Chapter 9-56

ANIMAL REGULATIONS

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9-56.010 Purpose and intent.
The purpose and intent of this chapter is to provide guidance and standards with regard to the keeping of animals within the community. Additional rules and regulations can be found in Title 13. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.010)

9-56.020 Commercial animal facilities.
A conditional use permit shall be required for any commercial animal facility including equitation facilities, kennel facilities or a veterinary service hospital/clinic on any lot within any zone where so permitted. Facilities are subject to the requirements of Chapter 13-48, and a license or animal permit issued by the City of Mission Viejo Animal Services Manager or designee may be required as a condition of approval for any conditional use permit needed to develop commercial animal facilities.

Where permitted, all animal maintenance activities, kennels, clinics, hospitals, sales and grooming facilities or uses shall be conducted within a totally enclosed building and shall comply with appropriate development standards of the underlying zone. Grooming of equine animals is permitted outdoors provided that appropriate drainage facilities are available for washing activities and that clippings are disposed of in a trash receptacle. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.020)

9-56.030 Keeping of animals in residential districts.
Animal husbandry is permitted within residential districts of the city. All animal maintenance activities shall be conducted within a totally enclosed building with the exception of domesticated farm animals which may be groomed outdoors provided that appropriate drainage facilities are available for washing activities and that clippings are disposed of in a trash receptacle. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.030)

9-56.040 Permitted animals.
The following animals are permitted within residential districts of the city:
A. Not more than four licensed dogs over the age of four months and four cats over the age of four months.
B. Ten hamsters, guinea pigs, domesticated rats, mice or other mammals of similar size, nonpoisonous snakes, reptiles, birds, or any combination thereof.
C. Amphibians or fish contained in aquariums or ponds.
D. A minimum lot size of fifteen thousand (15,000) square feet is required for the keeping of domesticated farm animals. The number of domesticated farm animals permitted on any given property shall be based on the following measure of animal units:

<table>
<thead>
<tr>
<th>Type of Animal</th>
<th># of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 horse, pony, donkey or mule</td>
<td>1</td>
</tr>
<tr>
<td>1 cow</td>
<td>1</td>
</tr>
<tr>
<td>1 sheep</td>
<td>1</td>
</tr>
<tr>
<td>2 miniature horses</td>
<td>1</td>
</tr>
<tr>
<td>2 goats</td>
<td>1</td>
</tr>
<tr>
<td>2 pot-bellied pigs</td>
<td>1</td>
</tr>
<tr>
<td>3 rabbits</td>
<td>1</td>
</tr>
<tr>
<td>1 emu/ostrich</td>
<td>1</td>
</tr>
<tr>
<td>1 llama/alpaca/guanaco</td>
<td>1</td>
</tr>
<tr>
<td>6 chickens</td>
<td>1</td>
</tr>
<tr>
<td>2 turkeys</td>
<td>1</td>
</tr>
<tr>
<td>2 ducks</td>
<td>1</td>
</tr>
<tr>
<td>2 geese</td>
<td>1</td>
</tr>
<tr>
<td>8 homing pigeons</td>
<td>1</td>
</tr>
</tbody>
</table>
The permitted number of animal units shall be based on the following:

<table>
<thead>
<tr>
<th>Min. Lot Size (acres)</th>
<th># of Animal Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,000 sq. ft. (0.34)</td>
<td>2</td>
</tr>
<tr>
<td>21,780 sq. ft. (0.50)</td>
<td>3</td>
</tr>
<tr>
<td>32,670 sq. ft. (0.75)</td>
<td>4</td>
</tr>
<tr>
<td>43,560 sq. ft. (1.00)</td>
<td>5</td>
</tr>
<tr>
<td>54,450 sq. ft. (1.25)</td>
<td>6</td>
</tr>
<tr>
<td>65,340 sq. ft. (1.50)</td>
<td>7</td>
</tr>
<tr>
<td>76,230 sq. ft. (1.75)</td>
<td>8</td>
</tr>
<tr>
<td>87,120 sq. ft. (2.00)</td>
<td>9</td>
</tr>
<tr>
<td>98,010 sq. ft. (2.25)</td>
<td>10</td>
</tr>
</tbody>
</table>

1. No more than ten animal units shall be allowed on any residential lot or parcel.
2. Young animals born to a permitted animal may be kept on the site, without constituting additional animal units, until such animals are weaned. For cats and dogs this period shall not exceed four months. For horses this period shall not exceed twelve (12) months. For other animals not listed, the weaning period shall not exceed six months.
3. A minimum of one hundred fifty (150) square feet of flat lot area (slope less than ten percent) shall be provided for each horse.

The keeping of a type or number of animal not specified herein shall require the approval of a special animal permit (Section 9-56.110) and an additional or unusual animal license as required pursuant to Chapter 13-44. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.040)

9-56.050 Prohibited animals.

The following are prohibited within residential districts of the city:

A. Crowing type birds or fowl, including but not limited to roosters and peacocks.
B. More than the number and type of animals specified in Section 9-56.040 unless a special animal permit from the city and an additional or unusual animal license are obtained, as required pursuant to Chapter 13-44.
C. Maintenance and care of permitted species which fails to protect the health and physical care of the species or creates public health, safety, or nuisance violations.
D. Apiaries, except as provided for by Chapter 9-12.
E. Any species of animal the possession of which is prohibited by state or federal law. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.050)

9-56.060 Animal restraint.

Each owner of an animal shall be responsible to ensure proper control and restraint of such animal in a manner that provides both the animal and general public reasonable protection. All species when not enclosed by fencing or suitable enclosure shall be restrained by leash or tether or transported within enclosed vehicles or cages. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.060)

9-56.070 Animal structures.

Structures or facilities used to house domesticated farm animals shall be considered accessory structures. In order to provide reasonable protection to adjacent uses and ensure the general health and welfare, greater setbacks and limitations are needed for these facilities than are permitted for typical accessory structures under the code. No open domesticated farm animal facility including, but not limited to, a pasture, corral, or paddock shall be located closer than fifty (50) feet to any residential structure on an adjacent lot or building pad for vacant parcels, or within any front yard setback area. Enclosed domesticated farm animal structures, such as barns, stalls, or tack rooms shall adhere to the same standards as open animal facilities except that enclosed structures shall be set back ten feet from any side property line, unless they are located within the required rear yard setback in which case they may be located three feet from any side or rear property line. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.070)

9-56.080 Boarding of animals.

The boarding of domesticated farm animals other than equine is prohibited. Not more than two horses, donkeys, mules or other equine which are not for the personal use of the occupant of the lot or parcel may be kept, maintained, or otherwise boarded on the lot or parcel, whether or not compensation in the form of money, goods or services is received from the owner or user of the animal, subject to the following conditions:

A. Such boarding shall only be conducted by the owner-occupant of the property. Boarding by those other than owner-occupants is prohibited.
B. Any equine boarded pursuant to this section shall be counted as part of the total number of animals allowed on the lot or parcel.
C. All requirements of this chapter as to the mainte-
nance of animals shall be complied with.

D. Any permits and licenses required by the City of
Mission Viejo Animal Services Manager or designee for
the boarding of animals must be obtained.

The boarding of more than two horses, donkeys, mules
or other equine which are not for the personal use of the
owner-occupant of the property may be permitted subject
to the approval of a special animal permit and an addi-
tional or unusual animal license, as required pursuant to
Chapter 13-44. The boarding of more than the number of
horses, donkeys, mules or other equine permitted on a res-
idential property is subject to the approval of a conditional
use permit. (Ord. 2018-6 § 3 (part): Ord. 98-8 § 2 (part):
prior code § 9-46.080)

9-56.090 Maintenance of premises.

The occupant of any premises on which any animal is
kept shall keep and maintain the animal(s) and premises
in such a manner as not to be detrimental to the health,
safety, or welfare of any person on any adjoining property
or of the general public, nor be materially detrimental to
the use, enjoyment, or value of property of other persons
in the vicinity of the premises. Such maintenance shall be
at least sufficient to keep dust, odors and flies from having
an adverse effect on any other property. The following
 techniques are recommended to meet the maintenance
standards specified by this section and shall be utilized if
no other alternative techniques sufficient to meet the stan-
dard are utilized:

A. All manure shall be removed from the ground
and stalls at least once in every twenty-four (24) hour
period and placed in a covered container. All manure shall
be removed from the premises or composted at least once
every seven days.

B. A sprinkler system adequate to control dust in
corral areas shall be installed and utilized as necessary on
the premises.

C. Chemical spray and/or bait shall be utilized as
frequently as necessary for fly control.

D. Touch or float activated watering devices with
automatic shut-off shall be utilized for animal drinking
water in lieu of standing water in troughs in order to min-
imize the potential for mosquitoes.

An unreasonable accumulation of manure, standing
surface water and refuse in a corral or stable area consti-
tutes a health hazard. Therefore, corrals and stable areas
shall be maintained in a clean and sanitary condition at all
times and standing surface water, refuse and manure shall
not be permitted to accumulate. (Ord. 2018-6 § 3 (part):
Ord. 98-8 § 2 (part): prior code § 9-46.090)

9-56.100 Special animal permit.

Animals in excess of the number permitted by the pro-
visions of this chapter, or animals not specified by this
chapter, may be kept or maintained as a pet or for the per-
sonal use of the occupants of the premises, or more than
two horses may be boarded on a residential property sub-
ject to the approval of a special animal permit. Special
animal permit applications may be filed if one of the fol-
lowing criteria are met:

A. The animal is of a species not specifically permit-
ted or prohibited by any law, and will not jeopardize,
endanger, or otherwise constitute a menace to the public
health, safety, or general welfare.

B. Addition of the animal to others on the premises
would cause the total number of such animals to exceed
the maximum number of nonboarded otherwise permit-
ted, but will not be materially detrimental to the use,
enjoyment, or value of property of other persons in the
vicinity of the premises. A special animal permit shall not
be issued to permit any horse, donkey, mule, other equine,
cattle, sheep or goat to be kept or maintained on any lot or
parcel with an area of less than fifteen thousand (15,000)
square feet.

C. The number of boarded horses, donkeys, mules
or other equine exceeds two but does not cause the maxi-
mum allowable animal units for the property to be
exceeded. (Ord. 2018-6 § 3 (part): Ord. 98-8 § 2 (part):
prior code § 9-46.100)

9-56.110 Application for special animal permit.

Any person desiring a special animal permit may file
an application with the city. No application shall be filed
or accepted if final action has been taken within one year
prior thereto by either the Community Development
Director or Planning Agency on an application requesting
the same, or substantially the same permit. (Ord. 2018-6
§ 3 (part): Ord. 98-8 § 2 (part): prior code § 9-46.110)

9-56.120 Requirements for complete special
animal permit applications.

An application for a special animal permit shall con-
tain the following information:

A. The name and address of the applicant and of all
persons owning any or all of the property on which the
animal(s) will be maintained;

B. Evidence that the applicant is the owner of the
property involved, or has written permission from the
owner(s) to file such application;

C. The location and size of the subject property;

D. The type and number of the animals requested;
E. A title report for the property. The Community Development Director, in his or her discretion, may require that a more recent title report be prepared;
F. A site plan indicating:
   1. The area and dimensions of the building or enclosure for the use or keeping of the animal(s) as well as the locations and dimensions of all other structures on immediately adjacent properties, and
   2. Site drainage patterns;
G. A mailing list and labels of the names and addresses of all: (1) owners of the property adjacent to the exterior boundaries of the subject property; and (2) occupants of property adjacent to the exterior boundaries of the subject property. For purposes of this section, owners shall be those persons who are shown on the latest available assessment roll of the county of Orange;
H. Such other information deemed necessary by the Community Development Director to substantiate the following facts:
   1. That the requested animal(s) at the location proposed will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare, and
   2. That the proposed site is adequate in size and shape to accommodate the animal(s) requested without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site;
I. The application shall be accompanied by a filing fee in an amount as established by resolution of the City Council. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.120)

9-56.140 Approval or denial of special animal permit.
A. The decision to grant or deny a special animal permit shall be within the discretion of the Community Development Director. In rendering the decision, the Community Development Director shall consider: (1) the sufficiency of the complete special animal permit application pursuant to Section 9-56.120; (2) all timely submitted written protests; and (3) any technical opinion or report relevant to the application submitted by the City of Mission Viejo Animal Services Manager or designee. A decision granting or denying a special animal permit shall set forth specific findings as to whether the animal(s): (1) will or will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and (2) will or will not cause material detriment to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.
B. In approving an application for a special animal permit, the Community Development Director may impose such conditions as deemed necessary to ensure that the animal(s) will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare, and that there will be no material detriment to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site.
C. The Community Development Director shall inform in writing the applicant and any persons who filed written protests of his decision. Any decision of the Community Development Director may be appealed by the applicant or by any interested party by filing a written appeal with the Community Development Director within ten days after the date of mailing. The appeal shall be accompanied by a fee, established by resolution of the City Council. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.140)

9-56.150 Appeal procedure.
A. Upon receipt of an appeal from a decision of the Community Development Director filed pursuant to Section 9-56.140C, the Director or his or her designee shall notice a public hearing before the Planning Agency. Notice of such hearing shall be sent to all persons to whom notice of the application was sent pursuant to Section 9-56.130.
B. The Planning Agency shall conduct a hearing on the matter. At the conclusion of the hearing, the Planning Agency shall determine whether to affirm, reverse, or modify the decision of the Community Development Director. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.150)
9-56.160  Special animal permit validity.
    A. A special animal permit is issued for the benefit and use of the applicant therefor and for members of the applicant’s family residing with said applicant and shall terminate and be of no further force or effect when said applicant and family cease to occupy the premises described in the special animal permit application.
    B. A special animal permit may be revoked for the reasons and pursuant to the provisions of Section 9-92.110 and this chapter. (Ord. 2018-6 § 3 (part); Ord. 98-8 § 2 (part); prior code § 9-46.160)