

**ORDINANCE NO. 01-21**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING CHAPTER 6.04 OF THE ORANGE MUNICIPAL CODE RELATING TO ANIMAL REGULATIONS AND ADOPTING TITLE 4, DIVISION 1, AND TITLE 5, DIVISIONS 1, 2 AND 3 OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE IN PERTINENT PART.**

**THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I:**

This Ordinance is not a project under the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15378, because it involves general City policy and procedure making actions.

**SECTION II:**

Chapter 6.04 of the Orange Municipal Code, "Animal Regulations," is hereby deleted in its entirety and replaced with new Chapter 6.04 to read as follows:

**Chapter 6.04 - ANIMAL REGULATIONS**

**Sections:**

**6.04.010 - Adoption of County Ordinances by Reference.**

Subject to the particular additions, deletions and amendments hereinafter set forth in this Chapter 6.04, Title 4, Division 1, and Title 5, Divisions 1, 2 and 3, of the Codified Ordinances of the County of Orange governing the control, licensing, and regulation of animals and animal-related businesses and occupations, as it may be amended from time to time by the Orange County Board of Supervisors, are adopted by reference with the enumerated exceptions designated in Section 6.04.020. Copies of the aforementioned County Ordinances adopted by reference, together with the exceptions as hereinafter specifically enumerated, are on file in the office of the City Clerk for use and examination by the public.

**6.04.020 - Amendments and Additions to County Ordinances.**

Title 4, Division 1, and Title 5, Divisions 1, 2, and 3, of the Codified Ordinances of the County of Orange governing the control, licensing, and regulation of animals and animal-related businesses and occupations are adopted with the following changes and additions:

A. Nothing contained in Title 5, Division 1, 2 and 3 shall be construed as relieving any person from payment of business license revenue taxes to the City pursuant to Section 5.02.010 et seq. of this code.

B. No person, firm or corporation, whether its owners, lessee, sublessee, or occupant, shall violate any of the provisions of Title 4, Division 1, and Article 1, Title 5, Divisions 1, 2 and 3 governing the regulation and control of animals and animal-related businesses and occupations.

**6.04.025 - Adoption of County Fee Schedule and Amendments Thereto.**

The existing fee schedule for animal control, animal shelter, and animal-related business and occupation licensing and permitting services as it has now been adopted or as it may hereafter be amended by the Board of Supervisors shall be effective within the City of Orange, without further action of the City Council unless and until the City Council elects, by resolution, to change or modify the schedule of fees approved by the Orange County Board of Supervisors. A copy of any such resolution which changes or modifies any fee established by the Board of Supervisors shall be furnished to the Director of OC Animal Care.

**6.04.030 - Violation—Penalty.**

A. Any person, firm, or corporation violating any of the provisions of this code not otherwise enforced by the County of Orange, shall be subject to the penalty provisions of Section 1.08.010 of this code.

B. In addition, the provisions governing animal control may be enforced by injunction or other appropriate civil remedy.

**6.04.040 - Slaughtering of Animals.**

Except as performed in accordance with recognized religious practices, no person shall kill any animal in the City of Orange in order that it may be sold or used as food, except:

A. In an enclosed building in a residential area and, provided each animal so slaughtered is a chicken or other fowl weighing five pounds or less; or

B. In commercial slaughtering buildings. Nothing herein shall be construed to permit any use of property in violation of the zoning regulations of the City of Orange.

**6.04.050 - Removal of Manure—Owner Responsibility.**

Every owner, lessee, tenant or occupant of any stable, stall or apartment in which any horse, cow, or other animal shall be kept, or in any place where manure or liquid discharge of any such animal shall collect or accumulate shall cause such liquid or manure to be removed to some place outside the City of Orange unless the same be plowed under or otherwise disposed of in such a manner as to effectively prevent the same from attracting or breeding flies and shall at all times keep the stables, stalls, or appurtenances thereof in a clean and wholesome condition.

**6.04.060 - Wild Animal—Definition.**

A. WILD ANIMAL means and includes any animal of a non-domesticated species or a species not commonly kept as pets. Such animals are not tame or gentle as found in nature but are of a wild temperament or disposition and may be known to be dangerous or to pose an inherent risk to the public or to native plant or animal species.

B. Animals covered by this section are any animal listed as a restricted species within Title 14, Division 1, Subdivision 3, Chapter 3, Section 671 of the California Code of Regulations, any animal designated by the California Department of Fish and Wildlife as an invasive species within the City of Orange, any animal requiring a permit from OC Animal Care pursuant to OCCO 4-1-94, and the following:

1. Any snake over six (6) feet in length.
2. Any venomous or poisonous reptile or amphibian.

**6.04.070 - Wild Animal—Unlawful to Keep in City—Exception.**

A. It is unlawful for any person to keep or maintain, or cause to be kept or maintained within the City of Orange, any wild animal except those enumerated in Section 6.04.060.B without having first applied for and received approval from OC Animal Care pursuant to OCCO 4-1-94 to maintain said animal.

B. The provisions of this section shall not prohibit the keeping or maintaining of the following wild animals, so long as the maintenance of said animals is in compliance with any applicable laws:

1. Wild animals in zoos or museums: any wild animals which are kept confined in zoos or museums for the public to view.
2. Wild animals in bona fide, licensed veterinary hospitals for treatment.
3. Wild animals in the care, custody or control of OC Animal Care staff.
4. Wild animals maintained by bona fide educational institutions for the purpose of instruction, provided such wild animals are securely confined and are properly cared for in compliance with any applicable laws.
5. Wild animals maintained in interim confinement when not displayed to the public at shows, exhibitions and educational presentations, provided, that any such interim confinement shall be permitted only in the M-2 District and, further, a permit to approve the maintenance of said animal is applied for within thirty (30) days and ultimately obtained.

C. As a required step in the review of a permit application under this section, OC Animal Care will submit a copy of the application, all relevant documentation, including

photographs if available, to the City Manager's Office for review. The City Manager's Office will review the application and consider the following factors:

1. The number of wild animals proposed at the location designated by the applicant.
2. The particular zoning and land use of the location proposed, as well as the land use and zoning surrounding the proposed location.
3. Whether such wild animal or animals are proposed to be kept in accordance with all laws of the State and the County of Orange.
4. Whether the applicant is in compliance with all applicable State and Federal license or permit requirements to import, transport, possess or otherwise handle a wild animal.
5. Whether applicant has agreed to a minimum of at least two annual inspections of the premises by the City to determine whether a public nuisance exists and whether there is compliance with all laws of the City, County and State, and with applicant's further agreement that all costs of all such inspections shall be borne by applicant.
6. Whether applicant has agreed in writing to remove the animal or animals in the event the City Council determines that a nuisance or any violation of State, County or City law exists.
7. Whether the applicant has filed proof of insurance naming the City and its officers and employees as additional insureds and meeting other requirements imposed by the City Attorney.
8. Whether the applicant has executed and filed a hold harmless agreement acceptable to the City Attorney which insures that any costs or expenses, including, without limitation, attorneys' fees required to be incurred by City, resulting from any negligence of applicant which proximately causes damage or injury to persons or property, shall be borne by applicant or by an entity capable of bearing such costs or expenses of applicant acceptable to the City Attorney.
9. Any other factors which City may determine are necessary for the protection of the public health, safety and welfare.

D. At its discretion, the City Manager's Office may provide the City's approval of the permit application and return the application to OC Animal Care for processing. OC Animal Care may still deny or approve the application, at its discretion, based on other requirements pertaining to the care or maintenance of such animals, or any other provisions listed in the rules and regulations approved by the Orange County Board of Supervisors.

**SECTION III:**

To the extent required to implement the provisions of this Ordinance, City staff is directed to modify any Administrative Policies in conflict herewith and return to the City Council for any City Council approvals deemed necessary.

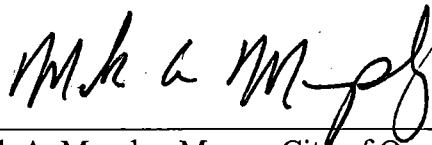
**SECTION IV:**

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

**SECTION V:**

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary of the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

**ADOPTED** this 13th day of April, 2021.



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Mark A. Murphy, Mayor, City of Orange

ATTEST:

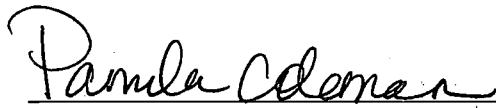


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Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )  
CITY OF ORANGE )

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 9th day of March 2021, and thereafter at the regular meeting of said City Council duly held on the 13th day of April 2021 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS: Murphy, Nichols, Monaco, Barrios, Dumitru, Gutierrez  
NOES: COUNCILMEMBERS: None  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

  
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Pamela Coleman, City Clerk, City of Orange