



# City Council Staff Report

DATE: November 5, 2014

AGENDA ITEM NO: **Public Hearing  
Agenda Item 4-A.**

**TO:** The Honorable Mayor and City Council  
**FROM:** Jim Smith, Chief of Police  
**SUBJECT:** **Adoption of an Ordinance Amending Title 8 of the Monterey Park Municipal Code in its entirety regarding the regulation of animals within the City's jurisdiction and incorporation of Title 10 of the Los Angeles County Code.**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Open a public hearing; take testimonial and documentary evidence; close the public hearing;
2. After considering the evidence, adopt an ordinance amending Title 8 of the Monterey Park Municipal Code.
3. Take such additional, related, action that may be desirable.

## **EXECUTIVE SUMMARY:**

The City of Monterey Park contracts with the Los Angeles County Department of Animal Care and Control (LACDACC) for supplemental Animal Control services. In order for LACDACC personnel to issue citations and take other regulatory actions, the City needs to amend Title 8 of the Monterey Park Municipal Code and Adopt Title 10 of the Los Angeles County Code regarding the regulation of Animals. At the October 1, 2014 City Council meeting, the Council approved the introduction and waived first reading of the ordinance. The public hearing was set for November 5, 2014. The City complied with regulatory notice requirements by posting notice of the public hearing on October 16, 2014 and October 23, 2014 in the Monterey Park Progress newspaper.

## **BACKGROUND:**

The City of Monterey Park has contracted with the LACDACC since 2012 for supplemental Animal Control services. However, LACDACC personnel who respond to Monterey Park for services requested that the City adopt, by reference, Title 10 of the Los Angeles County Code to facilitate enforcement efforts.

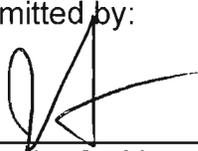
Adopting Title 10 of the Los Angeles County Code will not enact certain regulations that the City previously rejected as undesirable such as mandatory cat licensing and mandatory spaying/neutering of all pets.

The draft ordinance (Attachment 1), if adopted, would incorporate LA County Code Title 10 as indicated and would amend MPMC Title 8.

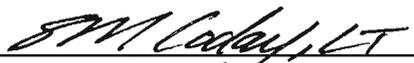
**FISCAL IMPACT:**

It is unknown at this time if there would be any fiscal impact. There may be additional fines levied or because of increased licensing enforcement and canvassing there could be an increase in the collection of licensing fees.

Respectfully submitted by:

  
\_\_\_\_\_  
Jim Smith  
Chief of Police

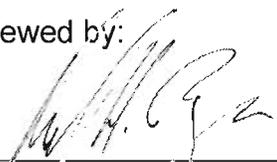
Prepared by:

  
\_\_\_\_\_  
Steve Coday  
Police Lieutenant

Approved by:

  
\_\_\_\_\_  
Paul L. Talbot  
City Manager

Reviewed by:

  
\_\_\_\_\_  
Karl H. Berger  
Assistant City Attorney

**ATTACHMENTS**

1. Proposed Ordinance

**ATTACHMENT 1**  
Proposed Ordinance

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

**AN ORDINANCE AMENDING TITLE 8 OF THE MONTEREY PARK MUNICIPAL CODE IN ITS ENTIRETY REGARDING THE REGULATION OF ANIMALS WITHIN THE CITY'S JURISDICTION.**

The Council of the City of Monterey Park does ordain as follows:

SECTION 1: A new Chapter 8.14 is added to Title 8 of the Monterey Park Municipal Code ("MPMC"), entitled *County Regulations*, to read as follows:

"Chapter 8.14

**INCORPORATION OF LOS ANGELES COUNTY ANIMAL REGULATIONS**

- 8.14.010     **INCORPORATION OF TITLE 10, LOS ANGELES COUNTY CODE:**  
Pursuant to Government Code § 50022.9, the City Council incorporates Title 10 of the Los Angeles County Code entitled *Animals*, subject to the amendments, additions and deletions set forth below, into this Code. The provisions of this Code take precedence over any conflicting provisions in Title 10 of the Los Angeles County Code.
- 8.14.020     **DELETIONS FROM LOS ANGELES COUNTY CODE.** The following provisions of Title 10 of the Los Angeles County Code are deleted:
- A. Chapter 10.04 entitled *General Provisions*;
  - B. Section 10.08.155 in Chapter 10.08 entitled *Definitions*;
  - C. Sections 10.20.030; 10.20.038; 10.20.045; 10.20.110; 10.20.185; 10.20.211 to 10.20.215; 10.20.262; 10.20.270; 10.20.350 to 10.20.385 in Chapter 10.20 entitled *Dogs and Cats*; and
  - D. Section 10.36.340 to 10.36.380 in Chapter 10.36 entitled *Impoundment*.
- 8.14.030     **AMENDMENTS TO LOS ANGELES COUNTY CODE.** The following provisions of Title 10 of the Los Angeles County Code are amended to read as follows:
- 8.01.10.     Section 10.08.100. "Department" means the Monterey Park Police Department, or designee, or designee as determined by the Police Chief.
  - 8.01.20.     Section 10.08.110. "Director" means the police chief, or designee.

8.14.040 **ADDITIONS TO LOS ANGELES COUNTY CODE.** The following sections are added to Title 10 of the Los Angeles County Code:

8.01.10. Section 10.08.260. "Director of health services" means the police chief, or designee.

8.01.20. Section 10.08.270. "Sheriff," "sheriff deputy," and "sheriff officer" means police officer, or designee.

8.01.30. Section 10.08.280. "Tax collector" means the finance director, or designee.

8.14.050 **GENERAL PENALTY:** Any person violating any provision of this title is guilty of a misdemeanor unless otherwise provided in this title."

SECTION 2: Title 8 of the MPMC, entitled *Animals*, is amended in its entirety to read as set forth in Exhibit "A," which is incorporated in its entirety as if fully set forth.

SECTION 3: This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) in that it is not a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378. Specifically, this Ordinance constitutes creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, this Ordinance is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. Further, even if this Ordinance was deemed a "project" and therefore subject to CEQA, the Ordinance would be exempt as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. CEQA Guidelines § 15061(b)(3).

SECTION 4: Repeal or amendment of any provision of the MPMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original

ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 7: This Ordinance will become effective thirty days following its passage and adoption.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_,  
2014.

\_\_\_\_\_  
Hans Liang, Mayor

Attest:

\_\_\_\_\_  
Vincent D. Chang, City Clerk

Approved as to Form:  
Mark D. Hensley, City Attorney

By: \_\_\_\_\_  
Karl H. Berger, Assistant City Attorney

Exhibit A

Title 8

*Animals*

Chapter 8.01        GENERAL PROHIBITIONS

8.01.010.     Purpose. This Title 8 of the Monterey Park Municipal Code is adopted pursuant to the City's police powers, and applicable provisions of the California Code, for the purpose of protecting public health and safety; the health and safety of animals kept within the City's jurisdiction; and ensuring that the requirements of this Title 8 are enforced.

8.01.020.     Definitions. Unless the contrary is stated or clearly appears from the context, the following definitions, in addition to those set forth in chapter 8.14 of this title, govern the construction of the words and phrases used in this title:

- A.     "At large" means whenever a dog is elsewhere than on the premises of the owner or other person having the custody or control of such dog and is not restrained by a leash less than ten (10') feet in length, under the control of a person capable of controlling such dog.
- B.     "Dog" means both male and female dogs over four months old.
- C.     "Dog kennel" means any place where three or more canine animals are kept or permitted to remain.
- D.     "Own" includes the terms keep, maintain, control, harbor, or possess.
- E.     "Owner" means any natural or artificial person who owns an animal for more than fifteen (15) days.
- F.     "Police Chief" means the police chief, or designee.
- G.     "Potentially Dangerous Dog" means any of the following:
  - i.     Any dog which, when unprovoked, on two (2) separate occasions within the prior thirty six (36) month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.

ii. Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in Food and Agricultural Code § 31604.

iii. Any dog which, when unprovoked, on two (2) separate occasions within the prior thirty six (36) month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

H. "Vicious or dangerous animal" means any animal which has bitten a person or other animal without provocation. This term includes a vicious dog, as defined by this section.

I. "Vicious Dog" means any of the following:

i. Any dog seized under Penal Code § 599aa and upon the sustaining of a conviction of the owner or keeper under Penal Code § 597.5(a).

ii. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

iii. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in the definition of "potentially dangerous dog" in this section, or is maintained in violation of Food and Agricultural Code §§ 31641, 31642, or 31643.

J. "Wild animal" means any untamed, dangerous or undomesticated animal, including, without limitation, mammals, fowl, fish or reptiles.

8.01.030. Animals Permitted. Persons may own the following animals within the city:

A. Canaries, pigeons, doves or birds of the psittacine family kept as household pets or as a hobby only, not exceeding ten (10) in number, when kept in facilities that are humane and adequate as to noise, sanitation and security;

B. Fish and turtles kept as household pets or as a hobby only;

C. Hamsters, white rats or guinea pigs as household pets or as a hobby only, not exceeding ten (10) in the aggregate and the young thereof not exceeding three (3) months in age;

D. Hen chickens, kept as household pets or as a hobby, not to exceed five (5) in number when kept in facilities that are humane and adequate as to noise, sanitation and security;

E. Rabbits as household pets or as a hobby only, not exceeding five (5) in number and the young thereof not exceeding four (4) months in age;

F. In any R2 or R3 zones (apartments, condominiums, or townhomes), where permitted, dogs and cats not to exceed two (2) for each residential living unit in any combination thereof and the young thereof not exceeding four (4) months in age; and

G. Except in residential districts, dogs used for guard or sentry purposes.

8.01.040. Animals Prohibited. Unless otherwise provided in this chapter, it is unlawful for any person to own any poisonous or venomous snake or any wild, carnivorous animal.

8.01.050. Animals at Large. It is unlawful for any animal owner to allow that animal to be at large.

8.01.060. Animal Care. Every person, within the city, who owns any animal or who owns, conducts, manages or operates any kennel or animal breeding operation for which a permit is required by this title, will comply with each of the following conditions:

A. Housing facilities for animals will be structurally sound and will be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

B. All animals will be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require.

C. All animals and all animal buildings or enclosures will be maintained in a clean and sanitary condition.

D. All animals will be so maintained as to eliminate excessive and nighttime noise.

E. No animals will be without attention more than twelve (12) consecutive hours. Whenever an animal is left unattended at a kennel, the telephone number of the police department, or the name, address

and telephone number of the responsible person, will be posted in a conspicuous place at the front of the property.

F. Every reasonable precaution will be used to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.

G. No condition will be maintained or permitted that is or could be injurious to the animals.

H. Animal buildings and enclosures will be so constructed and maintained as to prevent escape of animals. All reasonable precautions will be taken to protect the public from the animals and the animals from the public.

I. Every animal establishment will isolate sick animals sufficiently so as not to endanger the health of other animals. Sick animals will at all times be isolated from the other animals.

J. Every building or enclosure wherein animals are maintained will be constructed of material easily cleaned and will be kept in a sanitary condition. The building will be properly ventilated to prevent drafts and to remove odors. Heating and cooling will be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.

K. Such person will take any animal to a veterinarian for examination or treatment, if the director finds this is necessary in order to maintain the health of the animal and orders the owner or custodian to do so.

L. All animal rooms, cages, kennels and runs will be of sufficient size to provide adequate and proper accommodations for the animals kept therein.

M. Every violation of an applicable regulation will be corrected within a reasonable time to be specified by the police chief.

N. Such person will provide proper shelter and protection from the weather at all times.

O. Such person will not give an animal any alcoholic beverage, unless prescribed by a veterinarian.

P. Such person will not allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together, or so near each other as to cause injury, fear or torment. If two

(2) or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals will be deemed not to be natural enemies.

Q. Such person will not allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.

R. Such person will not allow any animal to cause a hazard, or be a menace to the health, peace or safety of the community.

8.01.070. Slaughterhouse.

It is unlawful for any to keep a slaughterhouse or enclosure for the slaughtering of hogs, poultry, cattle or sheep within the city.

8.01.080. Public Nuisance. Any animal (or animals) which molests passersby or passing vehicles, attacks other animals, trespasses on school grounds, is repeatedly at large, damages or trespasses on private or public property, barks, whines or howls in an excessive, continuous or untimely fashion, is a public nuisance.

8.01.090. Prohibition.

It is unlawful for any person to own any ox, steer, bull, cow, calf, horse, colt, mule, sheep, goat, hog or similar animal.

8.01.100. Vicious animals.

own any vicious or dangerous animal, except for any period of confinement as required in the city's public health code.

8.01.110. Transporting animals outside motor vehicles.

It is unlawful for any person to transport or carry on the running board of any motor vehicle or outside of a portion of any motor vehicle designed for passengers or on the tonneau or body thereof, on any public highway, road, street, alley, lane or public way, any animal, unless such animal is protected by a framework or other device which will prevent such animal from falling off or being thrown from such motor vehicle, while the same is being operated or driven.

8.01.120. Burial of dead animals.

Any person being the owner or having the possession or control of any dead animal or part thereof, which was not slaughtered for, or is not fit for human

food, must cause the same to be buried within six hours after the death of the same. Every such animal or part thereof must be buried at such a depth that there be at least three feet of earth above the same in the excavation therefor.

8.01.130. Authority to destroy animals.

Police Chief is authorized and empowered to humanely destroy any animal because it is suffering from a disease dangerous to human health, or a critical injury or is vicious or dangerous.

8.01.140. Immobilization of animals.

The Police Chief is authorized to use immobilization equipment in accordance with applicable law.

Chapter 8.02. DOGS GENERALLY

8.02.010 Dog license required.

Any person who owns a dog, and who resides in the city, must obtain a license for the privilege of keeping the animal within thirty days of acquiring the dog. Any dog that is sold or given away within the city must be licensed by the new owner or custodian within fifteen days of the sale or acquisition.

8.02.020. Dog license application—Procedures. An application for a dog license must include:

- A. The name, residence address and telephone number of the dog's owner or custodian;
- B. The breed, color, special markings, age, sex and reproductive status of the animal;
- C. A spayed or neutered dog is not considered sterile unless the applicant furnishes a veterinarian's certificate showing that the dog has been sterilized. In addition, a dog is considered to be spayed or neutered if the applicant furnishes a veterinarian's certificate showing that the dog is incapable of breeding or that spaying or neutering the dog is dangerous to the health of the animal;
- D. The microchip identification or tattoo number with the name, address and telephone number of the microchip or tattoo registry;
- E. The license fee required by regulation;
- F. A copy of the dog's current rabies vaccination certificate. Note: no

dog license or dog tag may be issued unless, at the time of making application for dog license, the applicant holds a certificate of vaccination signed by a veterinarian, licensed as such in the state of California, certifying that the dog to be licensed has been vaccinated with canine rabies vaccine, approved by, and in a manner prescribed by the state of California, which certificate must indicate that such dog's rabies immunity extends throughout the entire fiscal year for which such dog license or dog tag is to be issued, or that such dog is not vaccinated with rabies vaccine because it would jeopardize the health of the dog due to infirmity or other disability, which infirmity or other disability, and the expected date of termination there are shown on the face of the certificate. A person who obtains a license without submitting a certificate of vaccination because of the infirmity or disability of the dog, must cause the dog to be vaccinated within ten days after termination of such disability or infirmity.

G. A dog license is valid for 12 months from the date of issuance.

H. Applications to renew licenses must be made within 30 days after the expiration of any license each year and must be made in the same manner as an application for a new license.

I. The Police Chief may allow for the application, purchase and issuance of dog licenses by mail.

#### 8.02.030. Authorized vendors of dog licenses.

The Police Chief may authorize other persons as vendors to issue dog licenses. Vendors may use a computer-generated application, approved by the Police Chief.

#### 8.02.040. Dog license tags and receipts.

A. A dog must bear a license tag securely fastened to its collar, chain collar, or harness at all times with the exception for dogs confined on the owner's or custodian's premises or while in competition.

B. A numbered receipt and a tag stamped with a number, authorized by the Police Chief, must be issued for each license purchased.

C. No person may use a dog license tag, microchip, or receipt for an animal other than the one for which it was issued.

D. No person may be issued a dog license if the applicant's keeping of the dog constitutes a health hazard to humans or other animals; or violates any ordinance or regulation under this code.

E. In the event that a dog license tag is lost, stolen, or destroyed, a person may apply for a duplicate dog license tag upon payment of fifty cents and filing a certificate stating the tag was lost, stolen or destroyed.

8.02.050. Penalty assessment.

A 100 percent penalty assessment will be levied for each dog not licensed before 30 days after the expiration of the previous license.

8.02.060. Fees.

The city council, by resolution, may establish and change for the services provided through the licensing program. The following are exempt from the payment of fees:

- A. Dogs used to aid humans with their disabilities when the dog is certified by a recognized aid dog institution may be issued a license at no cost;
- B. Dogs used by the city's Police Department may be issued a license at no cost;
- C. Dogs owned by senior citizens (age 60 and older) may be issued a license at a low cost approved by city council resolution, one per house address;
- D. Dogs which have served in the armed forces of the United States and have received an honorable discharge may be issued a license at no cost.

8.02.070. Recognition of licenses from other jurisdictions.

- A. When a dog has been validly licensed in another jurisdiction and has been brought into the city for permanent residence, the license and tag may be replaced with a city license and tag for the balance of the license year upon payment of a transfer fee of fifty cents and the surrender or the former license tag. If the dog has been vaccinated with rabies vaccine in another jurisdiction, the license issued must show the type of vaccine used and the date of vaccination. Otherwise, the dog must be vaccinated as required by this title.
- B. No transfer fee will be required for any dog brought into the city for permanent residence which has been validly licensed through the Police Chief in another city.

8.02.080. Counterfeit or imitation tags—Transfer.

It is unlawful for any person to imitate or counterfeit any tag provided for in this chapter, or to employ or use any imitation or counterfeit of the tag for any dog or transfer a tag issued by the city for a dog to a different dog.

8.02.090. Keeping a dog temporarily.

Any person temporarily within the city may keep a dog in the city without a tag for a period of thirty days and may have a one-time temporary permit issued by the business license officer to keep the dog in the city for a period of ninety days upon payment of a fee of one dollar for the permit.

8.02.100. Keeping more than two dogs prohibited.

Except as otherwise provided, it is unlawful for any person to own more than two dogs at any one residence within the city.

8.02.110. Keeping for breeding purposes.

It is unlawful for any person to keep or maintain, or suffer or permit to be kept or maintained, upon any premises owned or controlled by him, more than one dog, for breeding purposes, within three hundred feet of any dwelling house other than that of the owner or person in control of such dog(s).

8.02.120. Kennel prohibited within one thousand feet of residence.

It is unlawful for any person to establish, keep or maintain, or suffer or permit to be established, kept or maintained, upon premises owned or controlled by him, any dog kennel, any portion of which is situated within one thousand feet of any dwelling house other than the dwelling house of the owner or person in control of the animal.

8.02.130. Loud barking.

It is unlawful for any person to own any dog which, by loud barking, disturbs the peace and quiet of one or more persons in the immediate neighborhood. "Loud barking" means barking, howling or baying by day or night at frequent and/or extended periods of time so as to be a nuisance to one or more persons occupying a house or houses in an immediate neighborhood and preventing such person or persons from the comfortable enjoyment of their homes. Loud barking does not mean barking whenever a dog is in the act of protecting against or resisting trespassers upon its premises. The burden of proof of such an act of protection or resistance to trespassers by a dog is upon the person owning, harboring, controlling, maintaining, possessing or having charge of the dog.

8.02.140. Dogs restrained from running at large.

It is unlawful for every person who is the owner or custodian of any dog to keep the dog upon any premises under control of such person unless any such dog is restrained by a fence, cage, chain, leash or other means adequate and sufficient to prevent the dog from leaving the premises upon which it is kept.

8.02.150. Dogs required to be on leash.

It is unlawful for any owner or custodian of any dog to allow or permit any such dog to be off the premises of its owner or custodian unless such dog is securely restrained by a leash not exceeding six feet in length, of sufficient strength to prevent the escape of such dog, and unless such dog is in the charge or control of a person capable of keeping the dog under the effective charge and control of such person.

8.02.160 Nuisance prohibited.

No owner or custodian of any dog shall allow or permit that dog to defecate or commit a nuisance on any public property or any private property other than that of the owner or custodian of the dog; It is the duty of every owner or custodian of a dog to curb the dog in order to carry out the intent of this section.

Chapter 8.03. IMPOUNDING ANIMALS

8.03.010. Contract for city pound.

The city council may, from time to time, by contract, designate an agency which may establish, maintain, conduct and operate a suitable enclosure to keep and safely hold all animals subject to be impounded, which enclosure may be known as the "city pound."

8.03.020. Police Chief —Duties.

In addition to all other duties conferred by applicable law, it is the duty of the police chief to take up, impound and safely keep any animals found running at large, or staked, tied, or being herded or pastured in violation of this code or any animal being kept or maintained contrary to the provisions of this code or state statute. It is the duty of the police chief to safely keep all animals impounded by him/her, to provide them with necessary food and water and attention reasonably necessary to their care.

8.03.030. Police Chief—Records to be kept.

It is the duty of the police chief to keep a record and description of all animals taken into his custody and impounded, showing the date and manner of their

disposal, and if redeemed, reclaimed or purchased, and the amount of all fees received by him/her for taking up, impounding, redeeming, reclaiming or purchasing the same, as the case may be.

8.03.040. Police Chief—Monthly report.

The police chief must file, before the tenth day of each month, a report under oath for the preceding month containing an itemized statement and description of all animals taken up, impounded, reclaimed, redeemed, sold or disposed of, showing the date of receipt and from whom received, and the date and manner of disposal and the name of the person by whom reclaimed, redeemed or purchased and the amount of fees, charges or proceeds of sale received in each case.

8.03.050. Impoundment and other fees.

The city council may establish fees, by resolution, to be collected from owners reclaiming any impounded animal. The police chief is authorized to collect such fees.

8.03.060. Notice and sale of impounded dog or cat.

When a dog or cat is impounded, the police chief must cause notice thereof to be posted at the pound, City Hall and police department and mailed to the animal's owner or custodian, if known. Such notice must contain a general description of the animal and set forth that, unless reclaimed within six business days from the posting of the notice, or, if the owner or custodian of the animal is known, six business days from the mailing and posting of such notice, the animal will be sold or disposed of, and if the animal is not reclaimed as herein provided before the time of sale or disposal as specified in such notice, the police chief may proceed to sell such animal as specified in such notice or dispose of the animal in a humane way. Notwithstanding the foregoing, whenever the police chief estimates that an impounded dog or cat is no more than three months old, the notice must provide that the animal will be sold if not reclaimed within three days from the posting of the notice, or, if the owner or custodian of the animal is known, three days from the mailing and posting of such notice, and the police chief must proceed to sell such animal if not reclaimed within the specified period.

8.03.070. Notice and sale of other impounded animal.

When any other animal is impounded, the police chief must cause notice thereof, to be posted at the pound, City Hall and police department, and mailed to the animal's owner or custodian, if known. Such notice must contain a general description of such animal, and set forth that unless reclaimed, the animal will be sold at public auction to the highest bidder at a time and place to

be specified in the notice, or disposed of, which time cannot be less than five nor more than ten days from the posting of the notice, or, if the owner or custodian of the animal is known, not less than five nor more than ten days from the mailing and posting of such notice; and if the animal is not reclaimed as herein provided, before the time of sale or disposal as specified in such notice, the police chief must proceed to sell such animal at the time and place and in the manner specified in such notice, or dispose of the animal in a humane way.

8.03.080. Redemption rights.

The owner or custodian of any impounded animal has the right to reclaim the same at any time before the sale or disposal thereof, upon payment to the police chief of the costs and charges provided for impounding and keeping the animal.

8.03.090. Rights of owner when impounded animal sold.

If an impounded dog, cat or other animal has been sold, the owner or custodian is entitled to receive the proceeds of the sale thereof, less such costs and charges as required by this title together with the costs of sale, upon proof of the ownership of such animal, satisfactory to the police department within thirty days after the sale. Any unclaimed balance of proceeds remaining after the payment of accrued fees, charges and demands will be turned into the general fund of the city.

8.03.100. Reporting biting animal.

Any person bitten by any animal, and any official of the city or any other person in the city having knowledge of any person injured through having been bitten by any animal must, as soon as possible, report such occurrence to the city animal control officer, health officer or to the police department. It is the duty of every such person so bitten to immediately report to the health officer or police department the description of the animal and the locality where confined.

8.03.110. Confinement—Release.

The confinement and release of an animal that has bitten a person will be as prescribed in the public health code of the city of Monterey Park (Chapter 6.04 of this code).

8.03.120. Transporting or moving of animals ordered confined.

No animal ordered confined may be transported, taken or removed from the place of such confinement unless written authority to do so must be first obtained from the health officer, which order must specify the terms and conditions upon which such removal or transportation of such animal may be

made.

8.03.130. Attempting to remove animals from pound.

It is unlawful for any person to remove or free, or attempt to remove or free any animal from the possession of the city animal control officer, police chief, assistant or deputy police chief, or police officer while conveying such animal to the pound, or after such animal is confined in the pound.

8.03.140. Diseased animals.

All animals taken into custody of the police chief and which are infected with any dangerous or communicable disease or which are injured beyond recovery may be destroyed by the police chief. No person being the owner or custodian of any animal infected with any infectious or contagious disease such as glanders, farcy, anthrax or tuberculosis, may permit or allow the same to go upon any street, alley or other public place, or to come in contact with any other animal not so infected.

8.03.150. Enforcement.

The police chief is charged with enforcing the provisions of this code and to pursue, capture and impound any animals found or discovered in violation of any of the provisions of this code, and each of them is authorized to enter upon any private property while engaged in the immediate discharge of the duties required of them, or any of them, under this code for the purpose of enforcing its provisions.

Chapter 8.04. WILD OR UNDOMESTICATED ANIMALS

8.04.010. Wild animals prohibited.

Except as otherwise expressly provided in this chapter, it is unlawful for any person to bring into, keep or maintain any wild animal of any age within the city.

8.04.020. Exception—Generally.

The following are excepted from the provisions of this chapter:

- A. Tropical fish other than caribe (piranha);
- B. Canaries;
- C. Bees, subject to the limitations and conditions set forth in this code;

D. Those rodents and fowl listed in Chapter 8.01 of this code, subject to the limitations and conditions set forth therein;

E. Parakeets;

F. The following wild animals, but in no event more than three per dwelling unit:

i. Chipmunks or squirrels,

ii. Cockateels or parrots,

iii. Gopher or king snakes,

iv. Marmoset, spider or squirrel monkeys,

v. Raccoons,

vi. Turtles;

vii. Other similar wild animals which, in the opinion of the police chief, are neither more obnoxious, dangerous or detrimental to the public safety and welfare than the wild animals enumerated in this section.

8.04.030. Exception—Institutions.

This chapter does not prohibit the keeping or maintaining of wild animals within the city under the following conditions:

A. Any wild animals which are kept in a zoo, museum or a bona fide educational institution and which are confined in a manner deemed by the city manager to protect the public from harm;

B. Any wild animals in a bona fide, licensed veterinary hospital for treatment.

8.04.040. Feeding wildlife prohibited.

No person may feed or provide food for any nondomestic animal, including, without limitation, coyotes, raccoons, opossums, mice, rats, skunks, squirrels, pigeons, or feral cats.

8.04.050. Exceptions.

This chapter does not apply to:

The feeding of any nondomesticated animal by the owner of such animal when the nondomesticated animal is kept under valid certificate or permit issued by the state of California Department of Fish and Game.

8.04.060. Violation penalty.

Violation of this chapter is an infraction.

#### Chapter 8.05. KEEPING AND MAINTAINING GENERALLY

8.05.010. Keeping bee hives—Number.

It is unlawful for any person to keep or maintain more than three hives, swarms or stands of bees within the city limits.

8.05.020. Keeping bee hives—Distance from residence.

It is unlawful for any person to keep or maintain one or more hives, swarms or stands of bees within a distance of one hundred feet from any residence or dwelling house within the city.

8.05.030. Cats—Number restricted.

It is unlawful for any person to keep or maintain, or suffer or permit to be kept or maintained, upon any premises owned or controlled by him, more than one cat, male or female for breeding purposes, within three hundred feet of any dwelling house other than that of the owner or person in control of such cats, or more than four cats for any purposes unless such cats are kept in a kennel, pursuant to city zoning regulations.

8.05.040. Pigs.

It is unlawful for any person to own more than one Vietnamese pot-bellied pig. No other species of pig or hog may be permitted to be kept or maintained within the city.

8.05.050. Distance of enclosure from residence.

It is unlawful for any person to establish, keep or maintain, or suffer or permit to be established, kept or maintained, upon premises owned or controlled by him, any place, building, structure or enclosure where five or more cats are kept, housed or maintained, any portion of which is situated within one thousand feet of any dwelling house other than the dwelling of the owner or person in control of such place, building, structure or enclosure.

## Chapter 8.06 KEEPING FOWL AND RODENTS

### 8.06.010. Location for keeping.

It is unlawful for any person to own chickens, geese, ducks, turkeys, pigeons, doves, squabs or similar fowl, or any hares, rabbits, guinea pigs, chinchillas, hamsters, white rats or any other similar gnawing mammal, owned, or controlled by him, to run at large or go upon the premises of any person in the city, or to keep the same within forty feet of any dwelling house or structure used as a dwelling house, unless such house or structure be occupied by him, or to keep the same within fifteen feet of any side and rear property lines, except where the rear of such property abuts on a public alley, in which case the same may be maintained to the rear property line, but in any case a distance of fifteen feet from side property lines must be maintained.

### 8.06.020. Quantity and age.

It is unlawful for any person to keep, maintain or allow to be kept or maintained within the city, more than five live chickens, or other fowls, over four months old, or more than fifty chicks under four months old, or more than five live rabbits, guinea pigs, chinchillas, hamsters, white rats or any other similar gnawing mammal, over four months old, or ten rabbits, guinea pigs, chinchillas, hamsters, white rats or other similar gnawing mammals, under four months old, other than in a pet store, veterinary hospital or medical science laboratory.

### 8.06.030. Dyeing prohibited.

It is unlawful for any person to dye, color or otherwise artificially treat any rabbit, baby chick, duckling or other fowl.

### 8.06.040. Roosters.

It is unlawful for any person to keep any rooster over three months old within the city.

### 8.06.050. Distance to be kept from street and property lines.

It is unlawful for any person to keep, or allow to be kept, any chickens or other fowl, any rabbits, guinea pigs, chinchillas, hamsters, white rats or any other similar gnawing mammal, upon any part of any lot or parcel of land within the city, except at a distance of fifty feet from the street upon which such a lot or parcel of land fronts or abuts; except in the case of corner lots, chickens or other fowl, or any rabbits, guinea pigs, chinchillas, hamsters, white rats or other similar gnawing mammals, may be placed, kept and housed on any portion of the lots in the rear of a line fifty feet distant from the front property line thereof,

and at a distance not closer than twenty-five feet from the side property line thereof. This section does not apply to a pet store, veterinary hospital or medical science laboratory.