

**ORDINANCE NO. 2305**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING CHAPTER 6 OF THE WEST COVINA MUNICIPAL CODE AND ADOPTING BY REFERENCE TITLE 10 OF THE LOS ANGELES COUNTY CODE OF ORDINANCES RELATING TO ANIMAL CONTROL, AS AMENDED**

WHEREAS, the City of West Covina ("City") desires to contract with the Los Angeles County Department of Animal Care and Control ("County") for the provision of animal control services; and

WHEREAS, the contract with the County requires that the City agree to enforcement of Title 10 (Animals) of the Los Angeles County Code of Ordinances ("County Code"), which requires that the City repeal Chapter 6 (Animals and Fowl) of the West Covina Municipal Code and adopt by reference Title 10 of the County Code, with certain exceptions; and

WHEREAS, the City desires to adopt Title 10 of the County Code by reference, except for provisions relating to mandatory spaying and neutering, microchipping, license fees, and the number of cats and dogs permitted per household.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 6 (Animals and Fowl) of the West Covina Municipal Code is hereby repealed in its entirety and replaced as follows:

ARTICLE I. IN GENERAL

Sec. 6-1. – Title.

This ordinance shall be known as the Animal Control Ordinance.

Sec. 6-2. – Definitions.

As used in this chapter,

*Title 10* means Title 10 (Animals) of the Los Angeles County Code of Ordinances, as the same may be amended from time to time.

Sec. 6.3. – Code adopted.

Title 10, and as it may be amended from time to time, is adopted by reference as the City of West Covina's Animal Control Ordinance, subject to the amendments set forth in this chapter, and subject to applicable revisions in California law, including but not limited to Health and Safety Code section 121690.

Sec. 6-4. – Copy available.

The City Clerk shall keep a current version of Title 10 on file and available for use and examination by the public during normal business hours.

Sec. 6-5. – Amendments.

A. Whenever Title 10 makes reference to the County of Los Angeles or to the unincorporated areas of the County of Los Angeles, such area shall be deemed to include within its corporate limits the City of West Covina.

B. Part 4 (Mandatory Spay and Neuter Program for Dogs and Cats) of Title 10 is excluded from the City's adoption of Title 10 and shall not be enforced within the City.

C. Section 10.90.010 of Title 10 is amended to reflect the City's license fees, as they may be amended from time to time.

D. Section 10.20.038 (Residential Dogs and Cats—Limitations) is deleted in its entirety and replaced as follows:

10.20.038 – Residential Dogs and Cats—Limitations.

A. Dogs. It is unlawful to keep more than three (3) dogs at any residence without an animal facility license. Each dog must be licensed. For purposes of this section, a service dog licensed under Section 10.20.090 and serving a person who is disabled within the meaning of California Government Code section 12926 subsection (i) or (j) is not counted toward the number of dogs kept or maintained.

B. Cats. It is unlawful to keep more than four (4) cats at any residence without an animal facility license. Cat licensing is optional but recommended.

E. Section 10.20.185 (Microchipping) of Title 10 is excluded from the City's adoption of Title 10 and shall not be enforced within the City.

Sec. 6-6. – Conflicts.

Whenever an apparent conflict or inconsistency exists between any provision of Title 10, to the extent adopted herein, and any provision of the West Covina Municipal Code, each provision shall be construed so as to supplement the other. In the event that any apparently conflicting or inconsistent provisions may not reasonably be so construed, the provisions of the West Covina Municipal Code shall prevail.

Sec. 6-7. – Penalty for violation.

Any person violating any of the provisions of this chapter is guilty of an infraction, unless another penalty is provided in Title 10.

Sec. 6-8. – Civil remedies available.


A violation of any of the provisions of Title 10, to the extent adopted herein, or this chapter shall constitute a nuisance and may be abated by the City through civil, criminal, and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

SECTION 2. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this ordinance may have a significant effect on the environment. The ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

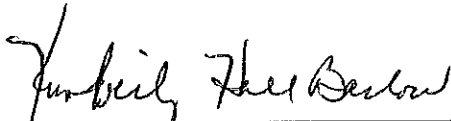
SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstances. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 4. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of West Covina shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

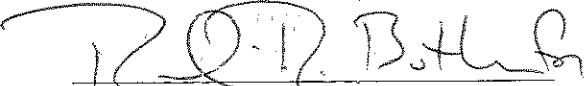
**PASSED, APPROVED AND ADOPTED** on this 21<sup>st</sup> day of February, 2017.

  
Corey Warshaw  
Mayor

**APPROVED AS TO FORM:**

  
Kimberly Hall Barlow  
City Attorney

**ATTEST:**

  
Nickolas S. Lewis  
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 7<sup>th</sup> day of February, 2017. That therefore said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 21<sup>st</sup> day of February, 2017 by the following vote:

AYES: Johnson, Spence, Toma, Wu, Warshaw  
NOES: None  
ABSENT: None  
ABSTAIN: None

A handwritten signature in black ink, appearing to read "N. S. Lewis". The signature is written in a cursive style with a horizontal line underneath it.

Nickolas S. Lewis  
City Clerk