

# Rancho Santa Margarita Nuisance Animals

## Chapter 5 – ANIMALS

### Sec. 5.12.230. Nuisance.

“No person shall allow, upon any premises owned, occupied, or controlled by such person, any animal to cause a nuisance. This includes, but is not limited to, disruptive sound created by barking, howling, crying, neighing, braying or making other sounds that unreasonably disturb other persons in the comfortable enjoyment of their life or property. Such activity is hereby deemed a nuisance.

A dog shall not be deemed a nuisance if, at any time the dog is making noise, a person is trespassing or threatening to trespass upon the private property where the dog is situated, or when the dog is being teased or provoked or protecting person(s) or property.”

## NUISANCE COMPLAINT ADMINISTRATIVE PROCEDURES CITY OF RANCHO SANTA MARGARITA

Section 5.12.240 of Chapter 5 of the Municipal Code reads as follows:

“Sec. 5.12.240. Nuisance complaint administrative procedures.

Upon receiving a complaint alleging a nuisance as defined in Section 5.12.230, animal services department shall adhere to the following procedures:

- (a) Upon receipt by the animal services department of a first complaint, animal services staff will send a letter informing the responsible person about the complaint.
- (b) For purposes of this Article a “responsible person” is any of the following:
  - (1) A person who allows a violation of or alleged violation of Section 5.12.230 to exist, whether through willful action, failure to act, or failure to exercise proper control over an animal;
  - (2) A person whose agent, employee, or independent contractor allows a violation to exist, whether through willful action, failure to act, or failure to exercise proper control over an animal;
  - (3) A person who is the owner of, or a lessee or sub lessee with the current right of possession of and/or control over the, real property in or upon which an alleged violation occurs; or
  - (4) A person includes a natural person or legal entity, including the owners, majority stockholders, corporate officers, trustees, or general partners of a legal entity.

- (5) There may be more than one responsible person for a violation(s).
- (c) Upon receipt by the animal services department of a second complaint regarding an animal for which a first notice has been sent, provided at least ten (10) days but no more than thirty (30) days have elapsed from the date of the first letter sent by animal services staff pursuant to Subsection (a) above, an animal services officer will be dispatched to issue a notice to comply and to advise the responsible person about possible solutions to rectify the nuisance.
- (d) Upon receipt by the animal services department of a third complaint between ten (10) and thirty (30) days after the date of a second complaint pursuant to Subsection (b) above, animal services staff will ask the complaining person to obtain, complete and return to the department within ten (10) days of the request a formal witness statement form signed under penalty of perjury attesting to the nuisance violation.
- (e) Upon receipt of a formal witness statement form, if the Director finds the responsible person to be in violation of Section 5.12.230, the animal services department will issue an administrative citation pursuant to Chapter 1.05 of this Code in an amount set forth in Subsection (g) of Section 5.12.270.

**Amount for barking dog civil fines:**

Fines for violating the provisions of the subarticle shall be as follows:

Fine for First Barking Dog Citation Issued (Per Citation):	\$300.00
Fine for Second Barking Dog Citation within the same 12-month period:	\$350.00
Fine for Third Barking Dog Citation within the same 12-month period:	\$400.00
Fine for Fourth Barking Dog Citation within the same 12-month period:	\$450.00
Fine for Fifth Barking Dog Citation within the same 12-month period:	\$500.00
Fine for Sixth and Subsequent Barking dog Citation Issued within the same 12-month period:	\$550.00

**In order to file a nuisance complaint you must have the  
address of where the offending animal resides.  
To file a complaint, please call (949)470-3045.**