



# Utility Services/Land Use/ Energy Development Committee

*City of Arts & Innovation*

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**TO: UTILITY SERVICES / LAND USE / ENERGY DEVELOPMENT COMMITTEE MEMBERS**      **DATE: SEPTEMBER 11, 2017**

**FROM: PUBLIC WORKS DEPARTMENT**      **WARDS: ALL**

**SUBJECT: NOISY ANIMALS - DIRECT SUBMITTAL**

## **ISSUE:**

Review current policy on noisy animals and consider recommending changes to Section 8 of the Riverside Municipal Code relating to noisy animals.

## **RECOMMENDATION:**

That the Committee review the current policy on noisy animals and recommend potential amendments to Section 8 of the Riverside Municipal Code to the City Council.

## **BACKGROUND:**

Currently, Title 8, Chapter 10 of the Riverside Municipal Code (RMC) declares that excessive, unrelenting, or habitual noise of any animal is not only disruptive of the public's peace and tranquility, but also represents an unwarranted invasion of privacy to the residents of the City. Last amended in 2005, this section of code does not provide for anonymous reporting at any stage of the process, instead requiring residents to sign written statements under penalty of perjury as a first step to the complaint process (outlined below).

1. Upon receipt of a written complaint, signed under penalty of perjury, an animal control officer will issue a Noisy Animal Warning Notice to the responsible party.
2. A subsequent verbal or written complaint, within 12 months of the Noisy Animal Warning Notice being issued, will result in a Declaration of Complaint of Noisy Animal and Petition for Administrative Hearing being mailed to the complaining party. If this form is signed and returned within 10 days, a hearing date will be set.
3. If the Hearing Officer determines the animal is a nuisance, specific conditions may be imposed. Failure to comply with these conditions could result in civil penalties and/or other administrative civil penalties.

## **DISCUSSION:**

In an attempt to help facilitate the complaint process for individuals who wish to remain anonymous, staff have proposed two changes to the RMC. The first change provides a clear definition of what actions/behaviors constitute a noisy animal as provided below (and in the attached redline version of the new ordinance):

*"Noisy animal" means any animal or animals maintained on the same premises or location whose unprovoked excessive, unrelenting or habitual barking, howling, crying or other noises or sounds occurring continuously and/or incessantly for a period of ten minutes or intermittently for one-half hour or more on five or more separate days within a thirty (30) day period annoy or become offensive to a resident or residents, other person, or animal control officer in the vicinity thereby disturbing the peace of the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity hearing such sounds.*

The second change allows an animal control officer to personally confirm the existence of a potential nuisance, by submitting a written statement, without requiring a resident to sign a statement under penalty of perjury. This helps to retain anonymity for residents who may have concerns about publicly identifying themselves as the complaining party. This would be an additional duty for the 6 animal control officers that are not only dedicated to patrolling the City, but also investigate cruelty/neglect cases; work collaboratively with other enforcement agencies; respond to reports of stray animals; and pick up and transport sick, injured, or dead animals in addition to numerous other duties.

## **FISCAL IMPACT:**

There is no fiscal impact with receiving and filing this report.

Prepared by: Kris Martinez, Public Works Director  
Certified as to  
availability of funds: Adam Raymond, Acting Chief Financial Officer/City Treasurer  
Approved by: Al Zelinka, FAICP, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

## **Attachments:**

1. Proposed Ordinance Changes (Redline Version)
2. Presentation