

ORDINANCE NO. 1840 N.C. (2d)

AMENDING CHAPTERS 7.08, 7.16, 7.24, 7.32 AND 7.36 REGARDING ANIMALS

SECTION 1. Section 7.04.020 of the Vallejo Municipal Code is hereby amended to read as follows:

7.04.020 - Authorization to appoint humane officers.

The city Council hereby authorizes the Solano County Sheriff's Animal Control Division to be the animal control director and to enforce Subchapter I of Title 7 of the Vallejo Municipal Code.

SECTION 2. Section 7.08.020 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.020 - Animal.

"Animal" means any animal, poultry, bird, reptile, fish, or any other creature except a human.

SECTION 3. Section 7.08.025 of the Vallejo Municipal Code is hereby added to read as follows:

7.08.025 - Animal raising.

"Animal raising" means the use of premises in compliance with the city's zoning ordinance where animals are fed or kept for personal use, for 4-H or other agricultural organization project by the owner or occupant of the premises, or for animal products, animal increase or value increase. (See also VMC 16.06.590.)

SECTION 4. Section 7.08.040 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.040 - Reserved.

SECTION 5. Section 7.08.050 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.050 - Reserved.

SECTION 6. Section 7.08.070 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.070 - Director.

"Director" means the animal control director of the city of Vallejo or their designee.

SECTION 7. Section 7.08.110 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.110 - Horse.

"Horse" means any equine animal including mule, burro, pony, jack, hinny or jenny.

SECTION 8. Section 7.08.130 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.130 - Reserved.

SECTION 9. Section 7.08.140 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.140 - Licensed dog.

"Licensed dog" means any dog for which the license for the current year has been paid and to which the tag provided for in Chapter 7.06 is properly attached.

SECTION 10. Section 7.08.180 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.180 - Reserved.

SECTION 11. Section 7.08.190 of the Vallejo Municipal Code is hereby amended to read as follows:

7.08.190 - Unlicensed dog.

"Unlicensed dog" means any dog for which the license for the current year has not been paid or to which the tag provided for in Chapter 7.06 is not attached.

SECTION 12. Section 7.12.050 of the Vallejo Municipal Code is hereby amended to read as follows:

7.12.050 - Powers and duties.

The powers and duties of the director and his deputies shall be as follows:

- A. To enforce all provisions of Chapters 7.04 through 7.38 and all the laws of the state of California relating to the care, treatment and impounding of dumb animals;
- B. To make arrests or issue citations for the violation of any of the provisions of Chapters 7.04 through 7.38;
- C. To maintain and keep an animal shelter or other place, as directed by the city council, where all animals enumerated which are subject to be impounded, may be kept and safely held.

SECTION 13. Section 7.12.060 of the Vallejo Municipal Code is hereby amended to read as follows:

7.12.060 - Reserved.

SECTION 14. Section 7.12.070 of the Vallejo Municipal Code is hereby amended to read as follows:

7.12.070 - Entering upon premises.

The director and each of his deputies are authorized to enter upon any premises consistent with the United States Constitution upon which any animal is kept, for the purpose of taking up, seizing, or impounding any animal found running at large, or staked, herded, or grazed thereon, in violation of the provisions of Chapters 7.04 through 7.38, or for the purpose of ascertaining whether such animal is licensed as required by Chapters 7.04 through 7.38, provided that he shall at the earliest opportunity make a reasonable effort to notify the owner or occupant of the premises of his presence and the reason therefor, and provided further if the violation is not in his presence, he shall first secure the consent of the owner or the occupant of the premises upon which such animal is believed located, and if the consent is refused or cannot be readily obtained, he shall obtain a warrant or other lawful process of court authorizing his entry upon the premises.

SECTION 15. Section 7.16.045 of the Vallejo Municipal Code is hereby added to read as follows:

7.16.045 - Spaying and neutering impounded dogs prior to release.

- A. Unlicensed dogs - Any unlicensed, unaltered dog impounded under Section 7.16.010 must be spayed or neutered prior to its release from the animal services department unless the dog is exempted from the license requirements under subsection A of Section 7.06.040 or has a medical exemption under subsection D of this section.
- B. Any licensed, unaltered dog impounded under Section 7.16.010 will be released intact from the animal services department on the first and second occasion the dog is impounded within a three-year period.
- C. Any licensed unaltered dog impounded under Section 7.16.010 a third time within a three-year period must be spayed or neutered prior to the dogs release from the animal services director unless the dog has a medical exemption under subsection (d) of this section.
- D. Medical exemption - The animal services department will release intact any unaltered dog impounded under Section 7.16.010 that cannot be spayed or neutered due to a medical condition that is confirmed by a veterinarian licensed to practice veterinary medicine in the state of California. Before releasing the dog, the animal services department will issue the dog's owner a written notice requiring the owner to spay or neuter the dog and provide proof of correction within two months of the date of the notice. The animal services department may extend the two-month correction period if, based on the opinion of a veterinarian licensed to practice veterinary medicine in the state of California, the medical condition continues to prevent the dog from being spayed or neutered. The dog's owner shall be responsible for paying the costs of any medical examinations rendered pursuant to this section.

SECTION 16. Section 7.16.047 of the Vallejo Municipal Code is hereby added to read as follows:

7.16.047 - Impounded dogs and cats must be implanted with microchip identification at time of release.

- A. All dogs and cats impounded under Section 7.16.010 must be implanted with microchip identification before being released from impoundment to their owners.
- B. The animal services department will perform the microchip implantation procedure, at the owner's expense, on any dog or cat that does not already have microchip identification before the dog or cat is released from impoundment to its owner.
- C. The fee for a microchip implantation procedure performed under subsection (B) will be the microchip fee amount listed in the animal services department's fee schedule.

SECTION 17. Section 7.16.050 of the Vallejo Municipal Code is hereby amended to read as follows:

7.16.050 - Fees.

The animal control director shall charge, receive, and collect fees for the performance of services related to impoundments, redemptions, adoptions, licenses, boarding, extraordinary calls for service, and for such other functions performed in support of said services. The specific service for which a fee is charged, the amount of such fee, and the time and method of payment of such fee shall be determined and set by resolution of the city council.

SECTION 18. Section 7.16.060 of the Vallejo Municipal Code is hereby amended to read as follows:

7.16.060 - Reserved.

SECTION 19. Section 7.16.095 of the Vallejo Municipal Code is hereby added and Sections 7.16.100, 7.16.110, and 7.16.120 of the Vallejo Municipal Code are hereby amended to read as follows:

7.16.095 – Hold period for impounded animals

Impounded animals shall be kept for three (3) business days beginning the first day following impoundment. If the impounded animal has a registered microchip or is a licensed dog with an intact tag, the director shall notify the owner by phone, electronic mail or mail, within twenty-four hours of impoundment.

7.16.100 - Reserved.

7.16.110 - Adoption, re-homing, or destruction of unredeemed animal

If any animal impounded by the director shall not have been redeemed in accordance with the period set forth in section 7.16.095, such animal may be adopted or re-homed. If any animal shall not be redeemed, re-homed or adopted in six (6) business days, it may be destroyed by the director in a humane manner.

7.16.120 - Discretion to hold unredeemed animal for adoption or re-homing beyond redemption expiration period.

At the discretion of the director, an unredeemed or surrendered animal may be kept for a reasonable period of time after the expiration of the redemption period set forth in Section 7.16.110 for the purpose of re-homing or adopting it. The director may refuse to re-home or adopt an animal to a particular person if he has reason to believe the re-home or adoption would not be in the best interest of the animal.

SECTION 20. Section 7.24.040 of the Vallejo Municipal Code is hereby amended to read as follows:

7.24.040 - Prohibition of livestock and wild animals.

- A. The keeping of livestock, including bovines, horses, mules or burros within city limit is prohibited, except as provided in Section 7.24.055.
- B. The keeping of wild animals is prohibited.

SECTION 21. Section 7.24.050 of the Vallejo Municipal Code is hereby amended to read as follows:

7.24.050 - Livestock at large prohibited.

No person owning or having control of livestock shall:

- A. Permit such animal to run at large in the city; or
- B. Cause or permit any such animal to be pastured, herded, staked or tied:
 - 1. in or upon any street, road, lane, alley, park or other public place; or
 - 2. in or upon any private property within the city, without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street or public place or upon any such private property.

SECTION 22. Section 7.24.055 of the Vallejo Municipal Code is hereby added to read as follows:

7.24.055 - Livestock exceptions to general prohibition.

The keeping of livestock within city limits is prohibited except as provided in this Section 7.24.055. This prohibition includes bovines, horses, mules or burros as follows:

- A. When consistent with the city's zoning ordinance on parcels that allow animal raising, agricultural and animal sales uses, and in compliance with all requirements of the Vallejo Municipal Code:
 - 1. Animal raising as defined in Section 16.06.590 may occur in the rural residential district with the appropriate permits and in adherence to applicable standards as set forth in Chapter 16.12.
- B. When those individuals who own or keep livestock:
 - 1. secure the animals by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such animal, or by securely fastening such animal by means of a rope or chain of sufficient strength to restrain to some permanent object of sufficient size, strength and weight to effectively restrain such animal; or
 - 2. ensure that the animals have the necessary sustenance, drink, shelter or protection from the weather, or otherwise.

SECTION 23. Section 7.24.060 of the Vallejo Municipal Code is hereby amended to read as follows:

7.24.060 - Fowl and rabbits—At large prohibited—Sale as pets or novelties unlawful.

- A. It is a nuisance and no person shall suffer or permit any chickens, geese, ducks, turkeys, pheasants, doves, pigeons, squabs or similar fowl or rabbits owned or controlled by such person to run or fly at large or go upon the premises of any other person in the city; provided, however, that this subsection shall not apply to homing pigeons while flying at large if the pigeons are kept in an enclosed cage or loft when not in flight. Nothing herein shall allow any person to permit or suffer any homing pigeon to land upon or go upon the premises of any other person in the city.
- B. Except as hereinafter provided, it is unlawful for any person to display, sell, offer for sale, barter or give away any chickens, rabbits, ducks or other fowl as pets or novelties, whether or not dyed, colored or otherwise artificially treated.
- C. This section shall not be construed to prohibit the display or sale of natural chickens, rabbits, ducks, or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised or used for food purposes.

SECTION 24. Section 7.24.070 of the Vallejo Municipal Code is hereby added to read as follows:

7.24.070 - Permitted number of chickens—Ban on roosters.

- A. It shall be unlawful for anyone to keep, board, or harbor more than ten chickens within the city limits.
- B. Roosters are prohibited within the city limits, except that roosters may be found in farms or agricultural areas as allowed by the city's zoning ordinance.

SECTION 25. Section 7.36.020 of the Vallejo Municipal Code is hereby amended to read as follows:

7.36.020 - Animals disturbing the peace; public nuisance conditions.

- A. It is unlawful for any owner or person having the custody or control of any animal to allow or permit such animal to bark habitually or act in such manner as to disturb continuously the peace of any citizen or otherwise be a public nuisance.
- B. It is unlawful for any owner or person having the custody or control of any animal to keep one or more animals in such a manner that the premises emit unsanitary odors permeating the property line and which odors are offensive to a reasonable person of normal sensitivity.

SECTION 26. Section 7.36.030 of the Vallejo Municipal Code is hereby amended to read as follows:

7.36.030 - Animals destroying property unlawful and deemed nuisance—Abatement of animal nuisances.

- A. It is unlawful to suffer or permit any animal or fowl to trespass on private or public property so as to damage or destroy any property or thing of value, and the same is declared to be a public nuisance, and any such animal may be impounded by the director.

- B. Whenever it is affirmed in writing by two non-related witnesses who have provided to the satisfaction of the director adequate and competent evidence in support of the claim that any animal is a habitual nuisance by reasons of trespassing, howling, barking, or other noise, or damage to or destruction of property, being vicious or by its actions potentially vicious or in any other manner causing undue annoyance, the director, if he finds such nuisance to exist, shall serve written notice upon the owner or custodian that such nuisance shall be abated. The owner or custodian shall then within four hours of receiving such notice abate the nuisance. If the nuisance is not so abated, the animal control officer may impound the animal, as provided in Chapter 7.16.

SECTION 27. Section 7.36.040 of the Vallejo Municipal Code is hereby amended to read as follows:

7.36.040 - Removal of dog defecation.

- A. It is unlawful for the owner or any person having custody of any dog to fail to immediately remove and dispose of any feces deposited by the dog on either public property or on private property not under the control of such person. Disposal shall be by placing the feces in a closed or tied container and depositing the container in a trash receptacle.
- B. Persons who have custody or control of such dog shall have in their possession a suitable wrapper, bag or container for the purpose of complying with this section's requirements. Failure to have the wrapper, bag or container shall constitute a violation of this section.
- C. A violation of this section is an infraction, punishable by:
1. A fine not to exceed fifty dollars for the first violation; and
 2. A fine not to exceed one hundred dollars for the second violation and each subsequent violation within one year.
- D. This section shall not apply to a sightless person who has custody or control of a guide dog.

SECTION 28. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each one all provisions hereof, irrespective of the fact one or more provisions may be declared invalid.

SECTION 29. Effective Date. This Ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage.

First read at a regular meeting of the Council of the City of Vallejo held on the 28th day of January 2020 and finally adopted at a regular meeting of the Council of the City of Vallejo on the 11th day of February 2020 by the following vote:

AYES: Mayor Sampayan, Vice Mayor Sunga, Councilmembers Brown, Dew, McConnell, and Miessner
NOES: None
ABSENT: Councilmember Verder-Aliga
ABSTAIN: None



BOB SAMPAYAN, MAYOR

ATTEST:



DAWN ABRAHAMSON, CITY CLERK