

EFFECTIVE DATE OF  
ORDINANCE  
  
**July 14, 2004**

ORDINANCE NO. 2185 N.C.S.

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Introduced by  
  
Mike Healy

Seconded by  
  
Bryant Moynihan

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PETALUMA  
REPEALING IN ITS ENTIRETY THE EXISTING TITLE 9, "ANIMALS,"  
AND ADOPTING NEW TITLE 9, "ANIMAL REGULATIONS"**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:**

Section 1. Title 9, "Animals," is hereby repealed in its entirety.

Section 2. New Title 9, "Animal Regulations," is hereby added to the Petaluma  
Municipal Code as follows:

**TITLE 9**

**ANIMALS REGULATIONS**

- Chapter 9.04      General Provisions and Definitions
- Chapter 9.08      Animal Ownership and Keeping
- Chapter 9.12      Livestock Permits
- Chapter 9.14      Animal Permits
- Chapter 9.16      Dog Licenses
- Chapter 9.20      Rabies Control
- Chapter 9.24      Potentially Dangerous and Dangerous Animals
- Chapter 9.28      Impoundment
- Chapter 9.32      Enforcement, Penalties and Notice

**CHAPTER 9.04**

**GENERAL PROVISIONS AND DEFINITIONS**

9.04.020      Definitions.

As used in this title, unless the context clearly indicates otherwise, the  
following definitions shall apply.

A. "Animal" means any nonhuman mammal, bird, reptile, amphibian or fish  
including, but not limited to dog, cat, horse, goat, sheep and chicken and all animals  
defined in California Penal Code Section 597.

- 1 B. "Animal Control Officer" means the person appointed by the City Manager as  
2 Animal Control Officer and any designated assistants, any peace officer and any  
3 designated police department employee.  
4
- 5 C. "Animal Services Manager" or "Manager" means the person appointed by the  
6 City Manager whose duties include, but are not limited to, the enforcement of this Title  
7 and the management of day-to-day operations of the City operated Animal Services  
8 Department.  
9
- 10 D. "Animal Hearing Officer" means the Animal Services Manager or person(s)  
11 appointed by the City Manager to conduct all hearings authorized by this title.  
12
- 13 E. "Bee" means a honey-producing insect of the species *Apis Mellificia*, including  
14 the adults, eggs, larvae, pupae and other immature states thereof.  
15
- 16 F. "Beehive" means any receptacle or container made for use of bees, or box or  
17 similar container of which bees have taken possession.  
18
- 19 F. "Domestic Birds" means any of a class (*aves*) of domestic warm-blooded  
20 vertebrates distinguished by having the body more or less completely covered with  
21 feathers and the forelimbs modified as wings.  
22
- 23 H. "Cat" means a domestic cat (*Felis catus*). Cats are the personal property of their  
24 owner.  
25
- 26 I. "Impound" means to take into custody by the Animal Control Officer as  
27 authorized by this title.  
28
- 29 J. "Commercial Kennel or Cattery" means any premises except veterinary  
30 hospitals, animal shelters or private kennels where five or more dogs, four months in age  
31 or older or seven or more cats four months of age or older are kept for commercial  
32 purposes.  
33
- 34 K. "Hobby Kennel or Cattery" means any place or premises on which five or more  
35 dogs or seven or more cats over four months of age are owned and kept by the owner  
36 or occupant for personal, noncommercial purposes, including, but not limited to  
37 hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or  
38 enhancing or perpetuating a given breed, other than dogs used in conjunction with a  
39 legal agricultural operation on the lot or premises. No hobby kennel operator shall sell,  
40 display, offer for sale, barter or give away more than one litter of puppies and or kittens  
41 in any calendar year.  
42
- 43 L. "Feral cat" means any free roaming domestic cat that fears and generally does  
44 not voluntarily accept human handling.  
45
- 46 M. "Dog" means domestic dog (*Canine familiaris*) of any age and either sex.

1 N. "Livestock" includes but is not limited to horses, mules, jacks, cows, cattle, goats  
2 or sheep that do not customarily inhabit their owners' dwellings. Includes but not  
3 limited to Bovine, caprine, Equine, Ovine and Porcine.

4  
5 O. "Owner" means any person over eighteen years of age owning, keeping,  
6 harboring or having custody of, or possession of, any animal. An animal shall be  
7 deemed to be harbored if it is fed or sheltered for thirty or more consecutive days. This  
8 definition shall not apply to a veterinarian in the regular practice of his profession as to  
9 any animal in his possession while being treated or cared for. This definition shall not  
10 apply to an operator of a commercial kennel as to any animal that is being boarded in  
11 the regular practice of his business.

12  
13 P. "Person" means and includes any individual, firm, partnership, corporation, or  
14 association of persons.

15  
16 Q. "Pet shop" means a premise wherein pet animals are kept for purposes of  
17 wholesale or retail sale, exchange or hire to the public. "Pet shop" does not include  
18 any place where pet animals are occasionally sold. "Pet animals" means dogs, cats,  
19 rabbits, monkey and other primates, birds, guinea pigs, hamsters, mice, snakes,  
20 iguanas, turtles and any other species of animal sold or trained for the purpose of being  
21 kept as a household pet.

22  
23 R. "Possessor" means any person other than the owner of an animal who has lawful  
24 custody or possession of the animal.

25  
26 S. "Premises" means and includes any dwelling, building, real property, vehicle,  
27 vessel or part thereof.

28  
29 T. "Served by mail" refers to service by registered, certified and/or first-class letter.  
30 The date the letter is posted in the mail shall constitute the date the letter was served by  
31 mail.

32  
33 U. "Veterinarian" means a person licensed to practice veterinary medicine by the  
34 state of California.

35  
36 V. "Veterinary hospital" means a premises operated by a veterinarian for the  
37 treatment of diseases and injuries to animals.

38  
39 W. "Rabies Control Act" means and refers to California Health and Safety Code  
40 Sections 1900 and sections following governing the identification, quarantine and  
41 control of rabid animals.

42  
43 9. 04.030 Duties and Powers of Animal Control Officers.

44  
45 A. Animal Control Officers shall exercise all powers and have all the duties of public  
46 officers, as is provided in Section 836.5 of the California Penal Code, and shall have the  
47 power to arrest a person without warrant when such officer has reasonable cause to  
48 believe that such person has committed a violation of this title, or any other provision of

1 this code, the Petaluma Zoning Ordinance or the laws of this state relating to the care,  
2 control and keeping of animals. Animal Control Officers may arrest any person upon a  
3 warrant issued by a court of competent jurisdiction.  
4

5 B. Animal Control Officers shall enforce all the provisions of Title 9, and any other  
6 provisions of this code, the Petaluma Zoning Ordinance, or the laws of this state relating  
7 to the care, control and keeping of animals and investigate complaints of violations  
8 thereof. Animal Control Officers are authorized to issue warnings or citations of the  
9 aforesaid ordinances and state laws.  
10

11 C. Animal Control Officers shall enforce the California Rabies Control Act and  
12 provisions of this title relating to rabies control.  
13

14 D. Animal Control Officers shall assist in the operation of Petaluma Animal Services.  
15 This section shall not, however, prevent the City Council from contracting with an  
16 organization for the operation of animal services on such terms and subject to such  
17 conditions as the City Council determines.  
18

19 E. Animal Control Officers shall issue all licenses and permits, and collect all fees  
20 and charges as authorized by this title.  
21

22 F. Animal Control Officers may seize, impound, and humanely destroy any animal  
23 when authorized by provisions of this title or the laws of this state relating to the care,  
24 control and keeping of animals.  
25

26 9.04.040 Right of Entry for Enforcement.  
27

28 For the purposes of enforcement of the ordinances and laws specified in  
29 Section 9.04.030B, an Animal Control Officer may seek entry upon private property. If  
30 the property is occupied, the Animal Control Officer shall identify himself/herself,  
31 request entry, and explain the reasons thereof. If the property appears to be  
32 unoccupied, the Animal Control Officer shall make a reasonable effort to locate the  
33 owner or occupant thereof. The Animal Control Officer may enter property, without first  
34 securing a warrant, under the following circumstances and conditions:  
35

36 A. When authorized by the laws of this state;  
37

38 B. With the express permission of the owner or occupant of the property;  
39

40 C. When there is probably cause to believe that any rabid animal is present upon  
41 the property and there is an immediate hazard to the animal, other animals or the  
42 public safety;  
43

44 D. When there is probably cause to believe that the keeping or maintaining of the  
45 animal on the private property is so hazardous or dangerous as to require immediate  
46 inspection and/or impoundment of the animal to safeguard the safety of the animal,  
47 other animals or the public safety.  
48

- 1 E. When in the hot pursuit of an animal:  
2  
3 1. When the animal has been running at large on any highway or road or  
4 other public property, or on private property and the owner thereof has  
5 requested that the animal be apprehended,  
6 2. When any dog is trespassing on private property and is liable to cause  
7 damage to livestock, other animals or other property,  
8 3. Provided, that if consent is denied for entrance on the property by the  
9 owner or occupant thereof, the Animal Control Officer shall obtain a  
10 warrant as specified in subsection F of this section. If the owner or  
11 occupant of the property cannot be located to obtain his consent for  
12 entrance on the property, nothing in this subsection shall authorize the  
13 entry into a dwelling as defined in the Petaluma Zoning Ordinance,  
14 except in accordance with subsection F of this section.  
15
- 16 F. Except as authorized in subsections A through E of this section, the Animal  
17 Control Officer may enter upon private property only upon obtaining an inspection  
18 warrant as authorized by California Code of Civil Procedure Section 1822.50, et seq., or  
19 a search warrant from a court of competent jurisdiction authorizing the entry.  
20

21  
22 CHAPTER 9.08

23 ANIMAL KEEPING AND OWNERSHIP

24 9.08.010 Ownership.

25  
26 It is permitted that any person who signs an application for a license or  
27 permit for any animal pursuant to this title is the owner of the animal or animals  
28 described in the application. Applications shall be signed by persons eighteen years of  
29 age or older.  
30  
31

32 9.08.020 Commercial Kennels and Catteries.

33  
34 No person shall keep a private or commercial kennel or cattery, as those  
35 terms are defined in this Title, as within the City limits except in zone districts in which  
36 commercial kennels and catteries are permitted by the restrictions and requirements of  
37 that ordinance.  
38

39 9.08.030 Beehives and Swarms Prohibited.

40  
41 It is unlawful for any person to keep or maintain within the City limits any  
42 swarm of bees or hive as defined in Section 9.04.020. The keeping or maintaining within  
43 City limits of any swarm of bees or hive constitutes a public nuisance.  
44  
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48

1 9.08.040 Keeping Live Hogs Prohibited.

2  
3 It is unlawful for any person to keep any live hog or other swine within the  
4 City limits for a period of time longer than twenty-four hours, except as provided in  
5 Section 5.409 and 6.410 of the zoning ordinance. Keeping a hog within the City limits in  
6 excess of twenty-four hours constitutes a public nuisance.

7  
8 9.08.050 Keeping Domestic Birds.

9  
10 It is unlawful for any person to keep on any premises in the City any  
11 domestic bird as defined in Section 9.04.020, unless such birds are kept in an enclosure.  
12 No part of such enclosure shall be within twenty-five feet of any dwelling houses  
13 occupied by human beings other than the person's own dwelling; provided, however,  
14 that a domestic bird may be kept temporarily at a pet shop or other place of business  
15 for purposes of sale.

16  
17 9.08.060 Sanitation of Bird Enclosures.

18  
19 It is unlawful for any person to keep domestic birds on any premises, unless  
20 coops and enclosures in which such birds are kept are maintained in a sanitary manner  
21 and are regularly cleaned at least once each week, in order to prevent any  
22 accumulation of manure or offal. Violation of this section constitutes a public nuisance.

23  
24 9.08.070 Birds, Rabbits, Rodents and Reptiles: Maximum Number Permitted.

25  
26 No person shall keep or have upon any premises owned, occupied or  
27 controlled by him/her within the City, domestic birds, rodents or reptiles exceeding at  
28 any one time twenty in number. Such number shall be construed to mean twenty in the  
29 aggregate or total of number of such animal, regardless of the particular kind or age of  
30 the animal. No person shall keep or have upon any premises owned, occupied or  
31 controlled by him/her within the City at any one time twelve or more rabbits.

32  
33 9.08.080 Sanitation of Dog Shelters and Other Animal Enclosures.

34  
35 It is unlawful for any person to maintain any animal on his premises in a  
36 manner so as to cause the accumulation of manure, offal or feces, which cause the  
37 attraction of flies or vermin, or create smells which interfere with the use and enjoyment  
38 of any neighboring properties. All yards and other enclosures in which dogs or other  
39 animals are kept shall be maintained in a sanitary manner and regularly cleaned at  
40 least once a week to prevent the accumulation of manure, offal or feces.

41  
42 9.08.090 Location of Dog Shelters and Other Animal Enclosures.

43  
44 All dog shelters, domestic fowl enclosures, pens and other animal  
45 enclosures shall comply with the location requirements specified in the Petaluma Zoning  
46 Ordinance.

47  
48

1 9.08.100 Straying of Domestic Birds or Livestock.

2  
3 It is unlawful for any owner and/or possessor of any domestic bird or  
4 livestock to suffer or permit the same to stray from premises and to enter or remain on  
5 public property, including any highway or street, or onto private property whose owner  
6 or occupant has not provided permission for entrance upon his premises. The owner  
7 and/or possessor of such animals shall be liable to the City for the salary, costs and  
8 expenses incurred by the City in restraining, capturing or rescuing domestic birds or  
9 livestock which have strayed from the premises of the owner/possessor thereof.

10  
11 9.08.110 Entry of Dog on Premises Maintaining Livestock or Fowl.

12  
13 No owner and/or possessor of a dog shall suffer or permit the dog to enter  
14 upon the premises of another person where livestock or domestic fowl are maintained  
15 without the consent of the owner or occupant of the premises.

16  
17 9.08.120 Confinement of Dog during Heat.

18  
19 Any person owning and/or possessing a female unsprayed dog in heat  
20 shall securely confine the dog within an enclosure, unless the dog is under the  
21 immediate physical restraint of its owner and/or possessor to prevent unplanned access  
22 by male dogs or attraction of male dogs in the vicinity.

23  
24 9.08.130 Animals at Large

25  
26 A. It is unlawful for any owner and/or possessor of any animal to suffer or permit  
27 such animal to be at large as defined in this section. Violations of this section are  
28 subject to citation and the animal at large is subject to impoundment as authorized by  
29 Chapter 9.28.

30  
31 B. In the case of dogs, "at large" means a dog that is not on the premises of its  
32 owner and/or possessor or the premises of another without permission of the owner or  
33 occupant thereof, or not under physical restraint by a person capable of controlling the  
34 dog by means of a leash not exceeding six feet in length. This definition shall not apply  
35 to:

- 36  
37 1. Guide or service dogs while performing their duties for blind, hearing  
38 impaired and physically disabled people;  
39 2. Dogs participating in field or obedience trails or animal exhibitions;  
40 3. Dogs assisting their owner and/or possessor in legal hunting or the herding  
41 of livestock;  
42 4. Dogs assisting a security guard or assisting a peace officer engaged in  
43 law enforcement duties;  
44 5. Areas within the City specifically set aside and posted for the exercise of  
45 animals.

46  
47 C. In the case of animals other than dogs, "at large" means an animal which is off  
48 the premises of its owner and/or possessor while not under the physical restraint of a

1 person capable of controlling the animal. This definition shall not apply to any animal  
2 which is on the premises of another person with the consent of the owner or occupant  
3 thereof.

4  
5 D. In the case of any animal, "at large" also means an animal which is tethered,  
6 leashed or otherwise present on property which is not owned or controlled by the  
7 owner and/or possessor of the animal without the permission of the owner or occupant  
8 thereof.

9  
10 E. In the case of any animal, "at large" also means an animal which is tethered or  
11 leashed on any City street, or other City property not set aside for such tethering or  
12 leashing in such a way to block a public walkway or thoroughfare.

13  
14 F. No person owning or otherwise having a cat over four months of age in his/her  
15 possession shall cause, permit or allow such cat to be unconfined in or upon any public  
16 street, road, alley or other public or private place, including the exterior yards of the  
17 animal owner's property, unless such cat is spayed or neutered. An Animal Control  
18 Officer may seize and/or impound every cat found in violation of this section and shall  
19 require owners of the cat to either spay or neuter the cat or to produce a certificate of  
20 sterilization signed and dated by a veterinarian which lists the veterinarian's name,  
21 clinic's name, address, telephone, license number, pet name, age, breed and  
22 adequate description of the cat. When a person is cited or an animal impounded  
23 under this section, the owner of the cat, if known, shall be notified in writing and given  
24 seven calendar days to request a hearing to determine if such sterilization should be  
25 held in abeyance.

26  
27 G. Recidivism. Any unsterilized dog over six months of age which is impounded a  
28 second time for being "at large" in violation of the requirements of section 9.08.120 shall  
29 be spayed or neutered at the owner's expense within fourteen days of redemption.  
30 Written verification from the veterinarian performing the surgery shall be provided by  
31 the owner to the Animal Services manager within seven days of surgery.

32  
33 9.08.140 Unlawful Conduct.

34  
35 A. No person shall refuse to present any animal located on his premises for  
36 inspection by an Animal Control Officer acting within the scope of his authority under  
37 this title, any other provision of this code, the Petaluma Zoning Ordinance or the laws of  
38 this state when so directed by the officer.

39  
40 B. No person shall refuse to exhibit to an Animal Control Officer acting within the  
41 scope of his authority under this title, any other provision of this code, the Petaluma  
42 Zoning Ordinance or the laws of this state, any dog license or tag, or rabies vaccination  
43 certificate which is in his possession when so directed by the officer.

44  
45 C. No person shall knowingly interfere with, obstruct or hinder any Animal Control  
46 Officer in the discharge of any of the duties imposed upon such officer pursuant to this  
47 title, any other provision of this code, the Petaluma Zoning Ordinance or the laws of this  
48 state.

1 D. It is unlawful for the owner and/or possess of an animal to fail to relinquish the  
2 animal to the Animal Control Officer for impoundment when impoundment of the  
3 animal is authorized pursuant to this title, or the laws of this state.  
4

5 E. Any person who apprehends or picks up a stray or apparently lost animal shall  
6 report the same to the Animal Shelter within twenty-four hours and shall release such  
7 animal to the owner or to the Animal Shelter upon demand. The person shall provide  
8 Animal Services with a complete description of the animal, its location and a means to  
9 contact the person keeping the animal.  
10

11 9.08.150 Animals and Vehicles.  
12

13 A. No owner and/or possessor of a dog or other animal shall lave the animal in a  
14 motor vehicle without adequate ventilation, or in such a manner as to expose the  
15 animal to extremes of heat and cold. The Animal Control Officer may remove and  
16 impound an animal from a vehicle if the animal's safety appears to be in immediate  
17 danger from heat or cold or lack of adequate ventilation  
18

19 B. No owner and/or possessor of a dog or other animal shall transport the animal on  
20 any public street or highway in a motor vehicle unless the animal is safely enclosed  
21 within the vehicle or protected by a container, cage, rope, chain or other device  
22 capable of preventing the animal from falling from or jumping from the vehicle.  
23

24 9.08.160 Tethering a Dog.  
25

26 A dog may not be restrained for more than eight hours in a twenty-four  
27 hour period.  
28

29 A. The tether or chain provided must be at least ten feet in length, with swivels at  
30 both ends, and be properly attached to a pulley or trolley mounted on a cable which is  
31 also at least ten feet in length and mounted at least four feet and no more than seven  
32 feet above the ground level in a manner so as not to interfere or become entangled  
33 with objects on the property.  
34

35 B. A chain or tether used to restrain the dog must, by design and placement, be  
36 unlikely to become entangled.  
37

38 C. Any tethering system used shall not allow the dog or puppy to leave the property  
39 of the owner or possessor.  
40

41 D. No chain or tether shall weigh more than one-eighth of the dog or puppy's body  
42 weight.  
43

44 E. Any chain or tether shall be attached to a properly fitting flat collar or harness  
45 worn by the dog or puppy. The use of chain or pinch collars is prohibited.  
46

47 F. The chained or tethered dog must have constant access to necessary shelter  
48 and water.

1  
2 9.08.170 Animal Wastes.

3  
4 A. No owner or person otherwise having an animal in his care, charge, control,  
5 custody or possession, except a disabled person using an assistance dog, shall permit or  
6 allow any animal to do any of the following:

- 7  
8 1. Defecate on any public street or other public property without  
9 immediately cleaning or removing the excrement to a proper receptacle.  
10 2. Defecate on any private property other than of its owner without the  
11 consent of the owner, lessee or other person in control of the private  
12 property.

13  
14 B. Any person owning or otherwise having an animal in his care, charge, control,  
15 custody or possession on any public street or other public property shall carry a tool or  
16 device to be used for cleaning or removing animal excrement. This tool or device shall  
17 be presented to the Animal Control Officer upon demand.

18  
19 9.08.180 Dog Barking and Other Animal Noise.

20  
21 A. No person shall keep or permit to remain in any premises within the City any  
22 animal which continuously and incessantly produces noise at any time during the day  
23 or night to the disturbance of any other person.

24  
25 B. "Continuous and incessant noise" means producing noise for an aggregate  
26 period of ten minutes or more duration during any one-hour period which disturbs the  
27 peace of another person, including barking, howling, crying, baying, squealing or  
28 making any other noise, provided that at the time of the complaint, no person or  
29 persons were trespassing or threatening to trespass upon the private property of the  
30 owner or person in custody or control of the animal, or the animal was not being teased  
31 or provoked in any manner.

32  
33 C. An Animal Control Officer shall investigate any reported incident regarding  
34 continuous and incessant animal noise.

- 35  
36 1. During that investigation, the Animal Control Officer shall compose a  
37 report to be permanently retained pursuant to adopted procedures. The  
38 report shall be signed under penalty of perjury by the Animal Control  
39 Officer.  
40 2. The Animal Control Officer shall append to the report the statements of  
41 witnesses, victims and the animal owner. These statements shall also be  
42 signed under penalty of perjury.  
43 3. The Animal Control Officer shall require witnesses, victims and the animal  
44 owner(s) to maintain a bark/noise log. The bark/noise log shall list times  
45 and durations of barking/noise and shall be signed under penalty of  
46 perjury.  
47

1 D. A rebuttable presumption that an animal has continuously and incessantly  
2 produced noise constituting a public nuisance shall be deemed to exist when either of  
3 the following occurs:

- 4
- 5 1. At least two individuals, from separate residences, sign a declaration  
6 under penalty of perjury witnessing to facts indicating a violation of this  
7 section; or
- 8 2. Any law enforcement officer or Animal Control Officer personally  
9 witnesses a violation of this section.

10

11 F. Such noise constitutes a public nuisance and each day that the animal is  
12 suffered or permitted to continue the aforescribed noise constitutes a separate  
13 offense.

14

15 G. Abatement Order.

- 16
- 17 1. Whenever the Animal Control Officer has reasonable cause to believe a  
18 violation of this section has occurred, the Animal Control Officer shall draft  
19 an abatement order. The abatement order shall summarize the results of  
20 the investigation and list reasonable conditions for abatement of the  
21 public nuisance. The abatement order shall be written and shall be  
22 provided to the owner and/or possessor pursuant to Section 9.32.020.
- 23 2. Abatement must be completed within five days of the date of service of  
24 the order. The notice shall state that if the owner and/or possessor fails to  
25 comply with the order or file a timely appeal, the animal will be subject to  
26 impoundment.
- 27 3. The owner and/or possessor of the animal may request a hearing before  
28 the animal Hearing Officer to appeal the abatement order within ten  
29 days of the date of service of the order pursuant to this section. A timely  
30 appeal shall stay the abatement order until the animal Hearing Officer  
31 rules whether to sustain, modify or overrule the order.
- 32 4. It is unlawful for the owner/or possessor of an animal to fail to comply with  
33 the abatement order unless a timely appeal is filed and pending in  
34 accordance with this section.
- 35 5. If after investigation, the owner and/or possessor of the animal cannot be  
36 ascertained and located and the Animal Control Officer reasonably  
37 believes that the animal committing the public nuisance has been left  
38 outdoors without proper supervision for twenty-four or more hours, the  
39 Animal Control Officer may impound the animal if continuation of the  
40 nuisance poses an immediate threat to the health and safety of the  
41 animal or the public safety. Impoundment shall be in accordance with  
42 the procedures for immediate impoundment specified in Section 9.28.070.
- 43
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1 H. Appeal.

- 2
- 3 1. Notice. The Hearing Officer shall notify the owner of the animal that a  
4 hearing will be held, at which time the Animal Control Officer and the  
5 animal owner may present evidence as to whether the abatement order  
6 shall be sustained, modified, or overruled. The notice of the appeal  
7 hearing shall be sent pursuant to Section 9.32.020. The hearing shall be  
8 held promptly within no less than ten working days and no more than  
9 thirty working days after service of the notice on the owner of the animal.
- 10 2. Conduct of hearing. The Hearing Officer shall conduct the hearing in an  
11 informal manner and shall afford the owner of the animal an opportunity  
12 to present evidence as to why the order should be modified or overruled.  
13 The formal rules of evidence shall not apply; however, whenever possible,  
14 any complaint received from a member of the public which serves as the  
15 evidentiary basis for the Animal Control Officer to find probable cause  
16 shall be sworn to and verified by the complainant and attached to the  
17 petition filed by the Animal Control Officer. The Hearing Officer may  
18 admit into evidence all relevant evidence, including incident reports and  
19 the affidavits or declarations of witnesses; limit the scope of discovery;  
20 shorten the time to produce records or witnesses; exclude witnesses from  
21 the hearing when not testifying; exclude disorderly or disruptive persons  
22 from the hearing; and make other orders necessary to ensure the fair and  
23 orderly conduct of the hearing. The hearing shall be open to the public.
- 24 3. Recording. The proceedings at the hearing may be tape recorded if  
25 ordered by the Hearing Officer or requested by the owner of the animal.  
26 A stenographic report shall also record the proceedings if ordered by the  
27 Hearing Officer or requested by the owner, with the costs thereof to be  
28 borne by the person making the order or request. A copy of the tape  
29 recording or transcript of the proceedings shall be made available to any  
30 person upon request and upon payment of the cost of preparation  
31 thereof.
- 32 4. Failure to appear. The Hearing Officer may decide all issues for or against  
33 the owner of the animal even if the owner fails to appear at the hearing.
- 34 5. Determination. After the hearing, the Hearing Officer may find, upon a  
35 preponderance of the evidence, that a public nuisance under this  
36 Section exists. The Hearing Officer may order the abatement of the  
37 nuisance by upholding or modifying the abatement order. The  
38 abatement order shall supercede any previous abatement order issued  
39 by an Animal Control Officer. Within ten days of the hearing, the  
40 determination and abatement order shall be served upon the owner by  
41 prepaid first-class mail, return receipt requested. The determination and  
42 abatement order of the Hearing Officer shall be final and conclusive.
- 43  
44  
45  
46  
47  
48

1 O. Violations.

2

3 If the owner an/or possessor of the animal fails to file a timely appeal or abate the  
4 public nuisance within five days of the date of service of the abatement order or  
5 decision by the Hearing Officer regarding an appeal, the Animal Control Officer may:

6

7 1. Cite the owner and/or possessor of the animal for a violation this Section.  
8 Each day that a violation occurs is a separate offense.

9 2. Refer the violation to the City Attorney or District Attorney for prosecution  
10 of a violation and/or abatement of the public nuisance.

11 3. Impound the animal. The owner and/or possessor may redeem an  
12 impounded animal as specified in Chapter 9.28 provided that the owner  
13 and/or possessor agrees to comply and is able to comply with the  
14 abatement order, and has paid all impound fees or charges.

15

16 P. Exceptions: Nothing in this section shall be construed to apply to noise levels  
17 emanating from a legally operated veterinary hospital, humane society of animal  
18 control shelter or farm.

19

20 Q. The remedies of this Section shall not limit the City nor any person from seeking  
21 any other legal remedy available by law, including but not limited to an action for  
22 private or public nuisance.

23

24

25 9.08.190 Selling or Giving Away of Animals is Prohibited.

26

27 No person shall publicly sell, offer for sale, barter, give away or display for sale any  
28 animal within the City limits, except as follows: This section shall not be construed to  
29 prohibit the sale/adoption of any dog, cat or any other animal by pet stores engaged  
30 in the business of selling them; nor shall this section be construed to prohibit the sale or  
31 gift of a pet, or its offspring, by the owner or family of the owner, from or on private  
32 agricultural or residential property; nor shall this section prohibit such display or sale from  
33 or on the premises of an animal shelter or other animal organization.

34

35 9.08.200 Animals with Infectious Diseases.

36

37 No person that owns or has possession or control of any animal which is affected by any  
38 disease that is contagious and/or infectious to either animals or humans, shall allow the  
39 animal outside an enclosure or place where it can come into contact with other  
40 animals of like kind or humans that could become infected.

41

42 9.08.210 Feeding of Wildlife

43

44 A. It is unlawful to feed wildlife or leave food accessible to wildlife within any City  
45 park.

46

47 B. Wildlife is defined to include any feral animal, including but not limited to, ducks,  
48 geese, raccoons, squirrels, skunks, and/or deer.

1  
2  
3 CHAPTER 9.12

4  
5 LIVESTOCK PERMITS

6  
7 9.12.010 Permit for Livestock Required.

8  
9 A. It is unlawful to maintain any livestock as defined in Section 9.04.020 within City  
10 limits without first obtaining a permit therefore from the Animal Control Officer.

11  
12 B. Exceptions: Any person who has been previously issued a livestock permit by the  
13 City pursuant to former Section 9.04.070 of this code shall not be required to apply for a  
14 new permit unless the owner seeks to maintain on his premises a type of animal not  
15 authorized by the livestock permit, animals in greater numbers than authorized by the  
16 livestock permit, seeks to change the location where the animals are maintained or  
17 seeks to transfer the permit to another. The provisions of this Chapter 9.12 shall  
18 otherwise apply to persons who have previously been issued a livestock permit by the  
19 City.

20  
21 9.12.020 Permit Application.

22  
23 A. The application for a livestock permit shall be made on a form prescribed by the  
24 Animal Control Officer and shall include the following information:

- 25  
26 1. The name(s) and address(es) of the owner(s) of the livestock;  
27 2. The maximum number and kinds of livestock to be maintained;  
28 3. The location and facilities where the livestock will be kept;  
29 4. Whether any previous livestock permit held by the applicant or a co-  
30 owner has been revoked or suspended by the City;  
31 5. Such further information as the Animal Control Officer may require to  
32 determine whether to grant or deny the permit pursuant to Section  
33 9.12.030.

34  
35 B. The application shall be transmitted to the director of community development  
36 and planning to determine whether the proposed used of property is in compliance  
37 with the Petaluma Zoning Ordinance.

38  
39 C. The Animal Control Officer may conduct an inspection of the property where the  
40 livestock will be maintained prior to granting the permit.

41  
42 9.12.030 Issuance of a Livestock Permit.

43  
44 A. The Animal Control Officer shall grant or deny a livestock permit application no  
45 later than thirty days after receipt of a completed application. The decision granting or  
46 denying such application shall be served in person or by mail. The Animal Control  
47 Officer shall grant the application unless it is determined that any of the following  
48 conditions exist:

- 1
- 2 1. The applicant or a co-owner has had a livestock permit revoked by the
- 3 City within the last year, or a prior livestock permit is currently suspended;
- 4 2. The applicant has made a material misstatement on the application;
- 5 3. The maintenance of the livestock at the location set forth in the
- 6 application would violate one or more provisions of this code, the
- 7 Petaluma Zoning Ordinance or the laws of this state;
- 8 4. The livestock will not be maintained within the boundaries of a lawful
- 9 fence as defined in California Food and Agricultural Code Section 17121.

10

11 B. The permit issued shall be valid only for the maximum number and types of

12 animals described in the application. The permittee must apply with the Animal Control

13 Officer for an amendment to the permit if he desires to maintain additional or different

14 types of animals on the premises.

15

16 C. The permit issued under this section may only be transferred upon application

17 and approval of the Animal Control Officer.

18

19 D. The Animal Control Officer may impose conditions on issuance of the permit

20 necessary to insure compliance with any provisions of this code, the Petaluma Zoning

21 Ordinance or the laws of this state, and to protect the health and safety of the public

22 and animals involved.

23

24

25 9.12.040 Appeal of Livestock Permit Denial.

26

27 The applicant may appeal the denial of a permit application or permit condition by

28 filing a written appeal with the City Clerk stating the reason the applicant believes the

29 denial or permit condition was improper. The appeal shall be heard by the City

30 Council. The City Council may affirm, modify or overrule the decision of the Animal

31 Control Officer. The decision of the City Council shall be final.

32

33 9.12.050 Livestock Permit Revocation or Suspension.

34

35 A. The Animal Control Officer may revoke or suspend a livestock permit issued

36 pursuant to Section 9.12.030 for any of the following grounds:

- 37
- 38 1. The applicant has made a material misstatement on the application;
- 39 2. The permittee is in violation of any provisions of this code, the Petaluma
- 40 3. Zoning Ordinance or the laws of this state;
- 41 4. The permittee is in violation of the terms and conditions of the livestock
- 42 permit;
- 43 5. The livestock are not being maintained within the boundaries of a lawful
- 44 fence as defined in California Food and Agricultural Code Section 17121.

45

46 B. Notice of the revocation or suspension, stating the grounds therefore, shall be

47 served in person or by mail on the permittee.

1 C. The revocation or suspension shall become effective ten days after service of a  
2 notice thereof unless the permittee files an appeal to the City Council with the  
3 City Clerk. The revocation or suspension shall be stayed pending a decision by the City  
4 Council on the appeal. The City Council shall determine whether to affirm, modify or  
5 overrule the decision of the Animal Control Officer. The decision of the City Council  
6 shall become effective ten days after the City Council's determination.  
7

8 9.12.060 Permit Fees.

9 Fees for the processing and investigation of permits issued pursuant to this  
10 chapter shall be determined by City Council resolution.  
11

## 12 CHAPTER 9.14

### 13 ANIMAL PERMITS

14  
15  
16  
17 9.14.010 Permit for Pet Shops, Commercial Kennels or Catteries, Hobby Kennels or  
18 Catteries or Aviaries required.  
19

20 No person shall conduct, operate or keep any commercial kennel, hobby kennel or pet  
21 shop within the City without first obtaining a permit pursuant to the provisions of this  
22 Chapter and the Petaluma Zoning Laws.  
23

24 9.14.020 Application for Permit.  
25

26 Application for a permit for a commercial kennel or cattery, hobby kennel or cattery,  
27 pet shop or aviary shall be made in writing to Petaluma Animal Services (PAS) by the  
28 owner of the facility prior to opening the facility. Such application shall be on a form  
29 approved by Petaluma Animal Services and shall be accompanied by a permit fee,  
30 the amount of which shall be established. If all other requirements for permitting under  
31 the Chapter are met, such permit fee shall be waived for any commercial kennel  
32 devoted exclusively to training or breeding assistance dogs. PAS shall require such  
33 proof of qualification as PAS deems necessary prior to waiving the permit fee for any  
34 such facility. If the owner of any commercial kennel or cattery, hobby kennel or cattery  
35 or pet shop fails to make application for a permit within 15 business days after receipt of  
36 notice from PAS to obtain a permit shall pay a penalty for late permitting, in an amount  
37 of which shall be established by the City Council, in addition to the normal permitting  
38 fee. The permit fee for commercial kennels/catteries shall be in lieu of the permit fees  
39 and registration fees required for individual animals. The license permit fee for hobby  
40 kennels or hobby catteries shall be in addition to the permit fees and registration fees  
41 required for individual animals.  
42

43 A. Upon receipt of an application for a commercial kennel or cattery, hobby  
44 kennel or cattery or pet shop, the Animal Control Officer shall review the application  
45 and inspect the premises to be issued a permit. If the Animal Control Officer finds that  
46 the requirements of this Chapter have been complied with, the Animal Services Director  
47 shall issue such permit to the owner. If the Director finds otherwise, then the Director  
48 shall deny the license permit.

1  
2 B. When issuing a permit pursuant to this Chapter, the Animal Control Officer may  
3 make the permit subject to such reasonable conditions as the Director deems  
4 necessary to protect the public health, safety and welfare and the protection of the  
5 animals  
6

7 C. Upon issuing the permit pursuant to this Chapter, the Animal Control Officer shall  
8 provide the owner of the commercial kennel or cattery with individual permit tags for  
9 each dog or cat kept on the premises under the permit. The Animal Control Officer  
10 shall, during the term of the permit, upon written application, provide such owner  
11 without charge any additional permit tags required for new dogs or cats coming into  
12 the owner's possession on the permitted premises under the permit.  
13

14 D. Upon issuing a hobby kennel or hobby cattery permit and payment of the permit  
15 fees required, the Animal Control Officer shall provide the owner of the hobby facility  
16 with individual tags for each dog or cat kept on the permitted premises.  
17  
18

19 9.14.030 Expiration and Renewal of Permit.  
20

21 Every commercial or hobby kennel or cattery, or pet shop permit issued pursuant to this  
22 Chapter shall be annual, expiring one year after the date of issue. The procedure for  
23 renewal of any such permit shall be the same as for obtaining the original permit. If the  
24 owner fails to make application for the renewal of such permit within sixty days after its  
25 expiration, such owner shall pay a penalty for such late application in the same amount  
26 as authorized under section 9.12.190.  
27

28 9.14.040 Denial or Revocation of Permit.  
29

30 The Animal Control Officer may deny or revoke any permit issued pursuant to this  
31 Chapter in any of the following situations:  
32

33 A. Whenever the Animal Control Officer determines by inspection that the  
34 permitted  
35 premises violate any of the conditions of the permit, this Chapter or state law.  
36

37 B. Whenever the Animal Control Officer has reason to believe that the owner of the  
38 permitted facility has willfully withheld or falsified any information required for the  
39 permit.  
40

41 C. Whenever the Animal Control Officer has reason to believe that the owner of the  
42 permitted facility, or any employee of the owner who is presently employed by the  
43 owner, has been convicted by a court of law within the past five years of a violation of  
44 this Chapter or any other law relating to animals, public nuisance caused by animals or  
45 cruelty to animals, in this or any other state. For purposes of this section, a forfeiture of  
46 bail shall be deemed to be a conviction of the offense.  
47  
48

1 9.14.050 Appeal for Denial or Revocation of Permit.

2  
3 The applicant may appeal the denial of a permit application or permit  
4 condition by filing a written appeal with the City Clerk stating the reason the applicant  
5 believes the denial or permit condition was improper. The appeal shall be heard by the  
6 City Council. The City Council may affirm, modify or overrule the decision of the Animal  
7 Control Officer.

8  
9

10 9.14.060 Conditions for New Permit After Denial or Revocation.

11  
12 If a permit applied for or granted under this Chapter is denied or revoked,  
13 the Animal Control Officer shall not grant a new permit to the same person for the same  
14 activity at the same location for two years after the date of the denial or revocation  
15 unless the applicant demonstrates and/or the Animal Control Officer determines by  
16 investigation or inspection upon a preponderance of the evidence, in which the  
17 burden of proof is upon the applicant, that the grounds upon which the application  
18 was denied or the permit revoked no longer exists.

19

20 9.14.070 Permit Not Transferable.

21  
22 No commercial kennel or cattery, hobby kennel or cattery or pet shop  
23 permit issued pursuant to this Chapter shall be transferable.

24

25 9.14.080 Display of Permit Required.

26  
27 Every commercial kennel or cattery hobby kennel or cattery, or pet shop  
28 permit issued pursuant to this Chapter shall post its permit in some conspicuous part of  
29 the licensed permitted premises.

30

31 9.14.090 Inspections.

32

33 As a condition to the issuance or renewal of any commercial or hobby  
34 kennel or cattery or any pet shop permit issued pursuant to this Chapter, the Animal  
35 Services Manager shall have the authority to conduct periodic inspections of the  
36 permitted premises. The owner of the facility shall make available to the Manager such  
37 information regarding the operation of the facility, as the Manager shall require.

38

39 9.14.100 Standards for Care, Confinement and Treatment of Animals.

40

41 The Animal Services Manager shall establish regulations and standards for  
42 commercial kennels or catteries, hobby kennels or catteries and pet shops permitted  
43 pursuant to this Chapter relating to the following:

44

45 A. The maximum number and species of animals to be kept on the permitted  
46 premises.

47

1 B. The construction, sanitation and maintenance of the facilities on the permitted  
2 premises.

3  
4 C. Any other matters pertaining to the humane care, confinement and treatment  
5 of animals that the Director deems necessary.

6  
7 9.14.110 Permit for Feral Cat Colony.

8  
9 A. Within six months of the adoption date of this ordinance, all caretakers of feral  
10 cats in residential and commercial areas within the City limits are required to register  
11 with Animal Services. A caretaker means any person or organization harboring or  
12 having in his/her or its possession any feral cat that h/s or it has regularly fed for a period  
13 of 30 days or more. Caretaker is required to submit written authorization from the owner  
14 of the property where cats are fed and cared for. Caretaker is required to provide for  
15 the sterilization of all cats and kittens, three-year vaccination against rabies, and one-  
16 time testing for Feline FIV and Leukemia within one-month of cat entering colony.  
17 Caretaker is required to transfer to the Petaluma Animal Shelter all tame cats within  
18 one-week of entering colony. Caretaker shall provide cats with regular fresh food,  
19 water and access to shelter and will maintain the area in a clean and sanitary way.

20  
21 B. The caretaker shall not permit any feline under his/her care to permit such  
22 animal to:

- 23  
24 1. Damage property other than the property of owner or keeper; or  
25 2. Cause an unsanitary, dangerous or unreasonably offensive condition.

26  
27 C. There shall be no feeding of feral cats in or within one-half mile of the Petaluma  
28 Wetlands, located along the Petaluma River. The area covered by this section is  
29 ordered by the Petaluma River on the southwest, and Lakeville Highway to the north  
30 and east, from the Petaluma Marina to, and including the Petaluma Holding Ponds.  
31 There shall be no feeding of feral cats inside any City park, or within a block of any City  
32 park. Any existing feeding station in the prohibited areas shall be removed within 90  
33 days of the passage of this ordinance.

34  
35  
36 9.14.120 Required Records for Commercial Kennels, Catteries, Feral Cat  
37 Colonies.

38  
39 Every commercial kennel, cattery or feral cat colony pursuant to this  
40 Chapter shall keep available, on the permitted premises, records available for  
41 inspection by the Director. These records shall contain all of the following:

42  
43 A. The name, current address, and telephone number of the owner/guardian of  
44 each animal at the kennel or cattery. The name, current address, and telephone  
45 number of the feral cat colony caretaker.

46  
47 B. The date each animal entered the kennel, cattery or colony.  
48

1 C. The reason for each animal being at the kennel or cattery, such as for boarding,  
2 sale, breeding or grooming.

3  
4 D. A description of each animal at the kennel or cattery, including age, breed, sex  
5 and color.

6  
7 E. A current, valid rabies certificate for each animal over four months of age at the  
8 kennel, cattery or colony.

9  
10 F. A valid spay/neuter certificate for each cat over age four months in the colony.

11  
12 9.12.130 Permit Fees.

13 Fees for the processing and investigation of permits issued pursuant to this  
14 chapter shall be determined by City Council resolution.

15  
16 CHAPTER 9.16

17  
18 DOG LICENSES\*

19  
20 \*(Editor's Note: For statutory provisions regarding the authority of a City to impose  
21 license fees, see Gov. Code §38792.

22  
23 9.16.010 Dog License Required.

24  
25 Every person owning a dog which is harbored within the City shall obtain a  
26 license as follows:

27  
28 A. Within thirty days after the dog reaches the age of four months.

29  
30 B. Within thirty days of becoming a resident of the City if a license is otherwise  
31 required under this section.

32  
33 9.16.020 License Requirements not Applicable to Certain Dogs.

34  
35 The provisions of Section 9.16.010 shall not apply to any of the following:

36  
37 A. Any dog brought into the City for the purpose of participating in any show,  
38 exhibition, field trail or competition scheduled not more than thirty days thereafter;

39  
40 B. Any dog brought into the City of receiving veterinary care in a veterinary  
41 hospital, providing that the dog is confined at all times to the hospital;

42  
43 C. And dog owned or in possession of a nonresident of the City which is to be  
44 maintained in the City for a period not exceeding thirty days;

45  
46 D. Any guide or service dog actually being used to assist a blind, hearing impaired  
47 or otherwise physically disabled person;

1 9.16.030 License fee and license issuance.

2

3 The license fee and any late registration charges shall be in the amount  
4 established by City Council resolution. The license shall be issued to the dog owner  
5 upon payment of the current license fee and proof of current rabies vaccination.

6

7 9.16.040 Fee Refunds.

8

9 No refunds shall be made on any dog or cat license because of the  
10 death of or other loss of the dog, or the owner leaving the City before the expiration of  
11 the license.

12

13 9.16.050 License Duration.

14

15 All initial licenses shall be issued for a period commencing on the date of  
16 issuance and shall expire on the anniversary date that the rabies vaccination was  
17 administered. Renewals are due within 30 days of the anniversary date of the rabies  
18 vaccination.

19

20 9.16.060 Current Rabies Vaccination Required.

21

22 No license shall be issued unless evidence of current rabies vaccination is  
23 presented to Animal Services, unless the dog is exempted from the vaccination  
24 requirements by the laws of this state.

25

26 9.16.070 Issuance of License Tag.

27

28 A permanent metallic license tag shall be issued with the initial dog  
29 license. The tag shall bear an identification number.

30

31 9.16.080 Securing Tag to Collar.

32

33 The dog owner and/or possessor shall secure the tag to a collar, harness  
34 or similar device attached to the dog for which the license tag was issued. The dog  
35 owner and/or possessor shall ensure that the dog wears such a license tag at all times  
36 except when the dog is being exhibited at field, obedience or other shows or  
37 exhibitions.

38

39 9.16.090 Replacement of Tag.

40

41 Whenever a license tag is lost or damaged, the owner shall apply for and  
42 secure a replacement from Animal Services upon payment of the prescribed fee.

43

44

45 9.16.100 Transfer of Tag Prohibited.

46

47 License tags shall not be transferred from one dog to another.

48

1 9.16.110 Change of address or ownership.

2  
3 The address of the owner is presumed to be the address where the dog is  
4 kept. The owner of a licensed dog shall report any change of address to Animal  
5 Services no later than thirty days following a change of address. The owner of a  
6 licensed dog shall report the transfer of ownership or custody of the dog no later than  
7 thirty days after the change occurs.

8  
9 9.16.120 Presentation of License on Request.

10  
11 The owner and/or possessor of the dog shall retain the printed dog license  
12 for the year it was issued for inspection upon request by Animal Services.

13  
14  
15 9.16.130 Impoundment of Unlicensed Dog

16  
17 The Animal Control Officer may take up and impound any dog which is  
18 off the premises of its owner without a current license tag on its collar, harness or other  
19 device. The Animal Control Officer shall not impound any dog which is exempted from  
20 the license/tag requirements by this Chapter 9.16.

21  
22  
23 CHAPTER 9.20

24  
25 RABIES CONTROL\*

26  
27 \*Editor's Note: For statutory provisions regarding rabies control, see Health & Safety  
28 Code §1900 et seq.; impounding of dogs, see Agriculture Code §31101 et seq.

29  
30 9.20.010 Vaccination Required.

31  
32 It is unlawful for the owner and/or possessor of a dog or cat over four  
33 months of age to maintain the dog or cat within the City if such dog or cat has not  
34 been vaccinated for rabies by a veterinarian. This requirement shall not apply to any  
35 dog or cat which is exempted from the vaccination requirement by the laws of this  
36 state. Revaccination shall be made at such intervals of time as may be prescribed by  
37 the laws and regulations of this state.

38  
39 9.20.020 Dogs to be Kept on Owner's Property.

40  
41 All dogs under four months of age shall be confined to the premises of, or  
42 kept under physical restraint by its owner and/or possessor.

43  
44 9.20.030 Animals Suspected of Having Rabies.

45  
46 Any person having knowledge of the whereabouts of an animal or animal  
47 carcass of an animal known to have or suspected of having rabies shall immediately  
48 notify the Animal Control Officer.

1  
2 9.20.040 Unlawful to fail to disclose location of rabid animal.

3  
4 It is unlawful for any person having knowledge of the whereabouts of an  
5 animal or carcass suspected of having rabies to refuse to disclose the location or  
6 identity of the animal upon demand thereof from an Animal Control Officer.

7  
8 9.20.050 Reporting Animal Bites --- Examination and Impoundment.

9  
10 Any person who has knowledge of a dog, cat, skunk, raccoon, bat, or  
11 other animal subject to rabies biting a person shall report such incident to an Animal  
12 Control Officer. Any animal which bites or otherwise exposes a person or other animal,  
13 shall, in the discretion of the Animal Control Officer, be examined and/or impounded as  
14 provided by the laws of this state and Chapter 9.28 of this code.

15  
16  
17 CHAPTER 9.24

18  
19 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS

20  
21  
22 9.24.010 Authority and Purpose.

23  
24 A. Authority. Pursuant to Food and Agricultural Code §31683 and its general police  
25 powers, the City adopts this Chapter regulating dangerous and potentially dangerous  
26 animals.

27  
28 B. Purpose. The keeping of an animal defined as dangerous or potentially  
29 dangerous under this Chapter shall be declared a public nuisance and shall be abated  
30 in accordance with the provisions of this Chapter. The procedure for abatement set  
31 forth in this Chapter shall not be exclusive and shall not in any manner limit or restrict the  
32 City from enforcing other ordinances or abating public nuisances in any other manner  
33 provided by law. Furthermore, this Chapter shall not preempt or preclude a person  
34 from filing a private lawsuit seeking to abate as a private nuisance an animal that is  
35 dangerous.

36 9.24.020 Definitions.

37  
38 A. "Potentially Dangerous animal" means an animal, except a dog assisting a  
39 peace officer engaged in law enforcement duties, which demonstrates any or all of  
40 the following behavior a first time, but does not inflict serious injury to either a human or  
41 another animal:

- 42  
43 1. An attack, without provocation, which requires a defensive action by any  
44 person to prevent bodily injury and/or property damage in a place where  
45 such person is acting lawfully;
- 46 2. An attack, without provocation, on another animal or livestock which  
47 occurs off the property of the owner of the attacking animal;

- 1           3.     Any behavior, without provocation, that constitutes a physical threat of  
2           bodily harm to a person in a place where such person is acting lawfully;  
3           4.     An attack, without provocation, that results in a non-severe injury to a  
4           person in a place where such person is acting lawfully.  
5

6     B.     “Dangerous animal” means an animal, except a dog assisting a peace officer  
7     engaged in law enforcement duties, which demonstrates any or all of the following  
8     behavior:  
9

- 10          1.     A single attack, without provocation, that results in a severe injury or  
11          death to a person in a place where such person is acting lawfully;  
12          2.     A single attack, without provocation, on another animal or livestock which  
13          occurs off the property of the owner of the attacking animal and that  
14          results in the death of the other animal or livestock;  
15          3.     A second attack, without provocation, which requires a defensive action  
16          by any person to prevent bodily injury and/or property damage in a  
17          place where such person is acting lawfully;  
18          4.     A second attack, without provocation, on another animal or livestock,  
19          which occurs off the property of the owner of the attacking animals;  
20          5.     A second display of behavior, without provocation, that constitutes a  
21          physical threat of bodily harm to a person in a place where such person is  
22          acting lawfully;  
23          6.     A second attack, without provocation, that results in a non-severe injury to  
24          a person in a place where such person is acting lawfully;  
25          7.     A combination of behaviors or attacks described in Section 9.24.020(A)  
26          that occur without provocation on two separate occasions.  
27

28     C.     “Serious injury” is defined as any physical injury to a human being or animal that  
29     results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective  
30     or cosmetic surgery or causes severe bruising.  
31

32     D.     “Enclosure” means a fence or structure of at least six feet in height forming or  
33     causing an enclosure suitable to prevent the entry of young children and suitable to  
34     humanely confine an animal with adequate exercise area, and posted with an  
35     appropriate warning sign, in conjunction with other measures which may be taken by  
36     the owner of the animal. The enclosure shall be designed in order to prevent the  
37     animal from escaping.  
38

39     E.     “Hearing officer” means the Manager of Animal Services, or his/her designee.  
40

41     F.     “Owner” means the owner, keeper or person having custody, control or  
42     possession of an animal.  
43

44     G.     A “dangerous animal” or “potentially dangerous animal” does not mean any  
45     animal in a situation in which it is shown that the person or domestic animal suffering the  
46     injury or damage had, at the time of the injury or damage:  
47

- 1 1. Provoked, tormented, teased, abused or assaulted the animal into the
- 2 behavior alleged;
- 3 2. Committed a willful trespass or other tort upon the private property of the
- 4 owner of the animal;
- 5 3. Committed or attempted to commit a crime; or
- 6 4. Threatened or committed an unjustified attack or assault against the
- 7 owner or person in control of the animal.

8  
9 9.24.030 Investigation of Dangerous and Potentially Dangerous Animals.

10  
11 A. An Animal Control Officer shall investigate any reported incident regarding a  
12 dangerous or potentially dangerous animal.

- 13  
14 1. During that investigation, the Animal Control Officer shall compose a
- 15 report to be permanently retained pursuant to adopted procedures. The
- 16 report shall be signed under penalty of perjury by the Animal Control
- 17 Officer. The Animal Control Officer shall make best efforts to take a
- 18 photograph of the animal to include with the report.
- 19 2. The Animal Control Officer shall append to the report the statements of
- 20 witnesses, victims and the animal owner. These statements shall also be
- 21 signed under penalty of perjury.

22  
23 B. If after conducting an investigation, the Animal Control Officer determines that  
24 probable cause exists that the animal is dangerous or potentially dangerous, the  
25 Animal Control Officer may impose reasonable conditions to protect the public health,  
26 safety and welfare upon the animal owner pending an administrative hearing. These  
27 conditions shall be in the form of a provisional abatement order and may include any  
28 reasonable conditions, including those contained in Section 9.24.050. The Animal  
29 Control Officer shall provide notice of the provisional abatement order pursuant to  
30 Section 9.24.060. The provisional abatement order shall remain in effect unless  
31 superseded or overruled by another administrative or judicial decision. A failure to  
32 comply with the provisional abatement order shall be a misdemeanor.

33  
34 C. If after conducting an investigation, the Animal Control Officer determines that  
35 probable cause exists that the dog is dangerous or potentially dangerous, the Animal  
36 Control Officer shall petition the Hearing Officer for an administrative hearing to  
37 determine whether an animal is dangerous or potentially dangerous. The administrative  
38 hearing shall follow the procedures of Section 9.24.040.

39  
40 D. Pursuant to this Title, the Animal Control Officer shall also immediately impound  
41 any animal found to be dangerous and a posing an imminent threat to the public  
42 health, safety and welfare.

43  
44 9.24.040 Hearing Procedures.

45  
46 A. Petition. Pursuant to Section 9.24.030, where the Animal Control Officer has  
47 investigated and determined that there exists probable cause to believe that an  
48 animal is dangerous or potentially dangerous, the Animal Control Officer shall petition

1 the Hearing Officer for a hearing for the purpose of determining whether the animal  
2 should be declared dangerous or potentially dangerous.

3  
4 B. Notice. The Hearing Officer shall notify the owner of the animal that a hearing  
5 will be held, at which time the Animal Control Officer and the animal owner may  
6 present evidence as to whether the animal should be declared dangerous or  
7 potentially dangerous. The notice, together with a copy of the petition, shall be  
8 provided pursuant to Section 9.24.060. The hearing shall be held promptly within no less  
9 than ten working days and no more than thirty working days after service of the notice  
10 on the owner of the animal.

11  
12 C. Conduct of hearing. The Hearing Officer shall conduct the hearing in an  
13 informal manner and shall afford the owner of the animal an opportunity to present  
14 evidence as to why the animal should not be declared dangerous or potentially  
15 dangerous. The formal rules of evidence shall not apply; however, whenever possible,  
16 any complaint received from a member of the public which serves as the evidentiary  
17 basis for the Animal Control Officer to find probable cause shall be sworn to and  
18 verified by the complainant and attached to the petition filed by the Animal Control  
19 Officer. The Hearing Officer may admit into evidence all relevant evidence, including  
20 incident reports and the affidavits or declarations of witnesses; limit the scope of  
21 discovery; shorten the time to produce records or witnesses; exclude witnesses from the  
22 hearing when not testifying; exclude disorderly or disruptive persons from the hearing;  
23 and make other orders necessary to ensure the fair and orderly conduct of the hearing.  
24 The hearing shall be open to the public.

25  
26 D. Recording. The proceedings at the hearing may be tape recorded if ordered by  
27 the Hearing Officer or requested by the owner of the animal. A stenographic report  
28 shall also record the proceedings if ordered by the Hearing Officer or requested by the  
29 owner, with the costs thereof to be borne by the person making the order or request. A  
30 copy of the tape recording or transcript of the proceedings shall be made available to  
31 any person upon request and upon payment of the cost of preparation thereof.

32  
33 E. Failure to appear. The Hearing Officer may decide all issues for or against the  
34 owner of the animal even if the owner fails to appear at the hearing.

35  
36 F. Determinations of dangerous and potentially dangerous animals - Evidence. In  
37 making a determination that an animal is dangerous or potentially dangerous,  
38 evidence of the following shall be considered:

- 39  
40 1. Any previous history of the animal attacking, biting or causing injury to a  
41 human being or other domestic animal;  
42 2. The nature and extent of injuries inflicted and the number of victims  
43 involved;  
44 3. The place where the bite, attack or injury occurred;  
45 4. The presence or absence of any provocation for the bite, attack or injury;  
46 5. The extent to which property has been damaged or destroyed;  
47 6. Whether the animal exhibits any characteristics of being trained for  
48 fighting or attack or other evidence to show such training or fighting;

- 1           7.     Whether the animal exhibits any characteristics aggressive or
- 2                 unpredictable temperament or behavior in the presence of human
- 3                 beings or other domestic animals;
- 4           8.     Whether the animal can be effectively trained or retrained to change its
- 5                 temperament or behavior;
- 6           9.     The manner in which the animal had been maintained or cared for by its
- 7                 owner;
- 8           10.    Any other relevant evidence concerning the maintenance or care of the
- 9                 animal; and
- 10          11.    Any other relevant evidence regarding the ability of the owner or the
- 11                 Animal Control Officer, to protect the public safety in the future if the
- 12                 animal is permitted to remain in the City.

13  
14    G.     Determination of Dangerous or Potentially Dangerous Animal and Abatement  
15    Order. After the hearing, the Hearing Officer may find, upon a preponderance of the  
16    evidence, that the animal is dangerous or potentially dangerous. The Hearing Officer  
17    may order the abatement of the nuisance created by the dangerous or potentially  
18    dangerous animal by imposing some or all of the conditions found in Section 9.24.050  
19    for the continued ownership of the animal. The abatement order shall supercede any  
20    provisional abatement order issued by an Animal Control Officer unless the abatement  
21    order is stayed by judicial action or pending judicial review. Within ten days of the  
22    hearing, the determination and abatement order shall be served upon the animal  
23    owner pursuant to Section 9.24.060. The determination and abatement order of the  
24    Hearing Officer shall be final and conclusive.

25  
26    H.     Order of Humane Euthanization. If, following the hearing, the subject animal is  
27    determined by a preponderance of the evidence to be dangerous and, if released to  
28    the animal owner, even where reasonable abatement conditions were imposed, would  
29    create a significant threat to the public health, safety, or welfare, the Hearing Officer  
30    may order that the animal be humanely euthanized as permitted under California Food  
31    and Agricultural Code section 31645 or its successor provisions.

- 32  
33           1.     A rebuttable presumption that an animal creates a significant threat to  
34                 the public health, safety and welfare exists where:
- 35                 a.    The animal has been involved in an attack resulting in the death of a
  - 36                         person, regardless of the circumstances involved.
  - 37                 b.    The animal has been involved in a second attack, without
  - 38                         provocation, on another animal or livestock which occurs off the
  - 39                         property of the owner of the attacking animal and that results in the
  - 40                         death of the other animal or livestock.
  - 41                 c.    The animal has been involved in a third attack, without provocation,
  - 42                         that results in a non-severe injury to a person in a place where such
  - 43                         person is acting lawfully.
  - 44                 d.    A third attack, without provocation, on another animal or livestock,
  - 45                         which occurs off the property of the owner of the attacking animals;
  - 46                 e.    The owner of an animal previously deemed dangerous fails, refuses or
  - 47                         is incapable of complying with the terms of an abatement order issued
  - 48                         pursuant to this Chapter.

- 1 f. The animal has been previously found dangerous and subsequently  
2 exhibits any of the behaviors listed as determinative of dangerous or  
3 potentially dangerous under Section 9.24.020.
- 4 2. Such remedy shall be in addition to all other remedies at law or in equity  
5 and shall not limit or restrict such other remedies.
- 6 3. Within ten days of the hearing, notice of the order of humane  
7 euthanization shall be served upon the owner pursuant to Section  
8 9.24.060.
- 9 4. Any order made by the Hearing Officer to humanely euthanize an animal  
10 shall be final.

11  
12 9.24.050 Abatement Order and Conditions.

13  
14 A. Pursuant to Section 9.24.040, the owner of an animal determined to be  
15 dangerous or potentially dangerous by the Hearing Officer, shall be required to comply  
16 with the abatement order of the Hearing Officer which contains any or all of the  
17 following conditions:

- 18  
19 1. Registration. To immediately register the animal that is found to be  
20 dangerous with the Animal Control Officer to comply with the Animal  
21 Control Officer's requirements for dangerous animal (including, but not  
22 limited to, requiring the animal to wear a visible, dangerous animal tag),  
23 and to keep such animal properly vaccinated at all times. The fee to  
24 keep or maintain one dangerous animal shall be fifty dollars for a twelve-  
25 month term, and the fee for each additional dangerous animal shall be  
26 twenty-five dollars. The fee shall be paid for each twelve-month term.  
27 Should the animal die in any twelve-month term, the owner shall notify the  
28 Animal Control Officer of the death within five working days of the death.
- 29 2. Confinement. To keep the animal securely confined on its premises in a  
30 locked enclosure approved by the Hearing Officer or the Animal Control  
31 Officer from which the animal cannot escape and into which children  
32 cannot trespass. Such a kennel or structure must have secure sides and a  
33 secure top attached to the sides. All structures used to confine a  
34 dangerous animal must be locked with a key or combination lock when  
35 such animals are within the structure. Such structure must have a secure  
36 bottom or floor attached to the sides of the pen or the sides of the pen  
37 must be embedded in the ground no less than two feet. All structures  
38 erected to house a dangerous animal must comply with all zoning and  
39 building regulations of the City. All such structures must be adequately  
40 lighted, ventilated, and kept in a clean and sanitary condition;
- 41 3. Confinement while on leash. To keep the animal securely muzzled,  
42 restrained by a substantial leash of appropriate length and under the  
43 control of a responsible person eighteen years of age or older who is  
44 physically capable of restraining the animal when the animal is not  
45 contained in a locked, secure enclosure;
- 46 4. Spay or neuter the animal. To have the animal spayed or neutered by a  
47 licensed veterinarian and to present proof to the Animal Control Officer;

- 1           5.     Insurance. To provide and maintain financial responsibility for injuries to  
2           the public by obtaining and showing proof of liability insurance in the form  
3           and amount deemed to be acceptable by the Hearing Officer or City  
4           Attorney in light of all the circumstances. Such insurance policy shall  
5           provide that no cancellation of the policy will be made unless ten days  
6           written notice is first given to Animal Services and the City Clerk's Office;
- 7           6.     Bond. The posting of a bond or other proof of ability to pay a damage  
8           award in the amount of fifty thousand dollars;
- 9           7.     Notification. To immediately inform any City, county, postmaster or utility  
10          company meter readers and anyone else that lawfully comes onto the  
11          property, of the animal's dangerousness and to inform animal control  
12          and/or the Chief of Police if the animal is moved to another location  
13          inside or outside the City limits as provided by this Chapter;
- 14          8.     Signs. To display in a prominent place on the premises a sign easily  
15          readable by the public using the words "Beware of Dog" or "Beware of  
16          Animal" in letters at least three inches high;
- 17          9.     Numbers and tattoo. To have a registration number assigned to such  
18          animal tattooed by a licensed veterinarian on the animal's inner thigh or  
19          inserted by a licensed veterinarian under the animal's skin by means of an  
20          electronic identification device. The manner and method of  
21          identification to be used hereunder shall be determined by the Hearing  
22          Officer. For the purpose of this section, "tattoo" shall be defined as any  
23          permanent numbering of an animal by means of indelible or permanent  
24          ink;
- 25          10.    Inspection. To consent and agree to the entry upon the premises to any  
26          police officer or Animal Control Officer for the purpose of inspecting the  
27          animal and/or premises;
- 28          11.    Payment of cost. To make reasonable payment of costs incurred by the  
29          City and animal control agent in the hearing process, not to exceed one  
30          thousand dollars;
- 31          12.    Other. To take any other steps deemed reasonably necessary to prevent  
32          injuries to the public.

33  
34 B.       The owner of the animal shall comply with the conditions imposed by the hearing  
35 officer within thirty (30) days of the order.

36  
37 C.       All owners of dangerous animals must within ten days of the effective date of the  
38 abatement order provide the Animal Control Officer with two photographs (color) of  
39 the registered animal clearly showing the color and approximate size of the animal.

40  
41 D.       No dangerous animal shall be kept on a porch, patio or in any part of a house or  
42 structure that would allow the animal to exit such building on its own volition. In  
43 addition, no such animal may be kept in a house or structure when the windows are  
44 open or screen doors are the only obstacle preventing the animal from exiting the  
45 structure.

46  
47 E.       Failure to comply with Dangerous or Potentially Dangerous Order.

48

- 1 1. It is unlawful for the owner of an animal deemed dangerous or potentially  
2 dangerous under this Chapter to fail to comply with conditions set forth in  
3 an abatement order. Any animal found to be the subject of a violation of  
4 an order shall be subject to immediate seizure and impoundment. The  
5 Hearing Officer shall notify the animal owner to show cause whether the  
6 animal shall be humanely euthanized for a failure to comply with the  
7 conditions contained in the dangerous or potentially dangerous order.
- 8 2. The Hearing Officer shall provide written notice pursuant to Section  
9 9.24.060 that the animal will be humanely euthanized unless, within  
10 fourteen days from the date of the notice:
  - 11 a. The owner has demonstrated to the satisfaction of the Hearing Officer  
12 that the owner has fully complied with the requirements and  
13 conditions set forth in the abatement order; or
  - 14 b. The owner has filed in a court of competent jurisdiction a petition that  
15 seeks to stay euthanization of the animal and has served a copy of  
16 such petition upon the Hearing Officer.
- 17 3. If, after fourteen days from the date of such notice, the owner has not  
18 complied with the provisions of subdivisions (1) or (2) of this subsection, the  
19 Hearing Officer may, without further notice or process, have the animal  
20 humanely euthanized.

21  
22 9.24.60 Notice and Service Requirements.

23  
24 When this Chapter requires the provision of notice or service, the notice or  
25 service shall be in writing. If a right may be exercised or an act is to be done and the  
26 notice or service of it is required to be given but the time within which the notice or  
27 service must be given is not specified, the notice or service shall be given at least ten  
28 (10) days before the time the right must be exercised. The notice or service shall be  
29 served either personally or by first class mail in a sealed envelope with postage prepaid,  
30 addressed to the animal owner at his/her last known mailing address and deposited in  
31 a facility maintained by the United States Department of Postal Service. The person  
32 providing such notice or service shall sign a declaration under penalty of perjury that  
33 notice or service has been made. In the event that the last known address of the  
34 animal owner cannot be ascertained, the Hearing Officer or Animal Control Officer  
35 shall sign a declaration under penalty of perjury that best efforts were made to provide  
36 notice or service to the animal owner. In the case of service by mail, notice or service is  
37 complete at the time the notice is deposited in the United States mail.

38  
39 9.24.070 Transfer and Training of Dangerous Animals.

- 40  
41 A. Sale or transfer within City. No person shall sell, transfer or in any other way  
42 dispose of an animal deemed dangerous under this Chapter to any person within the  
43 City unless the recipient person resides permanently in the same household and on the  
44 same premises as the owner of such animal.
- 45  
46 B. Sale or transfer outside City. The owner of an animal that has been deemed  
47 dangerous under this Chapter may sell, transfer, or otherwise dispose of such animal or  
48 the offspring thereof to persons who do not reside within the City, provided the owner

1 first notifies the Hearing Officer and the Animal Control Officer of the proposed sale or  
2 transfer. Such notice shall be given not less than fifteen days in advance of the sale or  
3 transfer and shall specify the name and address of the recipient person. Upon receipt  
4 of such notice, the Hearing Officer or the Animal Control Officer may notify the  
5 governmental jurisdiction in which the recipient person is located or resides. Failure to  
6 comply with these notification provisions shall be grounds for immediate impoundment  
7 of the animal by the Animal Control Officer.  
8

9 C. Sale or transfer into City. It shall be unlawful for a person to possess, own or  
10 control any animal for the purpose of either temporary or permanent care in the City  
11 limits that has been deemed by another governmental jurisdiction to be potentially  
12 dangerous, dangerous, vicious, or a threat to the safety of human beings or domestic  
13 animals. The Animal Control Officer may order the person having possession, ownership  
14 or control of the animal to remove the animal immediately from the City. Should such  
15 person fail to comply with the Animal Control Officer's order, the Animal Control Officer  
16 may summarily and immediately impound the animal. The owner of the animal shall be  
17 liable for the costs and expenses of impounding and keeping the animal. Such  
18 impounded animals may then be disposed of in accordance with the provisions of this  
19 Chapter.  
20

21 D. Fighting training and animal abuse prohibited. It shall be unlawful to use, train,  
22 keep, harbor, own or in any way possess or transport through the City an animal for the  
23 purpose of animal fight exhibitions. Scars and wounds are refutable evidence of  
24 participation in animal fight exhibitions or training. "Fight training" is defined to include,  
25 but not limited to:  
26

- 27 1. The use or possession of treadmills for fight training;
- 28 2. Actions designed to torment, badger or bait any animal for purpose of  
29 encouraging said animal for fight exhibitions;
- 30 3. The use of weights on the animal for fight training;
- 31 4. The use of other animals for blood sport training;
- 32 5. Any other activity, the primary purpose of which is the training of animals  
33 for aggressive or vicious behavior or animal fight exhibitions. It shall further  
34 be unlawful for anyone to knowingly abuse any animal within the City  
35 limits.  
36

37 9.24.080 Enforcement and Penalties.  
38

39 A. Violations and penalties. Unless otherwise specified, any violation of this  
40 Chapter shall be a misdemeanor.  
41

42 B. Ownership of dangerous animals. The owner of an animal determined to be  
43 dangerous or ordered humanely euthanized pursuant to this Chapter shall be  
44 prohibited from owning, possessing, controlling or having custody of any other animal  
45 of the type to which the violation applies for a period of three years from the date of  
46 violation when it is found after the hearing conducted pursuant to this Chapter that  
47 ownership or possession of such animal by that person would create a significant threat  
48 to public health, safety or welfare.

1  
2 C. Enforcement. Any provisions of this Chapter may be enforced by the police  
3 department, fire department, the Animal Control Officer or any authorized designee of  
4 the Manager of Animal Services. Complaints of any violations of this Chapter which are  
5 subject to penalties under this section may be presented to the District Attorney's Office  
6 or to the City Attorney for prosecution.  
7

8 D. Cost Recovery of Abatement. The costs of abating a public nuisance pursuant  
9 to the provisions of this Chapter may be recovered from the owner of the animal  
10 causing the public nuisance pursuant to Chapter 1.15 of this Code. In any action,  
11 administrative proceeding, or special proceeding initiated by the City under this  
12 chapter, the prevailing party may recover attorneys' fees. Recovery of attorneys' fees  
13 by the prevailing party is limited to those individual actions or proceedings in which the  
14 City elects, at the initiation of that individual action or proceeding, to seek recovery of  
15 its own attorneys' fees. The award of attorneys' fees to the prevailing party shall in no  
16 circumstances exceed the amount of reasonable attorneys' fees incurred by the City in  
17 the action or proceeding.  
18

19 E. Penalties and remedies cumulative. The penalties and remedies specified herein  
20 shall not be exclusive but shall be cumulative with all other remedies at law or in equity.  
21 The City may, in its discretion, elect to pursue any one or more of the penalties or  
22 remedies provided for herein or at law or in equity.  
23  
24

## 25 CHAPTER 9.28

### 26 IMPOUNDMENT

#### 27 9.28.010 Care of Impounded Animals.

28  
29 Animal Services shall ensure that all impounded receive suitable and  
30 adequate food, water, and shelter.  
31  
32  
33  
34  
35

#### 36 9.28.020 Registry of Impounded Animals.

37  
38 Animal Services shall maintain a registry of impounded animal describing  
39 the type, sex and other identifying characteristics of the animal, the date of  
40 impoundment, if licensed the license number of the dog, the name of the person  
41 /redeeming or purchasing the animal, and any fees or charges paid.  
42

#### 43 9.28.030 Fees for Redemption and Care of Animals.

44  
45 Fees for redemption, care and feeding of animals shall be set by City  
46 Council resolution. Greater redemption fees shall be charged for animals redeemed  
47 two or more times.  
48

1 9.28.040 Suspected Rabid Animals – Examination and Impoundment.

2  
3 The Animal Control Officer shall seize any animal which there is reason to  
4 believe is infected with rabies, and take that animal to a veterinarian for examination.  
5 If the veterinarian determines that the animal may be infected with rabies, the Animal  
6 Control Officer shall impound such animal for the period mandated by the laws of this  
7 state and shall notify Sonoma County Animal Regulation, the agency responsible for  
8 rabies monitoring in this county. The animal's owner shall be charged for all costs  
9 incurred or fees applicable, with respect to the examination, confinement, or  
10 impoundment of the animal.

11  
12 9.28.050 Grounds for Impoundment.

13  
14 A. Animals at Large: The Animal Control Officer may seize and impound an animal  
15 which is at large as defined in Section 9.08.120. A dog that has strayed from, but then  
16 returned to the private property of its owner and/or possessor shall not be seized or  
17 impounded merely for a violation of Section 9.08.120. In such a case, a citation for such  
18 violation may be issued; provided, however, that the owner and/or possessor is not at  
19 home the dog may be impounded, but the Animal Control Officer shall post a notice of  
20 such impoundment on the front door of the owner's and/or possessor's dwelling. Such  
21 notice shall contain the information required by the California Government Code  
22 Section 53074.

23  
24 B. Except as provided in subsection A of this section, an animal may be impounded  
25 for violation of any provisions of this title, or the laws of this state, in accordance with the  
26 procedures specified in Chapter 9.28.

27  
28 9.28.060 Procedures for Impoundment.

29  
30 A. Except as provided in Section 9.28.070, the Animal Control Officer may not seize  
31 or impound an animal without the consent of the owner and/or possessor, unless a pre-  
32 impoundment notice is provided in accordance with subsection B of this section.

33  
34 B. At least five days prior to the date of impoundment the owner and/or possessor  
35 of the animal shall be served in person or by mail with a notice that his/her animal will  
36 be subject to impoundment on or after a specified date. The notice shall state that the  
37 owner and/or possessor may request a hearing before the animal Hearing Officer prior  
38 to the date for impoundment specified in the notice. The filing of a timely appeal shall  
39 stay the impoundment of the animal until the conclusion of the hearing.

40  
41 C. Whenever a timely appeal is filed, the animal Hearing Officer shall conduct a  
42 pre-impoundment hearing to determine whether impoundment of the animal is  
43 authorized under this title. The decision of the animal Hearing Officer shall be based on  
44 the weight of the evidence and shall be final. The owner and/or possessor of the  
45 animal shall be given notice of the decision in person or by mail.

46  
47 D. Whenever the owner and/or possessor of an animal is served with an abatement  
48 order pursuant to Section 9.08.180 governing animal noise or Chapter 9.24 governing

1 potentially dangerous and dangerous animals, the notice of impoundment may be  
2 incorporated within the abatement order. A hearing pursuant to Chapter 9.24 before  
3 the Hearing Officer shall also constitute the pre-impoundment hearing specified in  
4 subsection C of this section.

5  
6 9.28.070 Procedures for Immediate Impoundment.

7  
8 A. The Animal Control Officer may immediately seize and impound an animal for  
9 violation of this title or the laws of this state without providing a pre-impoundment  
10 notice of hearing under the following circumstances:

- 11
- 12 1. The owner and/or possessor of the animal provides consent for the
- 13 impoundment;
- 14 2. The animal is at large and immediate impoundment of the animal is
- 15 authorized under Section 9.28.050(A);
- 16 3. The Animal Control Officer has reasonable grounds to believe that the
- 17 animal may be rabid;
- 18 4. The Animal Control Officer has reasonable grounds to believe that the
- 19 animal is a potentially dangerous or dangerous animal as described in
- 20 Chapter 9.24;
- 21 5. To protect an animal which is injured, sick, starving or suffering from heat,
- 22 cold or confinement, which is in need of immediate care;
- 23 6. When immediate seizure is necessary to protect from injury any animal
- 24 which has strayed onto a public street or highway or other public place;
- 25 7. When the Animal Control Officer has reasonable grounds to believe that
- 26 immediate impoundment is necessary to protect the public health or
- 27 safety of any person or animal.
- 28 8. Pending an administrative hearing pursuant to Chapter 9.24 or any
- 29 judicial proceeding.
- 30

31 B. The Animal Control Officer shall within twenty-four hours of the impoundment  
32 serve notice of impoundment either in writing or verbally to the owner and/or possessor  
33 of the animal pursuant to Section 9.32.020. The notice shall state:

- 34
- 35 1. The date and location of impoundment;
- 36 2. The location where the animal is impounded;
- 37 3. The grounds for impoundment;
- 38 4. The period the animal will be held pursuant to Section 9.28.080 before
- 39 being humanely euthanized or otherwise disposed of;
- 40

41 C. In lieu of impounding, and if not contrary to public safety, the Animal Control  
42 Officer may permit the animal to be confined at the owner's expense in an Animal  
43 Control Officer-approved dog kennel or veterinary facility or at the owner's residence  
44 provided the owner:

- 45
- 46 1. Shall not remove the animal from the kennel, veterinary facility, or
- 47 residence without the prior written approval of the Animal Control Officer;
- 48 and

1           2.     Shall make the animal available for observation and inspection by the  
2                   Animal Control Officer or members of law enforcement or their authorized  
3                   representatives. The Animal Control Officer shall dictate to the owner or  
4                   custodian the exact way the animal is to be restrained while awaiting the  
5                   hearing.  
6

7     D.     The owner may request a hearing if he/she believes that the impoundment was  
8     unlawful by filing a written appeal with the Animal Control Officer.  
9

10    E.     If an appeal hearing is requested, it shall be conducted in accordance with the  
11    procedures specified in Section 9.28.060(c) and shall be scheduled no later than five  
12    days after the date the appeal was filed. The animal Hearing Officer shall determine  
13    whether the impoundment was authorized under this title. If the impoundment is found  
14    to be unlawful, the animal shall be released forthwith to the owner, and the costs of  
15    impoundment shall be borne by the City.  
16

17    9.28.080     Holding Period for Animal.  
18

19    A.     Unlicensed dogs shall be maintained a minimum of four business days including  
20    the day of impoundment.  
21

22    B.     Licensed dogs shall be maintained a minimum of ten days following the date of  
23    impoundment.  
24

25    C.     Any horse, mule, burro or bovine animal shall be maintained a minimum of four  
26    business days including the day of impoundment, and be disposed of as required by  
27    Section 17003 of the California Agricultural Code. Upon expiration of the fourth day  
28    after the impoundment, if no person has appeared to claim such animal, the Animal  
29    Control Officer shall notify the State Director of Agriculture as required by Section 17003  
30    of the California Agricultural Code.  
31

32    D.     All other animals shall be maintained a minimum of four business days including  
33    the day of impoundment.  
34

35  
36    9.28.090     Disposition of Animal.  
37

38    A.     After the holding period specified in Section 9.28.080 has expired, Animal  
39    Services is authorized to make the animal available for adoption or to dispose of the  
40    animal by humane euthanasia.  
41

42    B.     Exceptions. If an appeal of the impoundment is pending, Animal Services may  
43    not dispose of the animal until after a determination is made by the animal Hearing  
44    Officer.  
45  
46  
47  
48

1 9.28.100 Summary Euthanization of the Animal.

2  
3 Animal Services may cause an impounded animal to be destroyed without waiting for  
4 the holding period specified in Section 9.28.080 to expire, when such animal is severely  
5 injured, or infected with a dangerous or communicable disease. Animal Services shall  
6 make a reasonable effort to notify the owner of the animal, if known, prior to the  
7 euthanization of the animal.

8  
9 9.28.110 Redemption of Animal by Owner.

10  
11 A. The owner of an impounded animal may redeem the animal at any time prior to  
12 its legal disposition by providing proper identification, obtaining a dog or cat license or  
13 other permit when required under this title and paying all fees and charges for the care,  
14 feeding and veterinary treatment of the animal. If the owner fails to pay the required  
15 fees or charges, or to obtain any required license or permit, the animal shall be treated  
16 as unredeemed by the owner and disposed of in accordance with Section 9.28.090.  
17 Exceptions: If the impounded animal has been the subject of an abatement order  
18 pursuant to Section 9.08.180 or Section 9.24.040, the animal shall not be released unless  
19 the owner is willing and able to comply with the terms of the abatement order.

20  
21 B. Animal Services may retain an impounded animal for purposes of investigation or  
22 prosecution of any violations of this title, the Petaluma Zoning Ordinance or the laws of  
23 this state. If a request for redemption is made by the owner of the animal, the costs of  
24 the continued impoundment of the animal from the date the request for redemption is  
25 made shall be borne by the City unless the continued impoundment of the animal is  
26 upheld by the animal Hearing Officer. The owner of the animal may appeal the  
27 continued impoundment of the animal within five working days after a request for  
28 redemption is denied by the Animal Control Officer. A hearing shall be set before the  
29 animal Hearing Officer within five working days of the filing of the appeal.

30  
31 C. In such cases where an impounded animal is found to be dangerous, the animal  
32 may be released subject to the conditions set forth in Chapter 9.24.

33  
34 9.28.120 Redemption after Release to Third Party.

35  
36 Animals adopted from the Petaluma Animal Shelter after the legal holding  
37 period will not be returned to the original owner.

38  
39 9.28.130 Requirements for Animal Adoption.

40  
41 Animal Services shall require the mandatory spay/neuter of any cat or  
42 dog or rabbit prior to adoption of said animal from the shelter. Fees for adoption shall  
43 be set by the City Council and posted at the shelter.

1  
2  
3  
4 CHAPTER 9.32

5  
6 ENFORCEMENT, PENALTIES AND NOTICE  
7

8 9.32.010 Penalties for Violation.  
9

10 Any person violating a provision of this Title shall be guilty of a  
11 misdemeanor, unless a specific provision makes a violation an infraction.  
12  
13  
14

15 9.32.020 Notice and Service Requirements.  
16

17 When this Chapter requires the provision of notice or service, the notice or  
18 service shall be in writing. If a right may be exercised or an act is to be done and the  
19 notice or service of it is required to be given but the time within which the notice or  
20 service must be given is not specified, the notice or service shall be given at least ten  
21 (10) days before the time the right must be exercised. The notice or service shall be  
22 served either personally or by first class mail in a sealed envelope with postage prepaid,  
23 addressed to the animal owner at his/her last known mailing address and deposited in  
24 a facility maintained by the United States Department of Postal Service. The person  
25 providing such notice or service shall sign a declaration under penalty of perjury that  
26 notice or service has been made. In the event that the last known address of the  
27 animal owner cannot be ascertained, the Hearing Officer or Animal Control Officer  
28 shall sign a declaration under penalty of perjury that best efforts were made to provide  
29 notice or service to the animal owner. In the case of service by mail, notice or service is  
30 complete at the time the notice is deposited in the United States mail.  
31  
32

33 9.32.030 Enforcement.  
34

35 Any provisions of this Chapter may be enforced by the Police  
36 Department, Fire Department, the Animal Control Officer or any authorized designee of  
37 the Manager of Animal Services. Complaints of any violations of this Chapter which are  
38 subject to penalties under this section may be presented to the District Attorney's Office  
39 or to the City Attorney for prosecution.  
40  
41  
42

43 9.32.040 Cost Recovery of Abatement.  
44

45 The costs of abating a public nuisance pursuant to the provisions of this  
46 Title may be recovered from the owner of the animal causing the public nuisance  
47 pursuant to Chapter 1.15 of this Code. In any action, administrative proceeding, or  
48 special proceeding initiated by the City under this Title, the prevailing party may

1 recover attorneys' fees. Recovery of attorneys' fees by the prevailing party is limited to  
2 those individual actions or proceedings in which the City elects, at the initiation of that  
3 individual action or proceeding, to seek recovery of its own attorneys' fees. The award  
4 of attorneys' fees to the prevailing party shall in no circumstances exceed the amount  
5 of reasonable attorneys' fees incurred by the City in the action or proceeding.  
6

7 9.32.050 Penalties and Remedies Cumulative.  
8

9 The penalties and remedies specified herein shall not be exclusive but  
10 shall be cumulative with all other remedies at law or in equity. The City may, in its  
11 discretion, elect to pursue any one or more of the penalties or remedies provided for  
12 herein or at law or in equity.  
13

14 **INTRODUCED** and ordered posted/~~published~~ this 17<sup>th</sup> day of May 2004.  
15

16 **ADOPTED** this 14<sup>th</sup> day of June 2004, by the following vote:  
17

18 AYES: Mayor Glass, Healy, Vice Mayor Moynihan, O'Brien, Torliatt  
19

20 NOES: None  
21

22 ABSENT: Harris, Thompson  
23  
24  
25

26 \_\_\_\_\_  
David Glass, Mayor  
27  
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30

31  
32 ATTEST:

APPROVED AS TO FORM:  
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35

36 \_\_\_\_\_  
37 Gayle Petersen, City Clerk  
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Richard R. Rudnansky, City Attorney