chapter, this code, and
18 applicable law.

19 C. The Chief of Police and/or Director shall conduct a background
20 check of any applicant(s) for a breeding permit. The City shall not issue a
21 breeding permit to any applicant for whom the Chief of Police or Director
22 determines the background to be unacceptable. Breeding permits shall not be
23 issued to applicant(s) who are under the age of eighteen (18), or who have
24 violated this section, Sections 6.16.080, 6.16.110, and/or 21.51.210 of this Code,
25 or any of Sections 596 through 599 of the California Penal Code, or to ~~owners~~
26 Persons Responsible for ~~of~~ dogs which have been declared vicious under
27 Section 6.16.250 of this Chapter or otherwise have previously bitten any person,
28 or to ~~owners~~ Persons Responsible for ~~of~~ any breed of dog which is

1 disproportionately responsible for dog bite complaints within the City, or to
2 ~~owners~~ Persons Responsible for of any breed of dog which is disproportionately
3 euthanized within the City. Breeding permits shall not be issued for the purposes
4 of breeding any dog breeds that are not recognized by the American Kennel
5 Club (or any other organization determined by the Director to be a generally
6 recognized leading national breeding organization) and shall not be issued for
7 the purpose of mixing breeds.

8 D. Prior to processing the application, the Director shall receive the
9 required breeding permit application fee, and such application fee shall be
10 nonrefundable. The breeding permit application fee shall be determined by the
11 City Council by resolution. After processing the application but prior to issuing a
12 breeding permit, the Director shall receive the required breeding permit fee, and
13 such permit fee shall be nonrefundable. The breeding permit fee shall be
14 determined by the City Council by resolution. The following dogs are exempt
15 from both the application fee and breeding permit fee requirements but are
16 subject to the other requirements of this section to the extent such requirements
17 do not conflict with state or federal law:

18 1. Dogs documented as having been appropriately trained and
19 actively used by law enforcement agencies for law enforcement or rescue
20 activities, the offspring of which are to be used for the same purposes.

21 2. Dogs documented as guide, signal or service dogs pursuant
22 to the California Penal Code or the California Business and Professions Code,
23 the offspring of which are to be used for the same purposes.

24 E. The breeding permit shall be valid for one (1) year and shall not be
25 transferable or assignable from one person or entity to another or from one
26 household to another household, and only one (1) breeding permit shall be
27 issued per year per household, regardless of how many dogs or persons may
28 reside in such household.

1 F. Once permitted by the City, the breeding permittee shall comply
2 with each of the following operating restrictions:

3 1. Only one litter per year per dog per household may be
4 whelped.

5 2. Proper shelter shall be provided for all dogs and litters.
6 "Proper shelter" shall be defined as an enclosure with four walls, a roof and a
7 raised floor which adequately protects from exposure to cold, heat and water,
8 and which gives access to an enclosed yard or other open outdoor space.

9 3. Clean and reasonably temperate water shall be provided to
10 all dogs at all times.

11 4. Nutritious food sufficient to properly nourish the dam and her
12 litter shall be provided.

13 5. Dogs' living quarters and yards shall be properly maintained
14 at all times, including without limitation, removal of feces and urine to prevent
15 odors from entering surrounding areas.

16 6. Dogs shall be kept in a manner which prevents barking from
17 disturbing occupants or users of surrounding areas.

18 7. Births shall be reported to the Director within ten (10) days
19 of their occurrence.

20 8. No offspring shall be sold or otherwise transferred, whether
21 for compensation or otherwise, until it has reached the age of eight (8) weeks,
22 has been immunized against common diseases and has been issued a
23 certificate of health.

24 9. All offspring must have an electronic animal identification
25 device implanted before the age of eight weeks.

26 G. No person, ~~as principal, agent, employee or otherwise,~~ shall sell or
27 transfer, for compensation or otherwise, any dog or cat within the City, without
28 first applying to and receiving a transfer permit to do so from the Department of

1 Health and Human Services, Animal ~~control~~ Care Services Bureau.
2 Persons Responsible for a dog owners who have received a breeding permit
3 under this Section shall not be required to apply for a transfer permit under this
4 Section. One transfer permit shall be issued per litter, unless the applicant for a
5 transfer permit operates a pet store or is a validly incorporated Section 501(c)(3)
6 animal rescue organization, in which case the transfer permit shall be issued
7 annually.

8 H. The application for a transfer permit shall be filed by all of the
9 ~~owners~~ Persons Responsible for of the dogs or cats to be transferred, and shall
10 contain such information as is requested by the City, including without limitation
11 the following:

12 1. The name and address of the breeder(s) of the dogs or cats
13 to be transferred or offered for transfer, or if unknown, evidence that the
14 applicant is a validly incorporated Section 501(c)(3) animal rescue organization;

15 2. The address of the location at which the dog or cat litter was
16 whelped, or if unknown, evidence that the applicant is a validly incorporated
17 Section 501(c)(3) animal rescue organization;

18 3. Such other information as may be required by the Director,
19 ~~or designee~~, consistent with the purposes of this Chapter, this Code, and
20 applicable law.

21 I. Prior to processing the application, the Director shall receive the
22 required transfer permit application fee, and such application fee shall be
23 nonrefundable. The transfer permit application fee shall be determined by the
24 City Council by resolution. After processing the application but prior to issuing a
25 transfer permit, the Director shall receive the required transfer permit fee, and
26 such permit fee shall be nonrefundable. The transfer permit fee shall be
27 determined by the City Council by resolution. The following dogs and/or
28 applicant(s) are exempt from both the application fee and transfer permit fee

1 requirements but are subject to the other requirements of this Section to the
2 extent such requirements do not conflict with state or federal law:

3 1. Dogs documented as having been appropriately trained and
4 actively used by law enforcement agencies for law enforcement or rescue
5 activities, the offspring of which are to be used for the same purposes;

6 2. Dogs documented as guide, signal or service dogs pursuant
7 to the California Penal Code or the California Business and Professions Code;

8 3. Validly incorporated Section 501(c)(3) animal rescue
9 organizations.

10 J. The following provisions shall apply to the sale, adoption or other
11 transfer of dogs and cats, whether or not a transfer permit is required under this
12 section:

13 1. Any person who offers or provides any dog or cat for sale or
14 transfer, whether for compensation or otherwise, shall disclose to the transferee
15 in writing, information regarding the dog's or cat's immunization history and the
16 license and permit requirements of the City applicable to the transferred animal.

17 2. No person shall sell or otherwise transfer any dog without
18 such dog having an electronic animal identification device implanted, which such
19 device shall identify the breeding permit number under which the dog was bred
20 or the transfer permit number, as applicable, and a description of the transferred
21 dog including the breed, gender, color and age.

22 3. No person shall see or otherwise transfer any dog or cat
23 without reporting the name, address and phone number of the transferee to the
24 Director within ten (10) business days of the transfer.

25 4. Any advertisement to the public regarding the availability of
26 any dog which was bred within the City for sale or transfer, whether for
27 compensation or otherwise, shall prominently display the breeding permit
28 number.

1 5. Any advertisement to the public regarding the availability of
2 any dog or cat for sale or transfer, which was bred outside the City, whether for
3 compensation or otherwise, shall prominently display the transfer permit number.

4 6. No person shall give away any dog or cat as a prize or as an
5 inducement to enter into any contest, lottery, drawing, auction, game or
6 competition.

7 7. No person shall give away any dog or cat as an inducement
8 to enter a place of business, or to enter into a business arrangement.

9 8. No person shall sell, barter, exchange or offer for adoption,
10 whether for compensation or otherwise, any dog or cat to any minor under the
11 age of eighteen (18).

12 9. Proper shelter shall be provided for all dogs and cats to be
13 transferred.

14 10. Clean and reasonably temperate water shall be provided to
15 all dogs and cats at all times.

16 11. Nutritious food sufficient to properly nourish the dog or cat
17 shall be provided.

18 12. Dogs' and cats' living quarters and yards shall be properly
19 maintained at all times, including without limitation removal of feces and urine to
20 prevent odors from entering surrounding areas.

21 13. Dogs shall be kept in a manner which prevents barking from
22 disturbing occupants or users of surrounding areas.

23 14. A valid business license shall be required for all transfers
24 made for compensation.

25 K. Employees of the Animal ~~control division~~ Care Services Bureau
26 shall have the right to inspect, on more than one occasion, the property of any
27 permittee used for breeding, whelping or holding any animals during reasonable
28 hours and without advance notice.

1 L. Failure of any person to comply with all terms and conditions of the
2 breeding permit or the transfer permit and applicable law shall be grounds for the
3 revocation or suspension of such breeding permit or transfer permit and shall be
4 grounds for denial of future breeding and/or transfer permits.

5 ~~M. Persons who violate any provision of this Chapter 6 may be~~
6 ~~assessed an administrative penalty under Chapter 9.65 of this Code, in addition~~
7 ~~to any criminal penalties that may be assessed under Chapter 1.32 of this Code.~~

8 NM. Possession of a valid breeding or transfer permit under this
9 Chapter does not entitle the permittee to engage in an activity which is otherwise
10 prohibited by law.

11 6.16.200 Defecation – Removal required.

12 A. No Person Responsible for owning, having a proprietary interest in,
13 harboring or having the care, charge, control, custody or possession of any
14 animal shall permit such animal to defecate on any public sidewalk, street,
15 improvement, park, or other public place building, or on any private property
16 without the consent of the owner of such private property, unless such Person
17 Responsible for the animal removes any such defecation to a proper trash
18 receptacle.

19 B. When the Director or his/her enforcement officer(s) and/or
20 inspector(s) determine that a Person Responsible for a dog has violated Section
21 Subsection A of this Section 6.16.200, such Animal Care Services Bureau
22 personnel are authorized to:

23 1. Direct the Person Responsible for the animal to immediately
24 remove and dispose of the defecation to a proper trash receptacle;

25 2. Issue a written notice to the Person Responsible that if,
26 within a twelve month period following the initial response, Animal Care Services
27 Bureau personnel are again required to respond to the same Person
28 Responsible for violating Subsection A of this Section 6.16.200, a criminal and/or

1 administrative citation will be issued pursuant to Chapters 1.32 and 6.16 if this
2 Code; and

3 3. Issue criminal and/or administrative citations to the Person
4 Responsible for recurrent violations of Subsection A of this Section 6.16.200
5 within a twelve month period.

6 6.16.210 Enforcement.

7 A. ~~The Director of animal control, the senior animal control officer and~~
8 ~~all animal control officers employed by the department of health and human~~
9 ~~services, animal control bureau, along with Animal Care Services Bureau~~
10 ~~enforcement officers and inspectors shall have the duty to enforce the Sections~~
11 ~~included in this Chapter, and all other Chapters included in Title 6, and are~~
12 ~~authorized, pursuant to the California Penal Code, Section 836.5, to arrest~~
13 ~~persons and to prepare, issue and deliver to any such arrested person written~~
14 ~~notice to appear in court for any violation or violations of any Section or Sections~~
15 ~~in Title 6 of this Code this Chapter. And, license inspectors shall have the duty to~~
16 ~~enforce Section 6.08.010 and are authorized, pursuant to California Penal Code,~~
17 ~~Section 836.5, to issue citations for any violation of Section 6.08.010.~~
18 Additionally, those employees of the City holding the classified positions of park
19 district supervisor and park crew supervisor employed by the department of
20 parks and recreation and those employees holding the classified position of
21 security officer employed in the department of parks and recreation shall have
22 the duty to enforce Sections 6.16.100 and 6.16.200 and are authorized, pursuant
23 to California Penal Code, section 836.5, to arrest persons and to prepare, issue
24 and deliver to any such arrested person written notice to appear in court and to
25 release such person from custody upon receiving from such person their written
26 promise to appear in court for any violation or violations of Section 6.16.100 or
27 6.16.200.

28 ////

1 B. Notwithstanding the provisions of Subsection 6.16.210.A of this
2 Section, those employees holding the position of fire captain, marina agent,
3 marine safety officer, marine safety sergeant, marine safety captain and security
4 officer, shall have the duty to enforce Sections 6.16.090, 6.16.100, 6.16.110,
5 6.16.200 and 6.16.310, and are authorized, pursuant to California Penal Code,
6 Section 836.5, to arrest persons and to prepare, issue and deliver to any such
7 person arrested written notice to appear in court and to release such person
8 from custody upon receiving from such person their written promise to appear in
9 court for any violation or violations of Sections 6.16.090, 6.16.100, 6.16.110,
10 6.16.200 and 6.16.310.

11 C. Nothing in this Section is intended to operate either in addition to or
12 in contravention of Title 3, Chapter 4.5, of the Penal Code which expressly
13 designates those persons who are classified as peace officers.

14 D. Further, nothing in this section is intended to or shall operate to
15 change or shall have the effect of changing the status of the officers and
16 employees authorized to act pursuant to this Section from public or
17 miscellaneous officers and employees to individual peace officers or safety
18 members or classes of peace officers or safety members for purposes of
19 retirement, workers' compensation or similar injury or death benefits or any other
20 employee benefit or benefits to which said officer or employee would not have
21 been entitled as a public or miscellaneous officer or employee prior to the
22 adoption of this Section.

23 E. Any person who violates any provision of Title 6 of the Long Beach
24 Municipal Code may also be issued an administrative citation by the Director or
25 Animal Care Services Bureau enforcement officers or inspectors, in addition to
26 any criminal penalties that may be assessed under Title 6 and Chapter 1.32 of
27 this Code.

28 ////

1 F. Each and every day a violation exists constitutes a separate and
2 distinct offense.

3 G. Civil fines shall be assessed by means of administrative citations
4 and shall be payable directly to the City of Long Beach Animal Care Services
5 Bureau.

6 H. Administrative fines for violations of Chapters 6.04 Animal Shelter,
7 6.08 Dog Licensing, 6.12 Rabies Control, 6.20 Fowl, Rabbits and Goats, 6.28
8 Police Animals and/or 6.16 Animal Regulation shall be assessed as follows:

9 1. A fine for each initial violation, in an amount established by
10 the City Council by resolution;

11 2. A fine for each instance of a second violation of the same
12 Code Section within one (1) year from the date of the first violation, in an amount
13 established by the City Council by resolution; and

14 3. A fine for each additional violation of the same Code Section
15 within one (1) year from the date of the first violation, in an amount established
16 by the City Council by resolution.

17 6.16.220 Animal sale refunds.

18 In the event the Director ~~or the director's designee~~ determines after the
19 sale of an animal by the Animal ~~control division~~ Care Services Bureau that the
20 animal bites or destroys property, or that an examining veterinarian has
21 determined that the animal is ill and there are sufficient facts and circumstances
22 which indicate that the illness was incurred by the animal prior to the sale, the
23 Director ~~or the director's designee~~ may authorize the refund of the purchase
24 price, inoculation fee, licensee fee, and any other fees or charges paid by the
25 purchaser to the Animal Care Services Bureau ~~control division~~ in connection with
26 the sale of the animal; provided, that the purchaser of the animal files a written
27 request for the refund with the Animal ~~control division~~ Care Services Bureau
28 within fifteen (15) days after the date of the sale of the animal.

1 6.16.230 Manure removal required.

2 A. Manure must be removed from private stables at least once in
3 seven (7) days. During the time manure from private stables is allowed to remain
4 on the premises the same must be kept covered with close screen wire to
5 prevent the breeding of flies therein. When the amount of manure from any
6 private stable equals one cubic yard it shall not be allowed to remain longer than
7 one day.

8 B. Stables or yards where more than four (4) horses or mules are
9 kept shall be cleaned and refuse removed daily.

10 6.16.240 Dead animal disposal.

11 The carcass of any dead horse, cow, mule, or donkey not slaughtered for
12 human food shall be removed and disposed of by the owner of the carcass.

13 6.16.250 Vicious animals – Defined.

14 A. “Vicious animal” is any animal which bites or attempts to bite any
15 human or animal without provocation, or which has a disposition or propensity to
16 attack, bite or menace any human or animal without provocation and endangers
17 the health and safety of any person.

18 B. Any animal ~~who~~ while on the premises of the Person Responsible
19 for that animal which bites or attempts to bite a person or other animal that is
20 unlawfully on ~~its owner's~~ such premises, or which has been provoked or teased,
21 or which is otherwise performing its duties as a police dog, shall not be deemed
22 to be a vicious animal.

23 6.16.260 Impoundment of vicious animal.

24 A. Any law enforcement officer or ~~Animal control officer~~ Care Services
25 Bureau enforcement officer or inspector of the City shall have the authority
26 summarily and immediately to impound a dog or other animal where there is
27 evidence it is vicious within the meaning of this Chapter.

28

1 B. Whenever necessary to make an inspection to enforce any of the
2 provisions of this Chapter, such official may enter private property at all
3 reasonable times to inspect same or to perform any duty imposed by this
4 Chapter; provided, that if such private property is occupied, such official shall
5 first present proper credentials and demand entry. If entry is refused, or if the
6 owner or other person having control of such property is not present to permit
7 entry, such official shall have recourse to every remedy provided by law to
8 secure entry at a later time.

9 C. Any Person Responsible ~~keeping or harboring~~ for such dog or
10 other animal subject to being impounded who fails to surrender the animal to
11 such official upon demand shall be guilty of a misdemeanor and/or be subject to
12 administrative fines and penalties set forth in Section 6.16.210.

13 D. If the dog or other animal cannot be safely taken up and
14 impounded, it may be destroyed forthwith by such law enforcement officer or
15 ~~Animal Control~~ Care Services Bureau enforcement officer or inspector.

16 6.16.270 Vicious animal hearing.

17 A. "Hearing Officer" means an individual who has been designated by
18 the city manager to adjudicate Vicious Animal determination hearings.

19 B. Where there exists evidence sufficient to give rise to the suspicion
20 that a dog or other animal falls within the provisions of Subsection 6.16.250.A,
21 the ~~superintendent of animal control~~ Director shall cause a public ~~conduct a~~
22 hearing to be conducted for the purpose of determining whether the dog or other
23 animal is a Vicious Animal. The ~~superintendent~~ Director shall notify the ~~owner~~
24 Person Responsible for ~~of the animal~~ of the time and place for the hearing during
25 which he/she may present evidence as to why the animal should not be declared
26 vicious. ~~, and may notify any interested parties of the date(s) and location of the~~
27 ~~conduct, and the time and place for hearing. At such hearing the owner and any~~
28 ~~interested~~ Each party shall be given the opportunity to present any evidence

1 relevant to the issue. ~~After such hearing, The Hearing Officer may find, by a~~
2 preponderance of evidence, superintendent is empowered to declare such dog
3 or other animal to be a vicious animal, and may impose additional orders
4 authorized by Section 6.16.290 of this Chapter.

5 C. The hearing shall be conducted not less than five (5) nor more than
6 ten (10) business days after notice was served or deemed to have been served
7 upon the Person Responsible for the animal.

8 D. Any Person Responsible for a dog or other animal determined to
9 be vicious shall be guilty of a misdemeanor and/or be subject to administrative
10 finances and penalties set forth in Section 6.16.210.

11 6.16.280 Disposition of vicious animals.

12 Any dog or other animal declared to be a vicious animal may, at the
13 discretion of the ~~superintendent~~ Director, be humanely destroyed. Such humane
14 destruction shall occur no earlier than ten (10) days following written notice given
15 to the ~~owner~~ Person Responsible for of such animal of the intention to destroy.

16 6.16.290 Issuance of rules and regulations--Summary destruction.

17 A. ~~If, after the hearing provided in this chapter, it is determined that~~
18 ~~the a dog or other animal is vicious, The superintendent of animal control~~
19 Director, if he or she elects not to destroy the a vicious animal, may issue certain
20 rules and regulations pertaining to the keeping and containing of such animal.

21 B. If the Person Responsible for such vicious dog or other animal is
22 thereafter determined to be in violation of any rule or regulation as made
23 pursuant to Subsection ~~6.16.290-A~~ of this Section, such animal shall be
24 impounded and thereafter subject to summary destruction no earlier than ten
25 (10) days following written notice given to the ~~owner~~ Person Responsible for the
26 animal of the intention to destroy.

27 C. Any ~~owner~~ Person Responsible for of a vicious dog or other animal
28 who violates and/or knowingly permits such animal to violate any rule and/or

1 regulation set forth pursuant to Subsection ~~6.16.290.A~~ of this Section shall be
2 deemed guilty of a misdemeanor and/or be assessed administrative fines and
3 penalties pursuant to Section 6.16.210 of this Code.

4 6.16.300 Liability for charges.

5 The ~~owner~~ Person Responsible for of a dog or other animal impounded
6 pursuant to this Chapter shall be liable for any and all of the prevailing board and
7 keep charges incurred by the City's at the Animal Control Care Services Bureau
8 center.

9 6.16.310 Dog exercise area on the beach.

10 Notwithstanding any other ordinance or rules of the City of Long Beach,
11 dogs may be permitted, during the below mentioned times of day, on that part of
12 the beach of the City of Long Beach bounded between the halfway point
13 between Argonne and St. Joseph Avenues (the eastern boundary) and the
14 halfway point between Roycroft and Quincy Avenues (the ~~eastern~~ western
15 boundary) from the water line to the designated boundary markers located
16 approximately sixty (60) yards from the water line (the northern boundary) to be
17 designated by appropriate posting by the department of parks, recreation and
18 marine. Dogs are permitted on this designated part of the beach for the purpose
19 of exercise. The hours that dogs may be so on the beach shall be set at the
20 discretion of the Director of the department of parks, recreation and marine.
21 Permission for dogs to be on this designated area of the beaches of the City of
22 Long Beach may be revoked at any time by the Director of the department of
23 parks, recreation and marine by appropriate posting at the designated area
24 mentioned above. With regard to said use of this designated part of the beach of
25 the City of Long Beach:

26 A. The dog exercise area must be accessed from the adjacent parking
27 lot in a ninety degree (90°) angle to the marked boundaries of the dog exercise
28 area.

1 B. Each dog must be under the control of an adult Person
2 Responsible for the dog, and only one dog per adult is permitted. The dog must
3 be under visual and voice control by ~~owner/guardian~~ the Person Responsible at
4 all times. Dogs that do not respond to voice commands are not permitted.

5 C. All dogs must wear a collar with current tags.

6 D. All dogs must have current vaccinations and licenses.

7 E. As a condition of admission to such dog exercise area, the
8 ~~owner/guardian~~ Person Responsible for ~~of~~ such dog shall use a suitable
9 container or instrument to remove dog feces and shall dispose of it in waste
10 containers provided for that purpose.

11 F. Dogs previously declared vicious pursuant to this Chapter, and/or
12 any other state law or local ordinance, and Aggressive dogs are not permitted.
13 The Persons Responsible for such dogs ~~Owners~~ are legally responsible for any
14 injury caused by their dog(s).

15 G. Dogs shall not be left unattended.

16 H. Dogs under four (4) months old are not permitted.

17 I. Female dogs in estrus (heat cycle) are not permitted.

18 J. Professional dog trainers may not use the dog exercise area to
19 conduct classes or individual instruction.

20 K. Children shall be accompanied by an adult and shall not run, shout,
21 scream, wave their arms, or otherwise excite or antagonize dogs.

22 L. Bicycles, rollerblades, roller skates, skateboards, strollers, and the
23 like, are not permitted. Wheelchairs and other aids for the disabled are
24 permitted.

25 M. Spiked collars on dogs are not permitted.

26 N. The ~~owner/guardian~~ Person Responsible for ~~of~~ a dog must have in
27 his/her possession a leash for the dog which shall be worn by the dog at all
28 times that the dog is ingressing/egressing the dog exercise area.

1 O. ~~Dog owners/guardians~~ The Person Responsible for a dog shall
2 provide drinking water for their dog.

3 P. No food of any kind is permitted in the dog exercise area during the
4 designated hours.

5 Q. ~~Dog owners/guardians~~ The Person Responsible for a dog shall
6 otherwise comply with all rules governing the beaches and relevant parking
7 regulations.

8 R. No one shall play any team sport including, but not limited to,
9 football, baseball, soccer, rugby and volleyball during the designated dog
10 exercise hours. The use of a frisbee or a small, retrievable ball is permitted.

11 S. Use of the dog exercise area by the dog shall constitute implied
12 consent of the Person Responsible for the dog's owner to all regulations and
13 shall constitute a waiver of liability to the City of Long Beach and an agreement
14 to protect, defend, indemnify, and hold harmless the City of Long Beach, its
15 officials and employees for any injury or damage caused by a dog when the dog
16 is not on a leash.

17 T. The Director of parks, recreation and marine shall have the
18 discretion to terminate the pilot program ~~prior to its scheduled conclusion.~~

19 6.16.320 Administrative citation – Service procedures.

20 An administrative citation subject to this chapter shall be issued on a form
21 approved by the Director, and may be served by the Director or an Animal Care
22 Services Bureau enforcement officer or inspector in the following manner:

23 A. Personal service.

24 In any case where an administrative citation is issued:

25 1. The Director or Animal Care Services Bureau enforcement
26 officer or inspector shall attempt to locate the Person Responsible and
27 personally serve the administrative citation;

28

1 2. If the Person Responsible refuses or fails to sign the
2 administrative citation, the failure or refusal to sign shall not affect the validity of
3 the administrative citation or any subsequent proceedings.

4 B. Service of citation by posting notice.

5 If the Director or Animal Care Services Bureau enforcement officer or
6 inspector do not succeed in personally serving the Person Responsible:

7 1. The Director or Animal Care Services Bureau enforcement
8 officer or inspector shall post the administrative citation or duplicate thereof in a
9 conspicuous place on the lot last reported by the Person Responsible as his/her
10 residence in the City of Long Beach, and such posting shall be deemed effective
11 service; and

12 2. Any posted notice shall be photographed on the date of
13 posting by the Director or Animal Care Services Bureau enforcement officer or
14 inspector, and a proof of service of the notice shall be made by declaration of the
15 Director or enforcement officer or inspector effecting the service.

16 C. Service of citation by mail.

17 If the Director or Animal Care Services Bureau enforcement officer or
18 inspector do not succeed in personally serving a Person Responsible, in addition
19 to posting notice when the last reported residence of that person lies within the
20 City of Long Beach:

21 1. The administrative citation or duplicate thereof shall be
22 mailed to the residence or place of business of the person by depositing the
23 same in the United States mail postage prepaid as first class mail; and

24 2. A proof of service of the notice shall be made by declaration
25 of the Director or enforcement officer or inspector effecting the service.

26 6.16.330 Administrative citation – Contents of notice.

27 Each administrative citation shall contain the following information:

28 A. The date of service of the citation and the date, time, address or

1 description of the location where the violation(s) occurred in the City of Long
2 Beach.

3 B. The Long Beach Municipal Code section(s) violated, a description
4 of the violation(s), and where appropriate a description of conditions violated.

5 C. The amount of the administrative fine(s) for each violation.

6 D. An explanation of how the fine(s) shall be paid and the payment
7 due date.

8 E. Notice of the right to appeal the citation, the time within which the
9 citation may be appealed and the place to obtain a request for hearing form to
10 appeal the administrative citation.

11 F. The name and signature of the Director or Animal Care Services
12 Bureau enforcement officer or inspector and, if obtained, the signature of the
13 Person Responsible.

14 6.16.340 Administrative citation satisfaction.

15 Upon service of an administrative citation, the cited party shall pay the
16 fine no later than thirty (30) calendar days from the date of issuance as specified
17 on the administrative citation. Payment of a fine shall not bar further enforcement
18 action by the City. Late charges shall be imposed for fine payments made after
19 the fine payment due date. The late charge shall be calculated at a rate of
20 twenty-five percent (25%) of the fine, and will be imposed in addition to any
21 outstanding fine.

22 6.16.350 Administrative citation – Appeal.

23 A. Any cited party may appeal an administrative citation by completing
24 a written request for hearing form, obtained as directed on the citation, and
25 returning it to the Animal Care Services Bureau within thirty (30) calendar days
26 from the date the citation was served or was deemed to have been served,
27 together with a deposit in the total amount of the fine.

28

1 B. Failure to timely file a written request to appeal the administrative
2 citation shall be deemed a waiver of rights to appeal and to seek judicial review.

3 6.16.360 Administrative citation – Hardship waiver.

4 A. Any cited party who intends to appeal the administrative citation
5 and who is financially unable to make the advance deposit as required in
6 Subsection A of Section 6.16.350, may request an advance deposit hardship
7 waiver by completing a written request for deposit waiver form obtained as
8 directed on the citation.

9 B. The deposit waiver request shall be filed together with the appeal
10 within thirty (30) calendar days from the date the administrative citation was
11 served or deemed to have been served.

12 C. The deposit requirement as described in Subsection A of Section
13 6.16.350 shall be stayed unless or until the Director makes a determination
14 regarding the waiver request.

15 D. The Director may waive the requirement of an advance deposit
16 only if the cited party submits to the Director a written statement made under
17 penalty of perjury, together with supporting documents, demonstrating to the
18 satisfaction of the Director the cited party's actual financial inability to deposit
19 with the City the full amount of the fine in advance of the hearing.

20 E. If the Director declines to issue a waiver, the cited party shall remit
21 the full deposit to the City as indicated on the citation within ten (10) calendar
22 days of the date of that decision, or thirty (30) calendar days from the date the
23 administrative citation was served or was deemed to have been served,
24 whichever is later.

25 F. The Director shall issue a written determination listing the reasons
26 for his/her determination to issue or not issue the hardship waiver. The written
27 determination of the Director shall be final.

28

1 G. The written determination of the Director shall be served personally
2 or by first class mail, postage prepaid, upon the cited party who applied for the
3 hardship waiver.

4 6.16.370 Administrative citation – Appeal hearing procedure.

5 A. No hearing to appeal an administrative citation shall be held unless
6 and until a timely request for hearing form has been completed and submitted,
7 as indicated on the citation, and the deposit has been paid, or a hardship waiver
8 has been issued.

9 B. An appeal hearing shall be set for a date not sooner than twenty-
10 one (21) calendar days and not more than sixty (60) calendar days from the date
11 the request for hearing is completed and submitted in accordance with the
12 provisions of this Chapter. The cited party requesting the hearing shall be
13 notified in writing of the time and place set for the hearing at least fifteen (15)
14 calendar days prior to the date of the hearing.

15 C. The hearing officer shall only consider evidence that is relevant to
16 whether the violation(s) occurred and whether the cited party is the Person
17 Responsible for creating, committing, maintaining or allowing the violation(s) to
18 occur. Courtroom rules of evidence shall not apply. Relevant hearsay evidence
19 and written reports may be admitted whether or not the speaker or author is
20 present to testify, if the hearing officer determines that such evidence is reliable.
21 Admission of evidence and the conduct of the hearing shall be controlled by the
22 hearing officer in accordance with the fundamentals of due process. The hearing
23 officer may set reasonable limits on the length of the hearing, and shall allow the
24 appellant at least as much time to present his/her case as is allowed to the City.

25 D. The cited party contesting the administrative citation shall be given
26 the opportunity to testify and present witnesses and evidence concerning the
27 administrative citation. The City's case shall be presented by any person
28

1 designated by the Director. The appellant and City may be represented by
2 counsel at their own expense.

3 E. The failure of the appellant to appear at the hearing shall constitute
4 a forfeiture of the deposit and failure to exhaust administrative remedies.

5 F. The administrative citation and any additional documents prepared
6 by the City in connection with the violation(s) may be submitted and shall
7 constitute prima facie evidence of the respective facts contained in those
8 documents.

9 G. If the City submits any additional documents concerning the
10 administrative citation to the hearing officer for consideration at the hearing,
11 then, whenever possible, a copy of such document(s) shall be served by mail on
12 the appellant at least five (5) calendar days prior to the date of the hearing.

13 H. The hearing officer may continue the hearing or request additional
14 information from the City or the appellant prior to issuing a written decision.

15 6.16.380 Administrative citation – Hearing Officer decision.

16 A. After considering all of the testimony and evidence submitted at the
17 hearing, the hearing officer shall issue a written decision within fifteen (15)
18 business days of the hearing. The decision of the hearing officer shall be final.

19 B. If the hearing officer denies the appeal, then the deposit shall be
20 retained by the City.

21 C. If the hearing officer grants the appeal, then the City shall refund
22 the deposit within thirty (30) business days from the date of the written decision.

23 D. The appellant and City shall each be served with a copy of the
24 hearing officer's written decision.

25 6.16.390 Administrative citation – Failure to pay fines.

26 A. The failure of the cited party to pay a civil fine or late penalty in a
27 timely manner may result in the imposition of a special assessment and/or lien,
28 and/or filing of an action with the small claims court for recovery of the fine and

1 late penalty. The only issue to be adjudicated by the small claims court shall be
2 whether or not the fines and possible late fees were paid. A cited party may only
3 obtain judicial review of the validity of the citation by first requesting and
4 participating in an administrative hearing before a hearing officer. In the small
5 claims court action, the City may also recover its costs, according to proof.

6 B. The City may also refuse to issue, extend, or renew to any cited
7 party who has unpaid delinquent fines, interest, penalties, liens, or assessments,
8 any City permit, license, entitlement, or other City approval pertaining to the
9 subject of the fine and administrative citation.

10 6.16.400 Administrative citation – Dismissal.

11 The Director may dismiss an administrative citation at any time if it is
12 determined to have been issued in error, in which event any deposit will be
13 refunded to the cited party.

14 6.16.410 Administrative citation – Judicial review.

15 Either the City or the cited party aggrieved by a decision of a hearing
16 officer on appeal of an administrative citation issued pursuant to this Chapter,
17 may obtain review of the decision by filing a Petition for Review with the Los
18 Angeles Superior Court in accordance with the time lines and provisions as set
19 forth in California Government Code Section 53069.4. Judicial review of an
20 administrative citation shall not be available unless all administrative remedies
21 have been exhausted.

22
23 Section 6. The Long Beach Municipal Code Chapter 9.65 entitled
24 “Administrative Citations and Penalties” is amended to read:

25 9.65.010 Legislative findings and statement of purpose.

26 A. Enforcement of the Long Beach Municipal Code throughout the
27 City is an important public service. Code enforcement is vital to the protection of
28 the public’s health, safety, welfare, and quality of life. The City Council

1 recognizes that a comprehensive code enforcement system that uses a
2 combination of administrative and judicial remedies helps to gain compliance
3 with code regulations.

4 B. The overburdening of the criminal court system has necessitated
5 the alternative use of an administrative citation program to more effectively
6 adjudicate the majority of nuisance related code violations. An administrative
7 citation program and the establishment of appropriate fines are intended to act
8 as a reasonable deterrent in preventing violations of the Long Beach Municipal
9 Code.

10 C. The City Council hereby finds that there is a need for an alternative
11 method of enforcement of the municipal code in accordance with the city's
12 constitutional police power. The City Council further finds that an appropriate
13 method of enforcement is the imposition of administrative penalties as
14 independently authorized by both California constitution article XI, section 7, and
15 Government Code section 53069.4.

16 D. The procedures established in this chapter shall be in addition to
17 any criminal, civil or other legal remedy established by law for violation of the
18 Municipal Code.

19 E. The City Council hereby finds and determines that enforcement of
20 the Long Beach Municipal Code pursuant to the city's police power is a matter of
21 public health, safety and welfare and serves important public purposes. The City
22 of Long Beach adopts this administrative citation and penalty program in order to
23 achieve the following goals and objectives:

- 24 1. To protect the public health, safety and welfare of the
25 citizens of the city.
- 26 2. To gain compliance with the municipal code in a timely and
27 efficient manner.

28

1 3. To provide for an administrative process to appeal the
2 imposition of administrative citations and fines.

3 4. To provide a method to hold parties responsible when they
4 fail or refuse to comply with the provisions of the municipal code.

5 5. To avoid and/or minimize the expense and delay of
6 enforcement in the civil or criminal justice system.

7 F. Use of this Chapter shall be at the sole discretion of the City,
8 subject to Subsection D of this Section.

9 9.65.020 Definitions.

10 A. "Canopy structure" means and includes free standing exterior
11 shade structures that consist of a cover made from canvas, fabric, plastic,
12 rubber, nylon, acetate or other pliable material that is fitted over a freestanding
13 metal frame.

14 B. "Cited party" means a legally responsible person who has been
15 issued an administrative citation.

16 C. "City" means the city of Long Beach.

17 D. "Continuing violation" means any condition or activity in violation
18 of the municipal code that continues beyond the date given in the administrative
19 citation to correct the violation.

20 E. "Correction period" means that period of time in which responsible
21 persons are required to correct or otherwise remedy the violation(s).

22 F. "Enforcement officer" shall mean any officer or employee of the
23 City designated with the authority to enforce the applicable provisions of the
24 Long Beach Municipal Code.

25 G. "Hearing officer" means ~~a member of the board of examiners,~~
26 ~~appeals, and condemnation~~ an individual who has been designated by the City
27 Manager to adjudicate administrative citations appeals.

28

1 H. “Highway” means a way or place of whatever nature, publicly
2 maintained and open to the use of the public for purposes of vehicular travel.
3 Highway includes street.

4 I. “Inoperative vehicle” shall include:

5 1. Any vehicle, by which any person or property may be
6 propelled, moved, or drawn upon a highway, except a device moved by human
7 power, which is not currently and validly registered for operation or use on the
8 streets and highways in the state as required under the provisions of the
9 California Vehicle Code; or

10 2. Any motor vehicle which currently is incapable of being
11 driven under its own motor power; or

12 3. Any non-motor vehicle which currently is incapable of being
13 moved or drawn.

14 J. “Lot” means an area of land, parcel, or tract, whether improved or
15 unimproved, the boundaries of which have been established in conformance with
16 the state subdivision map act, and which has either been recorded via a final
17 tract map or certificate of compliance on record with the Los Angeles County
18 Recorder.

19 K. “Lot cleaning levy” means all computed expenses incurred by the
20 City in removal of weeds and/or debris, from any lot, and shall consist of
21 processing fees, incidental enforcement costs, including, but not limited to,
22 actual expenses for weeds and/or debris removal charged to the Cited Party.

23 L. “Responsible person” means any individual who is the owner,
24 partial owner, or occupant of real property, last registered owner and/or legal
25 owner of a vehicle, the holder or the agent of the holder of any permit or
26 entitlement, or the party or agent of a party to any agreement covered by this
27 Chapter; or the owner or authorized agent of any business, company, or entity
28

1 subject to this Chapter, who creates, commits, or maintains a violation subject to
2 the enforcement provisions of this Chapter.

3 M. "Vehicle removal levy" means all computed expenses incurred by
4 the city in the removal of inoperative vehicle(s) from public or private property
5 within the City, and shall consist of processing fees, incidental enforcement
6 costs, including, but not limited to, land and vehicle title search information, and
7 actual expenses incurred for inoperative vehicle removal, impoundment, or
8 disposal.

9 N. "Weeds" and/or "debris" means and includes all bushes, vines,
10 trees, grass, or other vegetation, whether cultivated or uncultivated, and whether
11 dead or growing, and all refuse, trash, and rubbish of any kind or description, or
12 wood, asphalt, concrete or similar materials, tin cans, parts of machinery,
13 implements and automobiles, any of which cause unpleasant or noxious odors,
14 or which are or may become a refuge or breeding place for insect and vermin, or
15 which conceal or are capable of concealing filth and other unsanitary conditions,
16 or which are, or are capable of becoming, a fire or other hazard to the use and
17 occupancy of property, or which obstruct or hinder the use of any public street,
18 sidewalk, alley or way.

19 9.65.030 Weed abatement activity.

20 It shall be the duty of all Responsible Persons to at all times keep lots
21 clean and free from weeds and/or debris.

22 9.65.040 Inoperative vehicle activity.

23 It shall be the duty of Responsible Persons to prevent accumulation and
24 storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts
25 thereof, except for those vehicles or parts thereof exempted pursuant to Long
26 Beach Municipal Code Section 10.46.030.

27 9.65.050 Prohibited canopy structure.

28 Canopy structure as defined in Section 9.65.020(A) may not:

1 A. Be located in residential front or side yard setback areas, or
2 driveway areas used for automobile parking;

3 B. Have a setback of less than four feet from the side and rear
4 property lines;

5 C. Be maintained in a manner that is defective, unsightly or in a
6 condition of deterioration; or

7 D. Be greater than ten (10) feet in height.

8 9.65.060 Issuance of administrative citation.

9 A. Any Responsible Person who violates any provision of this Title
10 and Titles 3, 5, 6, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code may
11 be issued an administrative citation, pursuant to this Chapter, by an Enforcement
12 Officer designated to issue such citations.

13 B. Each and every day a violation exists constitutes a separate and
14 distinct offense.

15 C. A civil fine shall be assessed by means of an administrative citation
16 issued by the Enforcement Officer and shall be payable directly to the City of
17 Long Beach.

18 D. Fines shall be assessed ~~in the following amounts~~ for code
19 violations committed by the same Responsible Person as follows:

20 1. A fine ~~not exceeding one hundred dollars (\$100.00)~~ for each
21 initial violation, in an amount established by the City Council by resolution;

22 2. A fine ~~not exceeding two hundred dollars (\$200.00)~~ for each
23 instance of a second violation of the same code section within one year from the
24 date of the first violation, in an amount established by the City Council by
25 resolution;

26 3. A fine ~~not exceeding five hundred dollars (\$500.00)~~ for each
27 additional violation of the same code section within one year from the date of the
28 first violation, in an amount established by the City Council by resolution;

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4. A fine ~~not exceeding one thousand dollars (\$1,000.00)~~ for each violation of Municipal Code Section 21.41.170 relating to illegal garage conversions, 18.08.050 for dangerous buildings, 18.16.150 certificates of occupancy, 18.20.080 failure to comply with Title 18, and/or 21.31.245(C) unlawful dwelling units, in an amount established by the City Council by resolution; and

5. A fine ~~not exceeding five hundred dollars (\$500.00)~~ for each violation of Municipal Code Section 21.51.227 relating to illegal automotive work, in an amount established by the City Council by resolution;

6. A fine ~~not less than three hundred fifty dollars (\$350.00) but not exceeding seven hundred dollars (\$700.00) for an initial violation of Municipal Code Section 6.16.080 or 6.16.190 relating to animal breeding and transfer or a fine not less than seven hundred dollars (\$700.00) but not exceeding one thousand dollars (\$1,000.00) for each instance of subsequent violation of such code sections.~~

9.65.070 Service procedures.

An administrative citation on a form approved by the city manager may be served upon any Responsible Person by an Enforcement Officer in the following manner:

A. Personal Service. In any case where an administrative citation is issued:

1. The Enforcement Officer shall attempt to locate and personally serve the Responsible Person(s) and obtain the signature of the Responsible Person(s) on the administrative citation;

2. If the Responsible Person(s) refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or any subsequent proceedings.

1 B. Service of Citation by Posting Notice. If the Enforcement Officer
2 does not succeed in personally serving a responsible person(s):

3 1. The Enforcement Officer shall post the administrative
4 citation or duplicate thereof in a conspicuous place on the lot where the
5 violation(s) exists or has occurred, and such posting shall be deemed effective
6 service;

7 2. Any posted notice shall be photographed on the date of
8 posting by the Enforcement Officer, and a proof of service of the notice shall be
9 made by declaration of the Enforcement Officer effecting the service.

10 C. Service of Citation by Mail. If the Enforcement Officer does not
11 succeed in personally serving a Responsible Person(s), in addition to posting
12 notice:

13 1. The administrative citation or duplicate thereof shall be
14 mailed to the Responsible Person(s) at his or her residence or place of business
15 by depositing the same in the United States mail postage prepaid as first class
16 mail;

17 2. A proof of service of the notice shall be made by declaration
18 of the Enforcement Officer effecting the service.

19 9.65.080 Contents of notice.

20 Each administrative citation shall contain the following information:

21 A. The date of service of the citation and the date, time, address or
22 description of the location where the violation(s) was observed.

23 B. The code section(s) and condition(s) violated and a description of
24 the violation(s).

25 C. An order to the Responsible Person(s) to correct the violation(s) no
26 later than the specified correction date.

27 D. An explanation of the consequences of failure to correct the
28 violation(s) in a timely manner.

- 1 E. The amount of the fine for the violation(s).
- 2 F. An explanation of how the fine shall be paid and the fine payment
- 3 due date.
- 4 G. Notice of the right to appeal the citation, the time within which the
- 5 citation may be appealed and the place to obtain a request for hearing form to
- 6 appeal the administrative citation.
- 7 H. The name and signature of the Enforcement Officer and, if
- 8 obtained, the signature(s) of the Responsible Person(s).

9 9.65.090 Satisfaction of administrative citation.

10 Upon service of an administrative citation, the Cited Party shall do the

11 following:

- 12 A. Remedy the violation(s) no later than thirty (30) days from the date
- 13 of issuance of the citation as specified on the administrative citation. Correcting
- 14 the violation(s) shall not excuse or discharge payment of the fine.
- 15 B. Pay the fine no later than thirty (30) days from the date of issuance
- 16 of the citation as specified on the administrative citation. Payment of a fine shall
- 17 not excuse or discharge the failure to correct the violation(s), nor shall it bar
- 18 further enforcement action by the city. Late charges shall be imposed for fine
- 19 payments made after the fine payment due date. The late charge shall be
- 20 calculated at a rate of twenty five percent (25%) of the fine, and will be imposed
- 21 in addition to any outstanding fine.

22 9.65.100 Appeal of administrative citation.

- 23 A. Any recipient of an administrative citation may appeal said citation
- 24 by completing a written ~~department of community development~~ request for
- 25 hearing form, obtained as directed on the citation, and returning it to the
- 26 department, indicated on the citation, ~~of community development~~ within thirty
- 27 (30) calendar days from the date the administrative citation is served or deemed
- 28

1 to have been served, together with a deposit in the total amount of the fine and
2 any late charges.

3 B. A failure to file a timely appeal of the administrative citation shall be
4 deemed a waiver of the right to appeal and to seek judicial review.

5 9.65.110 Appeal hardship waiver.

6 A. Any person who intends to appeal the administrative citation and
7 who is financially unable to make the advance deposit ~~of the fine~~ as required in
8 section 9.65.100 may request an advance deposit hardship waiver by completing
9 a written deposit waiver form obtained as directed on the citation ~~department of~~
10 ~~community development request for deposit waiver form.~~

11 B. The deposit waiver request form shall be filed together with the
12 appeal in the department ~~of community development~~ indicated on the citation
13 within thirty (30) calendar days from the date the administrative citation is served
14 or deemed to have been served.

15 C. The deposit requirement ~~of depositing the full amount of the fine~~
16 ~~and any late charges~~ as described in Subsection 9.65.100.A shall be stayed
17 unless or until the Director of ~~community development~~ the department indicated
18 on the citation, or his/her designee, makes a determination regarding the waiver
19 request.

20 D. The Director of ~~community development~~ the department indicated
21 on the citation, or his/her designee, may waive the requirement of an advance
22 deposit only if the Cited Party submits to the Director ~~of community development~~,
23 or his/her designee, a statement under penalty of perjury, together with any
24 supporting documents or materials, demonstrating to the satisfaction of the
25 Director ~~of community development~~, or his/her designee, the Cited Party's actual
26 financial inability to deposit with the City the full amount of the fine and late
27 charge(s) in advance of the hearing.

28 ////

1 E. If the Director of the department indicated on the citation
2 ~~community development~~, or his/her designee, declines to issue a waiver, the
3 Cited Party shall remit the full deposit to the City within ten (10) calendar days of
4 the date of that decision or thirty (30) calendar days from the date the
5 administrative citation is served or deemed to have been served, whichever is
6 later.

7 F. The Director of the department indicated on the citation ~~community~~
8 ~~development~~, or his/her designee, shall issue a written determination listing the
9 reasons for his/her determination to issue or not issue the hardship waiver. The
10 written determination ~~of the director of community development~~ shall be final.

11 G. The written determination of the Director, or his/her designee, of
12 ~~community development~~ shall be served personally or by first class mail, postage
13 prepaid, upon the Cited Party who applied for the hardship waiver.

14 9.65.120 Hearing procedure.

15 A. No hearing to appeal an administrative citation shall be held unless
16 and until a ~~department of community development~~ request for hearing form has
17 been completed and submitted, as indicated on the citation, and the deposit has
18 been paid, or a hardship waiver has been issued.

19 B. A hearing before the Hearing Officer shall be set for a date not
20 sooner than fifteen (15) calendar and not more than sixty (60) calendar days
21 from the date the request for hearing is completed and submitted in accordance
22 with the provisions of this chapter. The Cited Party requesting the hearing shall
23 be notified in writing of the time and place set for the hearing at least ten (10)
24 calendar days prior to the date of the hearing.

25 C. The Hearing Officer shall only consider evidence that is relevant to
26 whether the violation(s) occurred and whether the Cited Party has created,
27 committed, or maintained the violation(s). Courtroom rules of evidence shall not
28 apply. Relevant hearsay evidence and written reports may be admitted whether

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or not the speaker or author is present to testify, if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present his/her case as is allowed to the City.

D. The Cited Party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation. The City's case shall be presented by any person designated by the City Manager. The appellant and City may be represented by counsel.

E. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.

F. The administrative citation and any additional documents prepared by the City in connection with the violation(s) may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.

G. If the Enforcement Officer or his/her designee submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.

H. The Hearing Officer may continue the hearing or request additional information from the Enforcement Officer, his/her designee or the appellant prior to issuing a written decision.

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1 9.65.130 Hearing officer's decision.

2 A. After considering all of the testimony and evidence submitted at the
3 hearing, the Hearing Officer shall issue a written decision within fifteen (15)
4 business days of the hearing. The decision of the Hearing Officer shall be final.

5 B. If the Hearing Officer denies the appeal, then the deposit shall be
6 retained by the City.

7 C. If the Hearing Officer grants the appeal, then the City shall refund
8 the deposit within thirty (30) business days from the date of the final written
9 decision.

10 D. The appellant and City shall each be served with a copy of the
11 Hearing Officer's written decision.

12 9.65.140 Failure to pay fines.

13 A. The failure of the Cited Party to pay a civil fine or late penalty in a
14 timely manner may result in the imposition of a special assessment and/or lien
15 against the real property on which the violation occurred, and/or filing of an
16 action with the small claims court for recovery of the fine and late penalty. The
17 only issue to be adjudicated by the small claims court shall be whether or not the
18 fines and possible late fees were paid. A Cited Party may only obtain judicial
19 review of the validity of the citation by first requesting and participating in an
20 administrative hearing before a Hearing Officer. In the small claims court action,
21 the City may also recover its costs, according to proof.

22 B. The City may also refuse to issue, extend, or renew to any Cited
23 Party who has unpaid delinquent fines, interest, penalties, liens, or
24 assessments, any city permit, license, entitlement, or other city approval
25 pertaining to the lot that is the subject of the fine and administrative citation.

26 C. Any permit, license, entitlement, or land use approval issued by the
27 City may be subject to suspension or revocation of the permit, license,
28 entitlement, or land use approval in accordance with the procedures set forth in

1 this title 9 and titles 3, 5, 6, 8, 10, 14, 18 and 21 of the Long Beach Municipal
2 Code if any unpaid fine, interest or penalties remain delinquent for a period of
3 more than thirty (30) days.

4 9.65.150 Failure to remedy weed abatement activity.

5 In the event a Responsible Person(s) is cited for violation of weed
6 abatement, pursuant to section 9.65.030 of this chapter, and fails to correct the
7 violation within the specified correction period, and also fails to file a timely
8 appeal of the administrative citation as set forth in Section 9.65.100 of this
9 Chapter, in addition to fine(s), late charges, and consequences resulting from
10 failure to pay fines as defined in this chapter, a lot cleaning levy shall also be
11 imposed. A lot cleaning levy payment notice shall be served upon the Cited
12 Party in the same manner as provided for service of the administrative citation
13 set forth in Section 9.65.070 of this Chapter.

14 9.65.160 Failure to remedy inoperative vehicle activity.

15 In the event a Responsible Person(s) is cited for violation of Inoperative
16 Vehicles pursuant to Section 9.65.040 of this Chapter, and fails to correct the
17 violation within the specified period and also fails to file a timely appeal of the
18 administrative citation as set forth in Section 9.65.100 of this Chapter, in addition
19 to fine(s), late charges, and consequences resulting from failure to pay fines as
20 defined in this Chapter, a Vehicle Removal Levy shall also be imposed. A
21 Vehicle Removal Levy payment notice shall be served upon the Cited Party in
22 the same manner as provided for service of the administrative citation set forth in
23 Section 9.65.070 of this Chapter.

24 9.65.170 Appeal of lot cleaning and inoperative vehicle levy.

25 A. Any recipient of Lot Cleaning or Inoperative Vehicle Levy payment
26 notice may appeal the reasonableness of the computed charges by completing a
27 levy hearing request form and returning it to the department of ~~community~~
28 development indicated on the administrative levy notice within fifteen (15)

1 calendar days from the date the levy notice was served, together with a deposit
2 in the total amount of the administrative citation fine, late charges, and levy.

3 B. A hearing on the appeal shall be set for a date that is not sooner
4 than fifteen (15) calendar and not more than sixty (60) calendar days from the
5 date that the request for hearing is completed and submitted in accordance with
6 the provisions of this Chapter. The person requesting the hearing shall be
7 notified in writing of the time and place set for the hearing at least ten (10)
8 calendar days prior to the date of the hearing.

9 C. The Hearing Officer shall only consider evidence that is relevant to
10 whether the costs used to compute the levy are reasonably related to abatement
11 costs incurred by the City. Courtroom rules of evidence shall not apply. Relevant
12 hearsay evidence and written reports may be admitted whether or not the
13 speaker or author is present to testify if the Hearing Officer determines that such
14 evidence is reliable. Admission of evidence and the conduct of the hearing shall
15 be controlled by the Hearing Officer in accordance with the fundamentals of due
16 process. The Hearing Officer may set reasonable limits on the length of the
17 hearing, and shall allow the appellant at least as much time to present its case
18 as is allowed the City.

19 D. The Cited Party contesting the reasonableness of the levy shall be
20 given the opportunity to testify and present witnesses and evidence concerning
21 the computed cost. The appellant and City may be represented by counsel.

22 E. The administrative citation and any additional documents prepared
23 by the City in connection with the levy may be submitted and shall constitute
24 prima facie evidence of the respective facts contained in those documents.

25 F. In the event additional documents concerning the levy are provided
26 to the Hearing Officer for consideration, whenever possible, a copy of such
27 document(s) shall be served by mail on the appellant at least five (5) calendar
28 days prior to the date of the hearing.

1 G. The Hearing Officer may continue the hearing or request additional
2 information from the City or the appellant prior to issuing a written decision.

3 H. After considering all of the testimony and evidence submitted at the
4 hearing, the Hearing Officer shall issue a written decision within fifteen (15)
5 business days of the hearing.

6 I. The appellant and the City shall each be served by mail with a
7 copy of the Hearing Officer's written decision.

8 J. If the Hearing Officer determines that the levy was properly
9 computed, and should be upheld as reasonable, then the entire deposit with the
10 City shall be retained by the City.

11 K. In the event the Hearing Officer determines the levy, or any portion
12 thereof, to be unreasonable, then that amount shall be refunded within fifteen
13 (15) business days of the date of the written determination.

14 L. The failure of the appellant to appear at the hearing shall constitute
15 a forfeiture of the entire deposit and a failure to exhaust administrative remedies.

16 M. A failure to file a timely appeal shall be deemed a waiver of the
17 right to appeal the levy.

18 9.65.180 Dismissal of citation.

19 The Enforcement Officer, with the approval of the Director of ~~community~~
20 ~~development~~ from the department indicated on the citation, or his/her designee,
21 may dismiss an administrative citation at any time if it is determined to have been
22 issued in error, in which event any deposit will be refunded.

23 9.65.190 Right to judicial review.

24 A. Either the City or the appellant aggrieved by a decision of a
25 Hearing Officer on an administrative citation or levy, may obtain review of the
26 decision by filing a petition for review with the Los Angeles superior court in
27 accordance with the time lines and provisions as set forth in California
28 Government Code section 53069.4(b). Said procedure shall be available for all

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 judicial review under this chapter, notwithstanding that the term or condition
2 being enforced pursuant to this chapter may not be a matter covered by section
3 53069.4(a). Judicial review of a citation shall not be available unless all
4 administrative remedies have been exhausted as provided in this chapter.

5 B. Failure to receive any notice specified in this chapter does not
6 affect the validity of proceedings conducted hereunder.

7 9.65.200 Recovery of code enforcement abatement costs.

8 The administrative citation process described in this chapter does not
9 preclude the City from recovering any other code violation or nuisance
10 abatement costs incurred by the City in performing its code enforcement efforts.

11
12 Section 7. The City Clerk shall certify to the passage of this Ordinance
13 by the City Council and cause it to be posted in three conspicuous places in the City of
14 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
15 Mayor.

16 I hereby certify that the foregoing Ordinance was adopted by the City Council of
17 the City of Long Beach at its meeting of _____, 2009, by the following vote:

18 Ayes: Councilmembers: _____

19 _____

20 _____

21 _____

22 Noes: Councilmembers: _____

23 _____

24 Absent: Councilmembers: _____

25 _____

26 _____

27 _____
City Clerk

28

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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Approved: _____

Mayor

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 1.32.010(E), CHAPTER 6.04, CHAPTER 6.08, CHAPTER 6.12, CHAPTER 6.16 AND CHAPTER 9.65, ALL RELATING TO THE ANIMAL CARE SERVICES BUREAU, CODE ENFORCEMENT, AND DEVELOPMENT SERVICES ADMINISTRATIVE CITATIONS.

WHEREAS, the City Council of the City of Long Beach finds that designation of the Director of Animal Care Services Bureau of the Department of Health and Human Services shall be accurately and uniformly defined throughout Title 6; and

WHEREAS, the City Council of the City of Long Beach finds that lost and stray animals are public safety hazards; and

WHEREAS, the City Council of the City of Long Beach finds that microchips are positive identification aids that act as essential tools in reuniting lost and stray animals with their families; and

WHEREAS, the City Council of the City of Long Beach finds that microchips will improve the City's Animal Care Services Bureau's return-to-owner rate and lessen euthanasia of lost and stray animals; and

WHEREAS, the City Council of the City of Long Beach intends that the owners and/or persons responsible for unlicensed dogs should be held criminally and/or administratively liable; and

WHEREAS, the City Council of the City of Long Beach intends that anti-rabies inoculations be a prerequisite to issuing dog licenses; and

WHEREAS, the City Council of the City of Long Beach finds that enhanced leash laws advance public safety; and

1 WHEREAS, the City Council of the City of Long Beach finds that any dog
2 previously declared to be vicious shall be prohibited from city dog parks and beaches;
3 and

4 WHEREAS, the City Council of the City of Long Beach finds that use of
5 an administrative citation program and the establishment of appropriate fines are
6 intended to act as a reasonable deterrent in preventing violations of Long Beach
7 Municipal Code Title 6, as well as Chapter 9.65 regarding illegal, unpermitted and
8 dangerous dwellings;

9 NOW THEREFORE, the City Council of the City of Long Beach ordains as
10 follows:

11
12 Section 1. Subsection 1.32.010(E) of the Long Beach Municipal Code
13 is amended to read as follows:

14 E. In the sole discretion of the City Prosecutor, any violation of
15 this Code, unless provision is otherwise made herein, may be prosecuted
16 as either a misdemeanor or an infraction. Notwithstanding the foregoing,
17 violations of Municipal Code Sections 6.16.080, 6.16.190, 6.16.260(C),
18 6.16.270(D) 6.16.290(C), 18.08.050, 18.16.150, 18.20.080, 21.31.245(C),
19 21.51.227, and 21.41.170 shall not be prosecuted as infractions.

20
21 Section 2. Chapter 6.04 of the Long Beach Municipal Code is amended
22 to read as follows:

23 6.04.010 Established.

24 There shall be provided a suitable enclosure or place for the
25 purpose of keeping and safely holding animals impounded, which shall be
26 designated as the animal shelter; provided, that one or more suitable
27 enclosures or places may be provided for the purpose of keeping and
28 safely holding animals impounded, which places shall be designated as

1 branches of the city animal shelter and shall be included within the
2 meanings of the words animal shelter wherever the name may appear in
3 this title.

4 6.04.020 Director designated.

5 Whenever in this Title 6 of the Long Beach Municipal Code the
6 words "Director" or "Director of Animal Care Services Bureau" are used,
7 they shall mean the Director of the Animal Care Services Bureau of the
8 Department of Health and Human Services or his/her designee.

9 6.04.025 Person responsible – Defined.

10 Whenever in this Title 6 of the Long Beach Municipal Code, the
11 words "Person Responsible" are used, they shall mean any person
12 owning, having a proprietary interest in harboring or having the care,
13 charge, control, custody or possession of an animal.

14 6.04.030 Impoundment – Authority.

15 The Director shall take up, impound and safely keep any and all of
16 the animals enumerated in this Chapter and found running at large,
17 pastured, herded, staked or tied in any street, park, or other public place,
18 or upon any private property, in violation of any of the provisions of this
19 Title 6.

20 6.04.040 Impoundment – Duty.

21 It shall be the duty of the Director and of every police officer to take
22 up and deliver to the animal shelter any animal, regulated pursuant to Title
23 6 of the Long Beach Municipal Code, found to be at large, loose and/or
24 unattended, by a Person Responsible for that animal, upon any public or
25 private property within the city in violation of any of the provisions of this
26 Title 6.

27 6.04.050 Impoundment – Care of animals.

28 The Director shall safely keep all animals, regulated pursuant to

1 Title 6 of the Long Beach Municipal Code, impounded at the animal
2 shelter and shall furnish the same all necessary food and water, and shall
3 give the same ordinary attention as may appear to be reasonably
4 required for the welfare of such animals.

5 6.04.060 Voluntary impoundment.

6 The Person Responsible for an animal may, with the consent of the
7 Director, place the custody of such animal with said official for the purpose
8 of obtaining his/her assistance in procuring a new owner for the animal
9 under such terms and conditions as that official, in his/her sole and
10 absolute discretion, shall determine. The act of the Person Responsible in
11 so placing the custody of the animal with the Director shall, in no event
12 and under no circumstances, obligate that official of the city to procure a
13 new owner for the animal and, in the event such official so determines, the
14 animal may be destroyed and disposition made of the carcass. By placing
15 the animal in the custody of the Director in accordance with this section,
16 the Person Responsible thereof relinquishes and conveys to the city all
17 his/her right, title and interest in and to the animal and to the proceeds of
18 any sale of the animal thereafter made, and neither the city nor the official
19 shall be required to make an accounting for any such proceeds. If the
20 Director elects to accept the custody of the animal, he/she shall require
21 the Person Responsible thereof to evidence in writing his/her knowledge
22 and acceptance of the provisions of this section. Notwithstanding anything
23 in this section to the contrary, in the event the Director has not procured a
24 new owner for the animal and the same has not been destroyed, the
25 person so placing the animal in custody may redeem and reclaim it from
26 the custody of the city upon the payment of a fee established by the City
27 Council by resolution. The Person Responsible for the unwanted animal
28 may deliver the animal to the animal shelter subject to a fee determined by

1 the City Council by resolution, or, in the alternative, the Person
2 Responsible may request that a representative of the Animal Care
3 Services Bureau pick up the animal at a fee established by the City
4 Council by resolution.

5 6.04.070 Impoundment – Disposal.

6 Upon the impounding of any animal, the Director shall immediately
7 notify the Person Responsible thereof, if known, to redeem the animal
8 within five (5) days following the date of impoundment; and unless timely
9 redeemed, the Director shall sell the animal at public or private sale, at
10 such price as he/she may deem reasonable. At the time of sale of any
11 impounded animal, the purchaser shall pay a spay and neuter fee
12 established by the City Council by resolution. All such fees shall be
13 deposited in the City of Long Beach Animal Care Services Bureau spay
14 and neuter trust account. In the event a purchaser cannot be obtained for
15 any animal, the Director shall destroy such animal and dispose of the
16 carcass. The Director may, without waiting for such five (5) day period to
17 elapse, cause any impounded animal to be destroyed when he/she
18 reasonably determines that such animal is unfit for further use by reason
19 of its having been injured, having become infected with a dangerous or
20 communicable disease, having become incurably crippled or having
21 become infirmed on account of advanced age. The Director may likewise
22 so destroy any impounded animal upon receiving the written, telephonic,
23 or verbal directive from a duly licensed veterinarian that such animal is
24 afflicted with a painful and incurable disease.

25 6.04.080 Impoundment – Redemption.

26 The Person Responsible for any impounded animal, regulated
27 pursuant to Title 6 of the Long Beach Municipal Code, shall have the right
28 to redeem and to take possession of the animal at any time prior to the

1 sale or destruction thereof upon payment to the Director of the costs and
2 charges incident to the impounding, taking and keeping thereof, and upon
3 satisfactory proof of the ownership and right to possession of the animal.
4 As an incident to the redemption of any dog, the Person Responsible shall
5 also pay the license tax plus any penalty, determined by the City Council
6 by resolution, for any dog for which a license tag has not been issued for
7 the current year, and shall also provide satisfactory evidence of
8 compliance with Section 6.12.110.

9 6.04.090 Redemption – Microchips.

10 When the Director determines that an impounded animal is without
11 microchip identification, in addition to the requirements set forth in Section
12 6.04.080, the Person Responsible shall, prior to redemption, pay a fee at
13 his/her own expense to have microchip identification implanted into the
14 animal. The Director shall provide the Person Responsible with a written
15 statement confirming that a microchip, approved by the Animal Care
16 Services Bureau, has been implanted by the Director's designee only after
17 the procedure is complete. The identifying microchip information shall be
18 maintained by the Animal Care Services Bureau. Fees for impounding
19 animals shall be those established by the City Council by resolution.

20 6.04.100 Interference with officers or shelter.

21 No person shall conceal or attempt to conceal, remove/retrieve or
22 attempt to remove/retrieve any animal regulated pursuant to Title 6 from
23 the Director, or from any other officer authorized to enforce any of the
24 provisions of this Title 6, while engaged in the capture or in conveying to
25 the animal shelter any such animal, or to interfere in any manner with said
26 persons in the performance of any duty incident to their office, or to
27 conceal or attempt to conceal, remove/retrieve or attempt to
28 remove/retrieve any animal which has been impounded in the animal

1 shelter.

2
3 Section 3. Chapter 6.08 of the Long Beach Municipal Code is amended
4 to read as follows:

5 6.08.010 Tag – Required.

6 No Person Responsible for any dog shall have such dog, male or
7 female, over the age of four months, within the city without at all times
8 having upon such dog a collar or harness to which shall be securely
9 fastened a tag as provided in this Chapter. Said tag may be issued at any
10 time during the calendar year and may be issued for a period of twelve
11 months. The tag shall be obtained from the Director, inscribed with the
12 letters and words "LONG BEACH" and with the serial number of the tag.
13 The tax shall be sufficient only during the period for which the tag is
14 issued.

15 6.08.015 Penalties.

16 A. Violation of or failure to comply with any provision of Chapter
17 6.08 of this Code constitutes a criminal offense punishable as an
18 infraction for the first offense, and a misdemeanor for any subsequent
19 offense committed within a twelve month period, with criminal penalties
20 set forth in Chapter 1.32 of this Code.

21 B. In addition to criminal penalties, persons who violate any
22 provision of this Chapter may be assessed administrative fines and
23 penalties established pursuant to Chapter 6.16 of this Code.

24 6.08.020 Annexed territory – County license acceptable.

25 It shall not be necessary for a person who is a resident of any area
26 at the time the area is annexed to the city and who at said time is a
27 Person Responsible for a dog for which a license fee has been paid and a
28 dog license issued under and by virtue of the ordinances of the county to

1 obtain a tag for the animal as is provided in Section 6.08.010 except that
2 after the effective date of an annexation such person shall cause the dog
3 to have upon it a collar, harness or similar device to which shall be
4 attached the county dog license tag or such other official indicia as is
5 issued by the county; but such person shall be subject to all provisions of
6 Section 6.08.010 from and after the expiration date of the county dog
7 license.

8 6.08.030 Tag – Issuance – Records.

9 The Director is authorized and directed to procure on an as needed
10 basis such quantity of tags as may be required for dogs in the city, which
11 tags shall be plainly inscribed as set forth in this chapter, and shall be
12 valid for only the period for which they are issued. The Director shall
13 furnish such tags to the Person(s) Responsible for dogs in the city for fees
14 which shall be established by the City Council by resolution for each
15 unaltered dog and for each altered dog whose spaying or neutering is
16 verified by a certificate from a licensed veterinarian. The Director shall
17 keep a register wherein shall be entered the name of every person to
18 whom a dog tag has been issued, together with the serial number, and the
19 period for which it is valid, the date of issuance, the address of applicant,
20 and any other data deemed pertinent. Such tag shall be good only for use
21 upon the dog described in such application.

22 6.08.040 Tag – Late penalty.

23 Penalties, which shall be established by the City Council by
24 resolution, shall be added to the dog tag fees established by the City
25 Council by resolution for altered and unaltered dogs, respectively, if the
26 required tag for a dog is secured more than sixty days subsequent to the
27 required renewal date; provided, that no penalty shall be added for the
28 securing of any tag secured within sixty days after the date on which the

1 dog for which the tag is secured becomes subject to the provisions of this
2 chapter, nor shall any penalty be added for a tag secured within sixty days
3 after the applicant becomes the Person Responsible for the dog for which
4 the tag is bought.

5 6.08.050 Tag – Replacement.

6 In case of loss or destruction of any tag required by the provisions
7 of this Chapter, a duplicate shall be issued by the Director upon request
8 and upon the payment of the fee established therefore by the City Council
9 by resolution.

10 6.08.060 Exemptions.

11 No license fee or tax shall be required for the issuance of a tag for
12 any dog owned as a guide dog, signal dog and/or service dog, as those
13 terms are currently defined in California Penal Code Section 365.5 or as
14 may be amended in the future. The Director shall annually issue tags free
15 of charge to Persons Responsible for having the custody and control of
16 such dogs.

17 6.08.070 Tag – Counterfeit prohibited.

18 No person shall imitate or counterfeit any tag, receipt, or
19 registration certificate required or issued pursuant to this chapter or use
20 any imitation or counterfeit of any such tag, receipt or certificate.

21 6.08.080 Exhibit of receipt or tag required.

22 No Person Responsible for any dog subject to license under this
23 Chapter shall refuse to show upon demand to the Director, any Animal
24 Care Services Bureau enforcement officer or inspector, or any police
25 officer, the city dog tax receipt or the license tag for any duly registered
26 dog.

27
28 Section 4. Chapter 6.12 of the Long Beach Municipal Code is amended

1 to read as follows:

2 6.12.010 Rabies report responsibility.

3 Whenever a Person Responsible for a dog or other animal
4 observes or learns that such dog or animal shows symptoms of rabies, or
5 acts in a manner which would lead to a reasonable suspicion that the dog
6 or animal may have rabies, that person shall immediately notify the health
7 officer, and it shall be the duty of the health officer, when called upon, to
8 examine or have examined the dog or animal and to ascertain whether or
9 not the dog or animal is afflicted with rabies, and no Person Responsible
10 for such dog or animal shall fail, refuse or neglect to notify the health
11 officer.

12 6.12.020 Suspected infection.

13 Whenever the Director, or any other person, captures a dog or any
14 other animal suspected of having rabies, he/she shall deliver the same to
15 the animal shelter or shall confine the same in some safe place and shall
16 immediately report the same to the health officer, and it shall be the duty
17 of the health officer, when called upon, to examine or cause to be
18 examined any such dog or other animal and to ascertain whether or not
19 any such dog or animal is afflicted with rabies.

20 6.12.030 Refusal to report prohibited.

21 No Person Responsible for any dog or other animal showing
22 symptoms of rabies, or that acts in a manner which would lead to a
23 reasonable suspicion that such dog or animal may have rabies, or
24 whenever it is shown that any dog or other animal has bitten any person,
25 shall refuse or fail to submit such dog or animal to inspection or
26 examination by the health officer or his/her representative in order to
27 ascertain whether or not such dog or animal is afflicted with rabies.

28 6.12.040 Dog or other animal bite – Report.

1 Any person having knowledge that any dog or other animal has
2 bitten any person shall immediately and without delay advise the Director
3 or the police department of such fact, furnishing such information as
4 he/she may possess relative to the identity of the animal, the Person
5 Responsible for the animal and the person bitten.

6 6.12.050 Dog or other animal bite – Identification of animal.

7 Upon receipt of a report as described in Section 6.12.040, the
8 Director shall undertake all measures necessary to the identification of the
9 subject dog or other animal and the Person Responsible for the dog or
10 other animal and upon the identification of the dog, or other animal, or
11 Person Responsible, or both, shall inform the health officer thereof.

12 6.12.060 Dog or other animal bite – Quarantine.

13 A. Upon written order of the health officer or his/her authorized
14 representative so directing any Person Responsible for a dog or other
15 animal having bitten any person shall cause the animal to be kept in strict
16 quarantine in a closed, fenced yard, kennel or animal shelter for a period
17 of ten (10) days and shall permit the health officer or his/her authorized
18 representative to inspect or examine the dog or other animal at any time
19 during the period.

20 B. The health officer shall have the power, in his/her discretion,
21 to quarantine the animal in the animal shelter.

22 6.12.070 Dog or other animal bite – Quarantine order.

23 A. Upon the issuance of a written order of quarantine as
24 described in Section 6.12.060, the person to whom such order is directed
25 shall permit the health officer or his/her authorized representative to post a
26 printed or written notice of the quarantine order upon or about the
27 premises wherein the subject dog or other animal is confined.

28 B. No person shall obscure, deface, render illegible, or remove

1 the posted notice during the quarantine period.

2 6.12.080 Dog or other animal bite – Redemption from animal shelter.

3 Whenever any dog or other animal is quarantined in the animal
4 shelter for inspection, examination or observation for rabies, and at the
5 expiration of the period of quarantine, the dog or other animal is
6 determined by the health officer or his/her representative to be free from
7 said disease, then the Director shall immediately cause the Person
8 Responsible for the dog or animal, if known, to be notified to redeem the
9 dog or other animal from the animal shelter within the time and in the
10 same manner provided for the redemption of other impounded dogs or
11 animals. The Person Responsible for any animal which has been
12 quarantined in the animal shelter shall pay to the Director the boarding fee
13 established by the City Council by resolution for the period the animal is
14 held under quarantine in the animal shelter. If the dog or other animal is
15 not redeemed after the period of such quarantine within the time specified
16 for redemption of impounded animals, then the dog or other animal shall
17 be disposed of in the same manner provided for the disposition of other
18 impounded dogs or animals.

19 6.12.090 Impoundment of diseased animals.

20 If it appears to the health officer or his/her representative that any
21 dog or other animal has rabies, it shall be his/her duty to immediately
22 quarantine the dog or other animal at the animal shelter, subject to his/her
23 further orders, or to notify the Director to destroy such animal and dispose
24 of its carcass.

25 6.12.100 Contact with rabid animal.

26 Every dog or other animal which has been bitten by a rabid dog or
27 other rabid animal, or which has come in contact or consorted with a rabid
28 dog or other rabid animal, or which has been harbored in the same home,

1 apartment, kennel or part of any premises with a rabid dog or other rabid
2 animal, shall be kept isolated and under quarantine for ninety (90) days in
3 a veterinary hospital approved by the health officer, or surrendered to the
4 Director to be destroyed.

5 6.12.110 Inoculation – Required.

6 No Person Responsible for any dog shall permit a dog four months
7 of age or older to be in the city unless such person has procured a canine
8 anti-rabies vaccine for the dog from a state licensed veterinarian unless:

9 A. Such dog is less than four months of age; or

10 B. Such dog is in a state of health that inoculation at the time
11 would be hazardous to the life of the dog, as evidenced by the written,
12 dated and signed statement of a licensed veterinarian, and approved by
13 the authority of the health officer. Such statement shall provide exemption
14 from the requirements of this section for a maximum period of one year.
15 The health officer shall not authorize the endorsement of the statement for
16 any period of time unless the illness of the dog requires it.

17 6.12.120 Inoculation – Certificate.

18 Every Person Responsible for a dog in the city, whenever such dog
19 is required to be inoculated by the provisions of Section 6.12.110, shall
20 have such dog inoculated against rabies by a licensed veterinarian. The
21 inoculation by any person licensed to practice veterinary medicine in the
22 state, or in the event the dog is inoculated in any state other than
23 California, then the inoculation by any person authorized or permitted by
24 such state to practice veterinary medicine, shall be deemed to be
25 inoculated by a licensed veterinarian. The health officer shall, at such
26 intervals of time as he deems necessary, provide for the rabies inoculation
27 of such dog upon payment of a fee established therefore by the City
28 Council by resolution. The health officer shall issue to such person a

1 certificate of inoculation, signed under the authority of the health officer,
2 stating thereon the breed and description of the dog, the date of the
3 inoculation, and the type of vaccine used.

4 6.12.130 Inoculation – Required for license issuance.

5 Every Person Responsible for any dog, and who is required by the
6 provisions of Chapter 6.08 to secure a license tag for such dog, shall
7 provide evidence satisfactory to the licensing authority of compliance with
8 Section 6.12.110. A certificate of inoculation or a statement of health
9 containing the information required by Sections 6.12.110 and 6.12.120,
10 signed under the authority of the health officer and a licensed veterinarian,
11 shall be deemed satisfactory evidence of compliance with Section
12 6.12.110. No dog license shall be issued unless and until the requirements
13 of this Section are fulfilled.

14 6.12.140 Inoculation – Record.

15 The Director shall, at the time a dog license is issued, record on the
16 register, provided for by Section 6.08.030, the date of inoculation, the type
17 of vaccine used, or the reason no vaccine was used.

18 6.12.150 Rabies vaccination certificates.

19 Every person practicing veterinary medicine in the city of Long
20 Beach who vaccinates a dog with rabies vaccine shall issue to the Person
21 Responsible to whom he or she delivers the dog the original certificate
22 and to the Director of the Animal Care Services Bureau of the city of Long
23 Beach a copy of every rabies immunization certificate issued by such
24 veterinarian. The certificate should contain the following:

- 25 A. Name, address, and telephone number of the Person
26 Responsible for the dog;
27 B. A description of the dog, including breed, color, sex, and
28 age;

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- C. The date of rabies immunization;
- D. The type of rabies vaccine administered;
- E. The name of the manufacturer and the lot number of the vaccine used;
- F. The veterinarian's name, address, and telephone number either stamped, printed or typed on the certificate;
- G. The signature of the veterinarian who administered the vaccine or the signature of a person authorized by the veterinarian to sign the certificate.

Section 5. Chapter 6.16 of the Long Beach Municipal Code is amended to read as follows:

6.16.010 Livestock – Running at large – Distance from habitation.

No Person Responsible for any ox, steer, bull, cow, calf, horse, mare, stallion, colt, jack, mule, sheep, goat, or hog, shall permit the same, of any thereof, to run at large or pasture, herd, stake, tie or stable any thereof in any of the streets, avenues, places, lanes, alleys, parks, or other public places in the City, or tie, stake, pasture, stable, or otherwise keep any thereof upon any private property in the so as to permit any thereof to approach nearer than one hundred feet (100') to any building used or occupied or designed for use and occupancy as a residence for human habitation other than such building so occupied by the Person Responsible for any such animal, and other than such building, the occupant of which continues his or her consent to the closer approach of any such animal.

6.16.020 Livestock – Driving in street.

No person shall drive or conduct along any street, avenue, place, lane, alley, park or other public place any ox, steer, bull, cow, calf, horse,

1 stallion, colt, jack, mule, sheep, goat or hog without having such animal or
2 animals enclosed in some conveyance or tied or otherwise attached to
3 some person or vehicle in such manner that such animal or animals
4 cannot run at large or enter upon private property, or drive or conduct a
5 herd or any number of such animals along any street or other public place
6 without obtaining a written permit therefore from the Director, and such
7 permit shall be granted only upon the applicant therefore depositing with
8 the Director a fee established by the City Council by resolution.

9 6.16.030 Dangerous animals – Permit required.

10 No person shall have, keep, maintain, or have in possession or
11 under control, within the City, any elephant, bear, hippopotamus,
12 rhinoceros, lion, tiger, leopard, wolf, reptile, serpent or any dangerous or
13 carnivorous wild animal without first applying to and receiving from the
14 Animal Care Services Bureau a permit so to do.

15 6.16.040 Dangerous animals – Permit issuance.

16 The Director is invested with the authority to issue permits for the
17 keeping or maintaining of any of the animals, reptiles or serpents
18 enumerated and described in Section 6.16.030 to any person when, in the
19 opinion of the Director, any such animal or animals, serpents or reptiles
20 may be kept or maintained without menacing the safety of any person or
21 property; provided, however, that the Director may require any such
22 animal or animals, serpents or reptiles to be properly caged or tethered,
23 and may make and issue additional rules and regulations regulating the
24 keeping or maintaining of any such animals, reptiles or serpents, and may
25 revoke any such permit for the violation of any other provisions of this
26 chapter or any of the rules and regulations issued by the Director, or
27 when, in his or her opinion, the safety of any person or property is
28 menaced by the keeping of any such animal.

1 6.16.050 Selling animals on public place.

2 No person shall sell, offer or display for sale, barter, or give any live
3 animal to any person on any public street or other public place within the
4 City other than a person maintaining a fixed place of business wherein
5 such animals are sold.

6 6.16.060 Animal shop – Location restricted.

7 No person shall establish, conduct, or maintain any store or place
8 of business in which dogs, cats, guinea pigs, mice, rats or other domestic
9 pets are legally sold or kept for sale, or carry on the business of dealing in
10 any of such animals within fifty feet (50') of any residence, dwelling house,
11 hotel, theater, or within five hundred feet (500') of any schoolhouse or
12 church, unless such person has been issued a permit to breed at a
13 residence under Section 6.16.190 of this Chapter.

14 6.16.061 Animal shop – Report of sales to City.

15 Every person who owns, operates or maintains an animal shop, as
16 described in Section 6.16.060, shall report to the Director the name and
17 address of the purchaser of every dog sold by the animal shop, along with
18 the breed, age and description of the animal, on forms provided by the
19 City. The report shall be transmitted to the Director no later than ten (10)
20 days from the date of sale. The shop may charge a fee of up to one dollar
21 to the purchaser to cover the cost of the report.

22 6.16.070 Herding on unenclosed private property.

23 No person, as principal, agent, employee, or otherwise, shall herd
24 any of the animals mentioned in this Chapter on any unenclosed private
25 property.

26 6.16.080 Breeding prohibited.

27 No person, as principal, agent, employee or otherwise, shall breed
28 any dog, cat or other animal at any place within the City, except as

1 provided in Section 6.16.190 of this Chapter. "Breeding" shall be deemed
2 to have occurred upon the production of offspring, whether such offspring
3 result from sexual activity or artificial insemination, and whether such
4 sexual activity was intentional or the result of improper confinement.

5 6.16.085 Unaltered cats prohibited.

6 No Person Responsible for a cat over the age of four months shall
7 allow such cat to remain unaltered, unless the cat is certified by a licensed
8 veterinarian as not being suitable for spaying or neutering due to health
9 reasons.

10 6.16.090 Dogs prohibited on beaches or school grounds.

11 A. Except as provided in Section 6.16.310 of this Chapter, no
12 Person Responsible for a dog shall permit such dog to be upon any beach
13 or public school ground within the City.

14 B. Notwithstanding the provisions of Subsection A of this
15 Section or Section 16.16.010 of this Chapter, no Person Responsible for
16 any dog(s) and/or other animal(s) shall permit such animal(s) to be on a
17 beach bike path, beach immediately adjacent to the bike path, and/or on
18 other beach locations within the City unless:

19 1. The animal is authorized to be present pursuant to a
20 special event permit issued by the City pursuant to Chapter 5.60 of this
21 Code which permit contains terms and conditions governing
22 indemnification, supervision, cleanup and control relating to the presence
23 of dogs and/or other animals at such special events; and/or

24 2. The animal is deemed a guide dog, signal dog and/or
25 service dog, as those terms are currently defined in California Penal Code
26 Section 365.5 or may be amended in the future.

27 6.16.100 Dog leash required.

28 A. No Person Responsible for a dog shall permit such dog to do

1 any of the following, unless the dog is upon a secure leash not more than
2 six feet (6') long held continuously in the hands of a Responsible Person
3 capable of controlling the dog, or unless the dog is securely confined
4 within an automobile:

5 1. Be in or upon any public street, sidewalk,
6 improvement, park or other public place, or private property if the private
7 property is open or accessible to the public; or

8 2. Enter upon another person's property without
9 permission.

10 B. This section shall not apply to any such person who is in
11 possession or operating within the terms of a valid, unrevoked permit from
12 the City for the conduct of obedience or other types of trial or show of
13 dogs in or upon any public place.

14 C. This section shall not apply to Person Responsible for a dog
15 in a fenced dog exercise area in a City park, or portion of a City park,
16 approved and designated for that purpose by the City Council.

17 D. A Person Responsible for a dog shall comply with the
18 following regulations and limitations applied to all dog exercise areas
19 identified in Subsection C of this Section:

20 1. Designated off leash exercise areas will be open from
21 six a.m. to ten p.m.

22 2. As a condition of admission to such dog exercise
23 areas, the Person Responsible for such dog(s) shall use a suitable
24 container or instrument to remove dog feces and shall dispose of it in
25 waste containers for that purpose.

26 3. Aggressive dogs are not permitted. Persons
27 Responsible for such dogs are legally responsible for any injury caused by
28 their dog(s).

1 4. Any dog(s) which has been declared vicious under
2 Section 6.16.250 of this chapter, or any other state law or local ordinance,
3 is not permitted. Persons Responsible for such dogs are legally
4 responsible for any injury caused by their dog(s).

5 5. All Persons Responsible for dogs must keep their
6 dogs under visual and voice control at all times.

7 6. Dogs shall not be left unattended.

8 7. Dogs under four months old are not permitted.

9 8. All dogs must have current vaccinations and licenses.

10 9. Female dogs in estrus (heat cycle) are not permitted.

11 10. Professional dog trainers may not use the dog
12 exercise areas to conduct classes or individual instruction.

13 11. Professional dog handlers and walkers shall have a
14 City business license.

15 12. Children shall be accompanied by an adult and shall
16 not run, shout, scream, wave their arms, or otherwise excite or antagonize
17 dogs.

18 13. Bicycles, rollerblades, roller skates, skateboards,
19 strollers, and the like, are not permitted. Wheelchairs and other aids for
20 the disabled are permitted.

21 14. Spiked collars on dogs are not permitted.

22 15. A Person Responsible for a dog must have in his/her
23 possession a leash for the dog which shall be worn by the dog at all times
24 that the dog is not in the exercise areas.

25 16. A Person Responsible for a dog shall otherwise
26 comply with all rules governing the parks and relevant parking regulations.

27 17. Use of the exercise areas by any Person Responsible
28 for a dog shall constitute implied consent of that person to all regulations

1 and shall constitute a waiver of liability to the City of Long Beach and an
2 agreement to protect, defend, indemnify, and hold harmless the City of
3 Long Beach, its officials and employees for any injury or damage caused
4 by a dog when the dog is not on its leash.

5 18. No person shall play any team sport including, but not
6 limited to, football, baseball, soccer, rugby and volleyball within the
7 exercise area. The use of a frisbee is permitted.

8 E. A Person Responsible for a dog may be deemed to have
9 violated Subsection A, of this Section, when the violation was not
10 committed in the presence of the Director or Animal Care Services Bureau
11 enforcement officer(s) or inspector(s) if three (3) or more persons have
12 submitted, within a one (1) year period, declarations signed, under penalty
13 of perjury, that the violation(s) was committed in their presence.

14 6.16.110 Dog noise – Prohibited.

15 No Person Responsible for a dog shall permit such dog to bark,
16 howl, whine and/or make other loud and unusual noises, whether within a
17 building or enclosure, tied, or otherwise confined, or while at large upon
18 any public street, sidewalk, improvement, park or other public place, or
19 private property, which disrupts the public peace or which causes
20 discomfort or annoyance to any reasonable person of normal
21 sensitiveness residing in the area.

22 6.16.120 Dog noise – Enforcement.

23 When the Director or his/her enforcement officer(s) and/or
24 inspector(s) determine that a Person Responsible for a dog has violated
25 Section 6.16.110 of this Code, such Animal Care Services Bureau
26 personnel are authorized to:

27 A. Direct the Person Responsible for the dog to immediately
28 terminate the actions of the dog that are causing the loud noise;

1 B. Issue a written notice to the Person Responsible that if,
2 within a twelve month period following the initial response, Animal Care
3 Services Bureau personnel are again required to respond to the same
4 Person Responsible for violating Section 6.16.110 of this Code, a criminal
5 and/or administrative citation will be issued pursuant to Chapters 1.32 and
6 6.16 if this Code; and

7 C. Issue criminal and/or administrative citations to the Person
8 Responsible for recurrent violations of Section 6.16.110 of this Code
9 within a twelve month period.

10 6.16.130 Food business – Keeping animals prohibited.

11 No person shall keep any dog or other animal in any bakery,
12 restaurant, lunch stand, or other place of business wherein food or
13 foodstuffs are served or sold.

14 6.16.140 Food business – Permitting animal at large prohibited.

15 No Person Responsible for any dog or any other animal shall
16 permit the same to run at large in any place where food or foodstuffs are
17 served, displayed, and offered for sale or shall permit any dog or any other
18 animal to come in contact with any food products intended for human
19 consumption in any such place of business where food or foodstuffs are
20 served, displayed or offered for sale.

21 6.16.150 Food business – Allowing animal on premises prohibited.

22 No owner, operator, manager, or employee of any place of
23 business where food or foodstuffs are served, displayed or offered for sale
24 shall permit any dog or any other animal on such premises or in such
25 place of business.

26 6.16.160 Possession without owner's consent.

27 No person, without the consent of the Person Responsible for a
28 dog, cat or other domestic animal, shall hold or retain in his or her

1 possession such dog, cat or other animal legally owned as a domestic pet
2 within the City for any period longer than twenty-four (24) hours unless
3 such person reports the same, with the true description thereof, to the
4 Director.

5 6.16.170 Dog and cat hospital – Location.

6 No person shall erect, construct, establish or maintain any dog
7 hospital, cat hospital, or dog and cat hospital, outside of industrial districts,
8 as defined by the Zoning provisions of this Code, as the same now is or
9 may hereafter be.

10 6.16.180 Dog and cat hospital – Defined.

11 The terms “dog hospital,” “cat hospital” and “dog and cat hospital,”
12 as used in this Chapter, mean and include any place where dogs or cats,
13 or both, are received and kept, or either, for the purpose of treating such
14 animals for any disease or injury.

15 6.16.190 Restricted dog breeding and dog and cat transfer.

16 A. No person, as principal, agent, employee or otherwise, shall
17 establish or maintain any dog kennel for breeding purposes, keep any dog
18 for breeding purposes, or breed any dog which is owned, harbored or kept
19 within the City, without first applying to and receiving a breeding permit to
20 do so from the department of health and human services, animal control
21 division. “Breeding” shall be deemed to have occurred upon the
22 production of a litter, whether such litter results from sexual activity or
23 artificial insemination, and whether such sexual activity was intentional or
24 the result of improper confinement.

25 B. The application for a breeding permit shall be filed by all of
26 the Persons Responsible for both dogs to be bred, including persons who
27 may reside outside of the City, and shall contain such information as is
28 requested by the City, including without limitation the following:

- 1 1. A complete description of the nature and extent of the
- 2 breeding to be conducted and for which application is made, including the
- 3 breed of dogs proposed to be bred;
- 4 2. The address of the location at which breeding will
- 5 occur and, if different from the breeding address, the address of the
- 6 location at which the litter shall be whelped;
- 7 3. The name and address of the applicant(s);
- 8 4. A statement by the applicant(s) stating that each
- 9 applicant(s) owns either of the dogs to be bred and that there are no other
- 10 owners;
- 11 5. A statement by the applicant(s) stating that at least
- 12 one of the litter is intended to be offered for sale;
- 13 6. Evidence that the dogs to be bred do not have the
- 14 same sire or dam;
- 15 7. Evidence that the dam to be bred is at least two (2)
- 16 years old and not older than seven (7) years old;
- 17 8. A copy of a valid certificate of health for the dam;
- 18 9. Evidence that both dogs to be bred have electronic
- 19 animal identification devices implanted;
- 20 10. Written authorization to breed and/or whelp from the
- 21 owner(s) of the properties at which the dogs will be bred and/or whelped, if
- 22 such owners are not the applicant(s);
- 23 11. A statement by the applicant(s) stating that the
- 24 applicant(s) have reviewed and will comply with all applicable rules and
- 25 regulations regarding breeding and keeping animals on private property;
- 26 12. Such other information as may be required by the
- 27 Director, consistent with the purposes of this chapter, this code, and
- 28 applicable law.

1 C. The Chief of Police and/or Director shall conduct a
2 background check of any applicant(s) for a breeding permit. The City
3 shall not issue a breeding permit to any applicant for whom the Chief of
4 Police or Director determines the background to be unacceptable.
5 Breeding permits shall not be issued to applicant(s) who are under the age
6 of eighteen (18), or who have violated this section, Sections 6.16.080,
7 6.16.110, and/or 21.51.210 of this Code, or any of Sections 596 through
8 599 of the California Penal Code, or to Persons Responsible for dogs
9 which have been declared vicious under Section 6.16.250 of this Chapter
10 or otherwise have previously bitten any person, or to Persons Responsible
11 for any breed of dog which is disproportionately responsible for dog bite
12 complaints within the City, or to Persons Responsible for any breed of dog
13 which is disproportionately euthanized within the City. Breeding permits
14 shall not be issued for the purposes of breeding any dog breeds that are
15 not recognized by the American Kennel Club (or any other organization
16 determined by the Director to be a generally recognized leading national
17 breeding organization) and shall not be issued for the purpose of mixing
18 breeds.

19 D. Prior to processing the application, the Director shall receive
20 the required breeding permit application fee, and such application fee shall
21 be nonrefundable. The breeding permit application fee shall be
22 determined by the City Council by resolution. After processing the
23 application but prior to issuing a breeding permit, the Director shall receive
24 the required breeding permit fee, and such permit fee shall be
25 nonrefundable. The breeding permit fee shall be determined by the City
26 Council by resolution. The following dogs are exempt from both the
27 application fee and breeding permit fee requirements but are subject to
28 the other requirements of this section to the extent such requirements do

1 not conflict with state or federal law:

2 1. Dogs documented as having been appropriately
3 trained and actively used by law enforcement agencies for law
4 enforcement or rescue activities, the offspring of which are to be used for
5 the same purposes.

6 2. Dogs documented as guide, signal or service dogs
7 pursuant to the California Penal Code or the California Business and
8 Professions Code, the offspring of which are to be used for the same
9 purposes.

10 E. The breeding permit shall be valid for one (1) year and shall
11 not be transferable or assignable from one person or entity to another or
12 from one household to another household, and only one (1) breeding
13 permit shall be issued per year per household, regardless of how many
14 dogs or persons may reside in such household.

15 F. Once permitted by the City, the breeding permittee shall
16 comply with each of the following operating restrictions:

17 1. Only one litter per year per dog per household may be
18 whelped.

19 2. Proper shelter shall be provided for all dogs and
20 litters. "Proper shelter" shall be defined as an enclosure with four walls, a
21 roof and a raised floor which adequately protects from exposure to cold,
22 heat and water, and which gives access to an enclosed yard or other open
23 outdoor space.

24 3. Clean and reasonably temperate water shall be
25 provided to all dogs at all times.

26 4. Nutritious food sufficient to properly nourish the dam
27 and her litter shall be provided.

28 5. Dogs' living quarters and yards shall be properly

1 maintained at all times, including without limitation, removal of feces and
2 urine to prevent odors from entering surrounding areas.

3 6. Dogs shall be kept in a manner which prevents
4 barking from disturbing occupants or users of surrounding areas.

5 7. Births shall be reported to the Director within ten (10)
6 days of their occurrence.

7 8. No offspring shall be sold or otherwise transferred,
8 whether for compensation or otherwise, until it has reached the age of
9 eight (8) weeks, has been immunized against common diseases and has
10 been issued a certificate of health.

11 9. All offspring must have an electronic animal
12 identification device implanted before the age of eight weeks.

13 G. No person shall sell or transfer, for compensation or
14 otherwise, any dog or cat within the City, without first applying to and
15 receiving a transfer permit to do so from the Department of Health and
16 Human Services, Animal Care Services Bureau. Persons Responsible for
17 a dog who have received a breeding permit under this Section shall not be
18 required to apply for a transfer permit under this Section. One transfer
19 permit shall be issued per litter, unless the applicant for a transfer permit
20 operates a pet store or is a validly incorporated Section 501(c)(3) animal
21 rescue organization, in which case the transfer permit shall be issued
22 annually.

23 H. The application for a transfer permit shall be filed by all of
24 the Persons Responsible for the dogs or cats to be transferred, and shall
25 contain such information as is requested by the City, including without
26 limitation the following:

27 1. The name and address of the breeder(s) of the dogs
28 or cats to be transferred or offered for transfer, or if unknown, evidence

1 that the applicant is a validly incorporated Section 501(c)(3) animal rescue
2 organization;

3 2. The address of the location at which the dog or cat
4 litter was whelped, or if unknown, evidence that the applicant is a validly
5 incorporated Section 501(c)(3) animal rescue organization;

6 3. Such other information as may be required by the
7 Director consistent with the purposes of this Chapter, this Code, and
8 applicable law.

9 I. Prior to processing the application, the Director shall receive
10 the required transfer permit application fee, and such application fee shall
11 be nonrefundable. The transfer permit application fee shall be determined
12 by the City Council by resolution. After processing the application but prior
13 to issuing a transfer permit, the Director shall receive the required transfer
14 permit fee, and such permit fee shall be nonrefundable. The transfer
15 permit fee shall be determined by the City Council by resolution. The
16 following dogs and/or applicant(s) are exempt from both the application
17 fee and transfer permit fee requirements but are subject to the other
18 requirements of this Section to the extent such requirements do not
19 conflict with state or federal law:

20 1. Dogs documented as having been appropriately
21 trained and actively used by law enforcement agencies for law
22 enforcement or rescue activities, the offspring of which are to be used for
23 the same purposes;

24 2. Dogs documented as guide, signal or service dogs
25 pursuant to the California Penal Code or the California Business and
26 Professions Code;

27 3. Validly incorporated Section 501(c)(3) animal rescue
28 organizations.

1 J. The following provisions shall apply to the sale, adoption or
2 other transfer of dogs and cats, whether or not a transfer permit is
3 required under this section:

4 1. Any person who offers or provides any dog or cat for
5 sale or transfer, whether for compensation or otherwise, shall disclose to
6 the transferee in writing, information regarding the dog's or cat's
7 immunization history and the license and permit requirements of the City
8 applicable to the transferred animal.

9 2. No person shall sell or otherwise transfer any dog
10 without such dog having an electronic animal identification device
11 implanted, which such device shall identify the breeding permit number
12 under which the dog was bred or the transfer permit number, as
13 applicable, and a description of the transferred dog including the breed,
14 gender, color and age.

15 3. No person shall see or otherwise transfer any dog or
16 cat without reporting the name, address and phone number of the
17 transferee to the Director within ten (10) business days of the transfer.

18 4. Any advertisement to the public regarding the
19 availability of any dog which was bred within the City for sale or transfer,
20 whether for compensation or otherwise, shall prominently display the
21 breeding permit number.

22 5. Any advertisement to the public regarding the
23 availability of any dog or cat for sale or transfer, which was bred outside
24 the City, whether for compensation or otherwise, shall prominently display
25 the transfer permit number.

26 6. No person shall give away any dog or cat as a prize
27 or as an inducement to enter into any contest, lottery, drawing, auction,
28 game or competition.

1 7. No person shall give away any dog or cat as an
2 inducement to enter a place of business, or to enter into a business
3 arrangement.

4 8. No person shall sell, barter, exchange or offer for
5 adoption, whether for compensation or otherwise, any dog or cat to any
6 minor under the age of eighteen (18).

7 9. Proper shelter shall be provided for all dogs and cats
8 to be transferred.

9 10. Clean and reasonably temperate water shall be
10 provided to all dogs and cats at all times.

11 11. Nutritious food sufficient to properly nourish the dog
12 or cat shall be provided.

13 12. Dogs' and cats' living quarters and yards shall be
14 properly maintained at all times, including without limitation removal of
15 feces and urine to prevent odors from entering surrounding areas.

16 13. Dogs shall be kept in a manner which prevents
17 barking from disturbing occupants or users of surrounding areas.

18 14. A valid business license shall be required for all
19 transfers made for compensation.

20 K. Employees of the Animal Care Services Bureau shall have
21 the right to inspect, on more than one occasion, the property of any
22 permittee used for breeding, whelping or holding any animals during
23 reasonable hours and without advance notice.

24 L. Failure of any person to comply with all terms and conditions
25 of the breeding permit or the transfer permit and applicable law shall be
26 grounds for the revocation or suspension of such breeding permit or
27 transfer permit and shall be grounds for denial of future breeding and/or
28 transfer permits.

1 M. Possession of a valid breeding or transfer permit under this
2 Chapter does not entitle the permittee to engage in an activity which is
3 otherwise prohibited by law.

4 6.16.200 Defecation – Removal required.

5 A. No Person Responsible for any animal shall permit such
6 animal to defecate on any public sidewalk, street, improvement, park, or
7 other public place, or on any private property without the consent of the
8 owner of such private property, unless such Person Responsible for the
9 animal removes any such defecation to a proper trash receptacle.

10 B. When the Director or his/her enforcement officer(s) and/or
11 inspector(s) determine that a Person Responsible for a dog has violated
12 Section Subsection A of this Section 6.16.200, such Animal Care Services
13 Bureau personnel are authorized to:

14 1. Direct the Person Responsible for the animal to
15 immediately remove and dispose of the defecation to a proper trash
16 receptacle;

17 2. Issue a written notice to the Person Responsible that
18 if, within a twelve month period following the initial response, Animal Care
19 Services Bureau personnel are again required to respond to the same
20 Person Responsible for violating Subsection A of this Section 6.16.200, a
21 criminal and/or administrative citation will be issued pursuant to Chapters
22 1.32 and 6.16 if this Code; and

23 3. Issue criminal and/or administrative citations to the
24 Person Responsible for recurrent violations of Subsection A of this Section
25 6.16.200 within a twelve month period.

26 6.16.210 Enforcement.

27 A. The Director along with Animal Care Services Bureau
28 enforcement officers and inspectors shall have the duty to enforce the

1 Sections included in this Chapter, and all other Chapters included in Title
2 6, and are authorized, pursuant to the California Penal Code, Section
3 836.5, to arrest persons and to prepare, issue and deliver to any such
4 arrested person written notice to appear in court for any violation or
5 violations of any Section or Sections in Title 6 of this Code. Additionally,
6 those employees of the City holding the classified positions of park district
7 supervisor and park crew supervisor employed by the department of parks
8 and recreation and those employees holding the classified position of
9 security officer employed in the department of parks and recreation shall
10 have the duty to enforce Sections 6.16.100 and 6.16.200 and are
11 authorized, pursuant to California Penal Code, section 836.5, to arrest
12 persons and to prepare, issue and deliver to any such arrested person
13 written notice to appear in court and to release such person from custody
14 upon receiving from such person their written promise to appear in court
15 for any violation or violations of Section 6.16.100 or 6.16.200.

16 B. Notwithstanding the provisions of Subsection 6.16.210.A of
17 this Section, those employees holding the position of fire captain, marina
18 agent, marine safety officer, marine safety sergeant, marine safety captain
19 and security officer, shall have the duty to enforce Sections 6.16.090,
20 6.16.100, 6.16.110, 6.16.200 and 6.16.310, and are authorized, pursuant
21 to California Penal Code, Section 836.5, to arrest persons and to prepare,
22 issue and deliver to any such person arrested written notice to appear in
23 court and to release such person from custody upon receiving from such
24 person their written promise to appear in court for any violation or
25 violations of Sections 6.16.090, 6.16.100, 6.16.110, 6.16.200 and
26 6.16.310.

27 C. Nothing in this Section is intended to operate either in
28 addition to or in contravention of Title 3, Chapter 4.5, of the Penal Code

1 which expressly designates those persons who are classified as peace
2 officers.

3 D. Further, nothing in this section is intended to or shall operate
4 to change or shall have the effect of changing the status of the officers
5 and employees authorized to act pursuant to this Section from public or
6 miscellaneous officers and employees to individual peace officers or
7 safety members or classes of peace officers or safety members for
8 purposes of retirement, workers' compensation or similar injury or death
9 benefits or any other employee benefit or benefits to which said officer or
10 employee would not have been entitled as a public or miscellaneous
11 officer or employee prior to the adoption of this Section.

12 E. Any person who violates any provision of Title 6 of the Long
13 Beach Municipal Code may also be issued an administrative citation by
14 the Director or Animal Care Services Bureau enforcement officers or
15 inspectors, in addition to any criminal penalties that may be assessed
16 under Title 6 and Chapter 1.32 of this Code.

17 F. Each and every day a violation exists constitutes a separate
18 and distinct offense.

19 G. Civil fines shall be assessed by means of administrative
20 citations and shall be payable directly to the City of Long Beach Animal
21 Care Services Bureau.

22 H. Administrative fines for violations of Chapters 6.04 Animal
23 Shelter, 6.08 Dog Licensing, 6.12 Rabies Control, 6.20 Fowl, Rabbits and
24 Goats, 6.28 Police Animals and/or 6.16 Animal Regulation shall be
25 assessed as follows:

26 1. A fine for each initial violation, in an amount
27 established by the City Council by resolution;

28 2. A fine for each instance of a second violation of the

1 same Code Section within one (1) year from the date of the first violation,
2 in an amount established by the City Council by resolution; and

3 3. A fine for each additional violation of the same Code
4 Section within one (1) year from the date of the first violation, in an amount
5 established by the City Council by resolution.

6 6.16.220 Animal sale refunds.

7 In the event the Director determines after the sale of an animal by
8 the Animal Care Services Bureau that the animal bites or destroys
9 property, or that an examining veterinarian has determined that the animal
10 is ill and there are sufficient facts and circumstances which indicate that
11 the illness was incurred by the animal prior to the sale, the Director may
12 authorize the refund of the purchase price, inoculation fee, licensee fee,
13 and any other fees or charges paid by the purchaser to the Animal Care
14 Services Bureau in connection with the sale of the animal; provided, that
15 the purchaser of the animal files a written request for the refund with the
16 Animal Care Services Bureau within fifteen (15) days after the date of the
17 sale of the animal.

18 6.16.230 Manure removal required.

19 A. Manure must be removed from private stables at least once
20 in seven (7) days. During the time manure from private stables is allowed
21 to remain on the premises the same must be kept covered with close
22 screen wire to prevent the breeding of flies therein. When the amount of
23 manure from any private stable equals one cubic yard it shall not be
24 allowed to remain longer than one day.

25 B. Stables or yards where more than four (4) horses or mules
26 are kept shall be cleaned and refuse removed daily.

27 6.16.240 Dead animal disposal.

28 The carcass of any dead horse, cow, mule, or donkey not

1 slaughtered for human food shall be removed and disposed of by the
2 owner of the carcass.

3 6.16.250 Vicious animals – Defined.

4 A. “Vicious animal” is any animal which bites or attempts to bite
5 any human or animal without provocation, or which has a disposition or
6 propensity to attack, bite or menace any human or animal without
7 provocation and endangers the health and safety of any person.

8 B. Any animal while on the premises of the Person Responsible
9 for that animal which bites or attempts to bite a person or other animal that
10 is unlawfully such premises, or which has been provoked or teased, or
11 which is otherwise performing its duties as a police dog, shall not be
12 deemed to be a vicious animal.

13 6.16.260 Impoundment of vicious animal.

14 A. Any law enforcement officer or Animal Care Services Bureau
15 enforcement officer or inspector of the City shall have the authority
16 summarily and immediately to impound a dog or other animal where there
17 is evidence it is vicious within the meaning of this Chapter.

18 B. Whenever necessary to make an inspection to enforce any
19 of the provisions of this Chapter, such official may enter private property at
20 all reasonable times to inspect same or to perform any duty imposed by
21 this Chapter; provided, that if such private property is occupied, such
22 official shall first present proper credentials and demand entry. If entry is
23 refused, or if the owner or other person having control of such property is
24 not present to permit entry, such official shall have recourse to every
25 remedy provided by law to secure entry at a later time.

26 C. Any Person Responsible for such dog or other animal
27 subject to being impounded who fails to surrender the animal to such
28 official upon demand shall be guilty of a misdemeanor and/or be subject to

1 administrative fines and penalties set forth in Section 6.16.210.

2 D. If the dog or other animal cannot be safely taken up and
3 impounded, it may be destroyed forthwith by such law enforcement officer
4 or Animal Care Services Bureau enforcement officer or inspector.

5 6.16.270 Vicious animal hearing.

6 A. "Hearing Officer" means an individual who has been
7 designated by the City Manager to adjudicate Vicious Animal
8 determination hearings.

9 B. Where there exists evidence sufficient to give rise to the
10 suspicion that a dog or other animal falls within the provisions of
11 Subsection 6.16.250.A, the Director shall cause a public hearing to be
12 conducted for the purpose of determining whether the dog or other animal
13 is a Vicious Animal. The Director shall notify the Person Responsible for
14 the animal of the time and place for the hearing during which he/she may
15 present evidence as to why the animal should not be declared vicious.
16 Each party shall be given the opportunity to present any evidence relevant
17 to the issue. The Hearing Officer may find, by a preponderance of
18 evidence, such dog or other animal to be a vicious animal, and may
19 impose additional orders authorized by Section 6.16.290 of this Chapter.

20 C. The hearing shall be conducted not less than five (5) nor
21 more than ten (10) business days after notice was served or deemed to
22 have been served upon the Person Responsible for the animal.

23 D. Any Person Responsible for a dog or other animal
24 determined to be vicious shall be guilty of a misdemeanor and/or be
25 subject to administrative fines and penalties set forth in Section 6.16.210.

26 6.16.280 Disposition of vicious animals.

27 Any dog or other animal declared to be a vicious animal may, at the
28 discretion of the Director, be humanely destroyed. Such humane

1 destruction shall occur no earlier than ten (10) days following written
2 notice given to the Person Responsible for such animal of the intention to
3 destroy.

4 6.16.290 Issuance of rules and regulations—Summary destruction.

5 A. The Director, if he or she elects not to destroy a vicious
6 animal, may issue certain rules and regulations pertaining to the keeping
7 and containing of such animal.

8 B. If the Person Responsible for such vicious dog or other
9 animal is thereafter determined to be in violation of any rule or regulation
10 as made pursuant to Subsection A of this Section, such animal shall be
11 impounded and thereafter subject to summary destruction no earlier than
12 ten (10) days following written notice given to the Person Responsible for
13 the animal of the intention to destroy.

14 C. Any Person Responsible for of a vicious dog or other animal
15 who violates and/or knowingly permits such animal to violate any rule
16 and/or regulation set forth pursuant to Subsection A of this Section shall
17 be deemed guilty of a misdemeanor and/or be assessed administrative
18 fines and penalties pursuant to Section 6.16.210 of this Code.

19 6.16.300 Liability for charges.

20 The Person Responsible for a dog or other animal impounded
21 pursuant to this Chapter shall be liable for any and all of the prevailing
22 board and keep charges incurred by the City's Animal Care Services
23 Bureau.

24 6.16.310 Dog exercise area on the beach.

25 Notwithstanding any other ordinance or rules of the City of Long
26 Beach, dogs may be permitted, during the below mentioned times of day,
27 on that part of the beach of the City of Long Beach bounded between the
28 halfway point between Argonne and St. Joseph Avenues (the eastern

1 boundary) and the halfway point between Roycroft and Quincy Avenues
2 (the western boundary) from the water line to the designated boundary
3 markers located approximately sixty (60) yards from the water line (the
4 northern boundary) to be designated by appropriate posting by the
5 department of parks, recreation and marine. Dogs are permitted on this
6 designated part of the beach for the purpose of exercise. The hours that
7 dogs may be so on the beach shall be set at the discretion of the Director
8 of the department of parks, recreation and marine. Permission for dogs to
9 be on this designated area of the beaches of the City of Long Beach may
10 be revoked at any time by the Director of the department of parks,
11 recreation and marine by appropriate posting at the designated area
12 mentioned above. With regard to said use of this designated part of the
13 beach of the City of Long Beach:

14 A. The dog exercise area must be accessed from the adjacent
15 parking lot in a ninety degree (90°) angle to the marked boundaries of the
16 dog exercise area.

17 B. Each dog must be under the control of an adult Person
18 Responsible for the dog, and only one dog per adult is permitted. The dog
19 must be under visual and voice control by the Person Responsible at all
20 times. Dogs that do not respond to voice commands are not permitted.

21 C. All dogs must wear a collar with current tags.

22 D. All dogs must have current vaccinations and licenses.

23 E. As a condition of admission to such dog exercise area, the
24 Person Responsible for such dog shall use a suitable container or
25 instrument to remove dog feces and shall dispose of it in waste containers
26 provided for that purpose.

27 F. Dogs previously declared vicious pursuant to this Chapter,
28 and/or any other state law or local ordinance, and aggressive dogs are not

1 permitted. The Persons Responsible for such dogs are legally responsible
2 for any injury caused by their dog(s).

3 G. Dogs shall not be left unattended.

4 H. Dogs under four (4) months old are not permitted.

5 I. Female dogs in estrus (heat cycle) are not permitted.

6 J. Professional dog trainers may not use the dog exercise area
7 to conduct classes or individual instruction.

8 K. Children shall be accompanied by an adult and shall not run,
9 shout, scream, wave their arms, or otherwise excite or antagonize dogs.

10 L. Bicycles, rollerblades, roller skates, skateboards, strollers,
11 and the like, are not permitted. Wheelchairs and other aids for the
12 disabled are permitted.

13 M. Spiked collars on dogs are not permitted.

14 N. The Person Responsible for a dog must have in his/her
15 possession a leash for the dog which shall be worn by the dog at all times
16 that the dog is ingressing/egressing the dog exercise area.

17 O. The Person Responsible for a dog shall provide drinking
18 water for their dog.

19 P. No food of any kind is permitted in the dog exercise area
20 during the designated hours.

21 Q. The Person Responsible for a dog shall otherwise comply
22 with all rules governing the beaches and relevant parking regulations.

23 R. No one shall play any team sport including, but not limited to,
24 football, baseball, soccer, rugby and volleyball during the designated dog
25 exercise hours. The use of a frisbee or a small, retrievable ball is
26 permitted.

27 S. Use of the dog exercise area by the dog shall constitute
28 implied consent of the Person Responsible for the dog to all regulations

1 and shall constitute a waiver of liability to the City of Long Beach and an
2 agreement to protect, defend, indemnify, and hold harmless the City of
3 Long Beach, its officials and employees for any injury or damage caused
4 by a dog when the dog is not on a leash.

5 T. The Director of parks, recreation and marine shall have the
6 discretion to terminate the program.

7 6.16.320 Administrative citation – Service procedures.

8 An administrative citation subject to this chapter shall be issued on
9 a form approved by the Director, and may be served by the Director or an
10 Animal Care Services Bureau enforcement officer or inspector in the
11 following manner:

12 A. Personal service.

13 In any case where an administrative citation is issued:

14 1. The Director or Animal Care Services Bureau
15 enforcement officer or inspector shall attempt to locate the Person
16 Responsible and personally serve the administrative citation;

17 2. If the Person Responsible refuses or fails to sign the
18 administrative citation, the failure or refusal to sign shall not affect the
19 validity of the administrative citation or any subsequent proceedings.

20 B. Service of citation by posting notice.

21 If the Director or Animal Care Services Bureau enforcement officer
22 or inspector do not succeed in personally serving the Person Responsible:

23 1. The Director or Animal Care Services Bureau
24 enforcement officer or inspector shall post the administrative citation or
25 duplicate thereof in a conspicuous place on the lot last reported by the
26 Person Responsible as his/her residence in the City of Long Beach, and
27 such posting shall be deemed effective service; and

28 2. Any posted notice shall be photographed on the date

1 of posting by the Director or Animal Care Services Bureau enforcement
2 officer or inspector, and a proof of service of the notice shall be made by
3 declaration of the Director or enforcement officer or inspector effecting the
4 service.

5 C. Service of citation by mail.

6 If the Director or Animal Care Services Bureau enforcement officer
7 or inspector do not succeed in personally serving a Person Responsible,
8 in addition to posting notice when the last reported residence of that
9 person lies within the City of Long Beach:

10 1. The administrative citation or duplicate thereof shall
11 be mailed to the residence or place of business of the person by
12 depositing the same in the United States mail postage prepaid as first
13 class mail; and

14 2. A proof of service of the notice shall be made by
15 declaration of the Director or enforcement officer or inspector effecting the
16 service.

17 6.16.330 Administrative citation – Contents of notice.

18 Each administrative citation shall contain the following information:

19 A. The date of service of the citation and the date, time,
20 address or description of the location where the violation(s) occurred in
21 the City of Long Beach.

22 B. The Long Beach Municipal Code section(s) violated, a
23 description of the violation(s), and where appropriate a description of
24 conditions violated.

25 C. The amount of the administrative fine(s) for each violation.

26 D. An explanation of how the fine(s) shall be paid and the
27 payment due date.

28 E. Notice of the right to appeal the citation, the time within

1 which the citation may be appealed and the place to obtain a request for
2 hearing form to appeal the administrative citation.

3 F. The name and signature of the Director or Animal Care
4 Services Bureau enforcement officer or inspector and, if obtained, the
5 signature of the Person Responsible.

6 6.16.340 Administrative citation satisfaction.

7 Upon service of an administrative citation, the cited party shall pay
8 the fine no later than thirty (30) calendar days from the date of issuance as
9 specified on the administrative citation. Payment of a fine shall not bar
10 further enforcement action by the City. Late charges shall be imposed for
11 fine payments made after the fine payment due date. The late charge shall
12 be calculated at a rate of twenty-five percent (25%) of the fine, and will be
13 imposed in addition to any outstanding fine.

14 6.16.350 Administrative citation – Appeal.

15 A. Any cited party may appeal an administrative citation by
16 completing a written request for hearing form, obtained as directed on the
17 citation, and returning it to the Animal Care Services Bureau within thirty
18 (30) calendar days from the date the citation was served or was deemed
19 to have been served, together with a deposit in the total amount of the
20 fine.

21 B. Failure to timely file a written request to appeal the
22 administrative citation shall be deemed a waiver of rights to appeal and to
23 seek judicial review.

24 6.16.360 Administrative citation – Hardship waiver.

25 A. Any cited party who intends to appeal the administrative
26 citation and who is financially unable to make the advance deposit as
27 required in Subsection A of Section 6.16.350, may request an advance
28 deposit hardship waiver by completing a written request for deposit waiver

1 form obtained as directed on the citation.

2 B. The deposit waiver request shall be filed together with the
3 appeal within thirty (30) calendar days from the date the administrative
4 citation was served or deemed to have been served.

5 C. The deposit requirement as described in Subsection A of
6 Section 6.16.350 shall be stayed unless or until the Director makes a
7 determination regarding the waiver request.

8 D. The Director may waive the requirement of an advance
9 deposit only if the cited party submits to the Director a written statement
10 made under penalty of perjury, together with supporting documents,
11 demonstrating to the satisfaction of the Director the cited party's actual
12 financial inability to deposit with the City the full amount of the fine in
13 advance of the hearing.

14 E. If the Director declines to issue a waiver, the cited party shall
15 remit the full deposit to the City as indicated on the citation within ten (10)
16 calendar days of the date of that decision, or thirty (30) calendar days from
17 the date the administrative citation was served or was deemed to have
18 been served, whichever is later.

19 F. The Director shall issue a written determination listing the
20 reasons for his/her determination to issue or not issue the hardship
21 waiver. The written determination of the Director shall be final.

22 G. The written determination of the Director shall be served
23 personally or by first class mail, postage prepaid, upon the cited party who
24 applied for the hardship waiver.

25 6.16.370 Administrative citation – Appeal hearing procedure.

26 A. No hearing to appeal an administrative citation shall be held
27 unless and until a timely request for hearing form has been completed and
28 submitted, as indicated on the citation, and the deposit has been paid, or a

1 hardship waiver has been issued.

2 B. An appeal hearing shall be set for a date not sooner than
3 twenty-one (21) calendar days and not more than sixty (60) calendar days
4 from the date the request for hearing is completed and submitted in
5 accordance with the provisions of this Chapter. The cited party requesting
6 the hearing shall be notified in writing of the time and place set for the
7 hearing at least fifteen (15) calendar days prior to the date of the hearing.

8 C. The hearing officer shall only consider evidence that is
9 relevant to whether the violation(s) occurred and whether the cited party is
10 the Person Responsible for creating, committing, maintaining or allowing
11 the violation(s) to occur. Courtroom rules of evidence shall not apply.
12 Relevant hearsay evidence and written reports may be admitted whether
13 or not the speaker or author is present to testify, if the hearing officer
14 determines that such evidence is reliable. Admission of evidence and the
15 conduct of the hearing shall be controlled by the hearing officer in
16 accordance with the fundamentals of due process. The hearing officer
17 may set reasonable limits on the length of the hearing, and shall allow the
18 appellant at least as much time to present his/her case as is allowed to the
19 City.

20 D. The cited party contesting the administrative citation shall be
21 given the opportunity to testify and present witnesses and evidence
22 concerning the administrative citation. The City's case shall be presented
23 by any person designated by the Director. The appellant and City may be
24 represented by counsel at their own expense.

25 E. The failure of the appellant to appear at the hearing shall
26 constitute a forfeiture of the deposit and failure to exhaust administrative
27 remedies.

28 F. The administrative citation and any additional documents

1 prepared by the City in connection with the violation(s) may be submitted
2 and shall constitute prima facie evidence of the respective facts contained
3 in those documents.

4 G. If the City submits any additional documents concerning the
5 administrative citation to the hearing officer for consideration at the
6 hearing, then, whenever possible, a copy of such document(s) shall be
7 served by mail on the appellant at least five (5) calendar days prior to the
8 date of the hearing.

9 H. The hearing officer may continue the hearing or request
10 additional information from the City or the appellant prior to issuing a
11 written decision.

12 6.16.380 Administrative citation – Hearing Officer decision.

13 A. After considering all of the testimony and evidence submitted
14 at the hearing, the hearing officer shall issue a written decision within
15 fifteen (15) business days of the hearing. The decision of the hearing
16 officer shall be final.

17 B. If the hearing officer denies the appeal, then the deposit
18 shall be retained by the City.

19 C. If the hearing officer grants the appeal, then the City shall
20 refund the deposit within thirty (30) business days from the date of the
21 written decision.

22 D. The appellant and City shall each be served with a copy of
23 the hearing officer's written decision.

24 6.16.390 Administrative citation – Failure to pay fines.

25 A. The failure of the cited party to pay a civil fine or late penalty
26 in a timely manner may result in the imposition of a special assessment
27 and/or lien, and/or filing of an action with the small claims court for
28 recovery of the fine and late penalty. The only issue to be adjudicated by

1 the small claims court shall be whether or not the fines and possible late
2 fees were paid. A cited party may only obtain judicial review of the validity
3 of the citation by first requesting and participating in an administrative
4 hearing before a hearing officer. In the small claims court action, the City
5 may also recover its costs, according to proof.

6 B. The City may also refuse to issue, extend, or renew to any
7 cited party who has unpaid delinquent fines, interest, penalties, liens, or
8 assessments, any City permit, license, entitlement, or other City approval
9 pertaining to the subject of the fine and administrative citation.

10 6.16.400 Administrative citation – Dismissal.

11 The Director may dismiss an administrative citation at any time if it
12 is determined to have been issued in error, in which event any deposit will
13 be refunded to the cited party.

14 6.16.410 Administrative citation – Judicial review.

15 Either the City or the cited party aggrieved by a decision of a
16 hearing officer on appeal of an administrative citation issued pursuant to
17 this Chapter, may obtain review of the decision by filing a Petition for
18 Review with the Los Angeles Superior Court in accordance with the time
19 lines and provisions as set forth in California Government Code Section
20 53069.4. Judicial review of an administrative citation shall not be available
21 unless all administrative remedies have been exhausted.

22
23 Section 6. Chapter 9.65 of the Long Beach Municipal Code is amended
24 to read as follows:

25 9.65.010 Legislative findings and statement of purpose.

26 A. Enforcement of the Long Beach Municipal Code throughout
27 the City is an important public service. Code enforcement is vital to the
28 protection of the public's health, safety, welfare, and quality of life. The

1 City Council recognizes that a comprehensive code enforcement system
2 that uses a combination of administrative and judicial remedies helps to
3 gain compliance with code regulations.

4 B. The overburdening of the criminal court system has
5 necessitated the alternative use of an administrative citation program to
6 more effectively adjudicate the majority of nuisance related code
7 violations. An administrative citation program and the establishment of
8 appropriate fines are intended to act as a reasonable deterrent in
9 preventing violations of the Long Beach Municipal Code.

10 C. The City Council hereby finds that there is a need for an
11 alternative method of enforcement of the municipal code in accordance
12 with the city's constitutional police power. The City Council further finds
13 that an appropriate method of enforcement is the imposition of
14 administrative penalties as independently authorized by both California
15 constitution article XI, section 7, and Government Code section 53069.4.

16 D. The procedures established in this chapter shall be in
17 addition to any criminal, civil or other legal remedy established by law for
18 violation of the Municipal Code.

19 E. The City Council hereby finds and determines that
20 enforcement of the Long Beach Municipal Code pursuant to the city's
21 police power is a matter of public health, safety and welfare and serves
22 important public purposes. The City of Long Beach adopts this
23 administrative citation and penalty program in order to achieve the
24 following goals and objectives:

25 1. To protect the public health, safety and welfare of the
26 citizens of the city.

27 2. To gain compliance with the municipal code in a
28 timely and efficient manner.

1 3. To provide for an administrative process to appeal the
2 imposition of administrative citations and fines.

3 4. To provide a method to hold parties responsible when
4 they fail or refuse to comply with the provisions of the Municipal Code.

5 5. To avoid and/or minimize the expense and delay of
6 enforcement in the civil or criminal justice system.

7 F. Use of this Chapter shall be at the sole discretion of the City,
8 subject to Subsection D of this Section.

9 9.65.020 Definitions.

10 A. "Canopy structure" means and includes free standing
11 exterior shade structures that consist of a cover made from canvas, fabric,
12 plastic, rubber, nylon, acetate or other pliable material that is fitted over a
13 freestanding metal frame.

14 B. "Cited party" means a legally responsible person who has
15 been issued an administrative citation.

16 C. "City" means the city of Long Beach.

17 D. "Continuing violation" means any condition or activity in
18 violation of the municipal code that continues beyond the date given in the
19 administrative citation to correct the violation.

20 E. "Correction period" means that period of time in which
21 responsible persons are required to correct or otherwise remedy the
22 violation(s).

23 F. "Enforcement officer" shall mean any officer or employee of
24 the City designated with the authority to enforce the applicable provisions
25 of the Long Beach Municipal Code.

26 G. "Hearing officer" means an individual who has been
27 designated by the City Manager to adjudicate administrative citation
28 appeals.

1 H. "Highway" means a way or place of whatever nature, publicly
2 maintained and open to the use of the public for purposes of vehicular
3 travel. Highway includes street.

4 I. "Inoperative vehicle" shall include:

5 1. Any vehicle, by which any person or property may be
6 propelled, moved, or drawn upon a highway, except a device moved by
7 human power, which is not currently and validly registered for operation or
8 use on the streets and highways in the state as required under the
9 provisions of the California Vehicle Code; or

10 2. Any motor vehicle which currently is incapable of
11 being driven under its own motor power; or

12 3. Any non-motor vehicle which currently is incapable of
13 being moved or drawn.

14 J. "Lot" means an area of land, parcel, or tract, whether
15 improved or unimproved, the boundaries of which have been established
16 in conformance with the state subdivision map act, and which has either
17 been recorded via a final tract map or certificate of compliance on record
18 with the Los Angeles County Recorder.

19 K. "Lot cleaning levy" means all computed expenses incurred
20 by the City in removal of weeds and/or debris, from any lot, and shall
21 consist of processing fees, incidental enforcement costs, including, but not
22 limited to, actual expenses for weeds and/or debris removal charged to
23 the Cited Party.

24 L. "Responsible person" means any individual who is the
25 owner, partial owner, or occupant of real property, last registered owner
26 and/or legal owner of a vehicle, the holder or the agent of the holder of
27 any permit or entitlement, or the party or agent of a party to any
28 agreement covered by this Chapter; or the owner or authorized agent of

1 any business, company, or entity subject to this Chapter, who creates,
2 commits, or maintains a violation subject to the enforcement provisions of
3 this Chapter.

4 M. "Vehicle removal levy" means all computed expenses
5 incurred by the city in the removal of inoperative vehicle(s) from public or
6 private property within the City, and shall consist of processing fees,
7 incidental enforcement costs, including, but not limited to, land and vehicle
8 title search information, and actual expenses incurred for inoperative
9 vehicle removal, impoundment, or disposal.

10 N. "Weeds" and/or "debris" means and includes all bushes,
11 vines, trees, grass, or other vegetation, whether cultivated or
12 uncultivated, and whether dead or growing, and all refuse, trash, and
13 rubbish of any kind or description, or wood, asphalt, concrete or similar
14 materials, tin cans, parts of machinery, implements and automobiles, any
15 of which cause unpleasant or noxious odors, or which are or may become
16 a refuge or breeding place for insect and vermin, or which conceal or are
17 capable of concealing filth and other unsanitary conditions, or which are,
18 or are capable of becoming, a fire or other hazard to the use and
19 occupancy of property, or which obstruct or hinder the use of any public
20 street, sidewalk, alley or way.

21 9.65.030 Weed abatement activity.

22 It shall be the duty of all Responsible Persons to at all times keep
23 lots clean and free from weeds and/or debris.

24 9.65.040 Inoperative vehicle activity.

25 It shall be the duty of Responsible Persons to prevent accumulation
26 and storage of abandoned, wrecked, dismantled, or inoperative vehicles
27 or parts thereof, except for those vehicles or parts thereof exempted
28 pursuant to Long Beach Municipal Code Section 10.46.030.

1 9.65.050 Prohibited canopy structure.

2 Canopy structure as defined in Section 9.65.020(A) may not:

3 A. Be located in residential front or side yard setback areas, or
4 driveway areas used for automobile parking;

5 B. Have a setback of less than four feet (4') from the side and
6 rear property lines;

7 C. Be maintained in a manner that is defective, unsightly or in a
8 condition of deterioration; or

9 D. Be greater than ten feet (10') in height.

10 9.65.060 Issuance of administrative citation.

11 A. Any Responsible Person who violates any provision of this
12 Title and Titles 3, 5, 8, 10, 14, 18 and 21 of the Long Beach Municipal
13 Code may be issued an administrative citation, pursuant to this Chapter,
14 by an Enforcement Officer designated to issue such citations.

15 B. Each and every day a violation exists constitutes a separate
16 and distinct offense.

17 C. A civil fine shall be assessed by means of an administrative
18 citation issued by the Enforcement Officer and shall be payable directly to
19 the City of Long Beach.

20 D. Fines shall be assessed for code violations committed by the
21 same Responsible Person as follows:

22 1. A fine for each initial violation, in an amount
23 established by the City Council by resolution;

24 2. A fine for each instance of a second violation of the
25 same code section within one year from the date of the first violation, in an
26 amount established by the City Council by resolution;

27 3. A fine for each additional violation of the same code
28 section within one year from the date of the first violation, in an amount

1 established by the City Council by resolution;

2 4. A fine for each violation of Municipal Code Section
3 21.41.170 illegal garage conversions, 18.08.050 for dangerous buildings,
4 18.16.150 certificates of occupancy, 18.20.080 failure to comply with Title
5 18, and/or 21.31.245(C) unlawful dwelling units, in an amount established
6 by the City Council by resolution; and

7 5. A fine for each violation of Municipal Code Section
8 21.51.227 relating to illegal automotive work, in an amount established by
9 the City Council by resolution.

10 9.65.070 Service procedures.

11 An administrative citation on a form approved by the City Manager
12 may be served upon any Responsible Person by an Enforcement Officer
13 in the following manner:

14 A. Personal Service. In any case where an administrative
15 citation is issued:

16 1. The Enforcement Officer shall attempt to locate and
17 personally serve the Responsible Person(s) and obtain the signature of
18 the Responsible Person(s) on the administrative citation;

19 2. If the Responsible Person(s) refuses or fails to sign
20 the administrative citation, the failure or refusal to sign shall not affect the
21 validity of the administrative citation or any subsequent proceedings.

22 B. Service of Citation by Posting Notice. If the Enforcement
23 Officer does not succeed in personally serving a responsible person(s):

24 1. The Enforcement Officer shall post the administrative
25 citation or duplicate thereof in a conspicuous place on the lot where the
26 violation(s) exists or has occurred, and such posting shall be deemed
27 effective service;

28 2. Any posted notice shall be photographed on the date

1 of posting by the Enforcement Officer, and a proof of service of the notice
2 shall be made by declaration of the Enforcement Officer effecting the
3 service.

4 C. Service of Citation by Mail. If the Enforcement Officer does
5 not succeed in personally serving a Responsible Person(s), in addition to
6 posting notice:

7 1. The administrative citation or duplicate thereof shall
8 be mailed to the Responsible Person(s) at his or her residence or place of
9 business by depositing the same in the United States mail postage
10 prepaid as first class mail;

11 2. A proof of service of the notice shall be made by
12 declaration of the Enforcement Officer effecting the service.

13 9.65.080 Contents of notice.

14 Each administrative citation shall contain the following information:

15 A. The date of service of the citation and the date, time,
16 address or description of the location where the violation(s) was observed.

17 B. The code section(s) and condition(s) violated and a
18 description of the violation(s).

19 C. An order to the Responsible Person(s) to correct the
20 violation(s) no later than the specified correction date.

21 D. An explanation of the consequences of failure to correct the
22 violation(s) in a timely manner.

23 E. The amount of the fine for the violation(s).

24 F. An explanation of how the fine shall be paid and the fine
25 payment due date.

26 G. Notice of the right to appeal the citation, the time within
27 which the citation may be appealed and the place to obtain a request for
28 hearing form to appeal the administrative citation.

1 H. The name and signature of the Enforcement Officer and, if
2 obtained, the signature(s) of the Responsible Person(s).

3 9.65.090 Satisfaction of administrative citation.

4 Upon service of an administrative citation, the Cited Party shall do
5 the following:

6 A. Remedy the violation(s) no later than thirty (30) days from
7 the date of issuance of the citation as specified on the administrative
8 citation. Correcting the violation(s) shall not excuse or discharge payment
9 of the fine.

10 B. Pay the fine no later than thirty (30) days from the date of
11 issuance of the citation as specified on the administrative citation.
12 Payment of a fine shall not excuse or discharge the failure to correct the
13 violation(s), nor shall it bar further enforcement action by the city. Late
14 charges shall be imposed for fine payments made after the fine payment
15 due date. The late charge shall be calculated at a rate of twenty five
16 percent (25%) of the fine, and will be imposed in addition to any
17 outstanding fine.

18 9.65.100 Appeal of administrative citation.

19 A. Any recipient of an administrative citation may appeal said
20 citation by completing a written request for hearing form, obtained as
21 directed on the citation, and returning it to the department, indicated on
22 the citation, within thirty (30) calendar days from the date the
23 administrative citation is served or deemed to have been served, together
24 with a deposit in the total amount of the fine and any late charges.

25 B. A failure to file a timely appeal of the administrative citation
26 shall be deemed a waiver of the right to appeal and to seek judicial review.

27 9.65.110 Appeal hardship waiver.

28 A. Any person who intends to appeal the administrative citation

1 and who is financially unable to make the advance deposit as required in
2 section 9.65.100 may request an advance deposit hardship waiver by
3 completing a written deposit waiver form obtained as directed on the
4 citation.

5 B. The deposit waiver request form shall be filed together with
6 the appeal in the department indicated on the citation within thirty (30)
7 calendar days from the date the administrative citation is served or
8 deemed to have been served.

9 C. The deposit requirement as described in Subsection
10 9.65.100.A shall be stayed unless or until the Director of the department
11 indicated on the citation, or his/her designee, makes a determination
12 regarding the waiver request.

13 D. The Director of the department indicated on the citation, or
14 his/her designee, may waive the requirement of an advance deposit only if
15 the Cited Party submits to the Director, or his/her designee, a statement
16 under penalty of perjury, together with any supporting documents or
17 materials, demonstrating to the satisfaction of the Director, or his/her
18 designee, the Cited Party's actual financial inability to deposit with the City
19 the full amount of the fine and late charge(s) in advance of the hearing.

20 E. If the Director of the department indicated on the citation, or
21 his/her designee, declines to issue a waiver, the Cited Party shall remit the
22 full deposit to the City within ten (10) calendar days of the date of that
23 decision or thirty (30) calendar days from the date the administrative
24 citation is served or deemed to have been served, whichever is later.

25 F. The Director of the department indicated on the citation, or
26 his/her designee, shall issue a written determination listing the reasons for
27 his/her determination to issue or not issue the hardship waiver. The written
28 determination shall be final.

1 G. The written determination of the Director, or his/her
2 designee, shall be served personally or by first class mail, postage
3 prepaid, upon the Cited Party who applied for the hardship waiver.

4 9.65.120 Hearing procedure.

5 A. No hearing to appeal an administrative citation shall be held
6 unless and until a request for hearing form has been completed and
7 submitted, as indicated on the citation, and the deposit has been paid, or a
8 hardship waiver has been issued.

9 B. A hearing before the Hearing Officer shall be set for a date
10 not sooner than fifteen (15) calendar and not more than sixty (60) calendar
11 days from the date the request for hearing is completed and submitted in
12 accordance with the provisions of this chapter. The Cited Party requesting
13 the hearing shall be notified in writing of the time and place set for the
14 hearing at least ten (10) calendar days prior to the date of the hearing.

15 C. The Hearing Officer shall only consider evidence that is
16 relevant to whether the violation(s) occurred and whether the Cited Party
17 has created, committed, or maintained the violation(s). Courtroom rules of
18 evidence shall not apply. Relevant hearsay evidence and written reports
19 may be admitted whether or not the speaker or author is present to testify,
20 if the Hearing Officer determines that such evidence is reliable. Admission
21 of evidence and the conduct of the hearing shall be controlled by the
22 Hearing Officer in accordance with the fundamentals of due process. The
23 Hearing Officer may set reasonable limits on the length of the hearing, and
24 shall allow the appellant at least as much time to present his/her case as
25 is allowed to the City.

26 D. The Cited Party contesting the administrative citation shall
27 be given the opportunity to testify and present witnesses and evidence
28 concerning the administrative citation. The City's case shall be presented

1 by any person designated by the City Manager. The appellant and City
2 may be represented by counsel.

3 E. The failure of the appellant to appear at the hearing shall
4 constitute a forfeiture of the fine and a failure to exhaust administrative
5 remedies.

6 F. The administrative citation and any additional documents
7 prepared by the City in connection with the violation(s) may be submitted
8 and shall constitute prima facie evidence of the respective facts contained
9 in those documents.

10 G. If the Enforcement Officer or his/her designee submits any
11 additional documents concerning the administrative citation to the Hearing
12 Officer for consideration at the hearing, then, whenever possible, a copy of
13 such document(s) shall be served by mail on the appellant at least five
14 (5) calendar days prior to the date of the hearing.

15 H. The Hearing Officer may continue the hearing or request
16 additional information from the Enforcement Officer, his/her designee or
17 the appellant prior to issuing a written decision.

18 9.65.130 Hearing officer's decision.

19 A. After considering all of the testimony and evidence submitted
20 at the hearing, the Hearing Officer shall issue a written decision within
21 fifteen (15) business days of the hearing. The decision of the Hearing
22 Officer shall be final.

23 B. If the Hearing Officer denies the appeal, then the deposit
24 shall be retained by the City.

25 C. If the Hearing Officer grants the appeal, then the City shall
26 refund the deposit within thirty (30) business days from the date of the
27 final written decision.

28 D. The appellant and City shall each be served with a copy of

1 the Hearing Officer's written decision.

2 9.65.140 Failure to pay fines.

3 A. The failure of the Cited Party to pay a civil fine or late penalty
4 in a timely manner may result in the imposition of a special assessment
5 and/or lien against the real property on which the violation occurred,
6 and/or filing of an action with the small claims court for recovery of the fine
7 and late penalty. The only issue to be adjudicated by the small claims
8 court shall be whether or not the fines and possible late fees were paid. A
9 Cited Party may only obtain judicial review of the validity of the citation by
10 first requesting and participating in an administrative hearing before a
11 Hearing Officer. In the small claims court action, the City may also recover
12 its costs, according to proof.

13 B. The City may also refuse to issue, extend, or renew to any
14 Cited Party who has unpaid delinquent fines, interest, penalties, liens, or
15 assessments, any City permit, license, entitlement, or other City approval
16 pertaining to the lot that is the subject of the fine and administrative
17 citation.

18 C. Any permit, license, entitlement, or land use approval issued
19 by the City may be subject to suspension or revocation of the permit,
20 license, entitlement, or land use approval in accordance with the
21 procedures set forth in this title 9 and titles 3, 5, 6, 8, 10, 14, 18 and 21 of
22 the Long Beach Municipal Code if any unpaid fine, interest or penalties
23 remain delinquent for a period of more than thirty (30) days.

24 9.65.150 Failure to remedy weed abatement activity.

25 In the event a Responsible Person(s) is cited for violation of weed
26 abatement, pursuant to section 9.65.030 of this chapter, and fails to
27 correct the violation within the specified correction period, and also fails to
28 file a timely appeal of the administrative citation as set forth in Section

1 9.65.100 of this Chapter, in addition to fine(s), late charges, and
2 consequences resulting from failure to pay fines as defined in this chapter,
3 a lot cleaning levy shall also be imposed. A lot cleaning levy payment
4 notice shall be served upon the Cited Party in the same manner as
5 provided for service of the administrative citation set forth in Section
6 9.65.070 of this Chapter.

7 9.65.160 Failure to remedy inoperative vehicle activity.

8 In the event a Responsible Person(s) is cited for violation of
9 Inoperative Vehicles pursuant to Section 9.65.040 of this Chapter, and
10 fails to correct the violation within the specified period and also fails to file
11 a timely appeal of the administrative citation as set forth in Section
12 9.65.100 of this Chapter, in addition to fine(s), late charges, and
13 consequences resulting from failure to pay fines as defined in this
14 Chapter, a Vehicle Removal Levy shall also be imposed. A Vehicle
15 Removal Levy payment notice shall be served upon the Cited Party in the
16 same manner as provided for service of the administrative citation set
17 forth in Section 9.65.070 of this Chapter.

18 9.65.170 Appeal of lot cleaning and inoperative vehicle levy.

19 A. Any recipient of Lot Cleaning or Inoperative Vehicle Levy
20 payment notice may appeal the reasonableness of the computed charges
21 by completing a levy hearing request form and returning it to the
22 department indicated on the administrative levy notice within fifteen (15)
23 calendar days from the date the levy notice was served, together with a
24 deposit in the total amount of the administrative citation fine, late charges,
25 and levy.

26 B. A hearing on the appeal shall be set for a date that is not
27 sooner than fifteen (15) calendar and not more than sixty (60) calendar
28 days from the date that the request for hearing is completed and

1 submitted in accordance with the provisions of this Chapter. The person
2 requesting the hearing shall be notified in writing of the time and place set
3 for the hearing at least ten (10) calendar days prior to the date of the
4 hearing.

5 C. The Hearing Officer shall only consider evidence that is
6 relevant to whether the costs used to compute the levy are reasonably
7 related to abatement costs incurred by the City. Courtroom rules of
8 evidence shall not apply. Relevant hearsay evidence and written reports
9 may be admitted whether or not the speaker or author is present to testify
10 if the Hearing Officer determines that such evidence is reliable. Admission
11 of evidence and the conduct of the hearing shall be controlled by the
12 Hearing Officer in accordance with the fundamentals of due process. The
13 Hearing Officer may set reasonable limits on the length of the hearing, and
14 shall allow the appellant at least as much time to present its case as is
15 allowed the City.

16 D. The Cited Party contesting the reasonableness of the levy
17 shall be given the opportunity to testify and present witnesses and
18 evidence concerning the computed cost. The appellant and City may be
19 represented by counsel.

20 E. The administrative citation and any additional documents
21 prepared by the City in connection with the levy may be submitted and
22 shall constitute prima facie evidence of the respective facts contained in
23 those documents.

24 F. In the event additional documents concerning the levy are
25 provided to the Hearing Officer for consideration, whenever possible, a
26 copy of such document(s) shall be served by mail on the appellant at least
27 five (5) calendar days prior to the date of the hearing.

28 G. The Hearing Officer may continue the hearing or request

1 additional information from the City or the appellant prior to issuing a
2 written decision.

3 H. After considering all of the testimony and evidence submitted
4 at the hearing, the Hearing Officer shall issue a written decision within
5 fifteen (15) business days of the hearing.

6 I. The appellant and the City shall each be served by mail with
7 a copy of the Hearing Officer's written decision.

8 J. If the Hearing Officer determines that the levy was properly
9 computed, and should be upheld as reasonable, then the entire deposit
10 with the City shall be retained by the City.

11 K. In the event the Hearing Officer determines the levy, or any
12 portion thereof, to be unreasonable, then that amount shall be refunded
13 within fifteen (15) business days of the date of the written determination.

14 L. The failure of the appellant to appear at the hearing shall
15 constitute a forfeiture of the entire deposit and a failure to exhaust
16 administrative remedies.

17 M. A failure to file a timely appeal shall be deemed a waiver of
18 the right to appeal the levy.

19 9.65.180 Dismissal of citation.

20 The Enforcement Officer, with the approval of the Director from the
21 department indicated on the citation, or his/her designee, may dismiss an
22 administrative citation at any time if it is determined to have been issued in
23 error, in which event any deposit will be refunded.

24 9.65.190 Right to judicial review.

25 A. Either the City or the appellant aggrieved by a decision of a
26 Hearing Officer on an administrative citation or levy, may obtain review of
27 the decision by filing a petition for review with the Los Angeles superior
28 court in accordance with the time lines and provisions as set forth in

1 California Government Code section 53069.4(b). Said procedure shall be
2 available for all judicial review under this chapter, notwithstanding that the
3 term or condition being enforced pursuant to this chapter may not be a
4 matter covered by section 53069.4(a). Judicial review of a citation shall
5 not be available unless all administrative remedies have been exhausted
6 as provided in this Chapter.

7 B. Failure to receive any notice specified in this chapter does
8 not affect the validity of proceedings conducted hereunder.

9 9.65.200 Recovery of code enforcement abatement costs.

10 The administrative citation process described in this chapter does
11 not preclude the City from recovering any other code violation or nuisance
12 abatement costs incurred by the City in performing its code enforcement
13 efforts.

14
15 Section 7. The City Clerk shall certify to the passage of this Ordinance
16 by the City Council and cause it to be posted in three conspicuous places in the City of
17 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
18 Mayor.

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I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2009, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664