ORDINANCE NO. 726

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, REPLACING TITLE 6 OF THE CITY OF INDIAN WELLS MUNICIPAL CODE REGARDING ANIMALS

WHEREAS, California Government Code section 50022.2 et.seq. allows a City to adopt a code by reference and incorporate such code into the Municipal Code; and

WHEREAS, Riverside County has adopted Title 6 – Animals governing the control, licensing, and regulation of animals within Riverside County which may be amended from time to time; and

WHEREAS, the City of Indian Wells currently contracts with Riverside County to provide animal services and it is in the public’s interest to have consistent animal regulations; and

WHEREAS, the City of Indian Wells had animal regulations within the Municipal Code at Title 6; and

WHEREAS, the City Council also desires to have consistent regulations with the County of Riverside and the flexibility to enforce the animal regulations when it so chooses; and

WHEREAS, the City Council adopted the County of Riverside Fee Schedule for animal control fees on June 23, 2017 and amended the Animal Licensing fees with Resolution No. 2020-19 that came before the City Council on May 21, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council finds the recitals set forth above are true and correct and hereby adopts and incorporates the recitals herein as findings in support of this Ordinance.

SECTION 2. Amending Title 6. Title 6 of the Indian Wells Municipal Code is hereby replaced in its entirety to read as follows.

"Title 6. ANIMALS

Chapter 6.04 Animal Control

6.04.010 Adoption of County Ordinance by Reference
6.04.020 Amendments and Additions to Riverside County Ordinances
6.04.030 Adoption of County Fee Schedule and Amendments Thereto
6.04.040 Violation - Penalty
6.04.010 Adoption of County Ordinances by Reference.

Title 6 – Animals, of the Codified Ordinances of Riverside County, California governing the control, licensing, and regulation of animals as it may be amended from time to time are adopted by reference with the enumerated exceptions designated in Section 6.04.020. Copies of the aforementioned Ordinance of the Riverside County proposed to be adopted by reference are on file in the office of the City Clerk for use and examination by the public.

6.04.020 Amendments and Additions to Riverside County Ordinances.

Title 6 - Animals, of the Codified Ordinances of Riverside County are adopted with the following changes and additions:

A. Substitute the words, "Board of Supervisor or City Council," for the words, "Board," or "Board of Supervisors," wherever these words appear the Title.

B. Substitute "County of Riverside or Indian Wells", for the phrases “County of Riverside” or “county” or “Riverside County” wherever these words appear in the Title.

C. Substitute ‘Indian Wells’ for the phrases “unincorporated area of the county” or “unincorporated area of the County of Riverside” wherever these words appear in the Title.

D. All references to “Riverside County Ordinance” shall remain unchanged throughout Title 6.

E. The City Manager of Indian Wells or his or her designee shall be entitled to enforce Title 6 within the City.

F. Nothing contained in Title 6, shall be construed as relieving any person from payment of business license revenue taxes to the City pursuant to Section 5.01.000, et seq.

6.04.030 Adoption of County Fee Schedule and Amendments Thereto.

The existing fee schedule for animal control and animal shelter services as it has now been adopted or as it may hereafter be amended by the Board of Supervisors of Riverside County shall be effective within the City of Indian Wells, without further action of the City Council of the City unless and until City Council elects, by Resolution, to change or modify the schedule of fees approved by Riverside County. A copy of any such Resolution which changes or modifies any fee established by the Board of Supervisors of Riverside County shall be furnished to the Director of Riverside County Animal Control.

6.04.040 Violation—Penalty.

In addition, enforcement under Section 1.16.010, the provisions governing animal control, may also be enforced by injunction or other appropriate civil remedy.

SECTION 3. Effective Date. This Ordinance shall become effective immediately thirty (30) days following its adoption.
SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

SECTION 5. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published on the City’s website and published once in a newspaper of general circulation published and circulated within the City.

PASSED, APPROVED, and ADOPTED, by the City Council of the City of Indian Wells, California, at a regular meeting held on this 4th day of June, 2020.

TY PEABODY
MAYOR
STATE OF CALIFORNIA        
COUNTY OF RIVERSIDE       
CITY OF INDIAN WELLS     

CERTIFICATION FOR ORDINANCE NO. 726

I, Anna Grandys, City Clerk of the City Council of the City of Indian Wells, California, DO HEREBY CERTIFY that Ordinance No. 726, having been introduced at the special meeting of May 21, 2020, was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 4th day of June, 2020 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Balocco, Mertens, Muzik, Peabody, Reed
NOES: None

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:  

ANNA GRANDYS
CITY CLERK

APPROVED AS TO FORM:

JEFFREY S. BALLINGER
CITY ATTORNEY