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1 **GENERAL PROVISIONS**

2 **§ 9.01.005 PENALTIES FOR VIOLATION OF CHAPTER.**

3 A. Any person who violates or fails to comply with any provision of this
4 Chapter shall be guilty of an infraction, which shall be punishable by a fine, only, as
5 set forth in Section 1.01.045 of this Code, except where otherwise expressly
6 provided in this Chapter that a violation may be charged as a misdemeanor.

7 B. Any violation which would otherwise be an infraction is a misdemeanor
8 if a defendant has been convicted of three or more violations of this Chapter within
9 the 12-month period immediately preceding the violation and such prior convictions
10 are admitted by the defendant or alleged in the accusatory pleading. For this
11 purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

12 **§ 9.01.010 DEFINITIONS.**

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

16 **ANIMAL SERVICES OFFICER.** The field officer(s) responsible for
17 enforcement of City municipal codes, County ordinances and state Laws, governing
18 the care and keeping of domestic and non-domesticated animals in the City of
19 Culver City.

20 **CAT.** A feline of any age or gender.

21 **DOG.** A canine of any age or gender.

22 **DOMESTIC ANIMAL.** Any horse, pony, mule, jack, jenny, cow, bull, calf,
23 heifer, sheep, goat, swine, rabbit, as well as any livestock and any other
24 domesticated animal other than a household pet.

25 **HOUSEHOLD PET.** Any cat, dog, canary, parrot and any other animal and
26 bird usually and ordinarily kept as a household pet, excluding any animal, fowl or
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1 reptile prohibited by California Fish and Wildlife per California Code of Regulations
2 Title 14 Section 671.

3 **PERSON.** Any natural person, individual or corporation, limited liability
4 company, partnership, association or other group or combination of individuals
5 and/or groups acting as an entity.

6 **POLICE CHIEF.** The Culver City Chief of Police or designee.

7 **POULTRY and DOMESTIC FOWL.** Any pigeon, chicken, duck, goose, turkey
8 and all other domesticated fowl other than a household pet.

9 **UNLICENSED DOG.** Any dog over four months of age for which the license
10 for the current year has not been paid, or to which the tag for the current year
11 provided for in this Chapter is not attached.

12
13 **§ 9.01.015 ANIMALS OTHER THAN HOUSEHOLD PETS; PERMIT**
14 **REQUIRED; BUSINESS EXCLUSION.**

15 A. It shall be unlawful for any person to keep or maintain, or have in
16 possession or under control, any animals, fowl or reptiles, other than household
17 pets, in the City, without having applied for and received a permit as hereinafter
18 provided, which permit shall be revocable at any time it is made to appear to the
19 Culver City Animal Services Officer that the keeping of such animals, fowl or reptiles
20 is, or may become, detrimental to the public health, safety, and/or general welfare.

21 B. 1. Each duly licensed pet or animal shop, establishment or business
22 shall be excluded from Subsection A of this Section except to the extent that any
23 such business shall be required annually to obtain and maintain in force a single
24 permit for the keeping of animals, fowls, or reptiles, other than household pets. Such
25 permit shall be issued by the County of Los Angeles under Title 10 of the Los
26 Angeles County Code. This provision shall not be construed to apply to any person,

1 corporation or business entity other than those legally engaged in the purchase and
2 sale of animals, fowl or reptiles to the general public.

3
4 **§ 9.01.020 PERMIT FOR DOGS AND CATS.**

5 A. Notwithstanding any other provision of this Chapter, no person shall
6 keep or permit to be kept on any or in any lot, building, structure or premises more
7 than three dogs over the age of four months or more than three cats over the age of
8 four months, without first having applied for and received a permit as provided
9 herein.

10 B. For purposes of this section, a service dog as defined in Titles II and III
11 of the Americans with Disabilities Act (ADA) and serving a person who is disabled
12 within the meaning of the ADA or Government Code Section 12926 is not counted
13 toward the number of dogs kept or maintained.

14
15 **§ 9.01.025 APPLICATION FOR PERMIT; APPEAL UPON DENIAL.**

16 A. *Application for permit.*

17 1. All applications for permits to keep animals, fowl or reptiles shall be filed
18 with the City Clerk, shall be accompanied by a fee of Fifty Dollars (\$50.00) and shall
19 state the number and kind of animals, fowl or reptiles as well as such other
20 information required by the Animal Services Division. Signatures of at least one
21 adult resident of each dwelling or apartment unit within a radius of 200 feet,
22 indicating approval or disapproval, shall be appended to such applications. Upon
23 receipt of a complete application, the Animal Services Officer shall conduct an
24 investigation and complete a report.

25 2. Upon completion of any investigation, the Animal Services Division shall
26 cause notices to be posted within a radius of 200 feet from the address wherein said
27 animals, fowl or reptiles are proposed to be kept, and not more than 50 feet apart.

1 Permit will be granted providing no written objections are filed within 10 days of
2 posting, unless the City's Animal Services Division finds that denial of the permit is
3 in the interest of the public's health, safety and welfare. Written notice of denial of a
4 permit shall be provided to the applicant.

5 B. *Appeal to Police Chief.* In the event of the denial of an application, the
6 applicant may appeal to the Police Chief by filing with the City Clerk a written
7 request for review within 10 days from receipt of a notice of denial. Upon receipt of a
8 timely request for review, the Chief of Police shall review the written grounds for
9 appeal and the City's own records of the circumstances of the denial of the permit.
10 The Chief of Police may uphold the denial of the permit, or grant such permit, if he
11 or she determines that the denial is not warranted under a totality of the
12 circumstances and that the keeping of the animal is not detrimental to the health,
13 safety and welfare of the community. Such determination shall be made within 30
14 days from the date of the filing of the appeal. A written notice of the decision shall
15 be sent by first class mail to the appellant within 10 days of the date of the decision.
16 The action of the Chief of Police under this section shall be final and conclusive.

17
18 **§9.01.030 ANIMAL EXPERIMENTATION PROHIBITED.**

19 Nothing in this Chapter shall be construed to permit the transfer, disposal or
20 otherwise surrendering of any live animal obtained from within the City to any
21 research institution, person or other agency for experimentation, whether medical in
22 nature or otherwise. It shall be unlawful for any person having the care, custody or
23 possession of such animal to willfully permit the violation of this Section.

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25
26 **§ 9.01.035 ANIMALS AND FOWL IN OR NEAR CERTAIN**
27 **ESTABLISHMENTS PROHIBITED.**

1 It shall be unlawful for any person to keep or maintain any rabbits, fowl, or
2 birds (other than canaries, parrots or similar species), within 35 feet of any food
3 establishment, school, church, hospital or any residence or dwelling house,
4 apartment or hotel, or other building or structure occupied for any purpose by
5 human beings. Nor shall any animal or fowl be kept in any sandwich packing or box
6 lunch establishment, bakery, restaurant or lunch stand or within 35 feet of any door,
7 window, ventilator or air shaft of such places, except as otherwise provided by state
8 or local law.

9
10 **§ 9.01.040 BEE KEEPING; PERMIT REQUIRED.**

11 It shall be unlawful for any person to keep bees, or an apiary, unless a permit
12 has been obtained from the Animal Services Division as set forth in Section
13 9.01.025 herein. Nothing shall be construed herein to prohibit the keeping of bees in
14 a hive or box located within a school house for the purpose of study or observation.

15
16 **§ 9.01.045 RIDING OR DRIVING OF HORSES OR OTHER ANIMALS**
17 **UPON PUBLIC STREETS; EXCEPTIONS.**

18 A. No person shall use the public streets, alleys, or other public places of
19 the City, or any portion thereof, as a bridle or equestrian path, or shall ride or cause
20 to be driven any horse thereon, or shall drive any loose cattle, horses, mules, sheep,
21 goats or swine, in, upon, or along any such streets, alleys or public places, except
22 for the Police Department, on duty law enforcement or other public safety personnel.

23 B. The Chief of Police may designate, by legible signs, street crossings and
24 other locations over which horses may be ridden to allow ingress or egress to and
25 from bridle paths. He may also issue temporary permits for the purpose of
26 transporting horses, cattle, or other animals, from one location to another inside or

1 outside the boundaries of the City, such permit to designate streets to be utilized
2 with least danger or inconvenience to the public.

3 C. It shall be unlawful for any person to conduct or manage any riding
4 academy business, unless a permit has been obtained in the manner required for
5 the obtaining of permits from the City generally.

6
7 **§ 9.01.050 INCONSISTENCIES WITH LOS ANGELES COUNTY CODE**
8 **TITLE 10.**

9 In the event of inconsistencies between this Chapter 9.01 and the adopted
10 provisions of Los Angeles County Code Title 10 (Animals), the provisions in this
11 Chapter 9.01 shall prevail.

12
13 **DOGS**

14 **§ 9.01.300 LICENSE REQUIRED.**

15 It shall be unlawful for any person to have, harbor, keep, to permit to be
16 harbored or kept, any unlicensed dog in the City, over the age of four months.

17
18 **§ 9.01.305 LICENSE FEE; EXEMPTIONS.**

19 A. *License fee.* There shall be an annual dog license fee. The amount, time
20 of payment, prorating schedule, if any, and penalty for late payment, if any, of said
21 fee shall be established by resolution of the City Council.

22 B. *Exemptions.* The license fees established by Subsection A. of this
23 Section shall not apply to any individual who qualifies for an exemption as
24 established by resolution of the City Council.

25
26 **§ 9.01.310 DEFINITION OF OWNER UNDER DOG LICENSING**
27 **REGULATIONS.**

1 Any person keeping or harboring any dog for 15 consecutive days shall be
2 deemed to be the owner thereof within the meaning of this Chapter.

3
4 **§ 9.01.315 TRANSIENT DOGS EXEMPTED.**

5 The license provisions of this Chapter shall not apply to the following:

6 A. Any dog found within the City when the owner thereof resides in any
7 other municipality within the County or within the unincorporated area of the County
8 and such dog is wearing or has attached to it a license tag for the current year
9 issued by such municipality or County.

10 B. Any dog owned by or in charge of any person who is a non-resident of
11 the City and is traveling through the City or temporarily sojourning therein for a
12 period of not exceeding 30 days.

13 C. Any dog brought into the City and kept therein for not to exceed 30 days
14 for the exclusive purpose of entering the same in any bench show or dog exhibition
15 or field trials or competition.

16 D. Any dog brought or sent into the City from any point outside thereof for
17 the exclusive purpose of receiving veterinary care in any dog hospital, in the event
18 that such dog is kept at all times strictly confined within such hospital.

19
20 **§ 9.01.320 LICENSE TAGS.**

21 A. *Manner of affixing.* The numbered license tag marked with "Culver City
22 Animal License" required hereunder shall be securely affixed to a collar, harness, or
23 other device which shall at all times be worn by each dog except while such dog
24 remains indoors or in any enclosed yard or pen.

25 B. *Duplicate tags.* In the event any license tag for a dog is lost or destroyed,
26 a duplicate thereof may be procured from the agency designated by the City upon
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1 the submission to such agency of such proof as he may require and upon the
2 payment therefor of the fee as set forth by resolution of the City Council.

3 C. *Counterfeit tags prohibited.* It shall be unlawful for any person to attach
4 to any dog a counterfeit or fraudulent tag in lieu of the tag required and issued under
5 the provisions of this Chapter.

6
7 **§ 9.01.325 FAILURE TO PRODUCE ANIMAL OR DOCUMENTS.**

8 It shall be unlawful or any person to fail or refuse to exhibit any dog,
9 certificate, license or tag when requested so to do by the person authorized to
10 enforce the provisions of this Chapter, in the event that the same are possessed by
11 such person.

12
13 **§ 9.01.330 DOGS CONFINED ON PRIVATE PREMISES.**

14 No person owning or having charge, care, custody or control of any dog shall
15 cause, permit or allow the same to be loose on private premises, except if such
16 premises are enclosed in such a manner as to adequately confine said dog. Electric
17 invisible fences and/or verbal command control are not sufficient to meet the
18 provisions of this Section.

19
20 **§ 9.01.335 DOGS RUNNING AT LARGE; PROHIBITION.**

21 It shall be unlawful for any person owning or having charge, care, custody or
22 control of a dog in the City to cause, permit or allow the same to be or to run at large
23 upon any highway, street, lane, alley, sidewalk, median, parkway, court or other
24 public place, or upon any private property or premises other than those of the
25 person owning or having charge, care, custody or control of such dog, unless that
26 dog be restrained by a substantial chain or leash not exceeding six feet in length,
27 and is in the control of a competent person.

1
2 **CATS**

3 **§ 9.01.400 LICENSE VOLUNTARY.**

4 Every person owning or having custody or control of any cat over the age of
5 four months in the City may obtain, on a voluntary basis, a City license for each of
6 such cats. If such license is obtained, all required license fees shall be paid as set
7 forth in § 9.01.405 of this Subchapter. The numbered license tag will be marked with
8 "Culver City Animal License."
9

10 **§ 9.01.405 LICENSE FEE; TERM.**

11 A. *License fee.* There shall be a voluntary annual cat license fee. The
12 amount, time of payment, prorating schedule, if any, and penalty for late payment, if
13 any, of said fee shall be established by resolution of the City Council.

14 B. *Term.* Every license and tag issued pursuant to this Subchapter shall be
15 for the period of 12 months, beginning on the first day of the month in which the
16 animal is licensed, and continuing until the last day of the month 12 months
17 thereafter.
18

19 **§ 9.01.410 DEFINITION OF OWNER UNDER CAT LICENSING**
20 **REGULATIONS.**

21 Any person keeping or harboring any cat for 15 consecutive days shall be
22 deemed to be the owner thereof within the meaning of this Chapter.
23

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25
26 **ADOPTION BY REFERENCE OF TITLE 10**
27 **OF THE LOS ANGELES COUNTY CODE-"ANIMALS"**
28

1 **§ 9.01.500 ADOPTION OF LOS ANGELES COUNTY CODE TITLE 10.**

2 A. The City of Culver City hereby adopts by reference Divisions 1, 2 and
3 3 of Title 10 of the Los Angeles County Code, "Animals," encompassing Sections
4 10.04.010 through 10.90.010, inclusive, dated October 6, 2016, with certain
5 amendments, additions, deletions and exceptions The provisions of the Los Angeles
6 County Code Title 10, as indicated above, shall be applicable in the City and
7 referred to, together with this Chapter 9.01, as the "Animal Ordinance of the City of
8 Culver City."

9 B. A copy of the Los Angeles County Code, Title 10 shall be available for
10 public inspection in the City Clerk's office and in the Animal Services Division of the
11 Culver City Police Department.

12
13 **§ 9.01.505 AMENDMENTS TO TITLE 10 OF THE LOS ANGELES**
14 **COUNTY CODE**

15 The Los Angeles County Code Title 10 is hereby amended as follows:

16 A. § 10.08.100 "Department" is hereby amended to mean the County of
17 Los Angeles Department of Animal Care and Control, or where applicable, the
18 Culver City Police Department, Division of Animal Services.

19 B. § 10.08.110 "Director" is hereby amended to mean the Director of the
20 Department of Animal Care and Control, or, where applicable, the Culver City
21 Animal Services Officer.

22 C. § 10.20.010 is hereby deleted.

23 D. § 10.20.030 is hereby deleted.

24 E. § 10.20.038 is hereby deleted.

25 F. § 10.20.045 is hereby deleted.

26 G. § 10.20.050 is hereby deleted.

27 H. § 10.20.185 is hereby amended to read as follows:
28

1 *Microchipping of dogs required.* A dog four months or older must be
2 implanted with an identifying microchip. The owner or custodian is required to
3 provide the microchip number to the City and to the applicable national microchip
4 registry of a change of ownership of the dog, or the owner's change of address or
5 telephone number.

6 I. § 10.20.190 is hereby deleted.

7 J. § 10.20.220 is hereby amended to read as follows:

8 *Vaccination Requirements.* A person keeping or harboring a dog over
9 four months of age in the City must have the dog vaccinated against rabies by a
10 licensed veterinarian on or before 15 days after the dog turns four months old.

11 K. § 10.20.350 is hereby amended to read as follows:

12 *Mandatory Spaying or Neutering of Dogs.*

13 1. A person may not own, keep, or harbor a dog four months or
14 older in violation of this section. An owner or custodian of an unaltered dog must
15 meet one of the criteria set forth in Section 10.20.355 (Unaltered Dog License
16 Requirements) and pay the fee established by City Council resolution.

17 2. The owner or custodian of a dog that cannot be spayed or
18 neutered without a likelihood of serious bodily harm or death due to age or illness
19 must obtain written confirmation from a licensed veterinarian. The confirmation must
20 also state when the dog may be safely spayed or neutered. If the dog cannot be
21 spayed or neutered within 30 days of the issuance of the written confirmation of a
22 likelihood of serious bodily harm or death, the owner or custodian must apply for an
23 unaltered dog or cat license.

24 L. § 10.20.357 is hereby deleted.

25 M. § 10.32.010 is hereby deleted.

26 ***DECLAWING OF ANIMALS***

1 **§ 9.01.600 ONYCHECTOMY (DECLAWING) AND FLEXOR**
2 **TENDONECTOMY PROHIBITED.**

3 A. No person, licensed medical professional or otherwise, shall perform or
4 cause to be performed an onychectomy (declawing) or flexor tendonectomy
5 procedure by any means on any animal within the City, except when necessary for a
6 therapeutic purpose. **THERAPEUTIC PURPOSE** means the necessity to address
7 the medical condition of the animal, such as an existing or recurring illness,
8 infection, disease, injury or abnormal condition in the claw that compromises the
9 animal's health. **THERAPEUTIC PURPOSE** does not include cosmetic or aesthetic
10 reasons or reasons of convenience in keeping or handling the animal. In the event
11 that an onychectomy or flexor tendonectomy procedure is performed on any animal
12 within the City in violation of this Section, each of the following persons shall be
13 guilty of a violation of this Section:

- 14 1. The person or persons performing the procedure;
- 15 2. All persons assisting in the physical performance of the procedure;
- 16 and
- 17 3. The animal guardian that ordered or requested the procedure.

18 B. Any violation of this Section shall constitute a misdemeanor. However,
19 at the discretion of the City Attorney, any violation may be prosecuted as an
20 infraction.

21
22 **ABATEMENT OF ANIMAL PUBLIC NUISANCES**

23 **§ 9.01.700 PURPOSE.**

24 The disturbance caused by excessive, unrelenting or habitual noise of any
25 animal is disruptive of the public's peace and tranquility and represents an unwanted
26 invasion of privacy of the residents of the City and a public nuisance. It is declared
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1 to be in the public interest to promote the health and welfare of the residents of the
2 City by providing an administrative proceeding for the abatement of such nuisances.

3
4 **§ 9.01.705 DEFINITIONS.**

5 For the purpose of this Sub-chapter, the following words and phrases shall
6 have the meanings given herein:

7 ***"Administrative Hearing Officer"*** means that person or designee who is
8 authorized by the City Manager to hear testimony from witnesses including
9 complainants, peace officers, Animal Services Officers or other parties including the
10 owner or person having charge, custody or control of the animal allegedly causing
11 the nuisance, to determine whether the maintenance of the animal is a public
12 nuisance and to order the abatement of such nuisance by taking such actions as set
13 forth in this Chapter.

14 ***"Complaining Party"*** means that person or those persons who contact the
15 Culver City Animal Services Division to report a noisy animal or noisy animals.

16 ***"Declarant"*** means that person or those persons who contact the Culver City
17 Animal Services Division to report a noisy animal or noisy animals and complete the
18 Declaration of Animal Public Nuisance Form.

19 ***"Noisy animal"*** means any animal or animals maintained on the same
20 premises or location whose excessive, unrelenting or habitual barking, howling,
21 crying, whining or making other sounds common to their species annoy or become
22 offensive to a resident or residents in the vicinity thereby, disturbing the peace of the
23 neighborhood or causing excessive discomfort to any reasonable person of normal
24 sensitivity hearing such sounds.

25 ***"Responsible Party"*** means that person or those persons in charge of the
26 premises or location where any noisy animal is located and may include any of the
27 following:

1 1. The person or persons who own the property where the noisy
2 animal is located;

3 2. The person or persons in charge of the premises where the
4 noisy animal is located;

5 3. The person or persons occupying the premises where the noisy
6 animal is located;

7 4. The owner of the noisy animal.

8 If any of those persons are minors, the parent or parents or a guardian of
9 such minor shall be the responsible party.

10
11 **§ 9.01.710 UNLAWFUL TO KEEP A NUISANCE ANIMAL.**

12 A. It is unlawful and a public nuisance for any person owning, keeping,
13 harboring or having in his or her care, custody or control any animal, to cause or
14 suffer, or permit to be made or caused by such animal, barking, howling, crying or
15 making of any noises or other sounds common to their species, so as to annoy and
16 become offensive to a resident or residents in the vicinity in which the animal is kept,
17 thereby disturbing the peace of the neighborhood or causing excessive discomfort to
18 any reasonable person of normal sensitivity residing in the area, unless such noise
19 or sound is made by an official police dog while on duty.

20 B. If, in violation of the provisions of this Subchapter, any person who
21 owns, maintains, harbors, keeps or has any animal which persistently emits any
22 noises or sounds in such manner as to annoy and become offensive to a resident or
23 residents in the vicinity in which the animal is kept, the maintenance of such animal
24 may be declared a public nuisance by the Animal Services Division by written notice
25 to the owner or person in charge, custody or control of the animal. If after the
26 issuance of such notice, the person owning, keeping, harboring or having in such
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1 person's care or custody any animal has not abated the noise, such person shall be
2 subject to enforcement of the provisions of this Code.

3 C. It is unlawful for the responsible party, after being informed in writing
4 that such person's animal has been declared a noisy animal and that the
5 maintenance of a noisy animal is a public nuisance, to fail, refuse or neglect to take
6 whatever steps or use whatever means are necessary to assure that such animal
7 does not again disturb residents in the vicinity in which the animal is kept.

8
9 **§ 9.01.715 INVESTIGATION BY CULVER CITY ANIMAL SERVICES.**

10 A. When an Animal Services Officer is notified or alerted of a possible
11 animal which may constitute a nuisance and has personally confirmed the existence
12 of a potential nuisance, or has received a written complaint under penalty of perjury
13 of such noisy animal signed by the complaining party, the Animal Services Officer
14 shall issue an Initial Warning - Animal Nuisance Complaint Notice to the responsible
15 party. Such notice shall specify that the continued barking, howling or other noise or
16 sounds of such animal is in violation of this Code and that the animal noise must be
17 abated forthwith to avoid further enforcement action. Such notice shall be served
18 upon the responsible party or, if such service cannot be safely made, posted at the
19 premises upon which the animal is located. A copy of the Initial Warning Animal
20 Nuisance Complaint Notice shall be filed with the Culver City Animal Services
21 Division. The Culver City Animal Services Officer shall, within 10 days of the
22 issuance of said warning notice, make a reasonable attempt to speak personally or
23 by telephone with the responsible party concerning the matter, including what efforts
24 have been made to abate the nuisance. If no one is available at the time of the visit,
25 a warning notice and educational materials will be issued. The responsible party will
26 be granted a 10-day period to resolve the issue.

1 B. If within 10 days of the issuance of the Initial Warning Animal
2 Nuisance Complaint Notice, the Culver City Animal Services Division determines
3 that the barking, howling or other sound or cry was provoked or that such barking,
4 howling or other sound or cry was not excessive, unrelenting or habitual, the Culver
5 City Animal Services Division shall cause the Initial Warning Animal Nuisance
6 Complaint Notice to be voided.

7 C. The original nuisance animal complaint will remain on file and active
8 for 30 days after the initial 10 day correction period. If a second complaint is not
9 received from the original complainant in 30 days, the complaint shall expire and the
10 complainant must begin the process again if another allegation of nuisance is made
11 regarding the same animal.

12
13 **§ 9.01.720 DECLARATIONS TO BE FILED.**

14 A. When the Culver City Animal Services Division receives a subsequent
15 verbal or written complaint concerning a noisy animal at the same location within 30
16 days after the issuance of an Initial Warning Animal Nuisance Complaint Notice, the
17 Culver City Animal Services Division shall determine whether the Initial Warning
18 Animal Nuisance Complaint Notice went unheeded. If the determination is made the
19 noise was not abated, the Culver City Animal Services Division will give or send a
20 Declaration of Animal Public Nuisance and Petition for an Administrative Hearing to
21 the complaining party for completion.

22 B. The Declaration of Animal Public Nuisance and Petition for an
23 Administrative Hearing shall be completed under penalty of perjury by the
24 complaining party and returned to the Culver City Animal Services Division. If not
25 returned within a 30-day period and no further complaints are received, no action
26 will be taken by the Culver City Animal Services Division.

1 C. Declarations under penalty of perjury must be filed with the Culver City
2 Animal Services stating in detail all of the following:

3 1. That Declarant is a resident of a residential home located within
4 two hundred yards of the premises where the noisy animal is located;

5 2. Within the past month Declarant has heard the noisy animal
6 bark, howl, whine or makes other sounds common to their species in a continuous
7 or untimely fashion and for a substantially long period to the extreme annoyance of
8 the Declarant;

9 3. That Declarant has had deterioration of emotional health from
10 the barking, howling, whining or making other sounds common to their species;

11 4. That Declarant requests that the noisy animal either be
12 removed from the premises or be confined indoors during specified hours;

13 5. That Declarant has mailed a copy of the declaration, certified
14 mail, to the owner of the noisy animal.

15 D. The Culver City Animal Services Division, upon timely receipt of an
16 executed Declaration of Animal Public Nuisance and Petition for an Administrative
17 Hearing, shall set the case for hearing before the Administrative Hearing Officer.
18 The hearing shall be set at least 10 and not more than 60 days from the date the
19 Declaration is received. The Culver City Animal Services Division shall serve a
20 notice, either personally or by first-class mail, to the complaining party and
21 responsible party, of the date, time, and place for the hearing. The notice of hearing
22 shall advise the complaining party and responsible party that they may present
23 evidence at the hearing through witnesses, audio or video recordings or any other
24 documentary evidence. The notice of hearing shall be accompanied by a copy of the
25 Declaration of Animal Public Nuisance and Petition for an Administrative Hearing. If
26 the notice cannot be safely served by personal service, then it may be posted upon
27 the premises where the animal is kept and sent by first-class mail.
28

1 E. The complaining party may be informed that further action may not be
2 warranted if the animal is controlled, but in any case, no further action can be taken
3 until the completed Declaration of Complaint and Petition for an Administrative
4 Hearing form is received by the Culver City Animal Services Division.

5
6 **§ 9.01.725 FILING PERIOD.**

7 At least one Initial Warning - Animal Nuisance Complaint notice and one
8 Declaration of Animal Public Nuisance must be issued for each premise or location
9 for the noisy animal(s) before procedures provided for hereinafter are implemented.

10
11 **§ 9.01.730 HEARING AND NOTICE OF HEARING.**

12 The hearing before the Administrative Hearing Officer shall be open to the
13 public. Administrative hearings are informal, and formal rules of evidence and
14 discovery do not apply. Each party shall have the opportunity to present evidence in
15 support of his or her case, and to cross-examine witnesses. The complainant bears
16 the burden of proof at an administrative hearing to establish a violation of this animal
17 nuisance abatement code. The evidence submitted in the hearing before the
18 Administrative Hearing Officer may be either in the form of written declarations or by
19 way of oral testimony. All written declarations shall be made under penalty of perjury
20 in compliance with Section 2015.5 of the California Code of Civil Procedure. The
21 Administrative Hearing Officer shall use preponderance of the evidence as the
22 standard of evidence in deciding the issues. The Administrative Hearing Officer may
23 admit all relevant evidence, including incident reports, audio or video recordings,
24 and affidavits of witnesses. The Administrative Hearing Officer may decide all issues
25 even if the responsible party for the animal fails to appear at the hearing. The
26 Administrative Hearing Officer may find, upon a preponderance of the evidence, that

1 the animal is a nuisance animal and the maintenance of such animal is a public
2 nuisance.

3
4 **§ 9.01.735 DETERMINATION AND ORDER.**

5 Within 15 days after the conclusion of the hearing conducted pursuant to
6 Section 9.01.730, the Administrative Hearing Officer shall notify the responsible
7 party by first class mail of the Administrative Hearing Officer's determination and any
8 orders issued. If the Administrative Hearing Officer determines that the animal is a
9 nuisance animal and the maintenance thereof, a public nuisance, the responsible
10 party shall comply with the Administrative Hearing Officer's order within 10 days
11 after the date of mailing of the determination and order.

12
13 **§ 9.01.740 ISSUANCE OF ADMINISTRATIVE ORDER BY THE**
14 **ADMINISTRATIVE HEARING OFFICER.**

15 A. The Administrative Hearing Officer shall make findings within the
16 "Administrative Order" regarding the existence of the violation(s) specified in this
17 chapter. If the Administrative Hearing Officer concludes that the animal in question
18 constitutes a nuisance, the Administrative Order shall set forth a schedule for
19 correction (i.e., whether the nuisance animal should be removed from the residence
20 or whether the nuisance animal should be confined indoors for a specified schedule,
21 and any other steps that may be taken to abate the nuisance).

22 B. The Administrative Hearing Officer may, as part of his/her
23 determination that the animal is a nuisance animal and a public nuisance, direct the
24 responsible party to perform one or more of the following actions [this list is
25 illustrative rather than comprehensive]:

26 1. Containment of the animal within an enclosed building on the
27 premises of responsible party;

1 2. Require that the animal wear a noise suppression device
2 obtained at the expense of the responsible party to reduce or eliminate the noise
3 creating the nuisance;

4 3. Require that the animal undertake obedience training designed
5 to abate the nuisance problem when appropriate and under the conditions imposed
6 by the Administrative Hearing Officer and at the expense of the responsible party;

7 4. Restrict the time of day, days of the week and duration when
8 the animal may be placed out-of-doors on the premises of the responsible party;

9 5. Require the animal to be debarked at the expense of the
10 responsible party;

11 6. Require the responsible party to permanently remove the
12 animal from said property and outside the City limits.

13 7. Any other reasonable means to accomplish the abatement.

14 C. If the Administrative Hearing Officer determines that the animal in
15 question does not constitute a nuisance, all proceedings regarding the violation(s)
16 shall immediately cease. However, this does not preclude other persons or
17 Declarants from reinstituting proceedings against the owner of the same nuisance
18 animal.

19 D. The Administrative Order has the discretion to impose administrative
20 penalties as provided in Section 9.01.745, and administrative costs as provided in
21 Section 9.01.750.

22 E. The Administrative Order shall become final on the date of service,
23 and shall notify the responsible person of his right to appeal as provided in Section
24 9.01.755. The Administrative Order shall set a deadline for compliance with its terms
25 in the event that the responsible person fails to file an appeal.

1 **§ 9.01.745 ADMINISTRATIVE PENALTIES.**

2 A. The Administrative Hearing Officer may assess against the
3 responsible person an administrative penalty for any violation found to exist, or for
4 any violation which was not timely corrected. The penalty shall be in the amount
5 established by resolution of the City Council. Because a new and separate offense
6 occurs each day during which a violation of any provision or requirement of this
7 code is committed, the Administrative Hearing Officer may further assess a penalty
8 for each day from the date the compliance order was issued until the date the
9 violation is corrected as determined by the Administrative Hearing Officer. The
10 Administrative Order shall specify the date by which the penalty must be paid.

11 B. Administrative penalties assessed by the Administrative Hearing
12 Officer are a debt owed to the City.

13 C. Any person who fails to comply with the requirements and/or
14 restrictions provided in any such hearing shall constitute a violation of this chapter.
15 Such violation or violations shall be subject to the remedies procedure delineated in
16 Culver City Municipal Codes Chapters 1.01 and 1.02.

17
18 **§ 9.01.750 ADMINISTRATIVE COSTS.**

19 The Administrative Hearing Officer may assess against the responsible
20 person administrative costs for any violation found to exist, or for any violation which
21 was not timely corrected. The administrative costs include any and all costs incurred
22 by the City in connection with prosecuting the violation, including but not limited to
23 costs of investigation, staffing costs in preparation for the administrative hearing and
24 for the hearing itself, and costs for all inspections necessary to enforce the
25 compliance order and the Administrative Order. The Administrative Order shall
26 specify the date by which the costs must be paid to the city.

1 **§ 9.01.755 APPEAL OF ADMINISTRATIVE ORDER.**

2 Within 20 days after service of the Administrative Hearing Officer's
3 Administrative Order upon the responsible person, he or she may seek review of the
4 Administrative Order by filing an appeal with the Los Angeles County Superior
5 Court. The responsible person shall serve upon the city clerk either in person or by
6 first class mail a copy of the notice of appeal. If the responsible person fails to timely
7 file a notice of appeal, the Administrative Order shall be deemed confirmed.

8
9 **§ 9.01.760 FAILURE TO COMPLY WITH ADMINISTRATIVE ORDER.**

10 Failure to comply with an Administrative Order after it becomes final is a
11 misdemeanor. Filing a criminal misdemeanor action does not preclude the city from
12 using any other legal remedy available to gain compliance with the Administrative
13 Order.

14
15 **§ 9.01.765 CIVIL ACTION.**

16 In the event any person shall fail, neglect or refuse to comply with an
17 Administrative Order of the Administrative Hearing Officer within the time specified
18 in said order and the public nuisance continues to exist, nothing herein precludes
19 civil action to obtain the abatement of such public nuisance.

20
21 **§ 9.01.770 NOT EXCLUSIVE REMEDY.**

22 The provisions of this chapter are to be construed as an added remedy of
23 abatement of the nuisance hereby declared and not in conflict with or derogation of
24 any other actions or proceedings or remedies otherwise provided by this title or
25 other state or local law.

1 **SECTION 3:** Nothing in this Ordinance shall be construed to affect any suit
2 or proceeding impending in any court, or any rights acquired, or liability incurred, or
3 any cause or causes of action acquired or existing, under any act or Ordinance
4 hereby repealed as cited in Section 1 of this Ordinance; nor shall any just or legal
5 right or remedy of any character be lost, impaired or affected by this Ordinance.

6 **SECTION 4:** Pursuant to Section 619 of the City Charter, this Ordinance shall
7 take effect 30 days after its adoption. Pursuant to Section 616 and 621 of the City
8 Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall
9 cause this Ordinance, or a summary thereof, to be published in the Culver City
10 News and shall post this Ordinance or a summary thereof in at least three places
11 within the City.

12 **SECTION 5:** City Council hereby declares that, if any provision, section,
13 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or
14 declared invalid or unconstitutional by any final action in a court of competent
15 jurisdiction or by reason of any preemptive legislation, then the City Council would
16 have independently adopted the remaining provisions, sections, subsections,
17 paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall
18 remain in full force and effect.

19 APPROVED and ADOPTED this ____ day of _____, 2017.

20
21
22 _____
JEFFREY COOPER, MAYOR
City of Culver City, California

23
24 ATTEST:

25 APPROVED AS TO FORM:

26 _____
JEREMY GREEN
City Clerk

27 _____
CAROL A. SCHWAB
City Attorney