

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA, AMENDING TITLE 6 (ANIMALS) OF THE 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**, on January 24, 1961, the City Council of the City of Arroyo Grande adopted the first animal regulation ordinance; and

**WHEREAS**, the City's animal regulations ordinance has been periodically updated, but largely remained true to the original adoption; and

**WHEREAS**, in conjunction with staff members from each of the cities in San Luis Obispo County and San Luis Obispo County Animal Services, staff developed new San Luis Obispo County Code Title 9 Animal Regulations for consistency within each community; and

**WHEREAS**, staff has prepared and presented a new Arroyo Grande Municipal Code Animal Regulations Ordinance incorporating the San Luis Obispo County Title 9 Animal Regulations to consider for adoption; and

**WHEREAS**, in accordance with Government Code section 50020 et seq., the City, after the first reading of the title of the adopting ordinance and of the title of the code to be adopted, will schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation in or nearest to the adopting local agency. If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

**WHEREAS**, all legal prerequisites to the adoption of the ordinance have occurred.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES ORDAIN AS FOLLOWS:**

**SECTION 1. INCORPORATION.** Title 6 of the Arroyo Grande Municipal Code (Animal Regulations) is amended in its entirety to read as outlined in Attachment 4, attached hereto as Exhibit A, and incorporated by reference.

**SECTION 2.** The Animal Regulations of San Luis Obispo County Title 9, as set forth within Attachment 6, are approved and adopted as further outlined in Attachment 4.

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**SECTION 3. ENVIRONMENTAL.** The California Environmental Quality Act ("CEQA") does not apply to the recommended action in this report. This proposed Ordinance is not a "project" subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in a direct or indirect physical change in the environment (State CEQA Guidelines, §§ 15060 (c)(2) and (3), 15378.) The sole effect of the proposed Ordinance is to adopt newly enacted and uniform animal regulations in consultation with the County of San Luis Obispo.

**SECTION 4. CONFLICTING PROVISIONS.** All ordinances and parts of ordinances in conflict with those sections amended or added therein are hereby repealed.

**SECTION 5. PUBLICATION.** A summary of this Ordinance shall be published in a newspaper published and circulated in the city of Arroyo Grande at least five days prior to the City Council meeting at which the proposed ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within 15 days after the adoption of the ordinance, the summary with the names of those City Council members voting for and against the ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted ordinance.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect after the public hearing required under Government Code Section 50022.3 and second reading. When the County Code changes in the future, those amendments will become effective on the same date.

**SECTION 7. SEVERABILITY.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted all the provisions of this Ordinance that remain valid if any provisions of this Ordinance are declared invalid.

**SECTION 8. RECORDS.** The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at 300 E. Branch Street, Arroyo Grande, CA 93420. The City Clerk is the custodian of the record of proceedings.

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, and on the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

the foregoing Ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

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**JESSICA MATSON, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**MATTHEW DOWNING, CITY MANAGER**

**APPROVED AS TO FORM:**

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**ISAAC ROSEN, CITY ATTORNEY**

**EXHIBIT A**

Arroyo Grande Municipal Code

Title 6 – ANIMALS

**SECTION 1.** Chapter 6.01 (Animal Control Regulations) is hereby added to the Arroyo Grande Municipal Code 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 equivalent provisions of the Arroyo Grande City Municipal Code.

To the extent any provision or provisions of the San Luis Obispo County Animal Control Code, Title 9 conflict with any other provision or provisions of the Arroyo Grande City Municipal Code, the provisions of the Arroyo Grande City Municipal Code shall take precedence.

**6.01.020 – Enforcement of Animal Control provisions within the City.**

The provisions of this Title are enforceable within the jurisdictional boundaries of the City of Arroyo Grande by the County of San Luis Obispo Animal Control Officer, or designee, pursuant to and in accordance with the terms for animal care and control services agreement entered into between the City of Arroyo Grande and the County of San Luis Obispo, and by City Code Enforcement and the City Police Department. If enforcement is carried out by the County pursuant to said agreement with the City and citations are issued by the County pursuant to this Title, the fines and penalties for violations may be cited and imposed in accordance with the agreement in place at the time of citation issuance and Titles 1 and 9 of the San Luis Obispo County Code.

**SECTION 2.** Chapter 6.24 (Apiaries) of the Arroyo Grande Municipal Code is hereby amended in its entirety to read as follows:

**Chapter 6.24 - Apiaries**

Sections:

**6.24.010 - General requirements.**

Every apiary situated within the city shall:

- A. Be identified by having a sign permanently displayed on the entrance side of the apiary stating in black letters, not less than one inch in height on a background of contrasting color, the name, address, and phone number of the apiary owner and the current active registered brand of the apiary;
- B. Be located upon any land owned by a person other than the apiary owner only with the permission, either verbal or written, of the landowner where the apiary is located;
- C. Be located at least four hundred (400) feet away from all habitations unless the owner of a habitation gives written permission for an apiary to be located closer to his or her habitation than four hundred (400) feet;
- D. Be located at least three hundred (300) feet away from every highway, roadway or freeway; provided, however, if an apiary owner is given written permission by the Arroyo Grande City Council, an apiary may be located closer than three hundred (300) feet to a highway, roadway or freeway but no closer than the distance specified in such written permit; and
- E. Be provided with water by the apiary owner at the time the set is made. Such water shall be maintained by the apiary owner so long as the apiary stays on the property unless the landowner gives written permission for the apiary to use water situated on the land where the apiary is located.

**6.24.020 - Enforcement of provisions.**

The police department shall have the power and duty to enforce the provisions of this chapter.

**SECTION 3.** Chapters 6.04 (Definitions), 6.08 (Administration and Enforcement), 6.12 (Animal Control Regulations Generally), 6.16 (Dogs and Cats), 6.20 (Pet Shops and Other Animal Use Operations) of the Arroyo Grande Municipal Code are hereby repealed in their entirety.