

ORDINANCE NO. 3045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING ARTICLE 4 TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, ADOPTING STANDARDS FOR THE CARE AND TREATMENT OF ANIMALS OFFERED FOR SALE AT SWAP MEETS.

WHEREAS, in 2013, the California Legislature passed legislation, Assembly Bill 339 ("AB 339"), which permits swap meet vendors to offer animals for sale only if the local jurisdiction has established a standard for care and treatment of such animals; and

WHEREAS, AB 339 also subjects a swap meet vendor to fines the sale of an animal occurs in a jurisdiction where the local government has not yet adopted an ordinance establishing standards for care and treatment in accordance with AB 339; and

WHEREAS, at present, the City of Ontario has not established a standard for care and treatment of such animals; and

WHEREAS, the City of Ontario desires to permit the continued sale of animals at swap meets within the jurisdiction and, therefore, wishes to adopt provisions setting for the appropriate standard of care and treatment of such animals in accordance with AB 339.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED, AND ORDAINED by the City Council of the City of Ontario as follows:

SECTION 1. Findings. The above recitals are true and correct and are incorporated herein by this reference. The findings associated with the adoption of AB 339 are also incorporated by reference.

SECTION 2. Article 4 of Chapter 1 of Title 6 is hereby added to the Ontario Municipal Code to read, in its entirety, as follows:

"Article 4. Standard for Care and Treatment for Sale of Animals at Swap Meets

Sec. 6-1.400. Definitions.

(a) For the purposes of this article, "vendor" shall include any person offering for sale an animal at a swap meet, flea market, or open-air market.

(b) For the purposes of this article, "sale" shall include any exchange for value, trade, or adoption, so long as a change in ownership of the animal occurs.

Sec. 6-1.401. Standard of Care.

A vendor is charged with care and treatment of the animal offered for sale during transport to the site of sale, while the animal is present at the site of sale, and transport from the site of sale. In particular, a vendor must do all of the following:

- (a) Maintain the facilities used for the keeping of animals in a sanitary condition.
- (b) Provide proper heating and ventilation for the facilities used for the keeping of animals.
- (c) Provide adequate nutrition for, and humane care and treatment of, all animals that are under the vendor's care and control.
- (d) Take reasonable care to release for sale, trade, or adoption only those animals that are free of disease or injuries.
- (e) Provide adequate space appropriate to the size, weight, and species of animals.
- (f) Have a documented program of routine care, preventative care, emergency care, disease control and prevention, and veterinary treatment and euthanasia that is established and maintained by the vendor in consultation with a licensed veterinarian employed by the vendor or a California- licensed veterinarian at least once a year.
- (g) Provide buyers of an animal with general written recommendations for the generally accepted care of the type of animal sold, including recommendations as to the housing, equipment, cleaning, environment, and feeding of the animal. This written information shall be in a form determined by the vendor and may include references to Internet Web sites, books, pamphlets, videos, and compact discs.
- (h) Present for inspection and display a current business license issued by the local jurisdiction where the animals are principally housed.
- (i) Maintain records for identification purposes of the person from whom the animals offered for sale were acquired, including that person's name, address, e-mail address, and telephone number and the date the animals were acquired.

Sec. 6-1.402 Enforcement.

This Article shall be enforced by the City Manager, the Police Chief, the Humane Officer, the City Health Officer, or such other person as the Council or City Manager may designate.

Sec. 6-1.403. Penalties.

(a) Any person who violates or to fails to comply with any provision of this Article shall be subject to any of the penalties and procedures set forth in Chapter 2 of Title 1 of the Ontario Municipal Code.

(b) The provisions and procedures concerning administrative citations set forth in Chapter 5 of Title 1 of the Ontario Municipal Code shall apply to any administrative citations issued for violations of this Article. A violation of this Article shall constitute a “transient” violation within the meaning of that Chapter.”

SECTION 3. CEQA. The City Council hereby finds that adoption of this Ordinance is not a “project” under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk’s office located at 303 East “B” Street, Ontario, CA 91764. The custodian of these records is the City Clerk.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Ontario hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

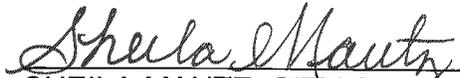
SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 15th day of March 2016.

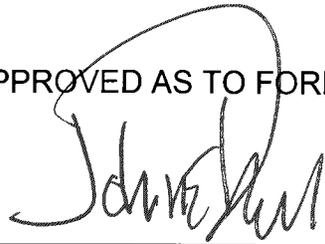


PAUL S. LEON, MAYOR

ATTEST:


SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:


BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3045 was duly introduced at a regular meeting of the City Council of the City of Ontario held March 1, 2016 and adopted at the regular meeting held March 15, 2016 by the following roll call vote, to wit:

AYES: MAYOR/COUNCIL MEMBERS: LEON, DORST-PORADA AND BOWMAN

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: WAPNER AND AVILA


SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3045 duly passed and adopted by the Ontario City Council at their regular meeting held March 15, 2016 and that Summaries of the Ordinance were published on March 8, 2016 and March 22, 2016, in the Inland Valley Daily Bulletin newspaper.


SHEILA MAUTZ, CITY CLERK

(SEAL)