

ORDINANCE NO. 05-12 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING CHAPTER 9.24 TO THE RICHMOND MUNICIPAL CODE
ENTITLED “ANIMALS”**

SECTION I

Chapter 9.24 entitled “ANIMALS” of the Richmond Municipal Code is hereby amended as follows:

Sections:

9.24.010 - Title.

9.24.020 – Definition

9.24.030 - Premises confining animals and fowl to be maintained in neat and sanitary condition.

9.24.040 - Keeping of pigeons regulated.

9.24.050- Number of animals and fowl kept on premises to be reasonable.

9.24.060 - Animal control agreement with County of Contra Costa.

9.24.070 - Contra Costa County animal control ordinance adopted by reference.

9.24.010 – Title.

This ordinance shall be known and may be cited as “Animals.”

9.24.020 – Definition.

“Guardian” shall have the same rights and responsibilities of an owner.

9.24.030 – Premises confining animals and fowl to be maintained in neat and sanitary condition.

Wherever animals, including fowl, may be tethered, corralled, confined, sheltered or fed, the premises shall be maintained in a neat and sanitary condition so that no nuisance due to unsightliness, odor or pest breeding or harborage shall be caused by such animals or premises.

No animals shall be allowed to roam at large on any public street, alley, highway or other public place.

All barns or stables intended for or presently used to shelter livestock which are now erected and maintained, or may be erected, constructed, altered or repaired within the City of Richmond shall conform to the requirements of the zoning ordinance, the building Code, and all other applicable laws of the City. Further, any barn or stable to be erected, constructed, altered or repaired shall be so designed as to be in accordance with the following specifications:

(a) Stall floors shall be constructed with a four inch concrete floor, with a fall of not less than one-fourth of an inch to the foot; each stall floor shall be covered with two inch by four inch, or two inch by six inch planks, laid one-half inch apart on removable frames.

(b) Gutters shall be of cement, with four inch outlets to be connected with properly trapped drain to public sewer or approved private sewage disposal system.

(c) All stables shall be provided with outside ventilation of not less than one square foot of open space for each single stall.

(d) All stall floors shall drain into gutters. Openings from gutters and sumps shall be protected by iron strainers set in iron frames so as to be removable. Drainage pipe shall not be less than four inches in diameter. Catch basins must be constructed of masonry or iron and be at least two feet in any internal dimension.

9.24.040- Barns and stables – Bins for manure; distance from dwellings

Every Guardian, lessee or occupant of a building or premises used for a barn or stable shall provide the same with a fly-tight bin for manure, pending its removal, of such dimensions as to contain all accumulations of manure and barn cleanings, and no manure or barn cleanings shall be allowed to accumulate on floors or adjacent grounds; no such bin shall be built, kept or maintained nearer to any adjoining house than one hundred feet, and then the contents thereof shall be removed from the said bin and said bin thoroughly cleaned at least once every seven days, and oftener if the director of public health shall so direct and order.

No manure or barn cleanings shall be stacked or piled or caused or permitted to be stacked or piled for any fertilizing purposes on any truck farm or garden in the City of Richmond, within one hundred feet of any place used in whole or in part for dwelling purposes, unless stored in a closed bin covered to prevent breeding and access of flies thereto.

No Guardian, lessee or occupant shall keep in an unsanitary condition or improperly ventilated any barn or stable or premises adjacent thereto or in connection therewith.

No stable shall be erected or constructed within the City of Richmond at a distance of one hundred feet or less from the door or window of any dwelling.

No chicken coop, house or pen, nor any structure used for the containment of fowl, including pigeons, shall be kept at a distance of twenty feet or less from the door or window of any dwelling.

9.24.050- Keeping of pigeons regulated.

In order to prevent nuisances from pigeons, the following rules shall be followed:

- (a) Keep pigeon pen or cage more than twenty feet from any habitable window or door.
- (b) Keep pigeon pen or cage in a clean and sanitary condition to prevent fly problems as well as an odor nuisance.
- (c) Construct pigeon pen or cage in such a manner that it is rodent-proof to prevent rodent infestation and breeding.
- (d) Pigeons shall be contained in a pigeon pen or cage at all times; provided however, that pigeons may be allowed to be out of the pigeon pen or cage thirty minutes after sunrise and thirty minutes before sunset and must be contained immediately thereafter.

9.24.060- Number of animals and fowl kept on premises to be reasonable.

The number of animals, including fowl, on any premises shall be of a prudent and reasonable number and is at no time to be excessive in number as to the facilities provided for them.

9.24.070 - Animal control agreement with County of Contra Costa

The City of Richmond has entered into a contract and agreement with the County of Contra Costa for the control of animals within the City, including the maintenance of an animal pound, licensing of dogs, pickup and patrol service, and other related services. During the life of this contract, county ordinances and rules and regulations pertaining to animal control shall be obeyed by all persons within the City of Richmond. Violation of the county ordinances pertaining to animal control, or any lawful rule or regulation adopted pursuant thereto, will be prosecuted by the Contra Costa County District Attorney's Office in accordance with the provisions of Contra Costa County Ordinance No. 80-97 (Revised Animal Control Ordinance) and any amendments thereto.

9.24.080 - Contra Costa County animal control ordinance adopted by reference

(a) Adoption by reference of County's Animal Control Code. The Board of Supervisors of the County of Contra Costa, an agency of the State of California within the meaning of Government Code Section 50022.1, has adopted County Ordinances Nos. 80-97, 83-10, 85-23, 87-74, 97-3 and 2005-24 being a codification of provisions for animal control services (and constituting Chapters 416-2 to 416-12.4 of Division 416 of the County Ordinance Code), and it is a code within the meaning of Government Code Section 50022.2. Certified copies of the above-referenced County ordinances are and have been on file with the City Clerk where they are open to public inspections as required by Government Code Section 50022.3. These County Ordinances may also be referred to as the Animal Control Code or the "County ordinances," and said ordinances are referred to and adopted by this reference as part of this City Ordinance, as provided for in Government Code Section 50022.2.

(b) Penalties.

(1) Pursuant to Food and Agricultural Code Sections 31401, violations of Division 416 of the provisions adopted in subsection (a) of this section, excepting Section 416-4.404, Chapter 416-10 and Article 416-12.2, are punishable by a fine of not more than fifty dollars for the first offense, and not more than one hundred dollars for the second or subsequent offense.

(2) Any violation of Section 416-4.404 (Abandonment), excluding abandonments under Section 416-8.014, is a misdemeanor and punishable as such.

(3) Any violation of Chapter 416-10, Rabies Control, except for the provisions of Section 416-10.010(b), shall be a misdemeanor.

(4) Any violation of Article 416-12 (Nuisance) shall be an infraction. Except as otherwise provided by statute, every infraction violation is punishable, upon conviction thereof, by:

- (A) A fine not exceeding one hundred dollars for a first violation;
- (B) A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year; or
- (C) A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

SECTION II

Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby

repealed.

SECTION III

Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION IV

Effective Date. All applications filed after or pending upon the date of final passage and adoption of this Ordinance shall be subject to this Ordinance. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond, California, held June 19, 2012, and finally passed and adopted at a regular meeting thereof held July 10, 2012, by the following vote:

AYES: Councilmembers Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: Councilmember Bates.

ABSTENTIONS: None.

ABSENT: Councilmember Boozé.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE REED GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 05-12 N.S., finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on July 10, 2012.