



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
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To: Planning Commission via Community Development Director
From: Animal Control Officer
Date: April 4, 2006
RE: PC 06-35 - Appeal of administrative ruling directing property owner to remove eight dogs from premises at 73223 Sun Valley Drive, in excess of two dogs allowed per residence in the RS-4 zone, Section (APN# 0618-193-11).

RECOMMENDATION: That the Planning Commission direct the property owner to remove eight dogs from his property pursuant to Section 8.01.020, (a), (1), (C) of the Municipal Code.

BACKGROUND: The property owner of 73223 Sun Valley Drive has ten dogs at his residence.

Attachments

- Locator Maps
- Feb. 3, 2006 Notice of Administrative Hearing
- Copy of Municipal Code 8.01.020(a)(1)(C)
- Order to Remove dated February 27, 2006
- Appeal Application
- March 23, 2006 Notice of Public Hearing
- Photos

Section 8.01.020(a)(1)(C) of the Municipal Code limits the number of dogs and cats allowed on Single Family Residential (RS) zoned property to two animals.

In early 2005, the Animal Control Officer received a complaint concerning the number of dogs at 73223 Sun Valley Drive. The property was posted with a Notice of Violation for excessive animals on March 30, 2005. No action was taken by the property owner. A second Notice of Violation was posted on September 8, 2005. Again, no corrective action was taken by the property owner. On September 13, 2005 the property was posted with a third Notice, and Mr. Billings was cited for the excessive animals.

On November 8, 2005, a trial was held at the Superior Court in Joshua Tree, CA. The property owner was found guilty and fined. Again, the property owner did not take corrective action and remove dogs from his property.

Next, the property owner filed an appeal of the Superior Court ruling and a Public Administrative Hearing was held on February 21, 2006. The intent of the hearing was to determine whether the number of dogs on his property constituted a violation of the City Code, and whether the dogs that exceed the allowable number should be removed from the property.

The City Manager served as the Hearing Officer at the Administrative Hearing. Notice was mailed to the applicant and neighboring property owners in accordance with local procedures. The Animal Control Officer testified as to the facts of the case; including the fact that the animals appeared to be well cared for and that the dogs did not create a barking or animal waste problem.

During the hearing, the property owner admitted possessing ten (10) dogs on the RS-4 zoned property, testifying that the dogs are over ten years old, and stating that he did not want to remove any dogs. The property owner's family and neighbors testified that the dogs appeared to be well cared for.

Findings:

1. Section 8.01.020(a)(1)(C) of the Municipal Code limits the number of dogs and cats allowed on Single Family Residential (RS-4) zoned property to two animals.
2. The property at 73223 Sun Valley Drive has been developed with a single-family residence.
3. The parcel at 73223 Sun Valley Drive is zoned RS-4.
4. Pursuant to the established procedures, three Notices of Violation of Section 8.01.020(a)(1)(C) of the Municipal Code were served at 73223 Sun Valley Drive.
5. On November 8, 2005, the matter went to trial in the Superior Court and Mr. Billings was found guilty of violating Section 8.01.020(a)(1)(C) of the Municipal Code.
6. In accordance with established procedures, an Administrative Hearing was conducted on February 21, 2006.
7. The appellant admitted possessing ten dogs at his residence.
8. The Administrative Hearing Officer concluded that the appellant was in violation of Section 8.01.020(a)(1)(C) of the Municipal Code and that the Animal Control Officer was correct in issuing the citation and Notices of Violation.
9. An appeal was subsequently filed.

Summary: The Planning Commission may take any of the following actions:

1. Uphold the findings of the Administrative Hearing Officer, determine that the number of dogs exceeds that allowable by code, find the parcel (73223 Sun Valley Drive) in violation of the City Municipal Code 8.01.020(a)(1)(C), and direct the removal of all dogs in excess of the two that are allowed by the Code;
2. Allow the appellant to retain the dogs, with the stipulation that the property owner not acquire any additional dogs, allowing the older dogs to expire naturally due to their advanced age;
3. Order the property owner to ensure that the dogs do not create any future nuisance to any neighbor or any other person, and order that if the dogs constitute a nuisance in the future, order that the dogs be removed from the property;
4. Take no action, upholding the action of the findings of the Administrative Hearing Officer;
or
5. Continue the item to a future date to allow additional consideration of the issues.