

**Title 6**  
**Animals**

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**6.04.005**     **Definitions.** For the purposes of Title 6 of the Beaumont Municipal Code, the following words and phrases shall have the meanings:

"Abuse" or "abused" animal means any animal which is:

1. Mistreated, beaten, tormented or teased;
2. Deprived of water, food or shelter;
3. Kept under unsanitary conditions;
4. Abandoned; or

5. Trained for fighting or attacking other animals or human beings.

"Animal control officer" means any person or entity designated under this Chapter as the animal control officer for the City, including, but not limited to, any police officer or City employee designated to enforce the animal control regulations of this Chapter.

"Animal Rescuer" means any individual who routinely obtains a dog or cat from the rightful owner of the animal, or any animal from an animal shelter that has been retained in accordance with this chapter.

"At large" means off the premises of the owner and not under the control of the owner either by leash, cord, rope, chain, fence or otherwise.

"Dangerous animal" means any of the following:

1. Any animal seized under Section 599aa of the California Penal Code and upon the sustaining of a conviction of the owner under subdivision (a) of Section 597.5 of the California Penal Code.

2. Any animal which, when unprovoked, inflicts injury on or kills a human being.

3. Any animal which, when unprovoked, engages in aggressive conduct requiring defensive action by any person to avoid bodily injury.

4. Any animal which has killed or injured a domestic animal.

"Dangerous animal" does not mean any animal in a situation in which it is shown that the person or domestic animal suffering the injury or damage had, at the time of the injury or damage:

1. Provoked, tormented, teased, abused or assaulted the animal into the behavior alleged;

2. Committed a willful trespass or other tort upon the private property of the owner of the animal;

3. Committed or attempted to commit a crime; or

4. Threatened or committed an unjustified attack or assault against the owner or person in control of the animal.

"Dog" means a female as well as a male or neutered dog. A litter of pups less than four (4) months of age shall not be included in computing the number of dogs.

"Enclosure" means a fence or structure of at least six (6) feet in height forming or causing an enclosure suitable to prevent the entry of young children and suitable to

humanely confine an animal with adequate exercise area, and posted with an appropriate warning sign, in conjunction with other measures which may be taken by the owner of the animal. The enclosure shall be designed in order to prevent the animal from escaping. The animal shall be housed pursuant to Section 597t of the California Penal Code.

“Exigent Circumstances” means circumstances in which the animal control officer, in his or her reasonable judgment, determines that a life threatening or serious injury may occur if immediate action is not taken, i.e., animal may die if not immediately transported to a veterinarian, or animal may bite and seriously injure a human or animal if not impounded, or animal may die if officer does not immediately enter property and rescue, etc.

“Exotic Animal” is defined as any animal which is not normally domesticated in the United States including, but not limited to, any lion, tiger, bear, non-human primate (monkey, chimpanzee, etc.), wolf, coyote, cougar, bobcat, ocelot, wildcat, skunk, boa, python, reptile, amphibian, bird, or venomous snake, irrespective of its actual or asserted state of docility, tameness or domesticity.

“Guide Dog” means any dog trained or being reared, trained or used for the purpose of guiding a blind person.

"Hearing officer" means the person appointed by the City Manager to serve as the hearing officer under this Title.

“Hybrid Animal” means any animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the state of California.

"Impound" or "Impounded" means having been received or taken into the custody of the animal control officer.

"Kennel" means any lot or parcel of land or place where a person engages in, conducts, manages or maintains a veterinary business, regardless of the number of animals. “Kennel” includes private animal rescue operations.

"Owner" means any person or persons owning, keeping or harboring a dog.

"Person" means a natural person or any legal entity, included but not limited to, a corporation, firm, partnership or trust.

“Sentry Dog” means any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility. The term “guard dog” shall also mean “sentry dog.”

“Service Dog” means any dog being reared, trained or used for the purpose of fulfilling the particular requirements of a physically disabled person, including but not limited to minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.

“Signal Dog” means any dog trained or being reared, trained or used for the purpose of alerting a deaf person or a person whose hearing is impaired, to intruders or sounds.

“Unlicensed Dog” means any dog which no valid license is currently in force.

“Unaltered and Unspayed” means a condition that exists in an animal which permits the producing of offspring. A dog or cat that has not been spayed or neutered.

“Vaccination” means an inoculation against rabies of any dog or cat, four months of age or older, with any vaccine prescribed for that purpose by the California Department of Health Services.

“Veterinarian” means a person holding a currently valid license to practice veterinary medicine issued by the state of California pursuant to Chapter 11 of the California Business and Professions Code.

**6.04.010 Fees — by Resolution.** All fees authorized in this title shall be established, and may be amended from time-to-time, by resolution.

A. No person shall leave an animal in an unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal’s health and welfare.

B. If after a search of the area the owner cannot be found, the animal control officer/police officer feels the animal’s health is in danger, the animal may with the approval of the police supervisor be removed from the vehicle and transported to a veterinarian for treatment. A notice shall be left of the vehicle stating the following:

1. Why the animal was removed;
2. Name, address and telephone number of the veterinarian where the animal is being treated;
3. The authority to remove the animal; and
4. Name of person(s) removing the animal.

C. The owner or person having control of the animal when it was removed from the vehicle shall be responsible for all costs for the treatment of the animal, as may be applicable, and may be charged with a misdemeanor animal cruelty PC597.

**6.04.030 Prohibition of Roosters.** No person, either as owner, agent or employee, shall keep any roosters within the City of Beaumont. Any keeping of such unauthorized animals will be declared a nuisance.

**6.04.040 Transfer to Veterinarian.** Any peace officer, humane society officer, or animal control officer shall convey all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer to be a veterinarian who ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment. If the animal is treated and recovers from its injuries, the animal will be put up for adoption after the prescribed period of time and no owner is found. If an owner for the animal is found they will be liable to all cost incurred for the care and treatment of the animal. The costs for the care and treatment of the animal will be required to be paid prior to the animal being returned to the owner. No veterinarian shall be criminally or civilly liable for any decision which he or she makes or for services which he or she provides pursuant to this section. An animal control officer who takes possession of an animal pursuant to this section shall keep records of the whereabouts of the animal for a seventy-two (72) hour period from the time of possession, and those records shall be available for inspection by the public upon request.

**6.04.050 Prohibition of Sales or the Giving Away of Animals on Public Property.** No person shall, in the city of Beaumont, offer for sale or sell or give away or transfer for adoption any animal, cat, kitten, dog or puppy on any public street, public sidewalk or public park. This prohibition does not apply to animal shelters or authorized organizations who conduct adoptions within the city.

**6.04.060 Manure - Accumulations**

A. Refuse excrement and manure from animals poultry fowl or any livestock shall not be permitted to accumulate on any premises in the City for a period in excess of fourteen (14) days and shall be removed from such premises at not less than 14-day intervals unless spread upon and buried in the earth.

B. This section shall not apply to commercial supplies of fertilizer dealers stock; provided, that such supplies are packaged in fly-tight containers, nor shall this section apply to commercial poultry pens or houses where the deep litter process is used within the poultry house or pen. (Ord. 492 §5, 1978)

**6.04.070 Manure - Piling Pending Removal.** Pending its removal from the premises, refuse excrement or manure from animals, poultry, fowl or livestock shall be piled in a well drained area on a base at least four inches above the surrounding levels, to the end that storm or surface waters will flow away from, rather than into the pile. (Ord. 492 §6, 1978)

**6.04.080**     **Dead Animals and Fowl to be Kept in Containers Pending Removal.** Dead animals, fowl or poultry, and offal, pending removal pending removal from the premises must be in a fly tight containers (Ord. 492 §7, 1978)

**6.04.090**     **Excessive Amount of Flies.** Upon inspection, should the animal control officer or deputies discover flies in unreasonably excessive numbers, he shall require further controls through the use of insecticides, chemicals or other means. (Ord. 492 §8, 1978)

**6.04.100**     **Shed, Pen, Coop or Other Shelter Used to House Animals and Fowl.** All persons owning or having the care, custody, or control of any animal, fowl, domestic or otherwise, shall conform to all other provisions of the law governing same. At no time shall a shed, pen, coop or other shelter used to house animals or fowl domestic or otherwise to be kept or maintained within fifty feet of any window or door of any residence, dwelling or other building used for human habitation, or within one hundred feet of the lot upon which it is located. (Ord. 492 §9, 1978)

**6.04.110**     **Fencing for Animals and Fowl.** All persons owning or having care, custody, or control of any animal, fowl, domestic or otherwise, shall maintain adequate fencing to hold the animal, fowl, domestic, or otherwise, from wandering or flying upon the property of another. (Ord. 492 §10, 1978)

**6.04.120**     **Wild Animal and Mammals, Poisonous Snakes and Other Reptiles.** A non-domestic animal which is wild and potentially dangerous in its natural state and as defined in Section 2116 of the Fish and Game Code of the state, shall not be kept or maintained within the city without complying with the following:

A. Such person desiring to keep or maintain a wild animal, poisonous snake or reptile shall first obtain a permit from the state pursuant to Section 2150 of the Fish and Game Code of the state and shall meet any and all conditions required by the permit.

B. In addition thereto, the possessor shall obtain public liability insurance in the amount of one million dollars (\$1,000,000.00) in which the City shall be named an additional insured.

C. The wild animal, snake or reptile may be transported through the City if it is confined in such a manner as to pose no threat, injury or harm to persons in this city. The animal must at all times be properly caged or tethered. In addition the person shall comply with all requirements as set forth in the Fish and Game Code of the state.

**6.04.130 Abandonment.** It is unlawful for any person to knowingly abandon any animal within the city. Any person violating this Section shall bear full costs and expenses incurred by the city in the care of said abandoned animal and the person shall reimburse to the city all costs therefore as determined by the chief of police or designee. Abandonment shall include the owner's failure to redeem animals impounded after proper notification of the impoundment has been issued. (Ord. 492 §14, 1978)

**6.04.140 Humane Destruction of Animals in the Field.** Notwithstanding any other provision of this section, any peace officer or any animal control officer may, with the approval of his or her immediate supervisor, humanely destroy any stray or abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal.

**6.04.150 Violation-Penalties.** Any person violating any provision of this Title in government Code 36900 shall be deemed guilty of an infraction or misdemeanor as specified. Such individual shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Title are committed, continued, or permitted. Any individual convicted of a violation of this Title shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance provision; (3) guilty of an infraction offense and punished by a fine not exceeding five hundred dollars (\$500.00). The fourth and any additional violations of the same ordinance shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve an individual from the responsibility for correcting the violation.

**6.04.160 Provisions Supplementary to Other Laws.** The provisions of this Title shall be in addition to all other laws or provisions in other ordinances of the city governing or regulating the keeping of animals, poultry, fowl or other livestock in the city and not a limitation thereof. (Ord. 492 §11, 1978)

**6.04.170 Repeated Violation Constitutes Nuisance.** Repeated violations of this Title shall constitute a public nuisance. Three (3) or more convictions of the same violation within one 12-month period shall be deemed a public nuisance per se subject to abatement resulting in the removal of all animals, poultry, fowl and other livestock from the premises.

**6.04.180 Interference with Enforcement.** No person shall interfere with, oppose or resist the chief of police or his animal control officers, and police officers or any special officer of the City while engaged in the performance of the duties prescribed in this Title.

**Chapter 6.06**  
**Seizure of Animals**

Sections:

- 6.06.010 Seizure of Animals
- 6.06.020 Post-Seizure Hearing
- 6.06.030 Hearing Prior to Seizure of Animal(s)
- 6.06.040 Cost of Seizure and Care – Owner Liable
- 6.06.050 Noncompliance with Order to Provide Veterinary Care
- 6.06.060 Return to Owner – Conditions
- 6.06.070 Hearings

**6.06.010 Seizure of Animals.**

A. **Emergency Seizure:** Whenever any peace officer or animal control officer has reasonable grounds to believe that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall immediately seize the animal and comply with the procedure established in Section 6.06.020.

B. **Non-Emergency Seizure:** In all other cases, the officer shall comply with the provisions of Section 6.06.030.

**6.06.020 Post-Seizure Hearing.** Whenever an animal control officer or peace officer seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, prior to the commencement of any criminal proceedings, provide the owner or keeper of the animal, if known or ascertained after reasonable investigation, with the opportunity for a post-seizure hearing as hereinafter provided to determine the validity of the seizure or impoundment, or both.

A. The animal control department shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper within 48 hours, excluding weekends and holidays. The notice shall include all of the following:

1. The name, business address, and telephone number of the officer providing the notice;
2. A description of the animal(s) seized, including any identification upon the animal(s);

3. The authority and purpose for the seizure, or impoundment, including the time, place and circumstances under which the animal was seized;

4. A statement that, in order to receive a post-seizure hearing, the owner of person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning an enclosed declaration of ownership or right to keep the animal to the animal control officer within ten (10) days, including weekends and holidays, of the date of the notice. The declaration may be returned by personal delivery or mail;

5. A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.

B. The post-seizure hearing shall be conducted within three (3) business days of the request, excluding weekends and holidays. The hearing shall be conducted in accordance with the provisions of Section 6.06.070.

C. Failure of the owner or keeper, or of his or her agent, to request a hearing within the prescribed time period, or to attend a scheduled hearing, shall result in forfeiture of any right to a post-seizure hearing or right to challenge his or her liability for costs incurred.

D. The City shall be responsible for the costs incurred for caring and treating the animal(s), if it is determined in the post-seizure hearing that the seizing officer did not have reasonable grounds to believe prompt seizure of the animal(s), was required to protect the health or safety of the animal or the health or safety of others. If it is determined the seizure was justified, the owner or keeper shall be personally liable to the City for the cost of the seizure and care of the animal(s), and the animal(s) shall not be returned to its owner until the charges are paid and the City or hearing officer has determined that the animal(s) is physically fit or the owner demonstrates to the City's or the hearing officer's satisfaction that the owner can and will provide the necessary care.

**6.06.030 Hearing Prior to Seizure of Animal(s).** Where the need for immediate seizure is not present and prior to the commencement of any criminal proceedings, the animal control officer shall provide the owner or keeper of the animal(s), if known or ascertained after reasonable investigation, with the opportunity for a hearing prior to any seizure or impoundment of the animal(s). The owner shall produce the animal(s) at the time of the hearing unless, prior to the hearing, the owner has made arrangements with the animal control officer to view the animal(s) upon request of the animal control officer, or unless the owner can provide verification that the animal was humanely destroyed. Any person who willfully fails to produce the animal(s) or provide the verification is guilty of an infraction.

A. The animal control officer shall cause a notice to be affixed to a conspicuous place where the animal(s) was situated or personally deliver a notice stating the grounds for believing the animal(s) should be seized. The notice shall include all of the following:

1. The name, business address, and telephone number of the officer providing the notice;

2. A description of the animal(s) to be seized, including any identification upon the animal(s);

3. The authority and purpose for the possible seizure or impoundment;

4. A statement that, in order to receive a hearing prior to any seizure, the owner or person authorized to keep the animal(s), or his or her agent, shall request the hearing by signing and returning the enclosed declaration of ownership or right to keep the animal(s) to the officer providing the notice within two days, excluding weekends and holidays, of the date of the notice;

5. A statement that the cost of caring for and treating any animal properly seized is a lien on the animal, that any animal seized shall not be returned to the owner until the charges are paid, and that failure to request a hearing within the prescribed time period, or to attend a scheduled hearing shall result in a conclusive determination that the animal(s) may properly be seized and that the owner shall be liable for the charges.

B. The pre-seizure hearing shall be conducted within three (3) business days, excluding weekends and holidays, after receipt of this request. The hearing shall be conducted in accordance with the procedure established in Section 6.06.070.

C. Failure of the owner or keeper, or his or her agent, to request a hearing within the prescribed time period or to attend a scheduled hearing, shall result in a forfeiture of any right to a pre seizure hearing or right to challenge his or her liability for costs incurred to this chapter.

**6.06.040 Cost of Seizure and Care – Owner Liable.** If any animal is properly seized under this chapter, the owner or keeper shall be personally liable to the seizing agency for the cost of the seizure and care of the animal(s). Furthermore, if the charges for the seizure or impoundment and any other charges permitted under this chapter are not paid within fourteen (14) days of the seizure, or, if the owner, within fourteen (14) days of notice of availability of the animal(s) to be returned, fails to pay charges permitted under this chapter and take possession of the animal(s), the animal(s) shall be deemed to have been abandoned and may be disposed of by the impounding officer. The cost of caring for and treating any animal properly seized under this chapter shall constitute a lien on the animal and the animal shall not be returned to

its owner until the charges are paid, unless the hearing officer determines that the seizure was unjustified.

**6.06.050**     **Noncompliance with Order to Provide Veterinary Care.** If the animal requires veterinary care and the seizing agency is not assured, within fourteen (14) days of the seizure of the animal(s), that the owner will provide the necessary care, the animal(s) shall not be returned to its owner and shall be deemed to have been abandoned and may be disposed of by the impounding officer. A veterinarian or properly trained animal control officer may humanely destroy an impounded animal without regard to the prescribed holding period when it has been determined that the animal has incurred severe injuries or is incurably ill or crippled. A veterinarian or properly trained animal control officer may also immediately humanely destroy an impounded animal afflicted with a serious contagious disease unless the owner or his or her agent immediately authorizes treatment of the animal(s) by a veterinarian at the expense of the owner or agent.

**6.06.060**     **Return to Owner – Conditions** No animal properly seized under this chapter shall be returned to its owner until, in the determination of the seizing agency or hearing officer, the animal is physically fit or the owner can demonstrate to the seizing agency's or hearing officer's satisfaction that the owner can and will provide the necessary care.

**6.06.070**     **Hearings** All hearings conducted pursuant to this chapter shall be conducted by the chief of police or his designee (hearing officer), who shall not have been directly involved in the subject action and shall not be subordinate in rank to the person seizing or impounding the animal(s). Hearings shall be conducted in the following manner:

A. The hearing officer may continue the hearing for a reasonable period of time, if the hearing officer deems such continuance to be necessary and proper or if the owner or custodian shows good cause for such continuance.

B. The animal control officer shall have the burden of proof to establish, by a preponderance of evidence, the existence of the condition or conditions which gave rise to the need for the seizure or impoundment.

C. In a case where the officer is also seeking to terminate the owner's rights to the animal(s), the officer shall have to put the owner or keeper of the animal(s) on due written notice thereof and shall establish the existence of the owner's or keeper's acts or omissions resulting in cruelty or neglect to the animal(s) by clear and convincing evidence to a reasonable certainty.

D. The animal control officer shall present its case first, followed by the party against whom the seizure or impoundment is being proposed. The animal control officer may present rebuttal in the discretion of the hearing officer.

E. Oral evidence shall be taken only on oath or affirmation.

F. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any other matter relevant to this issue even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness, and to rebut evidence.

G. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be irrelevant and unduly repetitious evidence shall be excluded.

H. At the conclusion of the hearing, each side shall be given an opportunity to summarize its position.

I. Within three working days after the conclusion of the hearing, the hearing officer shall render, in writing, his or her findings, decision and order thereon, and shall give notice, in writing, of the findings, decision and order to the owner or custodian of the animal(s).

J. In the event a sufficient quantum of evidence presented at the hearing supports a determination for seizure, impoundment and/or termination of the owner's rights of the animal(s), the hearing officer as a part of his decision may order, but is not limited to ordering, that one or more of the following actions be undertaken:

1. That the owner's and/or custodian's rights in and to the dog, cat or other animal(s) is terminated;

2. That the owner or custodian of the dog, cat or other animal(s) shall remove the animal(s) from the premises by a specified date;

3. That animal control personnel, after a specified date, shall impound the animal(s).

4. That animal control personnel shall sell, give away, or otherwise dispose of, the animal(s) with the owner or custodian of the animal(s) being responsible to reimburse the city or agency as designated by the City for all costs and expenses including, but

not limited to, board, care, veterinary services, and costs of disposal. If the animal(s) are sold, the proceeds from the sale shall go to the City or agency designated by the City.

K. A decision upholding seizure or impoundment shall become effective upon issuance.

L. A decision terminating an owner's rights in the animal(s) shall become effective thirty (30) days from the date the decision is mailed unless a stay of execution is granted.

### **Chapter 6.08** **RABID ANIMALS**

Sections:

6.08.010	Destruction of Rabid Dog or Animal
6.08.020	Suspect Animal - Confinement and Treatment
6.08.030	Quarantine of Rabid Animals
6.08.040	Animals Bitten by Rabid Animals-Confinement by Owners
6.08.050	Animals Bitten by Rabid Animals-Quarantine by Animal Control Officer
6.08.060	Immunization for Dogs Over Four Months
6.08.070	Immunization Method
6.08.080	Certificate of Rabies Vaccination-Issuance
6.08.090	Certificate of Rabies Vaccination-Prerequisite to Issuance of License
6.08.100	Failure to Quarantine

**6.08.010**     **Destruction of Rabid Dog or Animal.** If it appears to the animal control officer, upon examination, that any dog or other animal has rabies, he/she shall cause such animal to be destroyed forthwith. (Ord. 492 §15, 1978)

**6.08.020**     **Suspect Animal-Confinement and Treatment.**

A. Officers or persons capturing a dog or other animal which is suspected of being afflicted with rabies may separately confine such dog or other animal in some safe place and report the capture to the chief of police or his representative and submit such a dog or other animal to the chief of police or his representative for examination.

B. The animal control officer, when called upon, shall examine or have examined every such animal and ascertain whether such animal is infected with rabies. (Ord. 492 §16, 1978)

**6.08.030      Quarantine of Rabid Animals.**

A. Whenever it is shown that any dog or other animal has bitten any person, the owner or person having custody or possession of such biting dog or other animal shall, upon order of the animal control officer, quarantine it and keep confined for a period not to exceed fourteen days, and shall allow the animal control officer to make an inspection or examination of such dog or other animal at any time during such period; provided, that upon request of the owner, who shall assume any charges therefore, any dog or other animal with a valid vaccination may be confined by a licensed veterinary for observation, and a written release from such veterinary shall be required.

B. It is unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the city limits without the written permission of the animal control officer. Every owner or other person having custody or control of the dog or other animal knowing the same is rabid shall immediately notify the animal control officer or a police officer who shall make the determination to remove the dog or animal from the premises, leave it, or destroy it. (Ord. 492 §17, 1978)

**6.08.040      Animals Bitten by Rabid Animals - Confinement by Owners.**

Whenever any animal has been bitten by another animal having or suspected of having rabies, the owner or person having the custody or possession of the animal so bitten shall immediately notify the animal control officer and shall restrain or confine such animal so as to make it impossible for such animal to bite any other animal or person. (Ord. 492 §18, 1978)

**6.08.050      Animals Bitten by Rabid Animals - Quarantine by Animal Control Officer.** The animal control officer shall have the power to quarantine any animal bitten or suspected of having been bitten by a rabid animal. Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined in a place and manner approved by the animal control officer, for a period of up to six months or destroyed, with the exception that the following alternatives are permitted in the case of dogs and cats as follows:

A. If a dog over one year of age has been vaccinated against rabies within 36 months but not less than 30 days with a rabies vaccine of a type approved by the animal control officer for a maximum immunity duration of at least 36 months, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the animal control officer and quarantined in a place and manner approved by the animal control officer for a period of 30 days following revaccination.

B. If a dog under one year of age has been vaccinated against rabies within 12 months but not less than 30 days with a rabies vaccine of a type approved by the animal control officer, the dog may be revaccinated immediately (within 48 hours) in a

manner prescribed by the animal control officer and quarantined in a place and manner approved by the animal control officer for a period of 30 days.

All costs of quarantine shall be paid for by the owner.

**6.08.060**     **Immunization for Dogs Over Four Months.** All dogs over four (4) months of age shall be immunized against rabies in the manner set forth in Sections 6.08.070 through 6.08.090. (Ord. 492 §20, 1978)

**6.08.070**     **Immunization Method.** Immunization or vaccination with the canine rabies vaccine, one injection or other approved method may be performed by any duly qualified, licensed physician or veterinarian. (Ord. 492 §21, 1978)

**6.08.080**     **Certificate of Rabies Vaccination-Issuance.** The person vaccinating each dog described in Section 6.08.070 shall issue a certificate of rabies vaccination. (Ord. 492 §22, 1978)

**6.08.090**     **Certificate of Rabies Vaccination-Prerequisite to Issuance of License.** At the time of issuing the license required under Section 6.16.010 for all dogs in the city, the license collector or other proper official shall require the applicant for such a license to produce a certificate of rabies vaccination. The validity of such rabies certificate must extend through the license period. (Ord. 492 §23, 1978)

**6.08.100**     **Failure to Quarantine.** Failure to comply with quarantine requirements may result in citations and fines in the sum of one hundred (\$100.00) dollars for each day the quarantine period is violated. Failure to produce an animal for quarantine will result in citations and fines in the amount of five hundred (\$500.00) dollars per day animal is not produced.

**Chapter 6.12**  
**DOGS - GENERAL PROVISIONS**

Sections:

- 6.12.010 Leash Law Violation
- 6.12.020 Running at Large-Citizens May Capture and Notify Proper Authority
- 6.12.030 Kennel Violation
- 6.12.040 Placement Requirements
- 6.12.050 Permitting Dog to Make Nuisance Prohibited - Persons with Defective Sight Excepted
- 6.12.060 Entering, Swimming in Ditches, Canals and Pools
- 6.12.070 Barking Dogs

**6.12.010 Leash Law Violation.**

A. No dog shall run at large in the City. No person owning or having the control or custody of any dog shall permit or allow such dog to run at large within the City.

B. A dog is defined to be at large whenever it is elsewhere other than when secured on the premises of the owner or person having custody of such dog and is not restrained by a leash less than ten feet in length under the control of a person capable of controlling such dog. A dog is also defined to be at large whenever it is left unattended in an open vehicle. (Ord.492 §25, 1978)

**6.12.020 Running at Large-Citizens May Capture and Notify Proper Authority.** A private citizen may capture and hold a dog found running at large in violation of Sections 6.08.060 through 6.08.090 and this Chapter through Chapter 6.20 and shall notify the chief of police or other person designated by the City Manager who shall see that such dog is picked up and impounded. (Ord.492 §26, 1978)

**6.12.030 Kennel Violation.** No person shall keep, house, confine or maintain more than three adult dogs (over four months (4) of age) in any place in the City, other than a licensed commercial kennel. (Ord.492 §27, 1978)

**6.12.040      Placement Requirements**

A. Any person who within the City, or any business entity or other organization located in or doing business in the City, which advertises or offers in any manner, puppies or dogs for sale, trade, barter or to be given away for free, must display in such advertisements, announcements or flyer the following information:

1. The license number and name of the licensing agency of each of the mother animals any of whose offspring are so offered (in the case of puppies under four months of age);

2. The license number and name of licensing agency of each of the dogs (in the case of animals four months or more of age);

3. The kennel and/or rescue permit number and name of the permitting agency of the owner of each of the mother animals any of whose offspring are so offered (in the case of animals four months of age); and/or

4. The kennel permit and/or rescue number and name of the permitting agency of the owner of each of the dogs so offered (in the case of animals four months or more of age).

B. This section shall not apply to public animal shelters or nonprofit humane societies which are in compliance with Food and Agricultural Code Sections 30503 and 31751, nor shall it apply to persons who relinquish animals to such shelters or societies.

**6.12.050      Permitting Dog to Make Nuisance Prohibited-Persons with Defective Sight Excepted.** No person shall permit or allow a dog to make a nuisance on any public property or any private property without consent of the owner of the property. Persons with defective sight, while relying on a dog specifically trained as a guide-dog, shall be exempt from this section. (Ord. 492 §31, 1978)

**6.12.060      Entering, Swimming in Ditches, Canals and Pools.** No person shall allow or permit any dog belonging to, or under the control of such person to enter, swim or remain in any drainage ditch within the City, or in any settling tank, ditch, canal or reservoir within the City, or any public swimming pool within the City. (Ord. 492 §32, 1978)

**6.12.070 Barking Dogs.** The repeated barking of any dog within the City is declared to be a public nuisance. Every person who owns, keeps, maintains or permits to be maintained any dog on any premises within the City, whose repeated barking disturbs the peace and quiet of any neighborhood or of any person, shall be deemed guilty of a violation of this section if such person after having been requested to restrain such dog from creating such a public nuisance, suffers or permits such public nuisance to continue. (Ord. 492 §33, 1978)

## **Chapter 6.16** **DOG AND KENNEL LICENSES**

Sections:

6.16.010	License Required
6.16.020	Term of License
6.16.030	Fees; Fee Exemptions
6.16.040	Application
6.16.050	Kennels-Compliance with Zoning Regulations
6.16.060	Kennels-Sanitation
6.16.070	Kennels-Compliance with License Requirements
6.16.080	Anti-Rabies Vaccination Required
6.16.090	Issuance of Tags and Certificates
6.16.100	Tag-Attached and Display Required
6.16.110	Tag-Removal Prohibited
6.16.120	Tag-Replacement
6.16.130	Transfer Prohibited
6.16.140	Commercial Kennel License
6.16.150	Kennel Inspection

**6.16.010 License Required.** No person within the City owning, possessing, controlling, harboring, or keeping any dog over four (4) months of age shall fail, refuse or neglect to procure a dog license tag for each dog, from the animal control officer or his authorized agent.

**6.16.020 Term of License.** The term of each dog license and exempt dog license issued shall terminate as of the termination date of the subject dog's most recent anti-rabies vaccination, but not more than three (3) years. The term of each commercial kennel license shall be one (1) year. (Ord. No. 807, §§ 1, 2, 11-7-00)

**6.16.030 Fees; Fee Exemptions.** All license fees due and payable hereunder shall be fixed from time to time by resolution of the City Council. No fee shall be charged for:

A. Any dog being reared, trained or used as a guide dog for the blind, if the dog is in the possession and under the control of a blind person or a bona fide organization having as its primary purpose the furnishing and training of guide dogs for the blind; provided, however, an exempt dog license tag shall be obtained for each guide dog.

B. Any dog owned by, or in the care of, any person who is a nonresident or who is traveling through the City, or who is temporarily sojourning therein, provided the dog is kept within the City for less than thirty (30) days. An exempt dog license tag shall be issued upon request.

C. Any police canine that is in service for duty within the City; provided, however, an exempt dog license tag shall be obtained for each such dog. (Ord. No. 807, §§ 1, 2, 11-7-00)

**6.16.040**     **Application.** The owner shall state at the time application is made, and upon standard printed forms of application provided for such purpose, his/her name and address, the name, breed, color, age, and sex of each dog for which application is made, and the grounds for exemption from fees, if applicable. The animal control officer or his designee may, in his or her discretion, deny any application for a kennel license whether such application is for an original license or renewal of a license, and may suspend or revoke any kennel license if he or she finds that a kennel fails to meet any or all of the standards for kennels referred to in this Section.

**6.16.050**     **Kennels-Compliance with Zoning Regulations.** No person, firm, or corporation shall maintain, have or operate a kennel in or upon any property within the City unless such property is zoned for such purpose.

**6.16.060**     **Kennels-Sanitation.** All kennels shall be kept in a clean and sanitary condition at all times, shall make premises available for inspections upon demand, and shall be sprayed at least once each week with insecticide of sufficient strength to kill flies, fleas, ticks and other similar insects.

**6.16.070**     **Kennels-Compliance with License Requirements.** No person shall keep, conduct or operate any kennel without a license as may be required under this Code or any ordinance of the City.

**6.16.080**     **Anti-Rabies Vaccination Required.** As a condition for the issuance of a license, all applicants shall submit to the Chief of Police, or his authorized agent, a certificate issued by a duly-licensed veterinarian certifying that the dog has received anti-rabies vaccination sufficient to immunize the dog against rabies for the license term applied for. (Ord. No. 807, §§ 1, 2, 11-7-00)

**6.16.090 Issuance of Tags and Certificates.** A metallic tag and license certificate with corresponding number shall be furnished by the Chief of police, or his authorized agent, upon compliance with all applicable requirements and payment of the appropriate fee. The Chief of Police, or his authorized agent, shall keep a record of the owner or person making payment of the license fee and to whom a certificate and tag has been issued, and the number and date of the certificate and the tag. (Ord. No. 807, §§ 1, 2, 11-7-00)

**6.16.100 Tag Attachment and Display Required.** The metal tag issued shall be securely fixed to a collar, harness, or other device to be worn at all times by the dog for whom the registration is issued. No person shall fail or refuse to show, upon demand of the animal control officer or code compliance officer or any police officer, the license certificate and the tag for any duly-registered dog kept or remaining within any home or upon any enclosed premises under such person's immediate control. (Ord. No. 807, §§ 1, 2, 11-7-00)

**6.16.110 Tag-Removal Prohibited.** No person shall remove from any dog any collar, harness, or other device to which is attached a registration tag for the current license year, or remove the tag there from without the express written permission of the Chief of Police, or his authorized agent. (Ord. No. 807, §§ 1, 2, 11-7-00)

**6.16.120 Tag-Replacement.** If a dog license tag is lost or destroyed, the owner shall immediately procure a duplicate license tag from the Chief of Police or his authorized agent, for which a fee of one-half of the license fee shall be charged and collected. (Ord. No. 807, §§ 1, 2, 11-7-00)

**6.16.130 Transfer Prohibited.** No license or license tag issued to one dog shall be transferred to another dog. (Ord. No. 807, §§ 1, 2, 11-7-00)

**6.16.140 Commercial Kennel License.** In addition to a business license, every person engaged in the business of operating a kennel or pet shop with a kennel shall obtain and pay for a kennel license from the Chief of Police, or his authorized agent.

**6.16.150 Kennel Inspection.** The owner, employee or agent will provide Animal Services access to inspect kennels upon request during normal business hours without prior notice.

**Chapter 6.20**  
**DOGS-IMPOUNDMENT**

Sections:

- 6.20.010 Impoundment Duty and Authority
- 6.20.020 Dogs to be Placed in Comfortable Place with Food and Water
- 6.20.030 Notice of Impoundment-Required
- 6.20.040 Notice of Impoundment-Form-Content
- 6.20.050 Length of Confinement-Dogs Wearing License Tags
- 6.20.060 Length of Confinement-Dogs with No Valid License Tag
- 6.20.070 Fee for Redemption of Impounded Dog(s)
- 6.20.080 Rabies Certification of Vaccination and License  
Tags to be Procured for Redeemed Dog
- 6.20.090 Disposition of Unredeemed Dogs
- 6.20.100 Killing and Disposing of Dogs When Necessary for Public Health and  
Safety
- 6.20.110 Sale of Impounded Dogs
- 6.20.120 Redemption of Rabid Dogs
- 6.20.130 Possession of Dangerous Dogs
- 6.20.140 Guard or Sentry Dog

**6.20.010 Impoundment Duty and Authority.** The animal control officer and every police officer of the City shall promptly seize, take up and impound all dogs that may be found running at large, harbored or owned contrary to the provisions of this Chapter.

**6.20.020 Dogs to be Placed in Comfortable Place with Food and Water.** All dogs running at large contrary to the provisions of this Chapter shall be taken up and impounded or confined in a safe and comfortable place properly provided with food and water. (Ord. 492 §47, 1978)

**6.20.030 Notice of Impoundment-Required.** In the event that there is attached to any impounded dog a license tag of the City for the current year, it shall be the duty of the animal control officer to give notice of the impounding of such dog to the owner or person claiming to own such dog, or to the person to whom such tag shall have been issued, as shown by the records of the City. This notice shall be accomplished within forty-eight hours after impoundment.

**6.20.040 Notice of Impoundment-Form-Content.** The notice provided for in Section 6.20.030 shall be given by mailing to such person owning the impounded dog, postage prepaid, a notice in writing stating the fact that such dog has been impounded. Such notice shall be addressed to such person and address as shown by the City records. (Ord. 492 §49, 1978)

**6.20.050 Length of Confinement-Dogs Wearing License Tags.** The animal control officer shall keep confined as required by this Chapter every impounded dog upon which a valid license tag is found, for six (6) days not including day of impound; unless such dog is sooner redeemed as provided in this Chapter.

**6.20.060 Length of Confinement-Dogs with No Valid License or Tag.** Every impounded dog upon which no valid license tag is found shall be confined for a period of five (5) days not including day of impound; unless sooner redeemed. (F&G 31108)Ord. 492 §51, 1978)

**6.20.070 Fee for Redemption of Impounded Dog(s).** Any person owning or claiming to own any dog impounded under the provisions of this Chapter may redeem such dog by payment of a fee therefor, the amount of which shall be established from time-to-time by the City Council. Any dog, four months of age or older, which has been impounded shall not be released from impoundment unless it is licensed in accordance with the provisions of this chapter. Fees are payable to the license collector or other proper official. For the purposes of this Chapter, any period of four (4) hours or more shall constitute one day. (Ord. 492 §52, 1978)

**6.20.080 Rabies Certification of Vaccination and License Tags to be Procured for Redeemed Dog.** Any person redeeming any dog impounded under this Chapter shall also procure a rabies certificate of vaccination and license tag, if such certificate and tag have not been issued for such dog as provided in Sections 6.08.060 through 6.08.090 and Chapters 6.12 through this Chapter. (Ord. 492 §53, 1978)

**6.20.090 Disposition of Unredeemed Dogs.** Every dog which is not redeemed within the time specified in this Chapter shall be disposed of in the manner set forth in this Chapter by the animal control officer.

**6.20.100 Killing and Disposing of Dogs When Necessary for Public Health and Safety.** Each officer and person mentioned in Section 6.20.010 is authorized and empowered to cause the death of such dogs in a painless and humane manner and to dispose of the bodies, if in the judgment of such officer or person the same is necessary for the preservation of health and safety of the City. (Ord. 492 §55, 1978)

**6.20.110      Sale of Impounded Dogs.**

A. In the event any dog impounded in accordance with the provisions contained in this Chapter is not claimed by its owner within the time limit specified in this Chapter, the animal control officer may, in lieu of destroying such animal, offer such animal for sale to general public.

B. Upon the sale of any dog that has not been spayed or neutered, a deposit for spaying or neutering the dog shall be tendered to the license collector or other proper City official. The deposit shall be in the amount of one half of the spay or neuter fee.

C. For any dog over the age of eight (8) weeks of age at the time it is sold pursuant to Subsection A, the dog shall be spayed or neutered prior to the completion of the adoption. If the prospective owner fails to complete the adoption the deposit shall be deemed forfeited.

D. Any animal can be released to a nonprofit corporation formed under the provisions of the California Corporation Code commencing with Section 10400 for the prevention of cruelty to animals, for such sale or placement as such nonprofit corporation or nonprofit organization may choose. Releases of dogs or cats to such nonprofit corporations or nonprofit organizations pursuant to this subsection shall not be subject to the payment of the spay/neuter deposit specified in Section 6.20.110.

E. It is unlawful for any person to remove an impounded animal from an animal control center without the permission of the officer in charge thereof.

F. Animal control officers choosing to return an impounded spayed or neutered animal to the owner, in the field, may collect a field return impound fee established from time-to-time by resolution of the City Council.

G. Animal control officers choosing to return an impounded unaltered animal to the owner, in the field, may collect a field return impound fee established from time-to-time by resolution of the City Council.

H. Animal control officers picking up owned animals at the request of the owner, shall collect a fee from the owner in an amount established from time-to-time by resolution of the City Council.

I. Animal control officers investigating and authorizing home quarantine shall collect a fee from the owner or custodian of the animal in an amount established from time-to-time by resolution of the City Council.

J. Animal control officers providing assistance with trap service, for privately-owned feral animals or nuisance wildlife that are not considered a public health risk, shall collect a service fee for the first five (5) days and a fee for each additional day thereafter. A fee shall be charged for cat traps and for dog traps which are lost or destroyed. The amount of all such fees shall be established from time-to-time by resolution of the City Council. Fees may be waived with the authorization from the animal control officer.

K. Owners of animals impounded for quarantine at a city or county facility shall be charged a daily quarantine fee in addition to the regular daily boarding fee.

L. A fee for a micro-chip identification device shall be paid when adopting an animal. The amount of such fee shall be established from time-to-time by resolution of the City Council (Ord. 680 §4, 1989; Ord. 492 §56, 1978)

**6.20.120**     **Redemption of Rabid Dogs.** Nothing in this Chapter shall be construed as permitting the redemption of any dog having or suspected of having or found afflicted with rabies. (Ord.492 §57, 1978)

**6.20.130**     **Possession of Dangerous Dogs.** The possession of any dangerous dog is unlawful unless such dog is restrained, confined or muzzled such that it cannot bite or attack any person or animal. Any dangerous dog not so restrained, confined or muzzled may be impounded and disposed of in the manner provided in this Chapter. It is unlawful for the owner of any dangerous dog to fail, neglect or refuse to keep posted in a conspicuous place at or near the entrance to the premises, a sign having letters at least three (3) inches in height, reading "Beware of Dog." (Ord. 492 §58, 1978)

**6.20.140**     **Guard or Sentry Dog.** Any person or business using the services of a guard or sentry dog shall keep posted in a conspicuous place at or near the entrance of the premises, a sign having letters at least three (3) inches in height reading "Guard Dog or "Sentry Dog." (Ord. 492 §59, 1978)

**Chapter 6.21**  
**DANGEROUS ANIMALS**

Sections:

6.21.010	Purpose
6.21.020	Inspection
6.21.030	Animals at Large
6.21.040	Temporary Impoundment or Confinement
6.21.050	Hearing Procedures
6.21.060	Notification and Appeal
6.21.070	Dangerous Animals-Disposition
6.21.080	Transfer and Training of Dangerous Animals
6.21.090	Enforcement and Penalties
6.21.100	Exemptions

**6.21.010 Purpose.** The keeping of an animal defined as dangerous shall be declared a public nuisance and shall be abated in accordance with the provisions of this Chapter. The procedure for abatement set forth in this Chapter shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law including, but not limited to, California Civil Code Section 3342.5. Further, this Chapter shall not preempt or preclude a person from filing a private lawsuit seeking to abate as a private nuisance an animal that is dangerous. (Ord. No. 805, §§ 1, 2, 8-28-00)

**6.21.020 Inspection.** Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter, or whenever any police officer or animal control officer has probable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Chapter or other applicable law, a police officer or animal control officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon a police officer or animal control officer by this Code or other applicable law; provided that:

A. If such property is occupied, he/she shall first present proper credentials to the occupant and request entry explaining the reasons therefore. If such entry is refused, the police officer or animal control officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property, including an inspection warrant.

B. If such property is unoccupied, he/she shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining the reasons therefore. If such entry cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the police officer or animal control officer shall have recourse to every

remedy provided by law to secure lawful entry and inspect the property, including an inspection warrant.

C. Notwithstanding the foregoing, if a police officer or animal control officer has probable cause to believe that the keeping or maintaining of any animal is so dangerous as to require immediate inspection to safeguard the life or safety of the animal, other animals, or the public, he/she shall have the right immediately to enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, he/she shall first present proper credentials to the occupant and demand entry, explaining the reasons therefore and purpose of the inspection.

D. No person shall interfere with, hinder, fail or refuse, after proper demand has been made upon him or her as provided in Subsection C of this Section, to permit any police officer or animal control officer to make any inspection provided by Subsection C of this Section. Any person violating this Section may be charged with a misdemeanor. (Ord. No. 805, §§ 1, 2, 8-28-00)

#### **6.21.030      Animals at Large**

A. A person who owns or is in charge of or controls or who possesses an animal who permits, allows, or causes the animal to run, stray, be uncontrolled or in any manner be in, upon, or at large upon a public street, sidewalk, park or other public property or in or upon the premises or private property of another person shall be guilty as provided in Subsection B of Section 6.21.090 of this Chapter if such animal bites, attacks or causes injury to any human being or other animal.

B. Any person who convicted of violating Subsection A of this Section shall not own, possess, control or have custody of any animal of the type, species, group or family which caused the bite, attack or injury for a period of three (3) years after the date of conviction. (Ord. No. 805, §§ 1, 2, 8-28-00)

#### **6.21.040      Temporary Impoundment or Confinement.**

A. The animal control officer shall have the power to summarily and immediately impound an animal where there is evidence that the animal is an immediate danger to public safety pending:

1. Any court proceeding; or

2. A hearing to be held pursuant to Section 6.21.050 of this Chapter. The owner of the animal shall be liable for the costs and expenses of impounding and keeping the animal if the animal is later determined to be dangerous.

B. Failure to surrender to the animal control officer upon demand an animal which is subject to being impounded pursuant to this Section shall be penalized as provided in Subsection B of Section 6.21.090.

C. An animal impounded pursuant to the authority of this Section shall be returned to the owner as provided by Section 6.21.070 of this Chapter, or when the animal is no longer required as evidence, or if a notice of a hearing pursuant to Section 6.21.050 of this Chapter to declare the animal a dangerous animal has not been served on the owner or custodian within fifteen (15) working days after the impoundment.

D. In lieu of impounding and if not contrary to public safety, the animal control officer may permit the animal to be confined at the owner's expense in an animal control officer-approved kennel or veterinary facility or at the owner's residence provided the owner:

1. Shall not remove the animal from the kennel, veterinary facility, or residence without the prior written approval of the animal control officer; and

2. Shall make the animal available for observation and inspection by the animal control officer or members of law enforcement or their authorized representatives. The animal control officer shall dictate to the owner the exact way the animal is to be restrained while awaiting the hearing.

E. The animal control officer may have an animal that has been impounded or confined permanently identified by means of photo identification prior to release from impoundment or confinement.

F. If there is no reasonable method available to determine ownership of the animal, then the animal may be considered a stray. (Ord. No. 805, §§ 1, 2, 8-28-00)

### **6.21.050      Hearing Procedures.**

A. Petition. If the animal control officer has investigated and determined that there exists probable cause to believe that an animal is dangerous, the animal control officer shall petition the City Manager for a hearing for the purpose of determining whether the animal should be declared dangerous.

B. Selection of Hearing Officer. The City Manager shall, within three (3) business days after receiving the petition, nominate not less than two (2) candidates to act as a hearing officer. Such candidates shall be disinterested third parties who shall not have a personal or financial interest in the matter and shall not be demonstrably biased in a manner that suggests a lack of impartiality. Whenever possible, the candidates shall be licensed veterinarians. The names of the candidates shall be promptly communicated to the owner of the animal, and the owner shall have twenty-four (24) hours to disqualify a candidate on the grounds that the owner reasonably believes that he/she are

prejudiced against the owner or the interests of the owner. The City Manager shall deliver the petition of the animal control officer to the agreed-upon hearing officer.

C. Notice. The hearing officer shall notify the owner of the animal that a hearing will be held, at which time the owner may present evidence as to why the animal should not be declared dangerous. The notice, together with a copy of the petition, shall be served upon the owner, either personally or by prepaid first-class mail, return receipt requested. The hearing shall be held promptly within no less than five (5) working days nor more than ten (10) working days after service of the notice on the owner of the animal.

D. Conduct of Hearing. The hearing officer shall conduct the hearing in an informal manner and shall afford the owner of the animal an opportunity to present evidence as to why the animal should not be declared dangerous. The formal rules of evidence shall not apply; however, whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer to find probable cause shall be sworn to and verified by the complainant and attached to the petition filed by the animal control officer. The hearing officer may admit into evidence all relevant evidence, including, incident reports and the affidavits or declarations of witnesses; limit the scope of discovery; shorten the time to produce records or witnesses; exclude witnesses from the hearing when not testifying; exclude disorderly or disruptive persons from the hearing; and make other orders necessary to ensure the fair and orderly conduct of the hearing. The hearing shall be open to the public.

E. Recording. The proceedings at the hearing may be tape recorded if ordered by the hearing officer or requested by the owner of the animal or complainant referenced in Subsection D of this Section. A stenographic report shall also report the proceedings if ordered by the hearing officer or requested by the owner or complainant, with the costs thereof to be borne by the person making the order or request. A copy of the tape recording or transcript of the proceedings shall be made available to any person upon request and upon payment of the cost of preparation thereof.

F. Failure to Appear. The hearing officer may decide all issues for or against the owner of the animal even if the owner fails to appear at the hearing.

G. Determinations of Dangerous Animals-Evidence. In making a determination that an animal is or is not dangerous, evidence of the following shall be considered:

1. Any previous history of the animal attacking, biting or causing injury to a human being or other domestic animal;
2. The nature and extent of injuries inflicted and the number of victims involved;
3. The place where the bite, attack or injury occurred;

4. The presence or absence of any provocation for the bite, attack or injury;
5. The extent to which property has been damaged or destroyed;
6. Whether the animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
7. Whether the animal exhibits any characteristics aggressive or unpredictable temperament or behavior in the presence of human beings or other domestic animals;
8. Whether the animal can be effectively trained or retrained to change its temperament or behavior;
9. The manner in which the animal had been maintained or cared for by its owner;
10. Any other relevant evidence concerning the maintenance or care of the animal; and;
11. Any other relevant evidence regarding the ability of the owner or the animal control officer, to protect the public safety in the future if the animal is permitted to remain in the City.

H. Dangerous Animal Declared. After the hearing, the hearing officer may find, upon a preponderance of the evidence, that the animal is dangerous and may make other orders authorized by this Chapter and other law. (Ord. No. 805, §§ 1, 2, 8-28-00)

**6.21.060**     **Notification and Appeal**. After the hearing conducted pursuant to Section 6.21.050 of this Chapter, the owner of the animal shall be notified in writing of the determination and orders issued, either personally or by first-class mail postage prepaid by the hearing officer. If a determination is made that the animal is dangerous, the owner shall comply with the hearing officer's determination and orders in accordance with a time schedule established by the hearing officer, but in no case more than thirty (30) days after the date of the determination or thirty-five (35) days if notice of the determination is mailed to the owner of the animal. If the animal control officer or the owner of the animal contests the determination, he or she may, within five (5) days of receipt of the notice of determination, appeal the decision to the Riverside County Superior Court as provided in California Food and Agricultural Code Section 31622. (Ord. No. 805, §§ 1, 2, 8-28-00)

**6.21.070      Dangerous Animals-Disposition.**

A. The owner of an animal which has bitten any person or a domestic animal, or has otherwise been determined, after a hearing, to be dangerous, may be required as a condition of the release of the animal from confinement or impoundment, in addition to paying all costs of any impoundment, to comply with the written disposition of the hearing officer which contains any or all of the following conditions requiring the owner:

1. Registration. To immediately register the animal that is found to be dangerous with the animal control officer, to comply with the animal control officer's requirements for dangerous animals (including, but not limited to, requiring the animal to wear a visible, dangerous animal tag), and to keep such animal properly vaccinated at all times. The owner shall pay a fee to keep or maintain one dangerous animal for a twelve-month term, and an additional fee for each additional dangerous animal. The fee shall be paid for each twelve-month term. Should the animal die in any 12-month term, the owner shall notify the animal control officer of the death within two (2) working days of the death. The owner shall provide proof of the death to the satisfaction of the Animal Care Supervisor. The amount of the fee shall be established from time-to-time by resolution of the City Council.

2. Confinement. To keep the animal securely confined on its premises in a locked enclosure approved by the hearing officer or the animal control officer from which the animal cannot escape and into which children cannot trespass. Such a kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine the animal must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the side of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house an animal must comply with all zoning and building regulations of the City. All such structures must be adequately lighted, ventilated, and kept in a cleaned sanitary condition.

3. Confinement While on Leash. To keep the animal securely muzzled, restrained by a substantial leash of appropriate length and under the control of a responsible person eighteen (18) years of age or older who is physically capable of restraining the animal when the animal is not contained in a locked, secure enclosure.

4. Spay or Neuter the Animal. To have the animal spayed or neutered by a licensed veterinarian and to present proof to the animal control officer.

5. Insurance. To provide and maintain financial responsibility for injuries to the public by obtaining and showing proof of liability insurance in the form and amount deemed to be acceptable by the hearing officer in light of all the circumstances. Such insurance policy shall provide that no cancellation of the policy will be made unless thirty days written notice is first given to the animal control officer and the City Clerk's office.

6. Notification. To immediately inform any City, county, postmaster and utility company meter reader and anyone-else that lawfully comes onto the property, of the animal's dangerousness and to inform the animal control officer and/or the hearing officer if the animal is moved to another location inside or outside the City limits as provided in Section 6.21.080 of this Chapter.

7. Signs. To display in a prominent place on the premises a sign easily readable by the public using the words "Beware of Dog" or "Beware of Animal" in letters at least three (3) inches high.

8. Identification. To have a registration number assigned to such animal tattooed by a licensed veterinarian on the animal's inner thigh or inserted by a licensed veterinarian under the animal's skin by means of an electronic identification device. The manner and method of identification to be used hereunder shall be determined by the hearing officer. For the purposes of this Section, "tattoo" shall be defined as any permanent numbering of an animal by means of indelible or permanent ink.

9. Inspection. To consent and agree to the entry upon the premises to any police officer or animal control officer for the purpose of inspecting the animal and/or premises.

10. Payment of Costs. To make reasonable payment of one-half of the costs incurred by the City and the animal control officer in the hearing process, not to exceed one thousand dollars (\$1,000.00).

11. Other. To take any other steps deemed reasonably necessary to prevent injuries to the public.

The owner of the animal shall comply with the conditions imposed by the hearing officer within the time limit specified in Section 6.21.060 of this Chapter.

B. No dangerous animal shall be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or screen doors are the only obstacle preventing the animal from exiting the structure.

C. If, following the hearing, the subject animal is found to be dangerous and such a threat to public safety that even if reasonable conditions were imposed to release the animal to the owner it would create a significant threat to the public health, safety, or welfare, such animal may be destroyed. Such remedy shall be in addition to all other remedies at law or in equity and shall not limit or restrict such other remedies, including, but not limited to, Section 6.21.090(A), which authorizes the hearing officer to order an animal destroyed for violation of this Chapter or failure to meet a condition imposed by the hearing officer.

D. Any decisions made by the hearing officer shall be final.

E. If, after notice, the owner of an impounded animal fails to appear or be represented at the required hearing, then the animal may be considered abandoned. If the subject animal does not appear to be validly licensed and no owner can be found, and if the animal has been determined to be dangerous, then the animal may be considered abandoned and may be handled in the same manner as any other unclaimed stray animal.

F. If such an unlicensed animal has not been determined to be dangerous, it shall be returned to the owner, -subject to the issuance of a citation for failure to obtain a license. A none-dangerous stray animal will be handled as any other stray animal.

G. In such cases where an impounded licensed animal is found to be dangerous, the animal may be released subject to the conditions set forth in Subsection A of this Section. (Ord. No. 805, §§ 1, 2, 8-28-00)

#### **6.21.080      Transfer and Training of Dangerous Animals.**

A. Sale or Transfer within City. No person shall sell, transfer or in any other way dispose of an animal deemed dangerous under this Chapter to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the owner of such animal. This is not limited to also include temporary housing through a third party kennel.

B. Sale or Transfer Outside City. The owner of an animal that has been deemed dangerous under this Chapter may sell, transfer, or otherwise dispose of such animal or the offspring thereof to persons who do not reside within the City, provided the owner first notifies the hearing officer and the animal control officer of the proposed sale or transfer. Such notice shall be given not less than fifteen (15) days in advance of the sale or transfer and shall specify the name and address of the recipient person. Upon receipt of such notice, the hearing officer or the animal control officer may notify the governmental jurisdiction in which the recipient person is located or resides. Failure to comply with these notification provisions shall be grounds for immediate impoundment of the animal by the animal control officer.

C. Sale or Transfer Into City. It is unlawful for a person to possess, own or control any animal for the purpose of either temporary or permanent care in the City limits that has been deemed by another governmental jurisdiction to be potentially dangerous, dangerous, vicious, or a threat to the safety of human beings or domestic animals. The animal control officer may order the person having possession, ownership or control of the animal to remove the animal immediately from the City. Should such person fail to comply with the animal control officer's order, the animal control officer may summarily and immediately impound the animal. The owner of the animal shall be liable for the costs and expenses of impounding and keeping the animal. Such impounded animals may then be disposed of in accordance with the provisions of this Chapter.

D. Fight Training and Animal Abuse Prohibited. It is unlawful to use, train, keep, harbor, own or in any way possess or transport through the City an animal for the purpose of animal fight exhibitions. Scars and wounds are rebuttal evidence of participation in animal fight exhibitions or training. "Fight training" is defined to include, but not limited to:

1. The use or possession of treadmills for fight training;
2. Actions designed to torment, badger or bait any animal for purpose of encouraging said animal for fight exhibitions;
3. The use of weights on the animal for fight training;
4. The use of other animals for blood sport training;
5. Any other activity, the primary purpose of which is the training of animals for animal fight exhibitions.

It is further unlawful for anyone to knowingly abuse any animal within the City limits.

E. Rewards. Subject to the budgetary and fiscal provisions of this Code, the City is authorized to offer rewards not exceeding two hundred fifty dollars (\$250.00) to any person providing information leading to the arrest of any person for violations of prohibitions against the training of an animal for fight exhibitions. The City Council may authorize said rewards by resolution upon the request of the City Manager, animal control officer or the Mayor. (Ord. No. 805, §§ 1, 2, 8-28-00)

### **6.21.090      Enforcement and Penalties.**

A. Failure to Comply. It is unlawful for the owner of an animal deemed dangerous under this Chapter to fail to comply with the requirements and conditions set forth in this Chapter. Any animal found to be the subject of a violation of this Chapter or of any condition imposed by the hearing officer pursuant to Section 6.21.070 of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the destruction of the animal. No such animal however, may be destroyed until the owner of the animal has received written notice from the hearing officer that the animal will be destroyed unless, within fourteen (14) days from the date of the notice:

1. The owner has demonstrated to the satisfaction of the hearing officer that the owner has fully complied with the requirements and conditions set forth in this Chapter, including, but not limited to, the conditions imposed by the hearing officer pursuant to Section 6.21.070 of this Chapter; or
2. The owner has filed in a court of competent jurisdiction a petition that seeks to stay destruction of the animal and has served a copy of such petition upon the hearing officer.

The notice from the hearing officer shall be served upon the owner either personally or by prepaid first-class mail. If, after (14) fourteen days from the date of such notice, the owner has not complied with the provisions of Subdivisions 1 or 2 of this Subsection, the hearing officer may, without further notice or process, have the animal destroyed.

B. Violations and Penalties. Any person violating any provision of this Chapter shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted. Any person convicted of a violation of this Chapter shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same Chapter provision and perpetrated by the same person. The third and any additional violations on the same provision and perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceed five hundred dollars (\$500.00). Notwithstanding the above, the first offense may be charged and prosecuted as a misdemeanor. The payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation.

C. Ownership of Dangerous Animals. The owner of an animal determined to be dangerous under this Chapter shall be prohibited from owning, possessing, controlling or having custody of any other animal of the type, species, group or family to which the violation applies for a period of three years from the date of violation when it is found after the hearing conducted pursuant to Section 6.21.060 of this Chapter that ownership or possession of such animal by that person would create a significant threat to public health, safety or welfare.

D. Enforcement. Any provision of this Chapter may be enforced by the Police Department, Fire Department, the animal control officer or any authorized designee of the City Manager. Complaints of any violations of this Chapter which are subject to penalties under this Section may be presented to the District Attorney's office or to the City Attorney for prosecution.

E. Nuisance Abatement Lien. The costs of abating a public nuisance pursuant to the provisions of this Chapter may be recovered from the owner of the animal causing the public nuisance. If the owner fails to pay such costs within thirty days from the date of invoice or within an extended period of time agreed to in writing by the hearing officer, the costs may be collected by a nuisance abatement lien, as provided by Section 38773.1 of the California Government Code. Notice of the lien shall be given to the owner of record of the parcel of land on which the nuisance is maintained prior to recordation of the lien and in the manner specified in said Section 38773.1.

F. Penalties and Remedies Cumulative. The penalties and remedies specified herein shall not be exclusive but shall be cumulative with all other remedies at law or in equity. The City may, in its discretion, elect to pursue anyone or more of the penalties or remedies provided for herein or at law or in equity. (Ord. No. 805, §§ 1, 2, 8-28-00)

**6.21.100 Exemptions.** The provisions contained in this Chapter shall not apply to:

A. Any dog while utilized by any police department or any law enforcement officer in the performance of police work;

B. Any animal shelter owned, operated or maintained by the animal control officer; or

C. Any humane society shelter, animal control facility or veterinarian. (Ord. No. 805, §§ 1, 2, 8-28-00)

## **Chapter 6.24** **CATS AND CATTERIES**

Sections:

6.24.010	Running at Large Prohibited
6.24.020	Impoundment
6.24.030	Length of Confinement
6.24.040	Fee for Redemption of Impounded Cats
6.24.050	Sale of Impounded Cats
6.24.060	Cat Trapping
6.24.065	Maximum Number of Cats.
6.24.070	Commercial Cattery License
6.24.080	Application
6.24.090	Catteries-Compliance with Zoning Regulations
6.24.100	Catteries-Sanitation
6.24.110	Catteries-Compliance with License Requirements

**6.24.010 Running at Large Prohibited.** No person owning or having the control or custody of any cat shall permit or allow such cat to run at large within the City. (Ord. 492 §68, 1978)

**6.24.020 Impoundment.** The animal control officer shall promptly seize, take up and impound all cats that may be found running at large. (Ord. 492 §69, 1978)

**6.24.030**     **Length of Confinement.** All cats impounded under Section 6.24.020 shall be confined for a period of six (6) days not including the day of impound; unless sooner redeemed. (Ord. 492 §70, 1978)

**6.24.040**     **Fee for Redemption of Impounded Cats.** Any person owning or claiming to own any cat impounded under the provisions of this Chapter may redeem such cat by payment of a fee established therefor by resolution by the City Council. An additional sum shall be paid for each day the animal is in the shelter. For the purposes of this Chapter, any period of four hours or more shall constitute one day. (Ord. 492 §71, 1978)

**6.24.050**     **Sale of Impounded Cats.**

A. In the event any cat impounded in accordance with the provisions contained in this Chapter is not claimed by its owner within the time limit specified in this Chapter, the officer or person mentioned in Section 6.24.020 may, in lieu of destroying such animal, offer such animal for sale to general public for a sum equal to the sum which an owner would have to pay in order to have such cat released, plus the cost to have the animal altered.

B. Upon the sale of any cat that has not been spayed or neutered a deposit for spaying or neutering the cat shall be tendered to the license collector or other proper City official. The deposit shall be in the amount of one half of the total spay or neuter fee.

C. For any cat over the age of eight (8) weeks of age and over two pounds at the time it is sold pursuant to Subsection A, the cat shall be spayed or neutered prior to the completion of the adoption. If the prospective owner fails to complete the adoption the deposit shall be deemed forfeited.

D. Any deposit not claimed under Subsection B shall be used only for the following purposes:

1. A public education program to prevent overpopulation of dogs and cats.
2. A program to spay or neuter dogs and cats.
3. A follow-up program to assure that animals sold or given away by the pound or shelter are spayed or neutered.
4. Any additional costs incurred under this Section. (Ord. 680 §5, 1989)

**6.24.060**     **Cat Trapping.** It is unlawful for any person to set or maintain an operating trap for a cat unless a sign is posted on the property stating that such a trap is in use on the property. The sign shall be clearly visible from the road serving the property on which the trap is set or maintained and shall remain posted and visible at all times while the trap is in use. Trapping shall not continue for more than ten (10) days in a thirty (30) day period. If a person maintains a trap should trap a lactating female cat, the person shall immediately release the cat thereby eliminating the chance of removing a cat that may be nursing kittens. This section shall not apply when the trap is being used for rabies control as determined by the animal control officer.

**6.24.065**     **Maximum Number of Cats.** No person shall keep, house, confine, or maintain more than three (3) adult cats (over 4 months of age) in any place in the city without obtaining a commercial cattery license.

**6.24.070**     **Commercial Cattery License.** In addition to a business license, every person engaged in the business of operating a cattery or pet shop with a cattery shall obtain and pay for a cattery license from the Chief of Police, or his authorized agent. The terms of each commercial cattery license shall be one (1) year.

**6.24.080**     **Application.** The owner shall state at the time application is made, and upon standard printed forms of application provided for such purpose, his/her name and address, the name, breed, color, age, and sex of each cat for which application is made, and the grounds for exemption from fees, if applicable. The animal control officer or his designee may, in his or her discretion, deny any application for a cattery license whether such application is for an original license or renewal of a license, and may suspend or revoke any cattery license if he or she finds that a cattery fails to meet any or all of the standards for catteries referred to in this Section.

**6.24.090**     **Catteries-Compliance with Zoning Regulations.** No person, firm, or corporation shall maintain, have or operate a cattery in or upon any property within the City unless such property is zoned for such purpose.

**6.24.100**     **Catteries-Sanitation.** All catteries shall be kept in a clean and sanitary condition at all times, shall and shall be sprayed at least once each week with insecticide of sufficient strength to kill flies, fleas, ticks and other similar insects.

**6.24.110**     **Catteries-Compliance with License Requirements.** No person shall keep, conduct or operate any cattery without a license as may be required under this Code or any ordinance of the City. (Ord. 492 §30, 1978)

**Chapter 6.28**  
**LIVESTOCK**

Sections:

6.28.010	Impoundment - Duty and Authority
6.28.020	Notice of Impoundment - Required
6.28.030	Fee and Charges - Impounded Animals -Redemption
6.28.040	Right to Redeem
6.28.050	Sale of Impounded Animal - Terms - Time
6.28.060	Sale of Impounded Animal - Bill of Sale
6.28.070	Sale of Impounded Animal - Proceeds
6.28.080	Records

**6.28.010**     **Impoundment - Duty and Authority.** It shall be the duty of the animal control officer to take up and safely keep any animal that may be found running at large. No person owning or having the care, custody, or control of any horse, mule, jack, cow, sheep, goat, or other domestic animal shall permit the same to be at large and not be under the immediate control of some person. No person shall picket such animal in such a manner that the animal can go upon any of the streets, alleys, or public parks, or public grounds within the city. This applies to private property not belonging to the person in charge of the animal, unless approval has been obtained from the owner, or lessee of the property, or will be in violation of Section 6.04.030. (Ord. 492 §60, 1978)

**6.28.020**     **Notice of Impoundment - Required.** Within not less than two (2) nor more than five (5) days from the impoundment of any animal under this Chapter it shall be the duty of the animal control officer to give notice of the impounding of such animal to the owner or person claiming to own such animal. If the owner cannot be ascertained, a notice shall be posted for five days in a conspicuous place in the City therein giving a description of each animal impounded and stating that if such animal is not sooner redeemed, the animal control officer will at a time and place named in such notice, sell such animal at public auction to pay the charges and costs provided for in this Chapter. (Ord. 492 §61, 1978)

**6.28.030**     **Fee and Charges - Impounded Animals-Redemption.** Any person owning or claiming to own any animal under the provisions of this Chapter may redeem such animal by payment of the fees and charges established in amounts by resolution of the City Council:

A. **Impoundment.** The City shall charge a fee for impoundment, plus the actual costs of transporting the animal, veterinary care and related services rendered to the animal while impounded, the actual costs for the animal control officer as well as any other agencies involved, the actual costs of sale incurred, actual costs of any extraordinary measures required in or for the handling and maintaining of the animal while impounded. Upon impounding any bovine animal, horse, mule or burro, the animal control officer shall comply with Food and Agriculture Code Section 17003 and immediately notify the Secretary of Food and Agriculture.

B. Feeding and Keeping. For feeding and keeping any animal, a fee for each day or fraction thereof the same shall remain in the animal control officer's custody. (Ord. 492 §62, 1978)

**6.28.040**     **Right to Redeem.** Any animal impounded under this Chapter may at any time, be redeemed and taken away upon payment to the proper official of such fees and charges as may have already occurred under Section 6.28.030. (Ord. 492 §63, 1978).

**6.28.050**     **Sale of Impounded Animal - Terms - Time.** At the time and place set forth in the notice of sale, the animal control officer shall sell the impounded animal at public sale, to the highest bidder, for cash. If no bid is offered for such animal, the animal control officer may sell such animal at private sale or humanely destroy such animal, or otherwise dispose of it as permitted by law.

**6.28.060**     **Sale of Impounded Animal - Bill of Sale.** The animal control officer, upon receiving the purchase money for an animal sold under this Chapter shall provide the purchaser with a bill of sale signed by the animal control officer. (Ord. 492 §65, 1978)

**6.28.070**     **Sale of Impounded Animal - Proceeds.** All money received for the sale of an animal under the provisions of this Chapter shall be deposited in the general fund of the City. (Ord. 492 §66, 1978)

**6.28.080**     **Records.** It shall be the duty of the animal control officer to maintain accurate records on all animals impounded, redeemed or sold under the provisions of this Chapter. (Ord. 492 §67, 1978)

## **Chapter 6.32** **APIARIES**

Sections:

6.32.010	Purpose and Intent
6.32.020	Definitions
6.32.030	Hives
6.32.040	Fencing of Flyways
6.32.050	Water
6.32.060	General Maintenance
6.32.070	Queens
6.32.080	Colony Densities
6.32.090	Marking Hives, Presumption of Beekeeping
6.32.100	Inspection
6.32.110	Compliance

**6.32.010**     **Purpose and Intent.** The city Council finds that honey bees are of benefit to mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products. The City Council recognizes that gentle strains of honey bees can usually be maintained within populated areas within reasonable densities without causing a nuisance if the bees are properly located and

carefully managed. The purpose of this Chapter is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas. (Ord. No. 785, §§ 1, 2, 2-9-99)

**6.32.020**     **Definitions.** For the purpose of this Chapter certain terms used in this Chapter are defined as follows:

“Apiary” means a place where bee colonies are kept.

“Bee” means any stage of the common domestic honey bee, *Apis mellifera* species.

“Colony” means a hive and its equipment and appurtenances including bees, comb, pollen, and brood.

“Hive” means a structure intended for the housing of a bee colony.

“Robbery” means to take something away from.

“Tract” means a contiguous parcel of land under common ownership.

“Underdeveloped property” means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school, or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes. (Ord. No. 785, §§ 1, 2, 2-9-99)

**6.32.030**     **Hives.** All bee colonies shall be kept in Langstroth type hives with removable frames, which shall be kept in sound and useable condition. (Ord. No. 785 §§ 1, 2, 2-9-99)

**6.32.040**     **Fencing of Flyways.** In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest establishment, the beekeeper shall maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract. (Ord. No. 785, §§ 1, 2, 2-9-99)

**6.32.050**     **Water.** Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcock, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact. (Ord. No. 785, §§ 1, 2, 2-9-99)

**6.32.060**     **General Maintenance.** Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive all such materials shall promptly be disposed in a sealed container or placed within a building or other bee proof enclosure. (Ord. No. 785, §§ 1, 2, 2-9-99)

**6.32.070**     **Queens.** In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly requeen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics. (Ord. No. 785, §§ 1, 2, 2-9-99)

**6.32.080**     **Colony Densities.**

A. It shall be unlawful to keep more than the following number of colonies on any tract within the City, based upon the size of configuration of the tract on which the apiary is situated:

1. One quarter acre or less tract size two (2) colonies.
2. More than one-quarter acre but less than one-half acre tract size four (4) colonies.
3. One-half acre but less than one acre tract size (6) colonies.
4. One acre or larger tract size eight (8) colonies.

Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from the property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

Regardless of tract size, so long as all property, other than the tract upon which the hives are situated, that is within a radius of at least two hundred (200) feet from any hive remains undeveloped property, there shall be no limit to the number of colonies.

B. For each two (2) colonies authorized under Colony densities (Subsection A) there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth ten-frame hive body with no supers attached as required from time to time for management of swarm. Each such nucleus colony

shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired. (Ord. No. 785, §§ 1, 2, 2-9-99)

**6.32.090      Marking Hives, Presumption of Beekeeping.**

A. In apiaries, name and telephone numbers shall be branded, painted, or otherwise clearly marked upon the structure of at least two (2) hives at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

B. Unless marked in accordance with Subsection (A) it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper. (Ord. No. 785, §§ 1, 2, 2-9-99)

**6.32.100      Inspection.** The Code Enforcement Officer, Animal Control Officer, or Police Chief shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives. (Ord. No. 785 §§ 1, 2, 2-9-99)

**6.32.110      Compliance.**

A. Upon receipt of information that any colony situated within the City is not being kept in compliance with this ordinance, the City Manager or Police Chief shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred he shall cause a written notice of hearing to be issued to the beekeeper.

B. The notice of hearing shall set forth:

1. The date, time and place at which the hearing will be conducted.
2. The violation(s) alleged,
3. That the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses, and request a court reporter.
4. That the bees may be ordered destroyed or removal from the City if the hearing officer finds that they have been kept in violation of this article.

Notice shall be given by certified United States Mail or personal delivery. However, if the City is unable to locate the beekeeper, then the notice may be given by publication one time in a newspaper of general circulation at least five (5) days prior to the date of the hearing.

C. The hearing shall be conducted by City Manager or any officer that he may designate. The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this ordinance. If the hearing officer finds that the colony or colonies have been kept in violation of this Chapter, then he may order that the bees be destroyed or removed from the City, not to exceed twenty (20) days, and that bees not thereafter be kept upon the tract for a period of two (2) years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees be removed or destroyed. Upon failure of the beekeeper to comply with the order, the officer may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expense for their return.

D. The decision of the hearing officer may be appealed to the City Council by filing a notice to appeal with the City within ten (10) days following the date that the hearing officer announces his decision, or if the decision is not announced at the conclusion of the hearing, then within fifteen (15) days following the date that the hearing officer places written notice of his decision in the mail to the beekeeper. An appeal shall not sway the hearing officer's decision, and it shall be the responsibility of the beekeeper to remove the bees from the City pending the determination of the appeal.

E. The provisions of the section shall not be construed to require a hearing for the destruction of (1) any bee colony not residing in a hive structure intended for beekeeping or (2) any swarm of bees or (3) any colony residing in a standard or man-made hive, which by virtue of its condition, has obviously been abandoned by the beekeeper. (Ord. No. 785, §§ 1, 2, 2-9-99)