

2024-03

AN ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF
KINGSBURG AMENDING, IN ITS ENTIRETY,
CHAPTER 6.04 OF TITLE 6 OF THE KINGSBURG MUNICIPAL
CODE PERTAINING TO DOGS AND OTHER ANIMALS

The City Council of the City of Kingsburg does ordain as follows:

Section 1 Chapter 6.04 of Title 6 of the Kingsburg Municipal Code is amended in its entirety as follows:

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in the following subsections of this section shall govern the construction, meaning and application of the words and phrases used in this Chapter 6.04; and except to the extent a particular word or phrase is otherwise specifically defined herein, the definitions contained in Chapter 1.04 of Title 1 of this code, shall also govern the construction, meaning and application of the words and phrases used in this chapter. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is a derivative, as the case may be.

Section 6.04.010 DEFINITIONS:

ANIMAL: Any living vertebrate member of the animal kingdom, excluding man.

ANIMAL CONTROL OFFICER: Unless otherwise designated by the State of California, city, Fresno County or another jurisdiction providing animal control officer services or animal shelter services to the city, the chief of police shall designate a police employee as the animal control officer. In addition, all police officers of the City are required to perform the duties of the animal control officer as may be required by the chief of police.

1 ANIMAL SHELTER: Means any facility that is on property owned by the city of or
2 another jurisdiction providing animal control officer services or animal shelter services to the
3 city, operated by a humane society, a public agency, another jurisdiction providing animal
4 control officer services or animal shelter services to the city, or its authorized agents for the
5 purpose of impounding or caring for animals held under the authority of this chapter or State
6 law.

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8 AT LARGE: Means an animal off the premises of the person owning or having the
9 possession, charge, custody, or control of the animal and not under the immediate control of a
10 person by means of an enclosure, leash, rope, or other means of immediate effective physical
11 control.

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13 BIRD: Means any member of the bird family, including, but not limited to, parakeets,
14 cockatiels, macaws, parrots, finches, conures and swans, domesticated to serve as a pet.

15 BREEDER: Means any person or entity which breeds two (2) or more litters of dogs in
16 one year for sale or profit.

17 CAT: Means any member of the feline family, male or female, domesticated to serve as
18 a pet.

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20 COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, auction,
21 riding school or stable, zoological park, circus, performing animal exhibit, or boarding kennel.

22 DOG: Means any member of the canine family, male or female, domesticated to serve as
23 a pet.

24 DOMESTIC ANIMALS: Means dogs, cats, small mammals, reptiles, amphibians and
25 birds kept and maintained as household pets.

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27 FOWL: Means any chicken, duck, goose, turkey, guinea, pigeon, peacock or other fowl.

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HEARING OFFICER: Means the Chief of Police or any designee of the Chief of Police.

IMPOUNDMENT: Means the taking up and confinement of any animal in the pound or an animal shelter, veterinary hospital, or other facility.

KENNEL: Any premises, wherein any person keeps six (6) or more dogs more than four (4) months of age except commercial animal establishments.

LITTER: Means two (2) or more offspring from one or more female dogs or cats located at the same premises.

LIVESTOCK: Means any horse, pony, mule, burro, jack or jennie, cow, bull, calf, heifer, sheep, goat, swine, hog, pig, and all other domestic or domesticated animals other than household pets.

OWNER: Means any individual, partnership, limited liability company, corporation or other entity owning, having an interest in, having custody or possession of, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

PERSON: Means any individual, partnership, limited liability company, corporation, or other entity.

POTENTIALLY DANGEROUS DOG: Means any of the following:

1. Any dog which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or the keeper of the dog.
2. Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in Food and Agriculture Code Section 31604.

1 3. Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury,
2 otherwise caused injury attacking a domestic animal off the property of the owner or keeper
3 of the dog.

4 POUND: Means the place provided by the City for the impounding of animals, whether
5 maintained directly by the City, or person pursuant to an agreement or contract with the city or
6 in conjunction with another city or country.

7 PREMISES: Means a house, other dwelling, a yard or other area so enclosed as to prevent
8 an animal from escaping.

9 PRIVATE PROPERTY: Means all property not defined as a “public place”.

10 PUBLIC EVENT: Means any event or festival permitted by the City that results in the
11 gathering of people in areas closed to vehicular traffic.

12 PUBLIC PLACE: Means any park, public building, playground, street, road, alleyway,
13 or other place open to the general public.

14 RESTRAINT: Means a leash not in excess of eight feet, a tethered lead, or a fenced
15 enclosure which keeps the animal under the control of a person or within the premises of the
16 owner of the animal or the person who has possession, charge, custody or control of the animal.

17 UNLICENSED DOG: Means any dog for which the City dog license for the current year
18 has not been paid.

19 VACCINATION or VACCINATION AGAINST RABIES: means the inoculation of a
20 dog with a vaccine approved by the City or the United States Public Health Service for use in
21 the prevention of rabies in dogs.

22 VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed
23 veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

24 VICIOUS DOG: Means any of the following:
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1 1. Any dog seized under Section 599aa of the Penal Code and upon the sustaining
2 of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.

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4 2. Any dog which, when unprovoked, in an aggressive manner, inflicts sever injury
5 on or kills a human being.

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7 3. Any dog previously determined to be and currently listed as a potentially
8 dangerous dog which, after its owner or keeper has been notified of this determination, continues
9 such behavior.

10 **Section 6.04.020 LICENSES GENERALLY:**

11 A. All dogs over four (4) months of age, kept, harbored or maintained by their
12 owners in the city shall be licensed and registered. Within thirty (30) days after acquiring a dog,
13 the owner of the dog must file: (i) an application for licensing and registration with the City
14 Clerk together with a vaccination certificate, as required by Section 6.04.040 of this chapter; (ii)
15 proof the dog has been micro-chipped as required by Section 6.04.125 of this chapter; and
16 payment of a license fee as set by City Council resolution. Licenses shall be valid for the fiscal
17 year July 1 to June 30, and shall be purchased annually. The provisions of this section are not
18 intended to apply to dogs whose owners are nonresidents temporarily within the city or to dogs
19 brought into the city for the purpose of participating in any dog show or similar activity.
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22 B. Every person owning or keeping a dog that has been specifically trained and
23 certified as an aid to a person with a physical or mental disability, including, without limitation,
24 seeing eye dogs, must be licensed and registered, obtain a vaccination certificate and must be
25 micro-chipped but shall be exempt from payment of license fees.
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1 C. All dog licenses shall be issued for a period terminating on the thirtieth
2 (30th) day of June of each year. For a license issued prior to January 1 of any year, a full year
3 license fee shall be paid. For a license issued after the first day of January of any year, only
4 one-half of the annual license fee shall be paid. Any penalty payments associated with dog
5 licenses shall be paid in the same fashion as the dog license fee.

6 D. No dog license shall be issued for any dog unless the owner of the dog
7 shall present to the City Clerk a certificate by a licensed veterinarian (vaccination certificate)
8 that the dog has been vaccinated in accordance with Section 6.04.040.

9 E. Any dog which is unlicensed or which the license fee is unpaid, or upon
10 which the owner refuses to obtain a license or pay the license fee, or refuses to have the dog
11 vaccinated and micro-chipped as required by this chapter, may be lawfully taken up and
12 impounded by an animal control officer and it shall be lawful for an animal control officer to
13 enter upon the property of any person for the purpose of taking up and impounding the dog. Any
14 dog taken up and impounded as provided herein shall be held at the pound or animal shelter for
15 ten (10) days. If the requirements of this Section are not met within said ten (10) days, the animal
16 control officer shall cause the dog to be disposed of in accordance with the provisions of
17 subsections F and G of Section 6.04.050. In addition to payment of license fees, the owner shall
18 also pay redemption and impoundment fees.

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22 **Section 6.04.030 LICENSE TAGS:**

23 Upon payment of the license fee set by resolution of the City Council, the City Clerk
24 shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The
25 shape of the tag shall be changed every year and shall have stamped thereon the year for which
26 it was issued and the number corresponding with the number on the certificate. Every owner
27 shall be required to provide each dog with a collar to which the license tag must be affixed, and
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1 shall see that the collar and tag are constantly worn by the dog. In case a dog tag is lost or
2 destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing
3 the payment of the license fee for the current year, and the payment of a fee, as set by City
4 Council resolution, for such duplicate dog tag. Dog tags shall not be transferable from one dog
5 to another, and no refunds shall be made of any dog license fee because of death of the dog or
6 the owner's leaving the city before expiration of the license period.
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8 **Section 6.04.040 RABIES VACCINATION:**

9 A. Every person who keeps or harbors any dog or other animal requiring rabies
10 vaccination shall have same vaccinated with a vaccine approved by the California Department
11 of Health by a duly licensed veterinarian. Said vaccination against rabies shall commence with
12 dogs over four (4) months of age ("**Initial Vaccination**") and all other animals as required by
13 standards of veterinary medicine practices. Dogs and cats shall be re-vaccinated one (1) year
14 after the Initial Vaccination and at least every three (3) years thereafter.
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16 B. Upon demand of any animal control officer, every person keeping or harboring
17 any animal that requires vaccination against rabies shall produce a current certificate of
18 vaccination for said animal.
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20 C. The animal control officer shall impound any animal which has not been
21 vaccinated as required by this section.

22 D. Every person practicing veterinarian medicine in the City who vaccinates dogs or
23 other animals with rabies vaccine shall issue to the owner thereof a certificate signed by such
24 veterinarian which states:
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- 26 1. The name and address of the owner of the vaccinated animal;
- 27 2. The kind of vaccine used, the name of the manufacturer, the
28 manufacturer's serial or lot number and the date of vaccine;

1 3. The breed, age, color and sex of the vaccinated dog;

2 4. Year and number of the license tag of the vaccinated dog.

3 E. The animal control officer shall take up and place in isolation any dog,
4 cat or other animal which in the opinion of the owner of the animal, a licensed veterinarian or
5 the animal control officer displays symptoms suggestive of rabies. Such isolation shall be at the
6 pound or animal shelter unless the owner of the dog or cat, with the approval of the animal control
7 officer, arranges with a licensed veterinarian for such isolation in a private animal hospital or
8 clinic. Any dog, cat or other animal placed in such isolation shall be kept strictly confined and
9 under such observation as may be required by the Animal Control Officer. Isolation shall
10 continue for at least five (5) days from the date the symptoms suggestive of rabies were first
11 observed. The isolation may be continued for a period longer than five (5) days if, in the opinion
12 of any licensed veterinarian or the animal control officer, a longer period is necessary. At the
13 expiration of the isolation period, any dog, cat or other animal confined at the pound or animal
14 shelter shall be released upon payment of the fees set by resolution of the City council or the
15 jurisdiction operating the pound or animal shelter.

16 F. It shall be the duty of every licensed veterinarian in the city to report
17 immediately to the animal control officer any animal observed by him/her as having rabies or is
18 suspected of having rabies.

19 G. It shall be the duty of every physician, or other person, to report to the
20 animal control officer the name and address of any person treated for a bite inflicted by an animal
21 of a species subject to rabies infections, and any other information as required by the animal
22 control officer.

23 H. The animal control officer shall take up, impound, and isolate for at least
24 ten (10) days following the date of the alleged bite, any animal of a type subject to rabies that is
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1 reported to have bitten any person, whether or not such animal displays any symptoms suggestive
2 of rabies. The animal shall be impounded and isolated in the manner provided in Subsection E
3 above.

4 I. Any person who is 18 years of age or older may, however, make written
5 request to the animal control officer for the isolation of such biting animal either in facilities
6 provided by a licensed veterinarian or in a licensed boarding kennel or upon the private premises
7 of the person making such request. If such request is approved by the animal control officer,
8 such biting animal shall not be taken up and impounded but shall instead be kept strictly
9 confined and isolated in such veterinarian's facilities or on such private premises for the isolation
10 period.
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12 J. Every person who, after requesting and obtaining approval for the keeping
13 of a biting animal confined and isolated upon his/her private premises, fails for any reason
14 whatsoever to keep such animal continuously confined and isolated upon his/her premises, either
15 indoors or inside an enclosure, for a period of ten (10) days after the day such written approval
16 of such confinement and isolation by the animal control officer, is guilty of an infraction. Any
17 such animal, whether licensed or unlicensed, not continuously confined and isolated as required
18 shall be taken up forthwith by the animal control officer and isolated as provided in Subsection
19 E of this Section 6.04.040.
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22 K. No person shall bring an animal or permit an animal to enter the city in
23 which rabies exists, or has existed within the previous six (6) months unless the animal has been
24 vaccinated with anti-rabies vaccine, and the owner of the animal has an official tag or other
25 receipt showing that the animal has been vaccinated by a duly licensed veterinarian.
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27 **Section 6.04.050 REDEEMING IMPOUNDED ANIMALS:**
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1 A. The animal control officer upon the impounding of any animal, shall notify the
2 owner, if known, in accordance with the provisions of Subsection F of this Section 6.04.050, or
3 if unknown by posting a notice of impound containing a description of the animal and the time
4 and place of apprehension for five (5) days on the city website. After the expiration of this period,
5 any unredeemed animal may be disposed of as provided for in Subsection G of this Section
6 6.04.050.

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8 B. Except as otherwise provided in Section 6.04.040, 6.04.117, 6.04.118, the owner
9 of any animal impounded in accordance with the provisions of this chapter may at any time
10 before the disposition of the animal redeem the animal. Upon proof satisfactory to the animal
11 control officer that such person is the owner and is entitled to redeem such animal and upon
12 payment of the redemption and maintenance charges as established by City Council resolution
13 or by the jurisdiction operating the pound or animal shelter and upon obtaining a city dog license,
14 if the dog is unlicensed and required to have such license, such animal may be redeemed by such
15 person. The animal control officer shall issue a redemption receipt to the person redeeming the
16 animal. The redemption receipt shall identify the amount of fees paid by the person redeeming
17 the animal and contain a description of the animal redeemed, the date of redemption and the
18 name and address of the person redeeming the animal.
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21 C. Redemption fees and maintenance charges shall be set by City Council resolution
22 or the jurisdiction operating the pound or animal shelter. The redemption fees and maintenance
23 charges set by City Council resolution shall be based upon the number of times an animal is
24 impounded, as follows:
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- 26 1. First time within six months: Basic redemption fee.
- 27 2. Second time within six months: Double the basic redemption fee.
- 28 3. Third time within six months: Triple the basic redemption fee.

1 4. Each time after the third time within six (6) months: One Thousand
2 Dollars (\$1,000.00).

3 D. The Animal Control Officer is authorized at its discretion to hold for a period of
4 ten (10) days any impounded dog in heat prior to redemption or disposal.

5 E. If any unlicensed animal or any dog bearing no license tag, is impounded under
6 the provisions of this chapter and is not redeemed within ten (10) days after the date the animal
7 is impounded, the Animal Control Officer may at any time thereafter dispose of the animal as
8 provided in Subsection G of this Section 6.04.050.

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10 F. If a dog licensed in accordance with the provisions of this chapter is impounded
11 under the provisions of this chapter, the dog shall not be disposed of until after written notice
12 has been given by the animal control officer to the owner of said dog at the address set forth in
13 the city licensing records. The notice shall contain a description of the dog impounded, the breed,
14 sex, the date the dog was impounded and identifying the fees necessary to redeem the dog. The
15 notice shall be served by mailing by United States mail to the owner of the dog at the last address
16 of the owner as shown on the city licensing records. If no person appears and redeems the dog
17 within five (5) days after the date of mailing of the notice or within five (5) days after the dog
18 was impounded, whichever is later, the animal control officer shall cause the dog to be disposed
19 of as provided in Subsection G of this Section 6.04.050.

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22 G. If the animal impounded is not redeemed within the redemption period or if the
23 owner fails or refuses to comply with any of the requirements of redemption, the Animal Control
24 Officer shall dispose of the animal according to the provisions of this Subsection G. In disposing
25 of an impounded animal, the animal control officer may, in his/her discretion:
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28 1. Release the animal to an animal adoption organization;

- 1 2. Release the animal to an animal rescue organization;
- 2 3. Use any animal adoption procedures established by the animal shelter; or
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- 4 4. Euthanize the animal in a humane manner and as provided by applicable
- 5 law.
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7 H. All animals impounded by the Animal Control Officer shall be kept at the

8 risk of the owner, and neither the city nor its officials, officers, agents, employees volunteers or

9 the officials, officers, agents, employees or volunteers of another jurisdiction providing animal

10 control officer services and animal shelter services to the city shall be liable to the owner for the

11 delivery in good faith of any such animal to a person claiming to be, but not in fact being, entitle

12 to reclaim the animal. Neither the city nor its officials, officers, agents, employees, or volunteers

13 or the officials, officers, agents, employees or volunteers of another jurisdiction providing

14 animal control officer serves or animal shelter services to the City shall be liable for injury or

15 disease to any animal incurred while the animal is being captured, transported or impounded, or

16 liable for the death or disposition of any animal.

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18 **Section 6.04.060 DUTIES OF ANIMAL CONTROL OFFICER:**

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20 The duties of the Animal Control Officer shall be as follows:

21 (A) To take up and impound any dog or other animal as required by this chapter,

22 including, without limitation, dogs or other animals found to be running at large, staked, tied or

23 herded in any public place within the City or upon the premises of any person other than the

24 owner of such animal or as otherwise required by this chapter.

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26 (B) To make a complete registry of impounded animals, identifying as to each animal,

27 the date of receipt, the breed, color, and sex of such animal, and if licensed, the number of such

28 license and the name and address of the owners, if any, the date and manner of disposal and such

1 additional records as may be required by the city or the jurisdiction providing animal control
2 officer services or animal shelter services to the city from time to time.

3 (C) To operate and maintain the city pound.

4 **Section 6.04.070 AUTHORITY OF ANIMAL CONTROL OFFICER:**

5 A. Each animal control officer shall have, and is hereby vested with the authority of
6 a public officer in the performance of their duties, to enter upon any property pursuant to law, to
7 ascertain if any of the provisions of this chapter or any laws, regulations or ordinances including,
8 without limitation, the provisions of this chapter or any law, regulations or ordinances relating
9 to disease, care, treatment, or cruelty to animals is being violated. Each Animal Control Officer
10 may issue citations for the violation of the provisions of this chapter, any law, regulation or
11 ordinance in the manner prescribed by said law, regulation or ordinance, and remove animals
12 from said premises as the animal control officer deems necessary. The authority to issue citations
13 for violations of this chapter or any law, regulation or ordinance in the manner prescribed by the
14 city or the jurisdiction providing animal control officer services or animal shelter services to the
15 city shall be in addition to any other authority provided by law.

16 B. In the performance of duties for the control of animals, the Animal
17 Control Officer shall have the authority to employ the use of the tranquilizer gun or any other
18 animal control devices in common use within the State of California.

19 C. In addition to other authority provided by law for making arrests, the
20 animal control officer is authorized to make arrests according to California Penal Code Section
21 836.5 for the purpose of enforcing and carrying out provisions of this chapter, or any law,
22 regulation or ordinance.
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1 D. Every person who willfully resists, delays, or obstructs or attempts to
2 delay or obstruct the animal control officer in the discharge of or attempt to discharge, any duty
3 of his/her office is guilty of a misdemeanor.

4 E. For the purpose of enforcing or discharging the duties of the animal
5 control officer, imposed by this chapter, Health and Safety Code Section 121625, Government
6 Code Section 53074, or other applicable laws, the animal control officer or any police officer
7 may enter upon private property, except dwellings, as follows:
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9 (a) When in pursuit of any animal which the officer has reasonable or
10 probable cause to believe is subject to impoundment.

11 (b) To impound or place in isolation or quarantine any animal which
12 the officer has any cause whatsoever to believe or suspect has rabies, is a biting animal, is a
13 potentially dangerous or vicious dog.
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15 (c) To inspect or examine animals isolated on the property.

16 F. Except when time does not permit, such as in an emergency or when in
17 fresh pursuit, before entering upon private property reasonable effort shall be made to locate the
18 property owner or possessor of the animal to request permission to enter upon the property and
19 to explain the purpose for entry.
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21 **Section 6.04.080 ANIMAL CARE:**

22 It shall be unlawful for the owners or persons having custody of any animal to permit,
23 either willfully or through failure to exercise due care or control, any cruel acts upon any animal.

24 "Cruel acts" are defined as follows:
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26 A. To place, leave or expose, making accessible to animals, any poisonous
27 substance.
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1 B. To have, keep, or harbor any animal which is infected with any dangerous
2 or incurable or painfully crippling condition. This Section shall not apply to animals within
3 veterinary hospitals or under the care of a veterinarian, or having been diagnosed with any
4 common, incurable disease where impoundment or quarantine is not recommended by a doctor
5 of veterinary medicine.

6 C. To fail, refuse, or neglect to provide any animal in their charge or custody
7 as owner or otherwise, with food, drink, shade or weatherproof housing facilities, or to carry any
8 animal in or upon any vehicle in a cruel or inhumane manner.

9 D. To willfully, or maliciously kill, maim, disfigure, tease, torture, beat with
10 a stick, chain, club, or other object, mutilate, burn, scald with any substance, overdrive or other
11 cruelty set upon any animal, except that a reasonable force may be employed to drive off vicious
12 or trespassing animals.

13 E. To promote, stage, hold, manage, conduct, carry on, or attend any game,
14 exhibition, contest, or fight in which one or more animals are engaged for the purpose of injuring,
15 killing, maiming, or destroying themselves or any other animal or person.

16 F. No person shall keep upon any premises, any animals in a foul, offensive,
17 obnoxious, filthy or unsanitary condition.

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21 **Section 6.04.090 LIMITS ON NUMBER OF ANIMALS:**

22 No person shall keep, harbor or maintain upon the person's premises within the city more
23 than a total of four (4) dogs over the age of four (4) months of age, and no more than a total of
24 six (6) animals including dogs.

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26 **Section 6.04.110 EXCESSIVE NOISE; NUISANCE:**

27 It shall be unlawful for any dog to be kept in the city, which, in a loud manner, excessively
28 barks, howls, whines or makes any other noises which disturb the comfort or quiet enjoyment of

1 any neighborhood or any person; provided the owner of the dog has been made aware of the
2 disturbance created by the dog by the animal control officer. A dog cited for loud and excessive
3 noises three (3) or more times within a twelve (12) month period shall be deemed a public
4 nuisance and the owner shall remove the dog from the city's incorporated limits. The failure of
5 the owner to remove the dog in violation of this section is a misdemeanor as provided in Section
6 6.04.122 B of this chapter.

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8 **Section 6.04.111 AT LARGE PROHIBITED:**

9 It shall be unlawful for any person having the ownership, care or possession of a dog or
10 any other animal to allow or permit the dog or other animal (except a cat which has been spayed
11 or neutered) to run at large within the city. A dog or other animal (except a cat which has been
12 spayed and neutered) that is at large three (3) or more times within a twelve (12) month period
13 shall be deemed a public nuisance and the owner shall remove the dog or other animal from the
14 city's incorporated limits. The failure of the owner to remove the dog in violation of this section
15 is a misdemeanor as provided in Section 6.04.122 B of this chapter. Except that, subject to the
16 rules and regulations issued by the city regarding the use of the city dog park, an owner of a dog
17 or any person having custody or control of a dog, may allow the dog to go upon and run at large
18 within that portion of the city specifically designated by the city as a dog park area.

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21 **Section 6.04.112 ANIMAL BITES:**

22 Whenever the Animal Control Officer has determined that any animal has bitten any
23 person, the owner of the animal shall, upon the order of the Animal Control Officer; (i)
24 quarantine the animal and keep it tied up and confined for a period of ten (10) days, and shall
25 allow the animal control or other authorized official to make an examination of the animal at
26 any time during the period of quarantine; or (ii) delivery the animal to the animal shelter to be
27 quarantined for a period of ten (10) days.
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1 **Section 6.04.113 PROHIBITED ANIMALS:**

2 No animal, whether domesticated, undomesticated or exotic, other than common
3 household pets such as a dog, cat, bird (domestic or exotic), rodent (including a rabbit), fish
4 (domestic or exotic), turtle or small reptile traditionally kept at a personal residence for pleasure
5 rather than for commercial purposes, shall be kept within the city limits of the city unless
6 specifically allowed to be kept in the city limits of the city by the applicable provisions of the
7 Kingsburg Municipal Code. As used herein, domesticated animal means livestock, poultry and
8 similar animals. Exotic animal means any animal that is native to a foreign country or of foreign
9 origin or character, is not native to the United States, or was introduced from abroad. The
10 provisions of this Section 6.04.113 shall not include animals that are used to assist persons with
11 disabilities as the term disability is defined in the Americans With Disabilities Act.
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13 **Section 6.04.114 BREEDER PERMIT:**

14 A. It shall be unlawful for any person to breed two (2) or more litters of dogs or cats
15 in one calendar year without first obtaining a breeder permit. A person seeking a Breeder Permit
16 must complete a Breeder Permit application in the form established by the city. The fees for a
17 breeder permit shall be set by resolution of the City Council and must be submitted to the City
18 Clerk along with the Breeder Permit application.
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20 B. Breeding permit requirements are as follows:

- 21 1. No offspring can be sold/adopted until the offspring is eight (8) weeks of
22 age
23 2. No offspring can be sold/adopted until vaccinated against common
24 diseases identified by a veterinarian;
25 3. The breeder permit holder must display the Breeder Permit number when
26 advertising the animals for sale or adoption.
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1 C. It shall be unlawful for any breeder to advertise for the sale or adoption of a litter
2 of dogs or cats in the city without including in the advertisement a city Breeder Permit number.

3 **Section 6.04.115 PROHIBITION OF POTENTIALLY DANGEROUS OR**
4 **VIOIOUS DOG:**

5 It shall be unlawful for a person to own, keep or harbor a potentially dangerous or vicious
6 dog. Any dog which has been found to be potentially dangerous or vicious pursuant to the
7 chapter, any county ordinance or any ordinance of a jurisdiction providing animal control officer
8 services or animal shelter services to the city or any state statute, shall be conclusively presumed
9 to be potentially dangerous or vicious.
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11 **Section 6.04.116 PROCEDURE TO DETERMINE IF A DOG IS**
12 **DANGEROUS OR VIOIOUS:**

13 A. The animal control officer shall determine whether a dog is potentially dangerous
14 or vicious whenever it has attacked, bitten or caused injury to any human or other animal. Within
15 two (2) days after a dog which is wearing a license tag is impounded pursuant to this chapter, an
16 animal control officer shall mail a written notice, to the person identified as the owner of the dog
17 as identified in the city licensing documents for the dog, of the Animal Control Officer's
18 determination that the dog is potentially dangerous or vicious and of the owner's right to a hearing
19 on the issue of whether the dog is potentially dangerous or vicious. If the dog is not wearing a
20 license tag the animal control officer shall make a reasonable effort to locate the owner of the
21 unlicensed dog. If the animal control officer does not locate the owner of the unlicensed dog, the
22 animal control officer shall dispose of the dog in accordance with the provisions of Section
23 6.04.119 C of this chapter.
24
25
26

27 B. The owner of a dog impounded pursuant to this Section may, within five
28 (5) business days after the date of the written notice from the Animal Control Officer request a

1 hearing on whether the dog is potentially dangerous or vicious by providing the Animal Control
2 Officer with a written request for a hearing within said five (5) business day period. Failure of
3 the owner to request, in writing, a hearing within said five (5) business day period, shall
4 constitute the owner's waiver of the hearing and the determination by the Animal Control Officer
5 that the dog is potentially dangerous or vicious shall be binding on the owner of the dog.

6
7 C. If an owner properly requests a hearing, the Animal Control Officer shall
8 retain the services of a veterinarian or other person licensed to perform a behavioral study of the
9 dog to determine whether the dog can be rehabilitated or retrained to eliminate the dangerous
10 and vicious character of the dog. If the Hearing Officer finds the dog to be potentially dangerous
11 or vicious, the owner of the dog shall reimburse the City the cost of the behavioral study.

12
13 D. When a hearing is requested pursuant to Subsection B of this Section, the
14 Animal Control Officer shall set a date and time for such a hearing and send a notice thereof by
15 regular mail at least five (5) business days before the hearing date to the owner at the address set
16 forth on his or her request and shall also notify the victim and the Hearing Officer.

17 **Section 6.04.117 CONDUCT OF HEARING:**

18
19 A. A hearing requested in accordance with Subsection 6.04.116 B of this chapter
20 shall be conducted before the Hearing Officer. The Hearing Officer shall be the Chief of Police
21 or his/her designee.

22 B. The hearing shall be open to the public. The owner may be represented by legal
23 counsel. The Hearing Officer shall hear all pertinent evidence offered by all interested persons.
24 The technical rules of evidence shall not be applicable to the hearing, except that the Hearing
25 Officer's decision may not be based wholly on hearsay evidence. Each side shall have the right
26 to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on
27

1 any matter relevant to the issues at the hearing even though the matter was not covered in the
2 direct examination; and to rebut the evidence against him or her.

3 C. If the owner does not testify on his or her behalf, he or she may be called and
4 examined as if under cross-examination, except where criminal charges under Sections 6.04.121
5 and 6.04.122 of this chapter are pending against the owner or if it is possible that such charges
6 may be brought against the owner. All persons giving evidence shall be sworn before testifying.
7 The owner may employ a shorthand reporter to record the hearing.
8

9 D. Any dog which has attacked, bitten or caused injury to a human being or other
10 animal is presumed to be potentially dangerous or vicious and the burden is on the owner to
11 present evidence that the dog is not potentially dangerous or vicious.
12

13 E. In making a determination that a dog is or is not potentially dangerous or vicious,
14 evidence of the following shall be considered:

15 1. Any previous history of the dog attacking, biting or causing injury to a
16 human being or other animal;

17 2. The nature and extent of injuries inflicted and the number of victims
18 involved;
19

20 3. The place where the bite, attack or injury occurred;

21 4. The presence or absence of any provocation for the bite, attack or injury;

22 5. The extent to which property has been damaged or destroyed;

23 6. Whether the dog exhibits any characteristics of being trained for fighting
24 or attack or other evidence to show such training or fighting;
25

26 7. Whether the dog exhibits characteristics or aggressive or unpredictable
27 temperament or behavior in the presence of human beings, other dogs or other animals;
28

1 8. Whether the dog can be effectively trained to change its temperament or
2 behavior;

3 9. The manner in which the dog has been maintained by its owner;

4 10. The results of the behavioral study of the dog;

5 11. Any other relevant evidence concerning the characteristics or
6 maintenance of the dog; and
7

8 12. Any other relevant evidence regarding the ability of the owner to protect
9 the public safety in the future if the dog is permitted to remain in the city.

10 **Section 6.04.118 HEARING DECISION:**

11 A. At the conclusion of the hearing, the Hearing Officer may determine:

12 1. That the dog is not a potentially dangerous or vicious dog and should be
13 returned to its owner;
14

15 2. That the dog is not potentially dangerous or vicious, but the attack, bite or
16 injury was the result of improper or negligent training, handling or maintenance and that the
17 dog's license should be revoked and proper training of the owner and the dog be required
18 pursuant to Section 6.04.122 of this chapter.
19

20 3. That the dog is a potentially dangerous or vicious dog and shall be
21 disposed of in accordance with Section 6.04.119 C, no sooner than thirty-five (35) days
22 following the date or mailing of written notice of the Hearing Officer's decision, pursuant to this
23 Section.
24

25 B. The decision of the Hearing Officer shall be in writing and shall be delivered
26 personally to the owner or mailed to the owner by regular mailing at the address appearing on
27 the request for hearing. A copy of the decision shall be mailed to the Animal Control Officer.
28

1 C. If the owner of the dog disagrees with the decision of the Hearing Officer, the
2 owner may, within ten (10) days after the date of mailing of the Hearing Officer's decision to
3 the owner of the dog, file an appeal of the decision of the Hearing Officer with the Fresno County
4 Superior Court as provided in California Food and Agricultural Code Section 31622 (a). The
5 owner's appeal of the Hearing Officer's decision will be conducted pursuant to the provisions of
6 California Food and Agricultural Code Section 31622 (b).
7

8 **Section 6.04.119 DISPOSITION OF A POTENTIALLY DANGEROUS OR**
9 **VICIOUS DOG:**

10 A. It shall be unlawful for any person to own, possess, harbor or keep any dog
11 declared to be potentially dangerous or vicious pursuant to this chapter.
12

13 B. Any dog declared to be potentially dangerous or vicious, if not already
14 impounded, shall be immediately surrendered to the animal control officer and it is the duty of
15 the animal control officer to take up and impound any such animal.

16 C. Any dog declared to be potentially dangerous or vicious shall be humanely
17 destroyed. The animal control officer shall sign an order authorizing the destruction of the animal
18 thirty-five (35) days after the date of the mailing of the Hearing Officer's decision to the owner
19 of the dog.
20

21 **Section 6.04.120 PROCEDURE IF DOG IS NOT FOUND POTENTIALLY**
22 **DANGEROUS OR VICIOUS:**

23 A. If it is determined that the dog is not potentially dangerous or vicious, but that the
24 bite, attack or injury was the result of improper or negligent training, handling, maintenance or
25 provocation, then the following conditions will be enforced:
26

27 1. Training will be required of the owner and the dog as determined by the
28 Hearing Officer and monitored by the Animal Control Officer.

2. The current license will be revoked and a "provisional" dog license will be issued during a training period.

3. After successful completion of the training of the dog, as determined by the animal control officer, the dog shall be issued a current city dog license and the owner will pay all license fees and penalties as may be required.

4. Any violation of the training terms set forth by the Hearing Officer will result in immediate impoundment. The dog will be declared to be potentially dangerous or vicious and humanely destroyed no sooner than five (5) days after mailing a notice of violation of training and impoundment.

Section 6.04.121 PENALTIES FOR DOG BITES AND ATTACKS:

A. In any case where a dog attacks a human being or another animal, such act shall constitute a separate and distinct violation, and shall be punishable as follows:

1. Any person whose dog attacks a human being without causing bodily injury, or attacks another animal, shall be guilty of an infraction and shall be punished upon a first conviction by a fine of One Hundred Dollars (\$100.00) and for a second conviction within a period of twelve (12) months by a fine of Two Hundred Dollars (\$200.00) and for a third or subsequent conviction within twelve (12) months, by a fine of Five Hundred Dollars (\$500.00).

2. Any person whose dog attacks a human being causing bodily injury shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the County jail for not more than six (6) months, or by both such fine and imprisonment.

3. After each attack or bite, the animal control officer shall determine whether a dog is potentially dangerous or vicious pursuant to Section 6.04.118 of this chapter.

Section 6.04.122 PENALTIES GENERALLY:

1 A. Except as otherwise provided in Section 6.04.121 of this chapter, any person
2 violating any provision of this chapter shall be deemed guilty of an infraction and shall be subject
3 to the following fines:

- 4 1. One Hundred Dollars (\$100.00) upon the first offense.
5 2. Two Hundred Dollars (\$200.00) upon the second offense in a twelve (12)
6 month period.
7 3. Five Hundred Dollars (\$500.00) upon the third offense in a twelve (12)
8 month period.
9

10 B. If any violation is continued, each day's violation shall be deemed a separate
11 violation. Any person found guilty of more than three (3) violations of this chapter within a
12 twelve (12) month period shall be deemed guilty of a misdemeanor and fined up to one thousand
13 dollars (\$1,000.00) or imprisoned in the county jail for not more than six (6) months for each
14 misdemeanor conviction. The person shall also pay any and all expenses, including shelter, food,
15 veterinarian expenses for identification or certification or boarding associated with the
16 impounding of their dog.
17

18 **Section 6.04.123 PROTECTION OF POLICE CANINE UNITS:**

19 A. It shall be unlawful for any person to willfully or maliciously torture, tease,
20 torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Kingsburg Police
21 Department, or any other law enforcement agency while engaged in mutual aid assistance to this
22 city or the designated handlers of such animals, while any such dog is in the performance of the
23 functions or duties of the police department or other law enforcement agency, or to willfully
24 interfere with or obstruct any such dog while it is being used in the performance of any of the
25 duties or functions of the department or other law enforcement agency.
26
27
28

1 B. No provision of this section shall be constructed to prohibit any act made
2 unlawful by any general law of the state of California, but said section is intended to be
3 supplemental thereto.

4 **Section 6.04.124 PUBLIC EVENTS OR ASSESMBLIES:**

5 The City Council may, by resolution, prohibit dogs whether or not confined by leash,
6 from attendance at any public event as that term is defined in Section 6.04.010 and any assembly
7 as that term is defined in Section 12.16.010 of this code. The prohibition of dogs shall not apply
8 to guide dogs and other service dogs to assist disabled persons attending the public event or
9 assembly.
10

11 **Section 6.04.125 MANDATORY MICROCHIPPING OF DOGS:**

12 Any dogs in the city shall be implanted with an identifying microchip. The owner is
13 required to provide the microchip number to the City Clerk and shall notify them City Clerk and
14 the national registry applicable to the implanted chip of any change of ownership of the dog or
15 any change in the owner's contact information. Upon redemption of a dog from the pound or
16 animal shelter, the owner shall comply with this section and have the dog implanted with a
17 microchip and provide microchip number to the City Clerk.
18

19 **Section 6.04.126 COMMERCIAL ANIMAL ESTABLISHMENTS:**

20 It is unlawful for any person, firm, corporation, limited liability company, partnership,
21 or association to establish and maintain any commercial animal establishment or pet shop
22 without first obtaining a business license from the city. After inspection and approval of the
23 conditions of the commercial animal establishment by the animal control officer or other city
24 official, the required business license may be issued by the city. Such license shall be issued
25 pursuant to city licensing regulations, provided any inspection by the animal control officer or
26
27
28

1 other city official does not reveal any violation of the provisions of this chapter, the city Building
2 Codes and Zoning Ordinances and any other laws, ordinances, rules or regulations.

3 Every person within the city who owns, conducts, manages, a commercial animal
4 establishment for which a city business license or other city approval is required to comply with
5 each of the following conditions:

6 1. Housing facilities shall be structurally sound and shall be maintained in
7 good repair to protect animals from injury and restrict entrance of other animals.

8 2. All animals and all animal buildings or enclosures shall be maintained in
9 a clean and sanitary condition.

10 3. All animals shall be supplied with sufficient good and wholesome food
11 and water as often as the feeding habits of the respective animals require.

12 4. Animal buildings and enclosures shall be so constructed and maintained
13 as to prevent escape of animals.

14 5. All reasonable precautions shall be taken to protect the public from the
15 animals and the animals from the public.

16 6. Every building or enclosure wherein animals are maintained shall be
17 properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided
18 as required according to the physical needs of the animals.

19 7. All animal rooms, cages, and runs shall be of sufficient size to provide
20 adequate and proper housing for animals kept therein.

21 8. All animal runs shall be of concrete and provided with adequate drainage
22 into an approved sewer or individual sewer disposal installation.

23 9. All animals shall be taken to a licensed veterinarian for an examination
24 and treatment if so ordered by the animal control officer.

1 10. Every violation of applicable regulation shall be corrected within the time
2 to be specified by the animal control officer.

3 11. Commercial animal establishments shall comply with all other applicable
4 city codes and ordinances.

5 12. All commercial animal establishments may be inspected from time to time
6 by the animal control officer or other city official to ensure compliance with this Section and to
7 investigate any complaints of violations of the provisions of this Section.
8

9 Failure of the applicant for a license or other city approval to comply with any
10 one of the foregoing conditions shall be deemed just cause for the denial of any business license,
11 whether original or renewal and/or the issuance of a citation for violations pursuant to provisions
12 of this Section and revocation of the business license.
13

14 **Section 6.04.127 PERMIT REQUIREMENTS:**

15 Application for all kennel permits pursuant to this chapter shall be filed with the Police
16 Department on a form prescribed by the Police Department. Fees charged for these permits shall
17 be set annually by resolution of City Council. The kennel permits shall be issued for the calendar
18 year or any part thereof and are effective from July 1 of each year and expire on June 30 of that
19 same year. Renewal of the permit and payment of any permit fee are due and payable on July 5
20 of each year. The Finance Department shall collect a late fee in an amount equal to the amount
21 as established for late fees as established by resolution of the City Council. Any or all of the
22 permits issued in accordance with this chapter may be immediately suspended for any violations
23 of the permit or any provision of this chapter.
24

25 **Section 6.04.128 KENNEL PERMIT:**

26 It shall be unlawful for any person(s) to own, maintain, or harbor any more than five (5)
27 dogs within the city limits without first obtaining a kennel permit from the city. A kennel permit
28

1 shall permit no more than ten (10) dogs to be kept, harbored or maintained upon a person's
2 premises within the city limits. The kennel permit fee shall be set by resolution of the City
3 Council. The applicant for a kennel permit must comply with the following conditions before
4 issuance of a permit:

5 1. Compliance with the city zoning requirements must first be established
6 for each kennel construction/use proposal prior to proceeding with environmental health,
7 sanitation, and construction review of the proposal.

8 2. Complete plans and specifications of the kennel facilities shall be
9 submitted to and be approved by applicable city Departments prior to the construction.
10

11 3. Kennel buildings (pens) shall not be located within fifty feet (50') of any
12 property line and forty feet (40') from any habitable building.
13

14 4. Kennel buildings must be constructed with masonry walls, sloped to drain
15 concrete floors, soundproofing, including double pane windows and adequate ventilation as
16 determined by the City Building Official.

17 5. Dogs must be placed in the masonry kennel building between six o'clock
18 (6:00) P.M. to seven o'clock (7:00) A.M.
19

20 6. The entire kennel and pen area must be screened from view by a solid six
21 foot (6') high fence. Dogs may at no time run loose or be outside of this fenced area unless on a
22 leash.

23 7. Minimum dog run size (horizontal dimension) will be four feet by ten feet
24 (4' x 10') inside kennel area and four feet by twelve feet (4' x 12') outside kennel area.
25

26 8. Feed storage, medicated feed, medicine and supplies must be kept safe
27 from children and others in a separate locked rodent-proof room or secured place. All feed shall
28

1 be kept in rodent-proof containers which are placed eighteen inches (18") above the floor
2 surfaces.

3 9. Separate hand washing and toilet room facilities must be available in the
4 kennel area.

5 10. Pens must be kept clean and sanitary at all times with an effective fly and
6 odor control program submitted to the City for approval.

7 11. No portion of the kennel or its dog occupants will be allowed to become
8 a nuisance.

9 12. No exterior lighting shall interfere with neighboring residential properties.

10 13. Maximum dog occupancy of each and all portions of the kennel facilities
11 shall be as determined by the animal control officer or other official.

12
13
14 Upon completion of the above requirements and final construction approval by
15 the applicable city departments, a kennel license shall be obtained from the City Clerk.

16 The permit will be for a city fiscal year, or any part thereof in which the permit is
17 required, with the permit fee due and payable on July 5 of each year.

18 **Section 6.04.129 SPAY/NEUTER COMPLIANCE FOR SHELTER**
19 **ANIMALS:**

20
21 A spay or neuter deposit will be required upon the purchase of any unaltered dog from
22 the animal shelter pursuant to Food and Agriculture Code section 30503. The deposit will be
23 applied to the spay or neuter surgery of the animal.

24 Any dog sold from the animal shelter shall be spayed or neutered within thirty (30) days
25 of adoption for animals more than six (6) months of age. For animals less than six (6) months
26 old, they shall be spayed or neutered within thirty (30) days of reaching six (6) months of age for
27 females and within thirty (30) days of reaching eight (8) months of age for males. An extension
28

of time to perform surgery may be granted by the animal control officer if a veterinarian provides a medical determination that the surgery cannot be performed as scheduled and must be postponed.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Kingsburg duly called and held on the 21st day of August, 2024, by the following vote:

AYES:	Council Member	Silva, Palomar, Smith and Mayor Pursell, Jr.
NOES:	Council Member	None.
ABSTAIN:	Council Member	None.
ABSENT:	Council Member	North.

APPROVED

Mayor Brandon Pursell, Jr.

ATTEST: _____
City Clerk

STATE OF CALIFORNIA)
COUNTY OF FRESNO)ss
CITY OF KINGSBURG)

I, **ABIGAIL PALSGAARD**, City Clerk of the City of Kingsburg, do hereby certify the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Kingsburg on the 17 day of July, 2024, and it was duly passed and adopted at a regular meeting of said City Council held on the 7th day of August, 2024.

Dated: August 8, 2024

Abigail Palsgaard, City Clerk