

ORDINANCE NO. 1738 (2024 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING TITLE 6 (ANIMALS) OF THE CITY MUNICIPAL CODE TO ADOPT AND INCORPORATE BY REFERENCE SAN LUIS OBISPO COUNTY CODE TITLE 9 (ANIMALS) AND TO RETAIN CERTAIN CITY REQUIREMENTS REGARDING ANIMALS

WHEREAS, the City contracts with the San Luis Obispo County (“County”) Division of Animal Services for the provision of animal control services; and

WHEREAS, to enable the County to provide animal control services within the City, the City will enact municipal code provisions, which are similar to and consistent with the County’s code regarding the care, keeping, and management of animals; and

WHEREAS, the City Council desires to support the safe and responsible care, keeping and management of animals within the City; and

WHEREAS, the County has requested that each City that contracts with the County for animal control services adopt, by reference, the County’s Code pertaining to Animals (Title 9) so the County can administer animal control services consistently within all contracting jurisdictions; and

WHEREAS, to accomplish these purposes, City Municipal Code Title 6 (Animals) would be amended to incorporate by reference the County Code pertaining to Animals (Title 9); and

WHEREAS, current City Municipal Code chapters 6.04, 6.08, 6.12, 6.16, and 6.24, and current City Municipal Code sections 6.20.020, 6.20.030, 6.20.040, 6.20.050, 6.20.060, 6.20.070, 6.28.020, 6.28.030, 6.28.040, and 6.28.050, would be rescinded in their entirety; and

WHEREAS, current City Municipal Code sections 6.20.010 and 6.28.070 would be retained in their entirety; and

WHEREAS, current City Municipal Code sections 6.28.010, 6.28.060, and 6.28.080 would be modified.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Chapter 6.01 of the San Luis Obispo Municipal Code (Adoption of San Luis Obispo County Animal Control Code, Title 9) is hereby added, with sections to read as follows:

6.01.010 Adoption and incorporation of San Luis Obispo County Animal Control Code (Title 9).

The provisions of San Luis Obispo County Animal Control Code, Title 9, as amended from time to time, are adopted by reference and incorporated in their entirety as provisions of the San Luis Obispo Municipal Code. To the extent any provision or provisions of the San Luis Obispo County Animal Control Code, Title 9, as adopted, conflict with any other provision or provisions of the San Luis Obispo City Municipal Code, the other provision or provisions of the San Luis Obispo City Municipal Code shall take precedence.

6.01.020 Enforcement of Animal Control provisions within City.

The provisions of this Title are enforceable within the jurisdictional boundaries of the City of San Luis Obispo by the County of San Luis Obispo Animal Control Officer, or designee, pursuant to and in accordance with the terms of a contract for animal care and control services entered into between the City and the County, and by City Code Enforcement and the City Police Department.

SECTION 2. Current San Luis Obispo Municipal Code chapters 6.04, 6.08, 6.12, 6.16, and 6.24, and current City Municipal Code sections 6.20.020, 6.20.030, 6.20.040, 6.20.050, 6.20.060, 6.20.070, 6.28.020, 6.28.030, 6.28.040, and 6.28.050 are hereby rescinded in their entirety.

SECTION 3. Current San Luis Obispo Municipal Code sections 6.20.010 and 6.28.070 are hereby retained in their entirety.

SECTION 4. Current San Luis Obispo Municipal Code section 6.28.010 is hereby amended to read as follows:

6.28.010 Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

A. "Domestic or domesticated animal" means and includes any animal domesticated to live in close association with or for the benefit of humans in a tame condition.

B. "Household pets" means and includes any animal normally kept for purposes of companionship or amusement, including, but not limited to cats, dogs, canaries, parrots, fish, rodents, rabbits, turtles, lizards and snakes.

C. "Livestock" means and includes horses, ponies, mules, jacks, jennies, cows, bulls, calves, heifers, sheep, goats, swine, and rabbits.

D. "Poultry" means and includes pigeons, ducks, geese, turkeys, chickens and all other domestic or domesticated fowl other than household pets.

SECTION 5. Current San Luis Obispo Municipal Code section 6.28.060 is hereby amended to read as follows:

6.28.060 Keeping of animals – Limitations and regulations.

A. *Poultry and Rabbits.*

1. No person shall keep upon any premises in the city any poultry or rabbits:
 - a. Within fifty feet of any dwelling; or
 - b. If more than five in all of any such rabbits or poultry are kept, within seventy-five feet of any dwelling.
2. No person shall keep upon any premises in the city more than twenty-five such rabbits or poultry, except by special permit of the council first had and obtained, or keep any rooster of crowing age within one hundred feet of any dwelling. This provision limiting the maximum number of rabbits or poultry shall not be retroactive or effective as to rabbit or poultry ranches or processing plants actually in operation on the effective date of the ordinance codified herein.
3. The owners or persons in charge of such rabbits or poultry kept in the city shall provide suitable houses or cotes with board or cement floors in each and every house and cote, and the houses, cotes or pens shall at all times be kept clean.

B. *Swine, Hogs and Pigs.* No person shall keep upon any premises in the city any swine, hog or pig, whatsoever.

C. *Cats.* No person shall keep upon any premises in the city more than five (5) cats.

D. *Other Animals.*

1. No person shall keep upon any premises in the city any other animals as defined in Section 6.28.010:
 - a. On any lot containing less than twenty thousand square feet; or

- b. In any corral, barn or other enclosure which would permit the animals within seventy-five feet of any dwelling;
 - c. If staked within one hundred feet of any dwelling.
2. No person shall tie, stake or pasture, or permit the tying, staking or pasturing, of any animal upon any private property in the city without consent of the owner or occupant of such property in such a way as to permit any such animal to trespass upon any street or public place or upon any such private property. No person shall permit any such animal to be or remain during the nighttime secured by a stake or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such animal. All such animals shall be provided with adequate food, water and shelter or protection from the weather.
3. All fences or enclosures used for the purposes set forth in this subsection must be of such material and maintained in such manner as humane for the safety and protection of such animals.

The provisions of this section shall not be deemed to apply to any public educational institution. (Prior code § 4120.5).

SECTION 6. Current San Luis Obispo Municipal Code sections 6.28.070 and 6.28.080 are hereby amended to read as follows:

6.28.070 Bees prohibited - Exception

No person, firm or corporation shall keep bees within the corporate limits; provided, that nothing herein shall be deemed to prohibit the keeping of bees for the purpose of study and observation in a hive or box, which is situated within a school district-owned property designated by the district for such educational purposes; or for agricultural purposes, located within a Conservation/Open Space or Agriculture zoning district.

6.28.080 Breeding prohibited in city.

No owner of, and no person in possession or in charge of, any livestock, poultry, or any domestic or domesticated animals other than household pets, shall breed or permit the breeding of such livestock, poultry, or domestic or domesticated animal within the city; provided, that nothing herein shall be deemed to prohibit breeding for the purpose of study and observation in a location situated within a school district-owned property designated by the district for such educational

purposes; or for agricultural purposes, located within a Conservation/Open Space or Agriculture zoning district.

SECTION 7. All prior ordinances relating to animal control regulations are hereby rescinded and superseded to the extent inconsistent herewith.

SECTION 8. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the 20th day of August 2024, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of _____, 2024, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk