



## Legislation Details (With Text)

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| <b>File #:</b>        | 23-985                                                                                                                             | <b>Version:</b>      | 1                                           |
| <b>Type:</b>          | Ordinance                                                                                                                          | <b>Status:</b>       | Agenda Ready                                |
| <b>File created:</b>  | 1/3/2023                                                                                                                           | <b>In control:</b>   | REGULAR CITY COUNCIL AND HOUSING AUTHORITY* |
| <b>On agenda:</b>     | 1/17/2023                                                                                                                          | <b>Final action:</b> |                                             |
| <b>Title:</b>         | AMENDMENT TO THE CITY OF COSTA MESA'S MUNICIPAL CODE 3-151 FOR APPEALS FROM POLICE CHIEF ACTIONS RELATED TO SPECIAL ANIMAL PERMITS |                      |                                             |
| <b>Sponsors:</b>      |                                                                                                                                    |                      |                                             |
| <b>Indexes:</b>       |                                                                                                                                    |                      |                                             |
| <b>Code sections:</b> |                                                                                                                                    |                      |                                             |
| <b>Attachments:</b>   | 1. Agenda Report, 2. 1. Draft Ordinance 2023-xx                                                                                    |                      |                                             |

| Date | Ver. | Action By | Action | Result |
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### TITLE:

**AMENDMENT TO THE CITY OF COSTA MESA'S MUNICIPAL CODE 3-151 FOR APPEALS FROM POLICE CHIEF ACTIONS RELATED TO SPECIAL ANIMAL PERMITS**

**DEPARTMENT:** POLICE DEPARTMENT

**PRESENTED BY:** RONALD LAWRENCE, CHIEF OF POLICE

**CONTACT INFORMATION:** RONALD LAWRENCE, CHIEF OF POLICE, (714) 754-5117

### SUMMARY:

The City of Costa Mesa Municipal Code (CMMC) currently provides authority to the Chief of Police to issue special animal permits, to grant or deny applications for special animal permits, and to take action on permits including the revocation or suspension of such permits. The appeal process outlined in CMMC 3-151 currently requires the City Council to hear appeals for actions taken pursuant to Chapter VI. This Ordinance 2023-xx amends CMMC 3-151 to instead direct appeals under Chapter VI to the City Manager as with other appeals processes contained in the Municipal Code.

### RECOMMENDATION:

Staff recommends that the City Council:

Introduce for first reading the attached Ordinance No. 2023-xx to amend Section 3-151 (Appeals from Action of Police Chief) Chapter VI (Special Animal Permit) of Title 3 (Animal Regulations) of the CMMC to grant appeal authority to the City Manager in place of the City Council for Special Animal Permit related actions taken by the Chief of Police.

## **BACKGROUND:**

Pursuant to CMMC Chapter IV, the Chief of Police approves or denies applications for the keeping of any non-domesticated or other prohibited animals within the City (e.g. chickens, foul, livestock, or other animals that could cause noise, odors, nuisances, dangers, or menacing the safety of persons or property) and the Chief of Police may for good cause impose certain conditions, revoke or suspend issued permits.

## **ANALYSIS:**

The following is a description of the proposed amendments to Title 3 (Animal Regulations) of the CMMC.

3-151. Appeals from action of police chief.

- (a) If any person is aggrieved by any action of the police chief taken pursuant to this chapter, such person may appeal to the *city manager* by filing with the city clerk a statement addressed to the *city manager* setting forth the facts and circumstances regarding the action or failure to act on the part of the police chief. The city clerk shall notify the applicant in writing by registered mail of the time and place set for hearing the appeal. The *city manager* shall hold a hearing and determine the merits of the appeal, and may sustain, overrule or modify the action of the police chief. The decision of the *city manager* shall be final.
- (b) The right to appeal to the *city manager* from any action or decision of the police chief under this chapter shall terminate upon the expiration of fifteen (15) days following the giving of notice to the applicant advising them of the action of the police chief. (Ord. No. 07-16, § 1, 8-7-07).

The proposed amendment provides consistency with the other appeal processes within the City. A complete and consistent appeal process within the City will be efficient and comprehensible for the public and City staff.

## **ALTERNATIVES:**

The City Council may adopt the ordinance or provide alternative direction.

## **FISCAL REVIEW:**

There is no fiscal impact with amending Costa Mesa Municipal Code 3-151 - Appeals from Action of Police Chief.

## **LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and approved it as to form.

## **CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

**CONCLUSION:**

Staff recommends that the City Council:

Introduce for first reading the attached Ordinance No. 2023-xx to amend Section 3-151 (Appeals from Action of Police Chief) of Chapter VI (Special Animal Permit) of Title 3 (Animal Regulations) of the Costa Mesa Municipal Code to authorize the City Manager to hear any appeal under this Chapter, in place of the City Council.