

ORDINANCE NO. 3234

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
TITLE 6, ANIMALS, OF THE MUNICIPAL CODE AND
ADDING NEW SECTIONS 6.30.040 PET HOUSING
REQUIREMENTS FOR PET SELLERS, AND 6.33.030 STAFF
ASSISTANCE

WHEREAS, the City of Chula Vista Animal Care Facility (CVACF) is responsible for animal care and animal control services in the City of Chula Vista; and

WHEREAS, on February 28, 2012, the Chula Vista City Council approved substantial updates to Title 6, Animals, to improve the save rate of impounded cats and dogs and to update this portion of the Municipal Code; and

WHEREAS, at the direction of the City Council, staff continued work on re-defining a cattery, clarifying a reference to wild birds, and developing pet housing requirements for pet sellers; and

WHEREAS, staff worked on these three topics with stakeholders involved in the February 28, 2012 ordinance update; and

WHEREAS, a working draft of the proposed amendments was provided to stakeholders for review and comment by phone, email or discussion at a meeting held on August 23, 2012; and

WHEREAS, at a special meeting on September 11, 2012, the City Council of the City of Chula Vista discussed the proposed amendments, considered staff's report and correspondence from the American Kennel Club, and approved the proposed amendments with minor changes, which are reflected herein.

NOW, THEREFORE, BE IT RESOLVED with the above-recitations incorporated herein, the City Council of the City of Chula Vista does ordain as follows:

Section I. That Chula Vista Municipal Code Section 6.01.010 is amended to read as follows:

J. "Cattery" means a place kept for the purpose of the boarding, breeding, raising, selling or exchanging of cats and which keeps or maintains eleven (11) or more cats at least six (6) months of age or older; and

Secondly, that Chula Vista Municipal Code Section 6.04.070 is amended to read as follows:

6.04.070 Wild animals prohibited – Hawks and falcons excepted when – Other exceptions.

No person shall possess or maintain within the jurisdiction of the ordinance codified in this section any animal which is not normally domesticated in the United States, including, but not limited to, any lion, tiger, bear, nonhuman primate (monkey, chimpanzee, etc.), wolf, cougar, ocelot, wildcat, skunk, venomous reptile, ratites including ostriches, emus and rheas, rodents attaining an adult weight of over 10 pounds, or any crocodylian (order Crocodylia), irrespective of its actual or asserted state of docility, tameness or domesticity. Such an animal shall be referred to as a "wild animal." In addition, the owner of any boa or python species (family Boidae) attaining an adult weight of over 15 pounds or an overall length of over three and one-half feet, and the owner of any monitor lizard species (family Varanidae) that attains an adult weight of over 10 pounds or an adult overall length over three feet, shall keep these animals in cages or enclosures of such size and construction as to preclude the possibility of escape and at the same time permit the animals reasonable freedom of movement. If these animals are maintained in such a manner, and the owner complies with all federal, state and local laws or regulations affecting such animals, it will not be considered a "wild animal" subject to this section. However, any failure to maintain a boa, python or monitor lizard species in the above manner could subject the owner to a dangerous animal abatement proceeding as authorized by this chapter.

The sale, possession for sale, importation or breeding of a wild animal is absolutely prohibited. This section does not apply to birds, small rodents or nonvenomous reptiles commonly used for educational or experimental purposes or for pets.

This section shall not apply to legally operated zoos or circuses or to recognized institutions of learning or scientific research unless the City Manager or his or her designee gives 48 hours' advance notice that, by reason of inadequate caging or other means of protection of the public from such animals, or by the ineffectiveness of sanitation measures, or by a particular hazard connected with the animal or animals involved, the public health and welfare will be endangered. It is further provided that certain raptorial birds or birds of prey, such as hawks and falcons, may be maintained in the City by licensed falconers, who may acquire a qualified ownership of such birds of prey for the practice of falconry by complying with Fish and Game Commission rules and regulations.

Next, that Section 6.30.40 is added to Chapter 6.30, Animal Sales:

Chapter 6.30.040 Pet housing requirements for pet sellers.

Pet sellers who house dogs and cats in the City of Chula Vista must comply with the following:

A. The facility shall have adequate quantities of food and supplies, adequate refrigeration to protect perishable food, and adequate storage facilities to keep food and supplies dry, clean and uncontaminated; and

B. The operator shall maintain the entire facility in a clean and sanitary condition at all times; and

C. The operator shall provide each animal housed in the facility with food that is uncontaminated, wholesome and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. The food shall be provided in clean and sanitary receptacles and accessible to each animal and located to minimize contamination by excreta; and

D. The operator shall provide each animal with potable water in clean and sanitary receptacles available to the animal at all times, unless a licensed veterinarian has restricted an animal's water intake. The water receptacle shall be such that it cannot be tipped over; and

E. The facility shall protect each animal housed in the facility from the elements, including sun, heat, cold, wind, dampness, rain and snow and shall maintain environmental conditions for each animal that are appropriate for that animal; and

F. The facility shall provide adequate fresh air ventilation for the health and comfort of each animal in a manner that minimizes drafts, odors and moisture condensation; and

G. The operator shall provide a receptacle for cats containing sufficient clean litter in an enclosure to contain excreta based upon the number of cats in the enclosure; and

H. Any primary enclosure or kennel house of the facility shall meet the minimum space requirements in Table 6.08.103; and

I. Animals will be vaccinated with core vaccines as recommended by their veterinarian and vaccination records shall be kept; and

J. All animals shall be microchipped prior to delivery to the buyer; and

K. Pet seller facilities are subject to inspection by City staff at the direction of the City of Chula Vista Animal Care Facility Manager based on complaints.

Lastly, that Section 6.33.030 is added to Chapter 6.33, Generally:

Chapter 6.33.030 Staff Assistance

Should a question or dispute arise over interpretation and/or application of any provision or clause of this title, the question or dispute may be brought to the Animal Care Facility Manager and/or the City Manager for discussion and resolution.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by



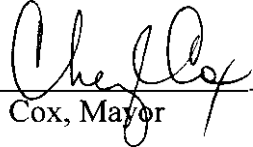
Scott Tulloch
Assistant City Manager



Glen R. Coogins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of September 2012, by the following vote:

- | | | |
|---------|-----------------|--------------------------------------|
| AYES: | Councilmembers: | Aguilar, Bensoussan, Ramirez and Cox |
| NAYS: | Councilmembers: | Castaneda |
| ABSENT: | Councilmembers: | None |



Cheryl Cox, Mayor

ATTEST:



Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3234 had its first reading at a special meeting held on the 11th day of September 2012 and its second reading and adoption at a regular meeting of said City Council held on the 25th day of September 2012; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

10/4/2012
Dated



Donna R. Norris, CMC, City Clerk