

## **CHAPTER 6.04 DEFINITIONS**

### **§ 6.04.010. Definitions generally.**

For the purposes of this title, the following definitions apply unless the context clearly requires a different meaning. Certain chapters within this title may include definitions specific to their subject matter, which are not repeated here.

### **§ 6.04.020. Definitions.**

“Altered” means a male animal that has been neutered or a female animal that has been spayed. Also referred to as a sterile animal.

“Animal control officer” means the code compliance & support services manager of the City of Palm Desert or his or her designee. The animal control officer has the authority to delegate animal control duties to code enforcement officers, other employees of the city, and contracted animal control providers, provided all contracted roles are subordinate to city oversight. Animal control duties may also be assigned to any individual or entity otherwise obligated by State law or city contract to perform animal control functions within the city.

“At large” means any dog off its owner’s, custodian’s, or caretaker’s property that is not physically restrained by a leash, carrier, or secured enclosure. Voice, eye, or signal control alone is not sufficient restraint. Leashes must be appropriate size and material to the dog and held by a person capable of maintaining control.

“Backyard breeding” means the breeding, selling, transferring, or giving away of all or part of any litter of dogs that were bred and reared on a residentially zoned property.

“Cattery” means any building, structure, enclosure, or premises where five or more cats aged three months or older, are kept or maintained.

“City” means the City of Palm Desert.

“City manager” means the city manager of the City of Palm Desert or their designee.

“County” means the county of Riverside.

“Development services department” means the development services department of the City of Palm Desert.

“Dog” means any member of the genus *Canis*, including both female and male dogs, and any recognized domestic dog breed.

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

“Guide dog” means any guide dog or Seeing Eye dog that was trained by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or that meets the definitional criteria under federal regulations adopted to implement Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336).

“Health officer” means the Riverside County Public Health Officer or his or her designee, who has been recognized by the city council as possessing the legal authority to act as the health officer pursuant to this title.

“Kennel” means any building, structure, enclosure, or premises, whether residential or commercial where five or more dogs aged four months or older are kept, boarded, or maintained.

“Owner” means any person who is the legal owner, keeper, harbinger, possessor, or the actual custodian of any animal. Ownership also includes individuals claiming ownership and assuming care, whether or not documented, unless rebutted by evidence to the contrary.

“Service dog” means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

“Signal dog” means any dog trained to alert a deaf person, or a person whose hearing is impaired, to intruders or sounds.

“Unaltered and unspayed” means a dog or cat, four months old or older, that has not been spayed or neutered. A condition that exists in an animal that permits the production of offspring.

“Unlicensed” means any animal for which there is no valid or current city-issued license.

## Chapter 6.08

### ANIMAL CONTROL OFFICER

#### 6.08.010. Powers of enforcement, duties and powers of officers.

A. Under the direction of the city manager or their designee, the code compliance & support services manager shall act as animal control officer for the city and supervise the administration and enforcement of this title and the laws of the state of California pertaining to the control of animals (including dogs).

B. The city council may enter into a written agreement or agreements with any approved contractor, licensed veterinarian, or any organized humane society or association, which will undertake to carry out, under the direction of the code compliance & support services manager, the provisions of this title. The contractor shall maintain and operate an animal shelter, which will license, take up, impound, and dispose of animals. Any such veterinarian or society or association which shall enter into such an agreement shall carry out all of the provisions of this title in the manner herein prescribed.

C. In the performance of his or her duties as such, the animal control officer and his or her deputies and assistants are invested with the power and authority of a police officer of the city but shall not be deemed to be members of the police department. The code compliance & support services manager, animal control officers, his or her deputies and assistants, code compliance officers, and all peace officers are empowered to enforce this title and any statute of the state relating to animals, unless otherwise provided by law.

D. It shall be the duty of all peace officers within the County of Riverside, to cooperate with and assist the animal control officer in the enforcement of the provisions of this chapter, and in the enforcement of California State law relating to the regulation, care and/or keeping of animals, and such peace officers and the animal control officer or his or her designees shall be empowered to:

1. Receive, take up and impound any dog or other animal found running at large in violation of this code or of any law of the State of California.

2. Issue a warning notice for, citation for, or investigate any violation of any provision of this code or California law regarding the care or keeping of animals.

3. Investigate whether a dog is licensed in compliance with the requirements of this title.

4. Seize and impound any animal as authorized under this code or state law. When the animal to be taken or seized is located inside a private residence or in its

curtilage, a judicial order directing seizure of the animal shall, absent exigent circumstances, be obtained prior to seizure.

5. Regularly and adequately feed, water, and otherwise care for any animals impounded under the provisions of this code or state law or to provide for such feeding and/or watering and care.

6. Follow the provisions of this code, policies or state law in humanely destroying or giving emergency care to sick or injured animals.

7. The code compliance & support services manager, any peace officer, or officer charged with the responsibility for enforcement of the provisions of this code or state law governing animals may arrest a person without warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in his or her presence, or a felony which is in violation of this title or California law regulating the care and/or keeping of animals.

E. In any case in which an arrested person does not demand to be taken before a judge: 1) for any infraction, the person making the arrest shall prepare a written notice to appear and shall release the person on his or her promise to appear, as prescribed by Section 853.5 of the California Penal Code; 2) for a misdemeanor, such officer or employee may prepare a written notice to appear and may release the person on his/her written promise to appear, as prescribed by California Penal Code Section 853.6.

**§ 6.08.020. Interference with animal control duties.**

No person shall interfere with, oppose, or resist any person authorized to enforce this title, while such person is engaged in the performance of his or her duties.

**§ 6.082.030. Entry upon private property.**

Unless otherwise prohibited by law, all persons whose duty it is to enforce the provisions of this title are empowered to enter upon private property, where any dog or cat is kept or reasonably believed to be kept, for the purpose of ascertaining whether such dog or cat is kept in violation of any provision of this title.

Pursuant to any provision in this title relating to entry upon private property for any purpose under this title, no such entry may be conducted: (a) without the express or implied consent of the property owner or the person having lawful possession thereof, or (b) unless an inspection warrant has been issued and the entry is conducted in accordance with California Code of Civil Procedure, Sections 1822.50 through 1822.56, inclusive, or except as may otherwise be expressly or impliedly permitted by law.

## CHAPTER 6.12

### DOG LICENSES

#### **§ 6.12.010. License required.**

No person within the city who owns, possesses, controls, harbors, or keeps any dog over four (4) months of age shall fail, refuse, or neglect to procure a dog license tag for each dog from the city manager or his authorized agent. An unaltered dog license may be required pursuant to Section 6.12.170. License tags must be displayed upon the dog's collar pursuant to Section 30951(b) of the California Food and Agriculture Code. It shall be unlawful for any person to make use of a stolen, counterfeit, or unauthorized license, tag, certificate, or any other document or thing for the purpose of evading the provisions of this chapter. No license issued pursuant to this title shall be transferable.

#### **§ 6.12.020. Exemptions.**

No fee or license is required for:

- A. Guide dogs used by visibly impaired persons or guide dog organizations. An exempt tag will be issued upon request.
- B. Dogs owned by nonresidents or travelers who stay in the city less than thirty (30) days.
- C. Service dogs, signal dogs, and active-duty police dogs, but these dogs must wear exempt tags.

#### **§ 6.12.030. Term.**

Dog licenses are valid for a period not exceeding three (3) years.

#### **§ 6.12.040. Fees.**

Dog license fees shall be as established by city council resolution. If no amount is established, the fee shall match the prevailing rate for unincorporated Riverside County.

#### **§ 6.12.050. Application.**

Applicants must provide the following information on official forms: the applicant's name and address and each dog's name, breed, color, age, and gender.

#### **§ 6.12.060. Anti-rabies vaccination required.**

It is unlawful for any person to own, harbor, or keep any dog that is three (3) months of age or older within the city, for a period longer than thirty (30) days without having vaccinated the dog against rabies. Every person within city limits who owns, harbors, or keeps any dog over three (3) months of age for a period longer than thirty (30) days shall have such dog vaccinated against rabies as provided herein by a veterinarian of their choice, and such vaccination shall be renewed in accordance with the applicable laws

and regulations of the State of California. (See Food & Ag. Code §§ 121690 et seq., and Title 17, Cal. Code Regs. § 2606 et seq.)

**§ 6.12.070. Issuance of tags and certificates.**

Upon payment of the applicable fee, a metallic tag and license certificate with a corresponding number shall be furnished by the development services department.

**§ 6.12.080. Tag—Attachment required.**

The development services department shall keep a record of the owner or person making payment of the license fee and to whom a certificate and tag has been issued, including the number and date of the certificate and the tag. The metal tag issued shall be securely fixed to a collar, harness, or other device to be worn at all times by the dog for whom the registration is issued.

**§ 6.12.090. Tag—Display required.**

No person shall fail or refuse to show, upon demand of the animal control officer, a Riverside Department of Animal Control officer, a code compliance officer or any police officer, the license certificate and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under his or her immediate control.

**§ 6.12.100. Tag—Removal prohibited.**

No unauthorized person shall remove from any dog any collar, harness, or other device to which is attached a registration tag for the current license year, or remove the tag therefrom.

**§ 6.12.110. Tag—Replacement.**

If the dog license tag is lost or destroyed, the owner shall immediately procure a duplicate license tag from the development services department upon payment of a fee of one-half of the original fee.

**§ 6.12.120. Kennel and cattery business licenses.**

A. Kennels. Kennels or pet shops must obtain a current business license and a separate annual kennel license from the health officer. Kennel license fees shall be set by city council resolution, or else match unincorporated Riverside County rates.

B. Catteries. Catteries must obtain a current business license and separate annual cattery license from the health officer. Cattery license fees shall be set by city council resolution or else match unincorporated Riverside County rates.

**§ 6.12.120. Dog license renewal.**

Licenses must be renewed within thirty (30) days of expiration. Licenses may be backdated on request to the health officer if vaccination expires before the license is due, but no fee reduction applies.

**§ 6.12.130. Dog license transfer.**

Where a person moves into the city from another community who owns a dog which is currently vaccinated against rabies and for which a dog license was issued by such other community, such license shall be deemed valid for a period of one year from the date such person moves into the city or the date of expiration of the license issued by such other community, whichever is earlier.

**6.12.140 Altered and unaltered animals.**

A. Mandatory spaying and neutering.

1. Requirement. No person may own, keep, or harbor an unaltered dog or cat in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this chapter. An owner or custodian of an unaltered cat must have the animal spayed or neutered or provide a certificate of sterility.

2. Appointments are available to spay or neuter an unaltered dog or cat at the county's animal shelters. The demand for these appointments exceeds the number of slots available. In an effort to maximize the number of animals spayed or neutered, the department shall charge an appointment fee in an amount as set forth by the Riverside County Department of Animal Services that shall be applied toward the cost of spaying or neutering the animal, provided the owner, or custodian keeps the appointment or contacts the department twenty-four (24) hours prior the appointment to reschedule.

3. Any dog or cat impounded at a county animal shelter is required to be spayed or neutered prior to release unless exempt in subsection (A)(4) below.

4. Exemptions. This section shall not apply to any of the following:

a. A dog with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian shall obtain written confirmation of this fact from a California-licensed veterinarian. If the dog is able to be safely spayed or neutered at a later date, that date shall be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian shall apply for an unaltered dog license.

b. For dogs exempted under Subsection (A)(4)(a), a spay and neuter deposit fee in an amount as set forth by the Riverside County Department Of Animal Services shall be paid before the dog is released from the county animal shelter.

c. A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian shall obtain written confirmation of this fact from a California licensed veterinarian. If the cat is able to be safely spayed or neutered at a later date, that date shall be stated in the written confirmation.

d. Animals owned by recognized breeders with a valid City business license pursuant to Chapter 5.04.

e. Animals used for law enforcement or search and rescue by public agencies.

f. Animals exempted under Health & Safety Code Section 122331 for breed-specific programs.

### **6.12.150 Mandatory microchipping of dogs and cats.**

A. Microchipping Required. All dogs and cats over the age of four (4) months must be implanted with an identifying microchip from the Riverside County Department of Animal Services. The owner or custodian is required to provide the microchip number to the County of Riverside and shall notify the County of Riverside of any change of ownership of the dog or cat, or any change of address or telephone number. The owner or custodian must also notify the microchipping company of any changes in ownership of the dog or cat. Nothing in this section supersedes, eliminates, or alters any other licensing requirements of this chapter.

B. Exemptions. The mandatory microchipping requirements shall not apply to any of the following:

1. A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner or custodian must obtain written confirmation of the fact from a California-licensed veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, that date must be stated in the written confirmation.

2. A dog or cat that would be impaired of its mobility if implanted with the microchip identification. The owner or custodian must obtain written confirmation of that fact from a California-licensed veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, that date must be stated in the written confirmation.

3. A dog or cat that is kenneled or trained within Palm Desert city limits but is owned by an individual who does not reside within city limits. The owner or custodian must keep and maintain the animal in accordance with the applicable laws and ordinances of the jurisdiction in which the owner or custodian of the animal permanently resides, including but not limited to the applicable licensing and rabies vaccination requirements of that jurisdiction.

C. Transfer of Dogs and Cats.

1. An owner or custodian who offers any dog, over the age of four (4) months, for trade or adoption must provide the microchip identification number and the valid dog license number with the trade or adoption. The license and microchip numbers must appear on a document transferring the dog to the new owner. The owner or

custodian shall also advise the County of Riverside of the name and address of the new owner or custodian in accordance with subdivision (A) of this section. An owner or custodian who offers any dog, over the age of four (4) months, for trade, or adoption and fails to provide the County of Riverside with the name and address of the new owner is in violation of this chapter shall be subject to the penalties set forth herein.

2. An owner or custodian who offers any cat, over the age of four (4) months, for trade, or adoption must provide the microchip identification number the trade or adoption. The microchip numbers must appear on a document transferring the cat to the new owner. The owner or custodian shall also advise the County of Riverside of the name and address of the new owner or custodian in accordance with subdivision (a) of this section. An owner or custodian offers any cat, over the age of four (4) months, for trade, or adoption and fails to provide the County of Riverside with the name and address of the new owner is in violation of this chapter and shall be subject to the penalties set forth herein.

3. When a puppy or kitten under the age of four (4) months implanted with microchip identification is otherwise transferred to another person, the owner or custodian shall advise the County of Riverside of the name and address of the new owner or custodian, and the microchip number of the puppy or kitten within ten (10) days after the transfer. If it is discovered that an owner or custodian has failed to provide the county with the name and address of the new owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to the penalties set forth in this chapter.

D. Impounded Dogs and Cats. When an impounded dog or cat is without microchip identification, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment of impound fees, the owner or custodian shall also do one of the following:

1. Have the dog or cat implanted with a Riverside County Department of Animal Services microchip by a Riverside County Department of Animal Services registered veterinarian technician or veterinarian or designated personnel at the expense of the owner or custodian;

2. Have the dog or cat implanted with a Riverside County Department of Animal Services-approved microchip by a California-licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to perform the implant and shall pay the Riverside County Department of Animal Services the cost to deliver the dog or cat to the chosen veterinarian. The cost to deliver the dog or cat shall be based on the Riverside County Department of Animal Services' hourly rate established by the Riverside County Auditor-Controller. The veterinarian shall complete and return to the Riverside County Department of Animal Services within ten (10) business days, a statement confirming that the microchip has been implanted, provide both the Riverside County Department of Animal Services and the development services department with the number and shall release the dog or cat to the owner or custodian only after the procedure is complete.

3. Alternatively, at the discretion of the animal control officer, the dog or cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the dog or cat will be implanted with a microchip and that he or she will submit a statement within ten (10) business days of the release, signed by a California licensed veterinarian, confirming that the dog or cat has been so implanted and provide the microchip number to the department or allow the department to scan the dog or cat for the microchip to verify.

E. Fees for Microchip Identification Device. The fee for an identifying microchip device shall be included in the cost of adoption when adopting a dog or cat from a Riverside County animal shelter. The fee for an identifying microchip device shall be the amount set forth by the Riverside County Department of Animal Services per animal for all other animals. If an animal has already been implanted with an identifying microchip device by some other facility, there will be no fee to have the identification number entered into the registry for Riverside County Department of Animal Services and the development services department as required by subdivision (A) of this section.

F. Allocation of Fees and Fines Collected. All costs, fees, and fines collected under this section shall be paid to the Riverside County Department of Animal Services for the purpose of defraying the cost of the implementation and enforcement of this program and for low-cost microchipping programs administered by the department.

G. Fee Prior to Release. In the event any cat comes under subsection (A)(4)(c) of this section, a mandatory spay and neuter deposit fee in an amount as set forth by the shall be paid before the cat is released from the shelter.

H. Age Exemption. Females over the age of 10 and males over the age of 12 are exempt from the Spay and Neuter requirement due to the biological improbability of reproduction, however, owners will be required to purchase an unaltered license for any dog that is exempt under this subsection.

### **§ 6.12.160. Penalties.**

A. Late Fee. If an application for a license is made more than thirty (30) days after the date a dog license is required under this chapter, the applicant shall pay, in addition to the applicable license fee, a late fee. The late fee shall be the amount fixed from time to time by resolution of the city council.

B. Right to Hearing. Applicants have the right to an administrative hearing before the code compliance & support services manager, or his or her designee concerning fee calculations, penalties, or fines.

C. Request for Hearing. Applicants may request a hearing in writing to the development services department within ten (10) days upon the notification of any fees, penalties or fines. Within ten (10) days of the filing of the request, the code compliance & support services manager, or his or her designee shall conduct an administrative hearing on the applicant's objections, and shall consider whether the total costs as charged have been fairly and accurately calculated. The animal control officer may, in the interest of

justice, cancel, reduce or arrange payment installments of any fees, penalties, or fines owed by the applicant.

D. Appeal. The decision of the code compliance & support services manager, or his or her designee, may be appealed by filing a written notice of appeal with the development services department within five (5) days after the decision. The appeal shall be heard by an independent hearing examiner who may affirm, amend, or reverse the decision and may take any other action deemed appropriate. The development services department shall give written notice of the time and the place of the hearing to appellant. In conducting the hearing, the independent hearing examiner shall not be limited by the technical rules of evidence.

## CHAPTER 6.16

### BITING

#### **§ 6.16.010. Rabies suppression, control, and quarantine.**

A. If it appears to the health officer that any animal has rabies, the health officer may euthanize such animal immediately or may hold such animal for further examination or observation for such time as the health officer may determine to be appropriate.

B. Whenever any animal has been bitten by an animal which has rabies, which exhibits any symptoms of rabies, or which is otherwise suspected of having or having been exposed to rabies, the owner or person having custody of such bitten animal shall immediately notify the health officer, and shall immediately confine the animal and maintain that confinement until it is established to the satisfaction of the health officer that such animal does not have rabies. The health officer shall have the power to quarantine any such animal, or impound it at the owner's expense if the owner or person having custody of such animal fails, refuses, or is unable, in the opinion of the health officer, to adequately confine such animal immediately, or in the event the owner or person having custody of such animal is not readily accessible.

C. Whenever it is shown that any animal has bitten any person, the owner or person having custody of such animal shall, upon the order of the health officer, quarantine such animal and keep it confined at the owner's expense for a minimum period of ten days for dogs and cats and fourteen days for all other animals, and shall allow the health officer to make an inspection or examination of such animal at any time during such period of quarantine. Animals quarantined pursuant to this subsection shall not be removed from the premises upon which such animal is quarantined without permission of the health officer. The health officer is hereby authorized to impound any animal at the owner's expense in the event the owner or person having custody of such animal fails or refuses to so confine such animal. Animals quarantined pursuant to this subsection shall remain under quarantine until notice is given by the health officer that such quarantine is terminated.

D. The health officer may, in their discretion, post or cause to be posted an appropriate sign on any premises where an animal is quarantined pursuant to this title for the purpose of warning the public of the fact of such quarantine. It is unlawful for any person to remove a sign posted pursuant to this subsection without the permission of the health officer.

E. Whenever the health officer shall determine that an epidemic of rabies exists or is threatened, the health officer shall have the authority to take such measures as may be reasonably necessary to prevent the spread of the disease, including but not limited to the declaration of quarantine against any or all animals in any area of the city as the health officer may determine and define, for a period of not more than one hundred twenty days. An additional or extended quarantine period may also be declared if such additional or extended quarantine period shall be deemed necessary by the health officer for the protection and preservation of the public health, peace and safety. Any quarantine

declared pursuant to this subsection, other than as restricted herein, shall be upon such conditions as the health officer may determine and declare.

F. No person shall bring a dog into an incorporated area of the city from any city located in the County of Riverside in which a reported case of rabies exists or has existed within the past six months, nor shall any person bring a dog into the incorporated area of the city from any other county, city, state, or country in which a reported case of rabies exists or has existed within the preceding six months.

G. In order to protect the public health from the hazard of rabies which has been found to exist in skunks, a quarantine is imposed indefinitely until released by the health officer, whereby it is prohibited to trap or capture skunks for pets; to trap, capture, or hold skunks in captivity for any reason; to transport skunks from or into the city except pursuant to a permit issued by the California Department of Public Health Services pursuant to Title 17, California Administrative Code, Section 2606.8.

**§ 6.16.020. Disposition of animals appearing to have rabies.**

If it appears to the animal control officer or to the health officer that any dog or other animal has rabies, they may euthanize the animal immediately, or hold the animal for further examination for such time as they may consider advisable.

## CHAPTER 6.18

### Potentially Dangerous and Dangerous Animals

#### 6.18.010 Findings.

A. Due to the increased urbanization in the city, the city has experienced increasing number of dogs and other animals being kept in close proximity to humans, including children.

B. The keeping of dogs and other animals in close proximity to adults and children has resulted in increasing incidents of attacks, biting, and menacing behavior by such dogs and other animals.

C. These incidents now present a public health and safety problem to the residents of this city, and increasing numbers of cases have resulted in painful and/or serious injuries to adults and children, death and injuries to other animals, attendant economic losses to city residents, and anxiety to those bitten by unlicensed animals whose vaccination status is therefore not established.

D. In an attempt to bring this problem under control, it is necessary to: (1) increase the total number of animals which are licensed and thus properly established to have been vaccinated against rabies; (2) encourage the spaying and neutering of animals, which (a) reduces the number of strays at large and not safely confined, (b) reduces aggressiveness in animals at large, and (c) reduces the financial cost to taxpayers of animal control services; and (3) establish a warning and hearing procedure to put the owners of potentially dangerous or dangerous dogs and other animals on adequate notice to control such animals and to bring about the confinement of such animals and the destruction of those animals where other lesser measures have failed or are inappropriate.

#### 6.18.020 Definitions.

Whenever, in this chapter or in any resolution or standard adopted by the city council pursuant to this chapter, the following terms are used, they shall have the meaning ascribed to them in this section, unless it is apparent from the context that some other meaning is intended.

“Attack” means any action by an animal which places a person in danger of immediate bodily harm.

“Dangerous animal” means:

1. Any animal which has twice within a forty-eight (48) month period in two separate incidents has actively pursued, attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another person or animal engaged in a lawful activity;

2. Any animal which has once attacked, bitten, or otherwise caused injury to a person or animal engaged in lawful activity, resulting in death or substantial injury;

3. Any animal which has been previously declared a potentially dangerous animal and the owner/custodian has failed to restrain the animal as so directed; or

4. Any dog which has been declared a “potentially dangerous dog” as defined by California State Law during any legal hearing process.

“Potentially dangerous animal” means:

1. Any animal which has once actively pursued, attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another person engaged in a lawful activity.

2. Any animal which has once attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another animal.

3. Any animal which is found actively pursuing dogs, cats, or animals.

“Substantial injury” means a substantial impairment of the physical condition of a person or animal which requires professional medical treatment, including, but not limited to, loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; muscle tears, disfiguring lacerations, punctures, or a wound requiring multiple sutures; or any injury requiring corrective or cosmetic surgery.

“Secure enclosure” means a fence or structure suitable to prevent the entry of young children and which is suitable to confine a potentially dangerous or dangerous animal in conjunction with other measures which may be taken by the owner or keeper of the animal, or at the direction of the animal services manager. The enclosure shall be designed to prevent the animal from escaping and to prevent an adult or child from coming in contact with the animal. (A chain where a person can walk within the length of the chain, or an electric collar or invisible fence is not a sufficient restraint or enclosure.)

“Vicious dog” means:

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

2. Any dog previously determined to be and currently listed as a potentially dangerous dog which after its owner or keeper has been notified of this determination, continues that behavior described in Section 31062 of the Food and Agricultural Code or is maintained in violation of Section 31641, 31642, or 31643 of the Food and Agricultural Code.

### **6.18.030 Administrative restraint order for potentially dangerous animals.**

A. If the County of Riverside has cause to believe that an animal is a potentially dangerous animal, the animal control officer shall issue a potentially dangerous animal restraint order to the owner(s) or custodian(s) of any such dog or animal that fits the description described in this chapter of a potentially dangerous animal. The order shall be served by hand delivery or certified and first-class mail. The order shall notify the owner(s) or custodian(s) of such animal(s) that such owner(s) custodian(s) is/are required thereafter at all times to keep such animal(s) in a secure enclosure or provide such other adequate secure restraint as may be specified on the restraint order.

B. An owner(s)/custodian(s) of an animal(s) receiving a potentially dangerous animal restraint order may request a hearing on the order by a hearing officer selected by the city manager or his or her designee. The request for a hearing must be submitted in writing, during the ten (10) calendar days following the service of the order. Pending such hearing, the animal must be kept in a secure enclosure or adequately restrained as specified in the restraint order.

C. Failure of the owner(s)/keeper(s) to request a hearing on the restraint order within the ten (10) day period, or failure to attend or be represented at a scheduled hearing, shall constitute a waiver of the right to a hearing and shall satisfy the hearing requirements provided herein.

D. All hearings pursuant to subsection (B) of this section shall be conducted by the hearing officer who shall not have been directly involved in the subject action. Hearings shall be held not more than ten (10) working days from the date of receipt of the request for the hearing and shall be conducted in an informal manner consistent with due process of law. A hearing may be continued for a period of time not to exceed thirty (30) days if the hearing officer deems such continuance to be necessary and proper. Within ten (10) days after the conclusion of the hearing, the hearing officer shall render, in writing, his or her findings, decision and order thereon and shall give notice of the findings, decision and order to the owner or custodian of the subject animal; service of such notice shall be by mail or hand delivery.

E. An animal which has been determined to be a potentially dangerous animal following the conclusion of the process described in subsections A through D of this section shall be added to a list of potentially dangerous animals maintained by the County of Riverside. Once an animal has been determined to be a potentially dangerous animal, if there are no additional instances of the behavior described in Section 6.18.020 within a forty-eight (48) month period from the date of the restraint order, the animal may be removed from the list of potentially dangerous animals by the animal control officer.

#### **6.18.040 Impoundment and abatement of dangerous animals.**

The County of Riverside is authorized and empowered to impound and/or abate (destroy), or cause to impound and/or abate (destroy) any dangerous animal as a public nuisance independently of any criminal prosecution or the results thereof by any means reasonably necessary to protect the health, safety, and welfare of the public including, but not limited to, the imposition upon the owner and/or custodian of specific, reasonable restrictions and conditions for the maintenance of the animal. In carrying out an abatement, the County of Riverside shall follow the procedure established in this code. Restrictions and/or conditions resulting from abatement proceedings may include, but are not limited to the following:

A. Requiring the owner of the animal, possessor of the animal or owner of the premises on which the animal is kept to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate or proof of insurance by which the division shall be notified at least thirty (30) calendar days prior to cancellation or nonrenewal;

B. Requirements as to the size, construction, and design of a structured enclosure for the animal;

C. Location of the animal's residence including prior notice of plans to move the animal to another location or to a location outside of the city, and obtaining approval from the County of Riverside and the city to do so after proper notification of animal regulation in the new jurisdiction;

D. Requirements as to type and method of restraints for the animal; including but not limited to leashes, muzzles and confinement in a kennel or other facility;

E. Photo identification or permanent marking of the animal for purposes of identification;

F. A requirement to obtain a dangerous animal registration and/or requiring a tattoo or microchip noting the declaration and registration with Riverside County Department of Animal Services;

G. A requirement to spay or neuter the animal;

H. Requirements to allow inspection of the animal and its enclosure by the city, County of Riverside, or any other law enforcement agency without warrant, and to produce upon demand, proof of compliance with such requirements of this section; as may be applicable;

I. Obtaining written permission to keep the animal on certain specified premises from the landlord/owner, in the event that the owner/custodian of the dangerous animal is a tenant or occupant on real property where the animal is being kept;

J. Any person who violates any provision of this section is guilty of an infraction or misdemeanor, if charged.

**6.18.050 Placement of warning signs.**

It is unlawful for the owner or person in charge of any animal that has been found to be a potentially dangerous animal, dangerous animal or vicious animal to fail, neglect or to refuse to keep posted in a conspicuous place at or near the entrance to the premises on or within which any dog or animal is kept, a sign having letters at least two inches in width and two inches in height and reading "Beware of vicious dog" or "Beware of vicious animal," as may be appropriate.

**6.18.060 Change of ownership, custody and/or location of animal.**

A. The owner and/or custodian of an animal that is on restriction as above provided and who moves or sells the animal(s), or otherwise transfers the ownership, custody or location of the animals(s), shall, at least fifteen (15) days prior to the actual transfer or removal of the animal, notify the city and County of Riverside in writing of the name, address and telephone number of the proposed, new owner or custodian, and/or the proposed, new location of the animal, and the name and description of the animal(s). The city and/or County of Riverside may prohibit the proposed relocation for cause.

B. The owner and/or custodian shall, in addition to the above, notify any new owner or custodian in writing regarding the details of the animal's record, and the terms and conditions for confinement and control of the animal. The transferring owner and/or custodian shall also provide the division with a copy of the notification to the new owner or custodian containing an acknowledgment by the new owner or custodian of his or her receipt of the original notification and acceptance of the terms and conditions. The city and/or County of Riverside may impose different or additional restrictions or conditions upon the new owner or custodian.

C. If the animal should die, the owner and/or custodian shall notify the city and/or County of Riverside no later than twenty-four (24) hours thereafter and, upon request, from the County of Riverside shall produce the animal(s) for verification. If the animal escapes, the owner and/or custodian shall immediately notify the County of Riverside and make every reasonable effort to recapture the escaped animal.

D. An animal that has been declared dangerous or vicious in any legal hearing, as a result of aggressive behavior, outside the confines of the city, may not be relocated in the city.

E. Any person who violates any provision of this section is guilty of an infraction or misdemeanor, if charged.

**6.18.070 Possession unlawful without adequate restraint.**

It is unlawful for a person to have the custody of or own or possess an animal that is restricted as above provided, unless the animal continues to be restrained or confined to prevent it from being at large or from causing damage to any property or injury to any person or other animal. Any person who violates any imposed restriction is guilty of a misdemeanor.

**6.18.080 Surrender of animal upon demand.**

The owner and/or custodian of any animal on restriction who is in violation of Section 6.18.070 shall surrender such animal to the Riverside County Department of Animal Services upon demand.

**6.18.090 Exclusions.**

This chapter does not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

**6.18.100 Court proceedings.**

Nothing in this chapter shall prevent the city or any other party from commencing and maintaining court proceedings for the restriction or destruction of any animal as authorized under Food and Agricultural Code Section 31601 et seq.

## CHAPTER 6.20

### IMPOUNDMENT

#### **§ 6.20.010. Impounding of animals.**

It shall be the function and within the power of the animal control officer to take up, impound, and safely keep any animal mentioned in this title that is found running at large, staked, tied, or being herded or pastured in any street, lane, alley, court, square, park or other place belonging to or under the control of the city, or upon any private property, contrary to the provisions of this title or to the right of the public. All impoundments shall comply with state holding periods under Food & Ag. Code §§ 31108 and 31752 (Hayden's Law), requiring a minimum of four (4) business days for strays without identification and six (6) business days for those with identification before adoption or euthanasia, unless the animal is irremediably suffering.

#### **§ 6.20.020. Notification of owner.**

The animal control officer shall, immediately upon impoundment of dogs or other animals, make a reasonable effort to notify the owners of the dogs or other animals impounded, and inform the owners of the conditions whereby they may regain custody of the animals. If the dog has a valid license, the owner shall be notified, either personally or by deposit of appropriate notice in the mail addressed to the record address with postage prepaid. The dog must be kept for ten (10) days from date of notice for the owner to claim the animal.

#### **§ 6.20.030. Disposition of unclaimed animals.**

All animals impounded at the County of Riverside shelter shall be provided with proper and sufficient food and water. Unless unlicensed animals have been claimed within five (5) days after the notification provided for in Section 6.20.020, may be advertised for adoption by the County of Riverside to the general public, provided, that the adopting party shall not be given possession of any dog until he or she has paid to the County of Riverside the license fee for the dog and until he or she has made appropriate arrangements for any necessary rabies vaccination. If any dog or other animal impounded by the animal control officer has not been claimed within said period and cannot be adopted within a reasonable time thereafter, it may be euthanized by the County of Riverside in a humane manner. In lieu of euthanasia, animals may be released without charge to any humane organization that provides an animal adoption service. The County of Riverside shall maintain a file describing each animal impounded in the County shelter, beginning on the day any such animal is taken or delivered into the possession of the shelter.

**§ 6.20.040. Destruction of animals dangerous to impound.**

The animal control officer is authorized to immediately euthanize any animal lawfully impounded which is by reason of disease or other cause dangerous or inhumane to keep impounded.

**§ 6.20.050. Reclaiming animals.**

Pursuant to Section 6.12.150(B), the owner of any licensed impounded animal shall have the right to reclaim it at any time prior to the lawful disposition thereof, upon payment to the County of Riverside and charges provided in this title for the impounding and keeping of such animals. Any person claiming ownership of any unlicensed impounded animal shall be required to present proof of ownership satisfactory to the animal control officer, and thereafter the animal may be released to the claimant upon his or her making payment of all applicable costs, fees and charges prescribed in this chapter, and upon his making appropriate arrangements for any necessary rabies vaccination.

Any dog, four (4) months of age or older, which has been impounded shall not be released from impoundment unless it is licensed, vaccinated, and microchipped in accordance with the provisions of this code.

**§ 6.20.060. Impoundment fees.**

Pursuant to Section 6.12.150(B), and except in cases when disposition of an animal is made pursuant to Section 6.20.030, the animal control officer shall charge, receive and collect fees for impoundment, care and feeding of impounded animals. The nature and amounts of such fees shall be as fixed from time to time by resolution of the city council. In the absence of any such fee or fees having been so established, the animal control officer may collect and deposit in the appropriate accounts provided for such purpose, a fee or fees in the amount or amounts as is applicable for similar functions or services in the unincorporated areas of the county.

## CHAPTER 6.24

### Noisy Animals

#### 6.24.010 Findings.

The disturbance caused by excessive, unrelenting or habitual noise of any animal is disruptive of the public's peace and tranquility and represents an unwanted invasion of the privacy of the residents of the City of Palm Desert. At certain levels, the excessive, unrelenting, or habitual noise of any animal may jeopardize the health, safety, or general welfare of Palm Desert residents and degrade their quality of life.

#### 6.24.020 Purpose.

It is declared to be in the public interest to promote the health and welfare of the residents of the City of Palm Desert by providing for an administrative proceeding for the abatement of such noisy animal nuisances, which abatement procedures shall be in addition to all other proceedings authorized by city ordinances or otherwise by law.

#### 6.24.030 Authority.

This chapter is adopted pursuant to the City Council's police power as set forth under Article XI, section 7 of the California Constitution.

#### 6.24.040 Exemptions.

This chapter shall not apply to noise or sound made by an official law enforcement dog while on duty.

#### 6.24.050 Definitions.

As used in this chapter, the following terms shall have the following meanings:

A. "Complaining party" means any person or persons who contact the city or County of Riverside to report a noisy animal or animals.

B. "Noisy animal" means any animal or animals maintained on the same premises or location that produces noise, such as barking, howling, crying, or other sounds, that is audible from the property line of a neighboring property or a public areas, and that meets one or more of the following criteria:

1. The noise occurs continuously and uninterrupted for a period three (3) minutes or more; or

2. The noise occurs intermittently for a total duration exceeding ten (10) minutes within any one (1)-hour period; or

3. The noise occurs on at least three (3) separate days within a thirty (30)-day period, with each occurrence lasting continuously for one (1) minute or more; or

4. The noisy animals' excessive, unrelenting, or habitual barking, howling, crying, or other noise or sounds annoy or become offensive to a resident or residents in the vicinity, thereby disturbing the peace or the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity.

C. "Responsible party" means any of the following:

1. The person or persons who own the property where the noisy animal is located;

2. The person or persons in charge of the premises where the noisy animal is located;

3. The person or persons occupying the premises where the noisy animal is located;

4. The owner of the noisy animal.

If any of these persons are minors, the parent or parents or a guardian of such minor shall be the responsible party.

#### **6.24.060 General prohibition—Declaration of noisy animal as a public nuisance.**

A. It is unlawful and a public nuisance for any person to allow on their property, own, keep, permit, harbor or have in their care, custody or control a noisy animal.

B. It is unlawful for the responsible party, after being informed in writing that his or her animal has been declared a noisy animal and that the maintenance of a noisy animal is a public nuisance, to fail, refuse or neglect to take whatever steps or use whatever means are necessary to assure that such noisy animal does not again disturb residents in the vicinity in which the noisy animal is kept.

#### **6.24.070 Noisy animal warning notice.**

A. When an animal control officer is notified of a possible noisy animal and has personally confirmed the existence of a noisy animal, or has received a written complaint under penalty of perjury of such noisy animal signed by a complaining party, the animal control officer shall issue a noisy animal warning notice ("warning notice") to the responsible party. Such warning notice shall specify that the continued barking, howling or other noise or sounds of such animal is in violation of this chapter and that the noisy animal nuisance must be abated immediately to avoid further action by the city. The warning notice shall be personally served or served by mail upon the responsible party. If service by mail or personal service cannot be safely made or reasonable attempts at personal service have failed, the warning notice shall also be posted at the premises upon which the animal is located. A copy of the warning notice shall be filed with the County of Riverside. The animal control officer shall within five (5) days of issuance of the warning notice, make a reasonable attempt to speak personally or by telephone with the

responsible party concerning the matter, including what efforts have been made to abate the nuisance.

B. If within five (5) days of the issuance of the warning notice the animal control officer determines that the barking, howling or other sound or cry was provoked or that such barking, howling or other sound or cry was not excessive, unrelenting or habitual, the animal control officer shall cause the warning notice to be voided and the responsible party to whom it was issued to be so notified. In the event a warning notice has been voided, such warning notice shall not be considered as having been issued for the purposes of Sections 6.20.080, 6.20.130, or 6.20.150 of this chapter.

#### **6.24.080 Declaration of complaint of noisy animal and petition for administrative hearing.**

A. When the animal control officer receives a subsequent verbal or written complaint concerning a noisy animal at the same location within twelve (12) months after the issuance of a warning notice, the animal control officer shall determine whether there is a violation of this chapter. If there is a violation of this chapter, a declaration of complaint of noisy animal and petition for administrative hearing (“declaration of complaint and petition”) shall be issued by the animal control officer to the complaining party. The procurement of a petition form from the city and/or County of Riverside requires a minimum of three witnesses from three separate households which shall be of evidence of a habitually barking animal. The complaining party shall be informed that further action may not be warranted if the responsible party is in compliance with subsection B. of Section 6.24.060 of this chapter, but in any case, no further action can be taken until the completed declaration of complaint and petition is received by the animal control officer.

B. The declaration of complaint and petition shall be completed under penalty of perjury by the complaining party and returned within ten (10) days to the animal control officer.

C. The city, upon receipt of a timely executed declaration of complaint and petition, shall set the case for hearing before an administrative hearing officer. The hearing shall be set at least ten (10) days from the date the declaration of complaint and petition is received and no more than thirty (30) days after the date the declaration of complaint and petition is received. The city shall notify the complaining party and responsible party of the date, time, and place for the hearing. The notice of hearing shall advise the complaining party and responsible party that they may present evidence at the hearing through witnesses and documents. The notice of hearing shall be accompanied by a copy of the completed declaration of complaint and petition. The notice of hearing shall be personally served or served by mail on all parties. If the notice of hearing cannot be mailed or safely served by personal service or reasonable attempts at personal service have failed, then it may be posted upon the premises where the animal is kept.

#### **6.24.090 Administrative hearing officer.**

A determination whether an animal is violating this chapter shall be made by an administrative hearing officer. The administrative hearing officer shall have the power to hear testimony from witnesses, including complainants, peace officers, animal control officers, or other witnesses or parties including the responsible party, to determine whether the maintenance of the animal is a public nuisance and to order the abatement of such nuisance by taking such actions as set forth in this chapter.

#### **6.24.100 Administrative abatement hearing regarding noisy animal.**

The hearing before the administrative hearing officer shall be open to the public. The administrative hearing officer may admit all relevant evidence, including incident reports and affidavits of witnesses. The administrative hearing officer may decide all issues even if the responsible party for the animal fails to appear at the hearing. If the complaining party fails to appear at the hearing and the investigating animal control officer does not have personal knowledge of the noisy animal, the complaint shall be dismissed. The administrative hearing officer may find, upon a preponderance of the evidence, that the animal is a noisy animal and the maintenance of such noisy animal is a public nuisance. Upon the conclusion of the hearing, the administrative hearing officer may orally announce the decision as to whether the animal is a noisy animal.

#### **6.24.110 Determination and order.**

Within five (5) business days after the conclusion of the hearing, the administrative hearing officer shall, by mail and/or posting, notify the responsible party of the administrative hearing officer's determination and any orders issued. The order shall be called an administrative abatement order. If the administrative hearing officer determines that the animal is a noisy animal and the maintenance thereof, a public nuisance, the responsible party shall comply with the administrative hearing officer's order within five (5) days after the date of mailing and/or posting of the determination and order. The decision of the administrative hearing officer shall be final.

#### **6.24.120 Administrative abatement measures.**

The administrative hearing officer may, as part of his or her determination that the animal is a noisy animal and a public nuisance, direct the responsible party to perform one or more of the following actions:

A. Containment of the noisy animal within an enclosed building on the premises of the responsible party;

B. Require that the noisy animal wear a noise suppression device obtained at the expense of the responsible party to reduce or eliminate the noise creating the nuisance;

C. Require that the noisy animal undertake obedience training designed to abate the nuisance problem when appropriate and under the conditions imposed by the administrative hearing officer and at the expense of the responsible party;

D. Restrict the time of day, days of the week and duration when the animal may be placed out-of-doors on the premises of the responsible party;

E. Require the noisy animal be debarked at the expense of the responsible party;

F. Require the responsible party to permanently remove the noisy animal from said property;

G. Any other reasonable means to accomplish the abatement of the nuisance.

#### **6.24.130 Failure to comply with administrative order.**

It is unlawful for any responsible party to fail, neglect or refuse to comply with an administrative abatement order of the administrative hearing officer within the time specified in said order. Should any party subject to the administrative abatement order fail to comply with the order, in whole or in any part thereof, that party or those parties may be subject to administrative remedies to enforce the administrative abatement order as set forth in this chapter, including but not limited to administrative citations and penalties and any other lawful means necessary to gain compliance, including a civil action.

#### **6.24.140 Civil action.**

In the event any person shall fail, neglect or refuse to comply with an administrative abatement order of the administrative hearing officer within the time specified in said order and the public nuisance continues to exist, a civil action may be commenced to obtain the abatement of the noisy animal public nuisance.

#### **6.24.150 Administrative and criminal citations and penalties for violation of the administrative hearing officer's order.**

In addition to the remedies and penalties contained in this chapter, and in accordance with Government Code section 53069.4, an administrative and/or criminal citation may be issued for failure to comply with an administrative abatement order of the administrative hearing officer. The following procedures shall govern the imposition, enforcement, collection, and administrative review of administrative citations and penalties.

A. Issuance of Citations. If the public nuisance is not corrected within the period stated in the administrative abatement order, an administrative and/or criminal citation may be issued by a county animal control officer.

B. Administrative and criminal citation penalties.

1. The penalties assessed for each violation of the administrative abatement order issued by the administrative hearing officer shall not exceed the following amounts:

a. One hundred dollars (\$100.00) for a first violation;

b. Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;

c. Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one year.

2. If the violation is not corrected, additional administrative and/or criminal citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.

3. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.

C. Appeals Process. Administrative Citations and penalties may be appealed pursuant to the administrative procedures set forth in Chapter 8.81 of the Palm Desert Municipal Code.

#### **6.24.160 Not exclusive remedy.**

The provisions of this chapter are to be construed as an added remedy of abatement of the nuisance hereby declared and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law.

## CHAPTER 6.28

### OFFENSES

#### **§ 6.28.010. Dogs running at large.**

No owner or keeper of a dog shall allow, permit or suffer the dog, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, or in or upon any unenclosed private place or premises, or in or upon any enclosed private place or premises other than those of the owner or keeper except with the consent of the person in charge of the private place or premises, unless the dog is securely restrained by a substantial leash not exceeding six feet in length and is in charge and control of a person competent to keep the dog under effective control.

#### **§ 6.28.020. Dog defecation to be removed by owner.**

A. No person owning, keeping, or having in his or her care or custody any dog shall knowingly fail, refuse or neglect to clean up any feces of the dog immediately and dispose of it in a sanitary manner whenever the dog has defecated upon public or private property without the consent of the public or private owner or person in lawful possession or charge of the property.

B. The provisions of subsection (A) of this section shall not apply to a visually impaired person being accompanied by a guide dog or signal dog, nor shall they be construed to require or countenance any act of trespass upon private property. Whenever the feces to be cleaned up cannot be reached without a significant trespass upon the private property on which the feces is located, the person having the duty pursuant to subsection (A) of this section to clean it up shall first obtain consent to do so from the owner or person in lawful possession or charge of the property.

C. No person owning, keeping, or having in his or her care or custody, any dog shall knowingly fail, refuse, or neglect to clean up any feces from their property, owned or rented, no less than twice a week and disposed of in an air-tight container. Such container(s) shall be removed from the property no less than once a week.

#### **§ 6.28.030. Retention of dog by other than owner.**

No person shall, without the knowledge or consent of the owner, hold or retain possession of any dog of which he or she is not the owner, for more than twenty-four hours without first reporting the possession of the dog to the animal control officer, giving his or her name and address and a true description of the dog and then causing the dog to be impounded at the city animal shelter for return to the legal owner. At the discretion of the animal control officer, any such finder of a dog may be allowed to retain possession of the dog in lieu of impoundment. In such case, the animal control officer shall make all normal and regular efforts to ascertain the true owner of the dog and advise him of the whereabouts of the dog.

**§ 6.28.040. Unauthorized removal of animal from shelter.**

No person shall remove any impounded animal from the city animal shelter without the consent of the animal control officer.

**§ 6.28.050. Dogs at public schools prohibited.**

No person shall bring any dog, except a seeing eye dog, guide dog, signal dog, and service dog onto any public school property. This section shall not, however, be deemed to prohibit the use of dogs on school property for teaching or other school uses when approved by the proper school authorities.

**§ 6.28.060. Interference with police dogs.**

No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department, or any other law enforcement officer in the performance of the functions or duties of such department, or interfere with or meddle with any such dog while being used by the department or any member thereof in the performance of any of the functions or duties of the department or of the officer or member.

**§ 6.28.070. Number of pets allowed.**

It is unlawful for any person to keep or harbor more than four (4) animals of any combination on residential premises. This does not include kittens under the age of three (3) months or puppies under the age of four (4) months.

**§ 6.28.080. Unlawful backyard breeding.**

Backyard breeding is hereby prohibited. No person shall breed, sell, transfer, or otherwise give away any dog, or any part of a litter of dogs, that has been bred or reared on a property zoned for residential use.

**§ 6.28.090. Unlawful sales or giving away of any animals on public or private property.**

No person shall, in the incorporated area of the city, offer for sale or sell or give away or transfer for adoption any cat, kitten, dog, or puppy on any public street, public sidewalk, public park, or private property. This section does not apply to adoptions by licensed humane societies, rescues, or shelters (Health & Safety Code § 122350).

**§ 6.28.100. Unlawful training for the purpose of dog fighting**

No person shall own or harbor any dog for the purpose of dog fighting; nor train, torment, badger, bait or use a dog for the purpose of causing or encouraging said dog to unprovoked attacks on human beings or domestic animals. Nor shall any person outfit any dog with a training device for fighting or attack, such as a weighted collar around the neck of the dog. (See also § 6.20.070(C).)

### **§ 6.28.110 Livestock and fowl prohibited within city limits**

It shall be unlawful for any person to own, keep, or harbor livestock or fowl, including but not limited to cattle, sheep, goats, swine, poultry (including chickens, roosters, turkeys, or other fowl), horses, or donkeys, within the city. The keeping of any animal other than a common household pet, such as a dog or cat, is prohibited.

### **§ 6.28.120 Animal cruelty and neglect prohibited.**

It is unlawful for any person to neglect, abandon, or cruelly treat any animal in violation of Penal Code §§ 597, 597.1, 597a, 597.7, or 597s. Owners must provide adequate food, water, shelter, veterinary care, and sanitation. Animals may not be transported in an inhumane manner or left in unattended vehicles under conditions endangering their health (e.g., extreme heat or cold). Animal control officers may seize neglected animals and provide emergency care, with owners liable for costs.

### **§ 6.28.130 Tethering restrictions.**

It is unlawful to tether a dog or other animal to a stationary object for more than three hours in a 24-hour period, or in a manner that causes injury, entanglement, or restricts access to food, water, or shelter. Tethers must be at least ten (10) feet long and allow free movement without risk of strangulation.

### **§ 6.28.140 Trap-neuter-return (TNR) program support.**

The City encourages humane management of feral cats through TNR programs. Authorized rescuers or organizations may trap, sterilize, vaccinate, and return feral cats to their original location, provided they comply with rabies vaccination requirements and do not create nuisances.

### **§ 6.28.150. Public nuisance.**

The introduction, ownership, possession or maintenance of any animal, or the allowing of any animal to be, in contravention of this title, is, in addition to being a violation, declared to be a public nuisance. The city manager or his or her designee, the animal control officer, the county health officer, and peace officers are authorized, directed and empowered to summarily abate any such public nuisance independently of any criminal prosecution or the results thereof of any means reasonably necessary including but not limited to the euthanasia of the animal or animals involved, or by the imposition of specific reasonable conditions and restrictions for the maintenance of the animal. Failure to comply with such conditions and restrictions of this title is an infraction. The owner shall reimburse the city for all costs incurred in verifying compliance and enforcing the provisions of this section. The city may also commence proceedings in accordance with the provisions of Chapter 8.20 of this code relative to abatement procedures for public nuisances.

**§ 6.28.160. Violation—Penalty.**

Any person violating the provisions of the section of this chapter shall be guilty of an infraction and upon conviction thereof shall be punished by:

- A. A fine not exceeding fifty dollars (\$50) for the first violation;
- B. A fine not exceeding one hundred dollars (\$100) for the second violation within one year;
- C. A fine not exceeding two hundred dollars (\$200) for each additional violation within one year.