

ORDINANCE NO. 1219

AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING THE ANIMAL CONTROL REGULATIONS GENERALLY ORDINANCE TO CLARIFY AND CORRECT CONFUSING AND INCONSISTENT LANGUAGE

WHEREAS, City of Hollister Municipal Code Chapter 6.04, Animal Control Regulations Generally, (the "Chapter") currently contains confusing and inconsistent language; and

WHEREAS, such confusing and inconsistent language makes it difficult for citizens to interpret the Chapter and to understand their rights as citizens to keep small animals; and

WHEREAS, such confusing and inconsistent language is difficult for City staff to enforce; and

WHEREAS, an amendment is needed to clarify the meaning of certain sections of the Chapter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HOLLISTER DOES ORDAIN AS FOLLOWS:

The ordinance of the City of Hollister amending the Animal Control Regulations Generally of Title 6 of the Municipal Code.

CHAPTER 6.04 – ANIMAL CONTROL REGULATIONS GENERALLY

CHAPTER 6.04. ANIMAL CONTROL REGULATIONS GENERALLY

6.04.005 Definitions

The term "poultry," as used in this chapter, shall include chickens, turkeys, ducks, geese, guinea fowl, pigeons, pheasants or any other large domestic or tame birds. This shall exclude parakeets and canaries or similar small birds.

The term "premises," as used in this chapter, shall include the following:

1. For any property containing a residential dwelling unit identified as a single-family detached, single-family attached, or a duet, as defined in Section 17.02.020 of the City of Hollister Zoning Ordinance, a premise shall consist of the entire parcel of real property containing the primary residential dwelling unit.
2. For any property containing residential dwelling units identified as multi-family as defined in Section 17.02.020 of the City of Hollister Zoning Ordinance, a premise shall consist of each individual residential dwelling unit located on the multi-family property.
3. For any property not containing residential dwelling units meeting the criteria of 1 or 2 above, a premises shall consist of the entire parcel of real property, defined

as a lot, or contiguous group of lots in single ownership, with a single assessor's parcel number.

4. Accessory Dwelling Units and/or Junior Accessory Dwelling Units, as defined by Government Code Sections 65852.2 and 65852.22 respectively, shall not be identified as primary residential units nor shall they constitute additional premises on properties identified under 1 or 2 above.

6.04.010 Running at large prohibited.

No person shall permit any horses, mules, donkeys, ponies, cattle, sheep, goats, swine, rabbits, or poultry of which the person is the owner, caretaker or custodian to be at large within the city. Any such creature shall be deemed to be at large when it shall be off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner, the caretaker or the authorized custodian.

6.04.020 Rabid animals generally.

The following are provisions relative to rabid animals:

- A. *Knowledge of Whereabouts.* Any person having knowledge of the whereabouts of an animal known to have rabies or suspected of having rabies shall report the facts immediately to the health officer. The health officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal. The health officer shall be notified when any person is bitten by an animal of a species subject to rabies, whether or not the animal is suspected of having rabies.
- B. *Isolation.* Any rabid animal, clinically suspected rabid animal or biting animal, shall be isolated in strict confinement as follows:
 1. Any rabid animal or clinically suspected rabid animal shall be isolated in strict confinement under proper care and under the observation of a licensed veterinarian in the pound, in a veterinary hospital or in other adequate facilities in a manner approved by the health officer and shall not be killed or released for at least 14 days after the onset of symptoms suggestive of rabies.
 2. Any animal which bites or otherwise exposes a person to rabies shall be isolated in strict confinement in a place and manner approved by the health officer and observed for at least 14 days after the day of infliction of the bite; except, that the following alternative is permitted in the case of dogs: Dogs which have been isolated in strict confinement under proper care and under observation of a licensed veterinarian in a pound, veterinary hospital or other adequate facilities, in a manner approved by the health officer, may be released from isolation by the health officer after five days of veterinary observation, if upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease.

- C. *Animal Contacts.* Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined in a place and manner approved by the health officer for a period of six months or destroyed; except, that the following alternatives are permitted in the cases of dogs and cats:
1. If the dog or cat has not been vaccinated against rabies within a period of two years with chick embryo rabies vaccine, the dog or cat may be administered antirabies hyperimmune serum and rabies vaccine in a manner prescribed by the health department and quarantined in a place approved by the health officer for a period of 90 days.
 2. If the dog or cat has been vaccinated against rabies within two years but not less than 30 days with chick embryo rabies vaccine or within one year but not less than 30 days with nerve tissue rabies vaccine, the dog or cat may be revaccinated in a manner prescribed by the department and quarantined in a place and manner approved by the health officer for a period of 30 days.

6.04.030 Police chief to perform poundmaster's duties in absence of poundmaster.

If at any time there should be no duly appointed and acting poundmaster, the duties of poundmaster shall be performed by the chief of police or the chief's duly authorized representative until a poundmaster is appointed.

6.04.040 Interference with poundmaster or police officers prohibited.

No person shall in any manner interfere or attempt to interfere with the poundmaster or any police officer in the performance of any duty imposed by the provisions of this chapter. No person shall unlawfully take or attempt to take any animal seized pursuant to the provisions of this chapter from the custody of the poundmaster or any police officer. No person shall remove or attempt to remove from the public pound any animal impounded therein without having first redeemed the same as provided in this chapter or obtained permission of the poundmaster to do so.

6.04.060 Registration with health department required — Exceptions.

- A. Any person who keeps or intends to engage in the business of keeping any animals, poultry, tame birds or large reptiles within the city shall register that fact with the health department and shall also give information as to the number and kind of animals, birds, poultry or reptiles to be so kept with the health department unless specifically exempted under this chapter. Such person shall be held responsible by the health officer, whether exempted or not, for the maintenance of all such premises in a clean and sanitary condition in accordance with all applicable provisions of this chapter or other regulations pertaining thereto.
- B. An exception to the registration required in this section shall be made whenever the animal kept or to be kept is a pet dog, cat, rabbit or similar animal commonly called

a pet, owned by a person residing on the premises, does not exceed a total of two over four months old per premises and is not an animal or a reptile or poultry prohibited under this chapter or any other law or regulation.

6.04.070 Restrictions on keeping of poultry, rabbits and other small fur-bearing animals.

- A. The following restrictions and regulations are applicable to keeping of poultry, rabbits, cats and other small fur-bearing animals:
1. No poultry, rabbits or other small fur-bearing animals shall be allowed within 50 feet of any residence.
 2. No more than six live poultry, rabbits, or other small fur-bearing animals, excluding cats, over four months of age shall be kept on any premises which are in a residential zone.
 3. All poultry and rabbits shall be kept, harbored and maintained not less than five feet from all lateral and rear property lines, unless there is a solid fence, solid side of a building or wall not less than five feet in height between such poultry or rabbits and the adjoining property; except that where the property line abuts upon an alley, the distance requirement may be dispensed with.
 4. No persons shall keep more than three cats of more than four months of age on any premises within the city.
- B. This section shall not apply to poultry, rabbits or small fur-bearing animals which are in a building approved by the building inspector which is completely enclosed and screened, so that no odor or fly nuisance exists, the animal or poultry having no access to open area; and provided, that such use is not expressly prohibited under other regulations by law.

6.04.080 Keeping of sheep, goats, horses, donkeys, mules, ponies, cows or other large animals.

No person shall keep one or more sheep, goats, horses, donkeys, mules, ponies, cows or other large animals within the city unless they are kept on unimproved property one acre in size. None of the animals specified in this section shall be allowed within 100 feet of any residence.

6.04.090 Construction of certain stables.

Every stable or other building wherein any animals such as swine, sheep, goats, horses, asses, donkeys, mules, ponies, cows or animals raised for fur-bearing purposes are kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

6.04.100 Maintenance of structures, pens, etc.

All structures, pens, coops or yards wherein animals, poultry or birds are kept or permitted to be kept shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors.

The interior walls, ceilings, floors, partitions and appurtenances of all such structures shall be whitewashed or painted regularly.

The health officer, upon the complaint of any person, shall inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this chapter.

6.04.110 Cooking of waste matter used as animal feed prohibited.

No waste vegetable matter or animal matter used for the feeding of swine, sheep, goats, cows, chickens, geese or ducks shall be cooked within the city.

6.04.120 Fowl or animals which disturb peace by any sound or cry declared a nuisance.

It is declared to be a nuisance, and no person shall keep, maintain or cause or permit to be kept or maintained upon any premises in any residential or commercial districts in the city, any crowing rooster, peacock, guinea fowl or any other fowl, poultry, or animal which by any sound or cry shall unreasonably disturb the peace and quiet of any neighborhood.

6.04.130 Continuation of use of premises contrary to chapter provisions after annexation.

Whenever premises come into the city through annexation, if such premises were used contrary to the provisions of this chapter prior to annexation, such use may be continued; provided, that the premises shall be maintained in accordance with Sections 6.04.090 to 6.04.120, as well as other existing laws or regulations pertaining thereto. However, such use shall not be expanded after such annexation and shall be discontinued upon sale of the property by the owner of the property if such sale takes place after annexation of the property to the city.

INTRODUCED at a regular City Council meeting on the 6^h day of September, 2022.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 3rd day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Ignacio Velazquez, Mayor

ATTEST:

Bonnie Gawf, CMC, Interim City Clerk

APPROVED AS TO FORM:

Lozano Smith Attorneys at Law

Mary F. Lerner, City Attorney

I, BONNIE GAWF, CMC, Interim City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 2019 is an original Ordinance, or true and correct copy of a City Ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on the 3rd day of October, 2022, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Hollister this 3rd day of October, 2022.

Bonnie Gawf, CMC
Interim City Clerk of the City of Hollister