

ORDINANCE NO. 507-22

AN ORDINANCE AMENDING TITLE 6, ANIMALS, OF THE CHOWCHILLA MUNICIPAL CODE

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

SECTION 1. Title 6 – Animals- of the Chowchilla Municipal Code is hereby amended to read as set forth in **Exhibit A**, attached hereto and incorporated by reference. Title 6 was reviewed for grammar, pronouns, fees, and cleaning up any uncertainty regarding the City’s processes. The substantive revisions primarily focus on Section 6.04.045, “Maximum Number of Domestic Animals,” Section 6.04.210, “Vaccination,” and Section 6.04.260, “Animal Licenses,” with the addition of Potbelly Pigs.

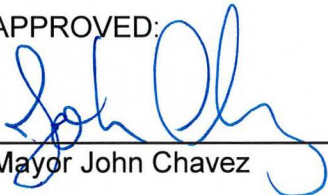
SECTION 2. Severability. If any portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this ordinance shall remain in effect.

SECTION 3. Effective Date. This ordinance shall take effect 30-days following final approval.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Chowchilla held on the 8th day of February, 2022 and passed and adopted at a regular meeting of the City Council held on the 22nd day of February, 2022 by the following vote:


AYES: 5 – Palmer, Smith, Ahmed, Barragan, Chavez
NOES: 0
ABSTAIN: 0
ABSENT: 0

APPROVED:



Mayor John Chavez

ATTEST:



Joann McClendon, CMC, City Clerk

EXHIBIT A

Title 6 - ANIMALS

Chapters:

Chapter 6.04 - DOGS, CATS, AND OTHER DOMESTICATED ANIMALS

Sections:

6.04.010 - Definitions.

When used in this chapter, the words defined in this section shall have the meanings prescribed in this section.

- A. "Animal" means any members of the kingdom Animalia exclusive of homo sapiens.
- B. "Animal control" or "animal control division" means the division of the Chowchilla Police Department, which is established as the animal control agency in the City.
- C. "Animal control center" means the facilities provided by the City for the impoundment, relinquishment, quarantine, and adoption or sale of animals.
- D. "Animal Nuisance" means such actions or behaviors of an animal (excluding those agricultural activities permitted by Chowchilla Municipal Code) which interfere with the rights of persons to the enjoyment of life or property by creating chronic annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept, harbored or maintained, and shall include, but not be limited to the following:
 - 1. Causing fouling of the air by the unpleasant odor of accumulated fecal waste or urine;
 - 2. Causing unsanitary conditions in enclosures or surroundings;
 - 3. Making excessively loud or disturbing noise; meaning the utterance of barks, howling, whining cries, screeching, squeaking, squawking, or any noise which is loud, frequent, and continual over a period of time and which disturbs the peace and comfort of a person or persons of ordinary sensitivity: (1) excessive for a continuous period of ten (10) minutes; or (2) excessive noise for a continuous period of five (5) minutes on three (3) separate occasions within any sixty (60) minute period. "Continual" shall mean excessive noise with intervals of less than sixty (60) seconds between the noise. It shall not be deemed excessive noise if, at the time of the noise, a person or persons were teasing or provoking the animal or trespassing or threatening to trespass upon the owner's private property; or
 - 4. Causing offense or danger to public health, safety, or welfare by virtue of the number or types of animals maintained.
- E. "At large" means an animal off the premises of its owner and either:
 - 1. Not under the control and in the immediate presence of the owner; or
 - 2. If a dog, not under physical restraint.
- F. "At large causing injury" means an animal off the premises of its owner as outlined in subsection E of this section which through direct or indirect action causes or inflicts injury to any person. The injury is described as a wound or other type of injury which requires medical treatment.
- G. "Animal Control Manager" means the Chief of Police and their duly authorized staff.
- H. "Cattery" means any enclosure, premises, building, structure, lot, or area in or on which five or more cats of at least six months of age are kept, harbored, or maintained. If a person has five or more cats, they will be required to obtain a permit under Section 6.04.270(C)(2) of this chapter.
- I. "Curb" means to restrain or control an animal so that it does not defecate on property other than that of its owner except by the expressed consent of the owner of such other property.

- J. "Dangerous animal" means any animal including a dog (except a dog assisting a peace officer engaged in law enforcement duties) which can be categorized in any one or more of the following manners:
1. Any animal which behaves in such a manner that the owner thereof knows or should know that the animal poses a threat to public safety;
 2. Any animal which, because of its size, training, behavior, physical nature, or vicious propensity, would threaten public safety were it not controlled as prescribed in this chapter;
 3. Any animal which threatens or attacks any person in a manner which requires a substantial defensive action by any person to prevent bodily injury;
 4. Any animal which threatens or attacks any other animal belonging to another when such other animal is confined upon private property or otherwise lawfully restrained and controlled.
- K. "Dangerous behavior" means any acts committed by an animal as defined in subsection J of this section.
- L. "Director" means the Chief of Police or designee.
- M. "Animal license" as used in this title, means a metallic tag which will be firmly affixed to the animal's collar on which is imprinted; the phone number and name of the issuing agency, and a serial number unique to the individual tag. These tags are issued as outlined in Section 6.04.260 of this chapter.
- N. "Domestic animal" means household pets ordinarily permitted in a place of residence, such as: dogs; cats; guinea pigs; rats; rabbits; mice; budgies, canaries, cockatiels, cockatoos, egg-laying hens, finches, lorikeets, lovebirds, macaws, parakeets, parrots, toucans, and similar birds; potbellied pigs (not farm pigs) as provided for in this chapter; turtles; lizards and snakes as permitted in this chapter; and other similar animals generally considered to be kept as pets, excluding farm animals.
- O. "Feral animal" means any domestic animal which is known to live in a wild or semi-wild state without the benefit of an owner or any domestic animal which has escaped for a substantial period of time from the care of its owner and is existing in a wild state without the benefit of domestication.
- P. "Health department" means the health department of the County of Madera.
- Q. "Health officer" means the Director of the Health Department of the County of Madera or another person duly authorized by the Director of the Health Department or designated by the Board of Supervisors to act as the health officer.
- R. "Hearing." For the purposes of this chapter, "hearing" means the process prescribed in Section 6.04.300 of this chapter for the redress of issues relating to or arising from the enforcement of this chapter including, but not limited to, dangerous and vicious animals, animal nuisances, permits, or such other administrative matters as pertain to the application of this chapter.
- S. "Hearing Officer" means the person appointed by Director to preside at and render judgments from hearings transacted under the authority of this chapter. The person may be an employee of the City who is not assigned to animal control or otherwise subordinate to the manager thereof or a person who is not an employee but is retained to provide such services. Any such Hearing Officer shall be qualified by training or experience or shall be an attorney or an administrative law judge.
- T. "Impoundment" means the taking up and confining of an animal by the Animal Control Manager in accordance with the provisions of this chapter or other applicable law or regulation.
- U. "Kennel" means any enclosure, premises, building, structure, lot, or area in or on which five or more dogs of at least four months of age are kept, harbored, or maintained. If a person has five or more dogs, they will be required to obtain a permit under Section 6.04.270(C)(2).

- V. "Lawful fence" as used in this chapter means a fence of sufficient height, strength, and capacity maintained in good repair to prevent the ingress and egress of the animals housed, controlled, or grazed on the property. Except as provided by Section 17121 of the California Food and Agriculture Code, no fence is a lawful fence within the meaning of this section unless it is a height of at least five feet, is securely affixed at its base, and maintained in good repair.
- W. "Owner" means the primary or responsible person who possesses, has title to or an interest in, harbors, provides care or has control, custody or possession of an animal, and the verb of "to own" includes all these shades of meaning.
- X. "Person" means fictional entities such as corporations, estates, associations, partnerships, and trusts, as well as one or more individual human beings or responsible members of the household.
- Y. "Vaccination" means the inoculation of an animal with a vaccine approved by and in the manner prescribed by the State of California, Department of Health Services.
- Z. "Veterinarian" means a person licensed by the State of California to practice veterinary medicine.
- AA. "Vicious animal" means any animal including a dog (except a dog assisting a peace officer engaged in law enforcement duties) that has, on one or more occasions, committed any one or more of the following acts:
- (1) Seriously bitten, inflicted severe injury on, or killed a human being when unprovoked.
 - (2) Bitten a person causing a less than severe injury when unprovoked on two (2) separate occasions within the prior thirty-six (36) month period.
 - (3) Killed a domestic animal when unprovoked.
 - (4) Seriously bitten or inflicted severe injury on a domestic animal when unprovoked on two (2) separate occasions within the prior thirty-six (36) month period.
 - (5) Previously was determined to be and currently is listed as a potentially dangerous animal and continues the behavior which led to the potentially dangerous determination.
- AB. "Vicious behavior" means any acts committed by an animal as defined in subsection AA of this section.
- AC. "Wild animal" means any of the following:
1. Following members of the Class Reptilia:
 - a. Order Ophidia (such as, but not limited to, racers, boas, water snakes, and pythons) over three feet in length; and
 - b. Order Loricata (such as but not limited to, alligators, caymans, and crocodiles) over three feet in length;
 - c. Order Sauria (excepting iguanas) over three feet in length.
 2. Following members of the Class Aves:
 - a. Order Falconiformes (such as, but not limited to, hawks, eagles, and vultures, which are not kept pursuant to federal or state permit); and
 - b. Subdivision Ratitae (such as, but not limited to, ostriches, rheas, cassowaries, emus)
 3. Following members of the Class Mammalia:

- a. Order Carnivora, expressly excepting the domestic dog (*Canis familiaris*) and the domestic cat (*Felis catus*), but including, but not limited to, the family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), the family Canidae (such as wolves, dingos, coyotes, and jackals); and
 - b. Order Marsupialia (such as kangaroos and opossums); and
 - c. Order Chiroptera (bats); and
 - d. Order Edentata (such as sloths, anteaters, and armadillos); and
 - e. Order Proboscidea (elephants); and
 - f. Order Primata (including, but not limited to, monkeys, chimpanzees, and gorillas); and
 - g. Order Ungulata (expressly excluding any animal which would be included within the definition of "domestic animal" in subsection O of this section), including, but not limited to, antelope, deer, and bison.
4. Any non-domestic species when kept, maintained, or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings, or to the property of human beings.
 5. Any species of animal which is venomous to human beings, whether its venom is transmitted by bite, sting, touch, or other means, except honey-producing bees.
 6. Any hybrid animal that is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the State of California.

(Ord. 405-98 § 1 (part), 1998)

6.04.020 - Short title.

This chapter shall be known as, and may be cited and referred to as, the "animal control ordinance."

(Ord. 405-98 § 1 (part), 1998)

6.04.030 - Legal effect of license.

- A. The issuance by animal control and the acceptance by the owner of any license or permit to keep an animal as provided for herein is prima facie evidence that the owner agrees to comply with the terms and conditions set forth in this chapter and that the owner has satisfied the basic licensing requirements under this chapter. Such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations or to any other applicable rule, regulation or statute. For purposes of the administration of this chapter, if, pursuant to the issuance of official written notice, approval has been given by the office or agency responsible for the administration of the rule, regulation, or statute in question, such approval shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation or statute in question.
- B. Exemptions. The licensing regulations in this chapter do not apply to the following:
 1. Owners of animals kept as all or part of the stock of (a) nonprofit zoological gardens open to the public, (b) pet shops, (c) circuses, or (d) animal exhibits when such enterprises are operated under business licenses granted by the City.
 2. Service dogs that have been trained and certified to assist the blind, deaf, or physically challenged.

(Ord. 405-98 § 1 (part), 1998)

6.04.040 - Prohibited conduct.

No owner of any animal, wild or domestic, shall permit or suffer the animal to do any of the following:

- A. Be at large;
- B. Bite, scratch, or claw any human being or other animal without provocation;
- C. Act or be kept in such a manner as to constitute an animal nuisance within the meaning of this chapter. Nothing contained herein shall be construed to apply to animal noises emanating from legally operated veterinary hospitals, humane societies, animal shelters, farm or agricultural facilities, or areas where the keeping of farm animals or fowl is permitted
- D. Endanger the life or health of any person;
- E. Damage the property of any person or entity; or
- F. Be afflicted with and not be receiving medically accepted treatment for zoonotic or other communicable diseases.

(Ord. 405-98 § 1 (part), 1998)

6.04.045 - Maximum number of domestic animals.

The number of all domestic animals allowed per household or on any premises shall not exceed five (5) animals in total, and not more than:

- A. Five (5) dogs;
- B. Five (5) cats;
- C. Two (2) potbellied pigs;
- D. Three (3) rabbits;
- E. Three (3) egg-laying hens.

Additional animals may be permitted only if the zoning requirements for the premises allow for the operation of a kennel or cattery, and the owner or occupant has obtained the necessary permits and/or approvals to operate a kennel or cattery on the premises, as required by the Chowchilla Municipal Code and any other applicable law.

6.04.050 - Animals in vehicles.

- A. No person other than an individual transporting working dogs within agricultural or rural areas of the City shall transport or carry on any public highway or public roadway, any animal, wild or domestic, in or by a motorized vehicle unless the animal is as follows:

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1. Safely enclosed within the vehicle, in such a manner not to interfere with the operation of the vehicle;
 2. Protected within a secured container carried within, upon, or by such a vehicle; or
 3. Securely cross-tethered or secured to such vehicle by rope, chain, or other device(s) in a fashion which prevents injury to the animal from falling from, being ejected from, or jumping from said vehicle.
- B. No person shall leave an animal, wild or domestic, in any unattended motorized vehicle without adequate ventilation, in unhealthful conditions which adversely affect its health, safety, or well-being.

(Ord. 405-98 § 1 (part), 1998)

6.04.060 - Fouling.

It shall be the duty of any person having custody of a dog to curb said dog and immediately remove any feces deposited by the dog on any public property or private property not belonging to the dog owner to a proper receptacle. Unsighted persons while relying on a guide dog shall be exempt from this section.

(Ord. 405-98 § 1 (part), 1998)

6.04.070 - Dogs at large.

- A. No person shall permit or suffer a dog to stray from private property owned or legally possessed by the dog owner or the person who has a right to control the dog unless the dog is restrained by a leash or lead not exceeding eight feet in length, except in the following situations:
1. When the dog is assisting a peace officer who is engaged in law enforcement duties or when the dog is participating in a search and rescue effort at the specific request of a law enforcement authority;
 2. When the dog is enrolled in and at that time participating in a dog training or obedience course, exhibition, or competition conducted by an organization on private or public property with the permission of the owner or operator of the grounds of facilities;
 3. When the dog is assisting the owner or person in charge of livestock in the herding or control of such livestock.
- B. Dog at Large Causing Injury. Any owner of any dog which is running at large as described in this section that causes injury through indirect or direct action is guilty of a misdemeanor.

(Ord. 405-98 § 1 (part), 1998)

6.04.080 - Livestock at large.

- A. No person shall permit or suffer livestock to stray from private property owned by the owner of such livestock or from private property to which such owner has a right of possession, except in the following situations:
1. When the livestock is being led, driven, or conducted along a public road or street during daylight hours under the supervision and control of its owner;
 2. When the livestock is on public property with the consent of the owner or operator of the grounds or facilities, or on private property with the consent of the owner, lessee, or other person in control thereof, and such property is lawfully fenced;
 3. When the livestock is on designated open range areas.

- B. The owner of any livestock found at large in violation of this section shall, in addition to any other penalties imposed, be liable for the salaries, costs, and other expenses incurred by the division in restraining, capturing, or rescuing such livestock if such owner is responsible for the livestock being at large. The salaries, costs, and expenses of the division shall be determined by the director with the concurrence of the city auditor.

(Ord. 405-98 § 1 (part), 1998)

6.04.090 - Lawful fence.

Any person who owns or is responsible for the care, custody, or control of livestock must maintain the animals within a lawful fence as outlined in Food and Agriculture Code Sections 17121 and 17152. A lawful fence is good, strong, substantial, and sufficient to prevent the ingress and egress of the animals housed. No wire fence is a good, substantial fence within the meaning of this section unless it has a minimum of three tightly stretched barbed wires, securely fastened to posts of reasonable strength and not more than ten feet apart. One wire must be at least four feet above the ground. Unless otherwise indicated in this chapter, violation of this section is an infraction.

(Ord. 405-98 § 1 (part), 1998)

6.04.100 - Proper care.

The owner of any animal, wild or domestic, shall provide proper and adequate food, water, shelter, qualified medical care, and attention for such animal at a level that ensures the animal's safety, good health, and well-being. The owner shall maintain any enclosures or surroundings where the animal is kept in a sanitary condition.

(Ord. 405-98 § 1 (part), 1998)

6.04.110 - Obstruction.

Any person who prevents, resists, threatens, or obstructs an attempt by the Animal Control Manager pursuant to this chapter to inspect or impound an animal or any person who conceals or secretes any animal subject to inspection or impoundment or any owner who fails to relinquish upon lawful demand any animal to be impounded shall be guilty of a misdemeanor.

(Ord. 405-98 § 1 (part), 1998)

6.04.120 - Misrepresentation.

No person shall willfully make a false or misleading statement or representation to the Animal Control Manager acting in their official capacity, regarding the ownership or right to custody or control of an animal for which a permit or license is required, or regarding the ownership of an animal redeemed from, relinquished to, impounded by, or taken up by the Animal Control Manager pursuant to this chapter.

(Ord. 405-98 § 1 (part), 1998)

6.04.130 - Unfounded emergency visit.

- A. The Animal Control Manager is authorized to charge and collect a fee from any person who calls the Animal Control Manager to a residence requesting emergency assistance when, upon arrival, the

Animal Control Manager determines either (1) that the emergency is unfounded, or (2) that the person requesting the assistance is not at the residence.

- B. The amount of the fee authorized under this chapter shall be the weighted average hourly rate for the costs to the animal control division of such services as determined annually by the City of Chowchilla Auditor's office.

(Ord. 405-98 § 1 (part), 1998)

6.04.140 - Duty to report bite.

It is the duty of any person having knowledge that any animal capable of transmitting rabies has bitten or otherwise exposed to rabies a human being within city of Chowchilla to immediately report that fact to the health officer or the Animal Control Manager and to furnish complete information thereof, including, but not limited to, any knowledge of the whereabouts of said animal.

(Ord. 405-98 § 1 (part), 1998)

6.04.150 - Notice of escape.

Any person keeping, harboring, maintaining, or owning a dangerous, vicious, or wild animal that escapes from its confinement shall immediately notify the Animal Control Manager of such escape. Notification shall first be by phone and shall be followed with a written notification that includes the following information, as known:

- A. The date, place, and time of the animal's escape;
- B. A description of the animal and its condition at the time of escape; and
- C. The name, address, and residential and occupational telephone numbers of the owner of the animal.

(Ord. 405-98 § 1 (part), 1998)

6.04.160 - Authority to set fees.

Unless a fee amount is specifically provided within this chapter, the City Council shall by resolution, from time to time, establish fees including but not limited to fees for impoundment, licensing, kenneling, adoption, and boarding of animals.

(Ord. 405-98 § 1 (part), 1998)

6.04.170 - Incidental fee.

The Animal Control Manager is given the authority to charge fees for transporting, receiving, surrendering, tranquilizing, and cremating animals as set forth in the city of Chowchilla Police Department, Division of Animal Control fee schedule. In addition to the foregoing, the Animal Control Manager may charge fees to recover the costs of services not specifically mentioned or required by this section up to a maximum of twenty-five dollars with the City Council's approval.

(Ord. 405-98 § 1 (part), 1998)

6.04.180 - Jurisdiction.

The Animal Control Manager, under direction, shall supervise the animal control center and all animal control personnel.

- A. Responsibility. The Animal Control Manager is responsible for the regulation and the enforcement of this chapter and other laws dealing with animals existing within the incorporated territory of the City. The duties of the Animal Control Manager shall include, but not be limited to, the following:
 - 1. To administer the animal control center and keep such records as may be required;
 - 2. To take up and impound animals which are in violation of this chapter;
 - 3. To remove and dispose of the carcass of any animal found on any city roadway, street, alley, or other public place;
 - 4. To quarantine animals and to cooperate with the County Health Officer;
 - 5. To administer licensing and permit programs as provided for in this chapter; and
 - 6. To abate animal nuisances.
- B. Rules and Regulations. The Animal Control Manager may formulate rules and regulations in conformity with and for the purpose of carrying out the intent of this chapter. Compliance with such rules and regulations shall be a prerequisite to the issuance and continued validity of any license or permit provided herein.
- C. Authority to Arrest and to Issue Citations. In the performance of their duties, the Animal Control Manager and each Animal Control Officer shall have the authority and immunities of public officers and employees as set forth in California Penal Code Section 836.5 to make arrests without a warrant or to issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the California Penal Code whenever they have probable cause to believe that the person to be arrested has committed a violation of this title or of any ordinance or statute which they have the duty to enforce.
- D. Authority to Pursue. In the performance of their duties, the Animal Control Manager and each Animal Control Officer shall have the authority, when in pursuit of an animal which is in violation of a provision of this code, to go upon the property of the owner or a third person for the purpose of impounding the animal, provided that in the course of such pursuit he or she shall exercise reasonable care to avoid causing damage to the property and shall comply with Section 6.04.190(B) of this chapter.
- E. Authority to Use Tranquilizer Equipment. In the performance of their duties, the Animal Control Manager and each Animal Control Officer shall have the authority to employ the use of tranquilizer equipment and all other animal control devices commonly used by other animal control agencies located within the state of California.
- F. Authority to Destroy. The Animal Control Manager shall have the authority, when a clear and present danger to public safety exists and reasonable means of capture have failed, to direct the humane destruction of an animal in the field.

(Ord. 405-98 § 1 (part), 1998)

6.04.190 - Animals subject to impoundment.

- A. Any animal shall be taken up and impounded at the animal control center (or at such other place as may be approved by the Director if, to the knowledge of the Animal Control Manager, any of the following conditions exist:
 - 1. Said animal is engaged in an activity or existing in a condition prohibited by this chapter;
 - 2. Said animal is or will be, without proper care due to the injury, illness, death, incarceration, or other involuntary absence of the owner or person responsible for the care of such animal; or

3. Said animal is required to be quarantined.
- B. Impoundment on Private Property. An animal which has become subject to impoundment while off the property of its owner and has returned to the same shall not be impounded if the owner is present to accept a citation for the offense, unless, except as provided in Section 53074 of the California Government Code, a clear and present danger to public safety exists by virtue of the animal remaining upon the property.
- C. Notice of Impoundment. When an animal wearing a current City of Chowchilla license is impounded, the Animal Control Manager shall attempt to notify the owner of record by telephone or by mail of the date and place of impoundment or removal.
- D. Duration.
1. All impounded dogs found wearing a current city of Chowchilla dog license tag shall be kept in the animal control center or other authorized place of impoundment for a period of not less than five calendar days after the day of impoundment unless redeemed within such period except as provided in subsection F of this section.
 2. All impounded dogs not wearing a current city of Chowchilla dog license tag shall be kept in the animal control center or other authorized place of impoundment for a period of not less than three calendar days after the day of impoundment unless redeemed within such period except as provided in subsection F of this section.
 3. Any animal impounded pursuant to subsection (A)(2) of this section shall be kept in the animal control center or other authorized place of impoundment for at least ten calendar days.
 4. Any other impounded animal shall be kept in the animal control center for at least three calendar days after the impoundment unless it is redeemed within such period.
 5. Any animal which is voluntarily surrendered to or deposited with the Animal Control Manager by the owner shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.
 6. Any feral animal shall not be kept or retained for any minimum period of time.
 7. Any impounded animal which is of a type referred to in Section 17003 of the California State Agricultural Code shall be kept in the animal control center or other authorized place of impoundment for at least five calendar days unless it is redeemed within that period.
- E. Redemption.
1. The owner of any animal impounded may redeem the animal by paying all fees and charges accrued at any time before the expiration of the period of impoundment and, if the animal is subject to the licensing provisions of this chapter, by satisfying all licensing requirements before the animal is released. (Except animals that are currently quarantined for a bite.)
 2. If the impounded animal is not currently vaccinated against rabies as required, and the owner has not previously been cited for failure to license, or the animal has not been previously impounded within the preceding thirty days, the animal may be released to the owner upon payment of all fees required (including the license fee and penalty fee, if applicable) on condition that the owner shall:
 - a. Have the animal vaccinated for rabies in accordance with Section 6.04.210 of this chapter within fourteen calendar days; and
 - b. Exhibit a valid certificate of such vaccination to the Animal Control Manager within fourteen calendar days, at which time the license will be issued. Otherwise, the subject animal must be vaccinated against rabies by a veterinarian designated by the Animal Control Manager prior to redemption. The cost of the vaccination and any other costs accrued accomplishing the vaccination, including additional impoundment fees, must be satisfied before the animal is released.
- F. Disposition of Impounded and Surrendered Animals.

1. Except as otherwise provided in this chapter, an impounded animal which is not redeemed within the applicable holding period specified in this chapter or an animal voluntarily surrendered to the Animal Control Manager, except an animal that has been impounded for quarantine or is known to have bitten a human or to have demonstrated dangerous or vicious propensities, may, at the discretion of the Animal Control Manager, be sold for its fair market value as determined by the Animal Control Manager and upon reasonable conditions as the Animal Control Manager finds appropriate or may be destroyed.
 2. When any unsterilized dog or cat is to be sold pursuant to this section, prior to the delivery of the animal there shall be deposited by the purchaser with the Animal Control Manager an amount of money which shall be a deposit for spaying or neutering of the purchased animal pursuant to Food and Agriculture Code Sections 3053 and 31751. The amount of said deposit shall be designated by the Animal Control Manager and shall cover the approximate average cost of spaying or neutering. It shall not exceed the maximum fee set forth in Food and Agriculture Code Sections 3053 and 31751. The deposit shall be refunded to the purchaser of the animal upon presentation of written proof of spay or neuter to the Animal Control Manager. The written proof must be provided within sixty days, in the case of a dog or cat over the age of six months and within six months for dogs and cats under six months of age. All refunds are processed through the City Auditor's office. Failure to provide written proof of sterilization within the required time period will result in the forfeiture of the deposit. Those funds that have been deemed forfeited may be deposited in the City Treasury for uses set forth in Sections 3053 and 31751 of the Food and Agriculture Code. Further, it shall constitute a misdemeanor to fail to sterilize any dog or cat adopted from the City's animal shelter, and the unsterilized animal may be impounded.
 3. When an animal is sold, the receipt issued by the Animal Control Manager shall be valid title to the purchaser.
 4. Notwithstanding any other provision of this chapter to the contrary, an impounded animal which is determined by the Animal Control Manager or the Health Officer to constitute a health hazard or which is critically injured or ill may be destroyed or otherwise disposed of as ordered by the Animal Control Manager upon the concurrence of the Health Officer or a licensed veterinarian.
- G. Livestock Hauling Fee.
1. When it is necessary for the impoundment of livestock or large quadruped animals to utilize specialized hauling equipment, the owner of the animals shall be charged a livestock hauling fee.
 2. The Animal Control Manager shall establish a schedule of fees for hauling livestock. Such schedule of fees shall reflect the approximate cost of impounding and hauling the livestock or other large animals, including labor and transportation.
- H. Impoundment Fees. The Animal Control Manager shall charge and collect fees for every impounded animal when claimed and before release. The amount of said fees shall be established as provided in Section 6.04.160 of this chapter.
- I. Absence of Liability. No liability shall be incurred for the disposition of any animal made pursuant to the provisions of this chapter.
- J. Relief from Fees. Upon the recommendation of the Animal Control Manager to the Director and with the approval of the City Council, the fees provided for by this chapter may be waived when animals have been impounded because of civic disorganization, disruption, or other conditions of civil emergency or because of devastation due to fire, flood, earthquake, storm, or other natural calamity.
- K. Waiver of Fees. The Director may authorize the Animal Control Manager to waive, in full or in part, fees, exclusive of licensing, or permit fees, if necessary to accomplish the protection of animal or public health, safety, or welfare, or if the owner provides satisfactory evidence that he or she was not at fault, explicitly, for the impoundment or keeping of the animal at the animal control center.
- L. Rental of Traps. Traps for live-trapping of animals may be maintained and rented to the public by the Animal Control Manager. The period of use shall be seven calendar days. A deposit shall be collected

for each trap and shall be refunded upon return of the trap in good condition. The Animal Control Manager shall establish a schedule of fees for trap deposit and rental.

(Ord. 405-98 § 1 (part), 1998)

6.04.200 - Quarantine.

- A. 1. The Animal Control Manager shall ensure that all animals falling into the following categories shall be isolated or quarantined or destroyed and a rabies specimen taken at the animal control center or at such other place and under such conditions as are prescribed by the health officer or authorized according to other applicable California State laws and regulations:
- a. Known rabid animals;
 - b. Suspected rabid animals;
 - c. Animals that have bitten or otherwise exposed a human to rabies; and
 - d. Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a known rabid or suspected rabid animal.
 - e. The period of quarantine will be for ten days.
2. In those circumstances where the bite or exposure to rabies occurred while the victim was on the property of the owner of the animal, or when the victim is a member of the family or household of the owner, and when the animal is currently vaccinated against rabies and, as applicable, licensed as required by the provisions of this chapter, the animal may, at the discretion of the Animal Control Manager, be quarantined on the property of the owner provided the following:
- a. The owner of said animal can and does agree to ensure its confinement for the period of quarantine;
 - b. The owner agrees, upon demand of the Health Officer or the Animal Control Manager during the period of quarantine, to surrender the animal to the Animal Control Manager;
 - c. The owner agrees to immediately notify the Animal Control Manager if the animal escapes, becomes ill, or dies;
 - d. The period of quarantine will be for ten days.

It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the Health Officer.

- B. Nonvaccinated Biting Animals Fee. Notwithstanding any other provision of this chapter, the owner of any animal which is required by law to be vaccinated for rabies and which has not been so vaccinated and which bites or wounds any person or other animal shall be subject to a fee as set forth in the Department of Agriculture, Division of Animal Control, fee schedule. Said fee shall be payable to the Animal Control Division.
- C. Delivery of Carcass. Upon the death of any known rabid animal, suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the Animal Control Manager shall obtain and hold for the Health Officer the carcass of the animal or an adequate specimen thereof, except that the Animal Control Manager is not responsible for the gathering of a specimen from the carcass of an animal.
- D. Epidemics. The Health Officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs or other animals in the county or any part thereof. Upon making such a declaration, the Health Officer shall prepare and promulgate such rules and regulations as are necessary for the conduct of all persons within the area where the dangerous condition exists and the dogs and other animals within the area. These rules and regulations of the Health Officer may include but are not limited to quarantine, vaccination, and destruction of diseased or suspected rabid or stray animals by humane methods. Such rules and regulations shall be effective when filed with the

Clerk of the Board of Supervisors. It shall be the duty of the Animal Control Manager to comply with all directives of the Health Officer in the enforcement of the rules and regulations. A violation of any such rules and regulations shall be deemed a violation of this chapter.

(Ord. 405-98 § 1 (part), 1998)

6.04.210 - Vaccination.

- A. Every dog over four months of age shall have a medically current vaccination with an appropriate anti-rabies vaccine approved by the California State Department of Health Services.
- B. Every person who owns or comes to own an unvaccinated dog over four months of age shall have thirty calendar days in which to comply with the provisions of this chapter.
- C. Every veterinarian shall issue a certificate to the owner after vaccinating a dog or cat for rabies. The certificate shall include the following information:
 - 1. The owner's full name, address, and telephone number;
 - 2. The breed, age, sex, and color or markings of the animal;
 - 3. The date of immunization;
 - 4. The type of vaccine administered;
 - 5. The name of the vaccine manufacturer;
 - 6. The lot number of the vaccine used; and
 - 7. The signature of the veterinarian administering the vaccination or the veterinarian's agent.
- D. If a copy of the certificate is on file with the Animal Control Manager, a duplicate copy may be provided when requested by the owner of the animal. An administrative fee shall be charged for each duplicate certificate issued.
- E. The owner must maintain the certificate of vaccination, or a copy thereof, and must display said certificate for examination upon demand of a public or peace officer acting within the course and scope of their employment.
- F. Upon written proof provided by a veterinarian that an animal has a medical condition that would cause it to be endangered by receiving anti-rabies vaccination and upon written acceptance of such proof by the Health Officer, the Animal Control Manager may exempt the animal from the vaccination requirements herein so long as the animal is confined at all times and so long as the medical condition is proven to exist.

(Ord. 405-98 § 1 (part), 1998)

6.04.220 - Duty of veterinarians to furnish rabies vaccination certificates.

Upon request by the Animal Control Manager, every veterinarian practicing veterinary medicine within the City of Chowchilla shall furnish Animal Control Manager with a copy of every rabies vaccination certificate prepared by them. Said certificates may be mailed to the Animal Control Manager or made available at the veterinarian's office.

(Ord. 405-98 § 1 (part), 1998)

6.04.230 - Unlicensed vaccinated animals.

Whenever any agent or staff of the City of Chowchilla Police Department discovers through a vaccination certificate obtained from any veterinarian that an animal named thereon is unlicensed, the owner of such animal will be notified by mail that such animal is unlicensed and that such animal must be licensed within fifteen (15) days of the date of the notice. The owner of any such dog which has been previously licensed in City of Chowchilla shall be subject to a delinquent fee as set forth in Section 6.04.260 of this chapter. The owner of any such dog which has never been previously licensed in the City of Chowchilla who obtains a license within fifteen (15) days of the date of said notice shall be subject to an administrative fee plus the license fee or any other applicable fee. The owner of such dog license has never been previously licensed in the city of Chowchilla who does not obtain a license within fifteen (15) days of the date of said notice shall be subject to a delinquent fee as set forth in Section 6.04.260 of this chapter, plus the license fee or any other applicable fee.

(Ord. 405-98 § 1 (part), 1998)

6.04.240 - Unlicensed Animals.

Every owner of an unlicensed or untagged dog or potbellied pig shall be deemed to be in violation of this chapter and is guilty of a misdemeanor.

(Ord. 405-98 § 1 (part), 1998)

6.04.250 - Unvaccinated dogs.

Every dog owner that does not have a current vaccination for rabies as evidenced by an official certificate therefor shall be deemed to be in violation of this chapter and guilty of a misdemeanor.

(Ord. 405-98 § 1 (part), 1998)

6.04.260 – Animal licenses.

- A. Every person owning, possessing, keeping, harboring, or having custody of any dog over four (4) months old and all pot-bellied pigs shall obtain a license for each dog and potbellied pig. Such license shall be obtained, and the fee therefor paid, within thirty (30) days after the day upon which a dog is four (4) months old, within thirty (30) days after acquisition of a dog if over four (4) months old, within thirty (30) days after acquisition of potbellied pig, or within thirty (30) days of moving into the City. Thereafter, such license fee shall become due and payable on the date of expiration of the license previously issued to the owner for each respective animal. The amount of such fee shall be established in accordance with Section 6.04.160 of this chapter. A partial year license may be issued for dogs that are new acquisitions and have a rabies vaccination that is valid for less than twelve (12) months. The license fee will be one-half the regular one-year (1) license fee. The license will expire with the rabies vaccination and is subject to renewal as outlined above.
- B. The license fee may be prepaid for a one (1) year or three (3) year period, provided that for dogs, the applicant presents a valid rabies vaccination certificate valid for the entire term of the license. The license shall become due again when the applicable rabies vaccination expires.
- C. Upon the written certification of a veterinarian that a dog has been surgically sterilized, the amount of the license fee shall be not more than one-half the fee established for intact dogs.
- D. No animal license shall be issued for any dog vaccinated with a vaccine not authorized by the state of California. Should a rabies vaccination not be valid for twelve months from the date of application, the owner may elect to either:
 1. Be issued a license at one-half the regular one-year rate as outlined in subsection A of this section;
or

2. Re-vaccinate and be issued a license at full price which shall be valid for at least twelve months.
- E. An animal license fee shall become delinquent thirty calendar days after it becomes due and payable. Upon delinquency, an additional delinquent fee as established in accordance with Section 6.04.160 of this chapter shall be added to the regular fee. Any unpaid delinquent fee shall be added to the succeeding year's license fee.
 - F. The Animal Control Manager shall procure and issue serially numbered tags stamped with the City's name. The tag shall only be issued upon the application of owners who have complied with the vaccination and fee provisions of this chapter.
 - G. Upon presentation by the animal owner of a properly completed license application form, including proof that the rabies vaccination will be valid throughout the licensing period, and the payment of the applicable license fee, and any delinquent fee, the Animal Control Manager shall issue an animal license. The owner shall retain the animal license form for inspection by the Animal Control Manager upon request.
 - H. Every dog and every potbellied pig shall have a suitable collar, harness, or other device to which the animal tag can be affixed. The animal owner shall ensure that the animal wears a license tag at all times except when the animal is being prepared for an exhibit at an animal show.
 - I. A license tag issued for one animal shall not be transferred or attached to any other animal.
 - J. A license issued to one owner shall not be transferred to another owner.
 - K. Whenever a license tag is lost, stolen, or damaged, the owner shall apply for and obtain a replacement tag from the Animal Control Manager upon payment of the prescribed replacement fee.
 - L. A fee shall not be levied for any animal license issued for a seeing-eye dog owned by a blind or partially blind person or for any service dog in training or one that has been duly trained and registered with a training agency to assist a disabled person when such dog is actively used for the purpose trained, or for any dog primarily used to assist a peace officer engaged in law enforcement duties.
 - M. Notwithstanding anything in this chapter to the contrary, when an owner brings into the City a dog or potbellied pig which has been licensed in another jurisdiction, the dog or potbellied pig shall be licensed within thirty calendar days as outlined in this chapter. If the license from the other jurisdiction is valid for at least twelve months, a one-year license may be obtained for replacement tag fees upon the surrender of the other jurisdiction's license and the proper completion of a license application.
 - N. Kennel Permit Exemption. Any person or place of business that has properly applied for and received a valid kennel permit as outlined in Section 6.04.270(C) of this chapter is exempt from licensing each individual dog as described in this section. This exemption does not relieve the permit holder of the responsibility of vaccination as outlined in Section 6.04.210 of this chapter.

(Ord. 405-98 § 1 (part), 1998)

6.04.270 - Kennels or catteries.

- A. Purpose. The purpose of this chapter is to establish special regulations applicable to the following:
 1. The operation of kennels as defined in subsection U of Section 6.04.010 of this chapter;
 2. The keeping of wild animals as defined in subsection AC of Section 6.04.010 of this chapter; and
 3. The operation of catteries as defined in subsection H of Section 6.04.010 of this chapter.

The operation of kennels or catteries and the keeping of wild animals constitute types of activity which require special investigation, review and regulation to ensure that both public and animal health, safety, and welfare are protected. The necessity to conduct such investigation, review and regulation arises for reasons that include, but are not necessarily limited to, the following: (i) the fact that such activities create health or safety risks which require special

regulation and (ii) the tendency of such activities to create, whether intentionally or unintentionally, a public nuisance.

- B. Permits. Within the context of this chapter and unless otherwise stated, "permits" shall include licenses issued by the Animal Control Manager pursuant to the provisions of this chapter which authorize either the maintaining and operating of a kennel or cattery (a Kennel/ cattery permit) or the keeping of a wild animal (a wild animal permit) but shall not include licenses issued by the Animal Control Manager pursuant to the provisions of Section 6.04.260 which authorize the keeping of a dog.
- C. Permit Required.
1. No person shall maintain or operate a kennel or cattery or keep, harbor, or maintain a wild animal within the geographic area of the city governed by this chapter without first, being appropriately zoned for such activity and second, applying to and receiving from the Animal Control Manager an annual permit to do so.
 2. A person shall be deemed to maintain or operate a kennel if the person keeps, harbors, or maintains more than five dogs over four months of age.
 3. A person shall be deemed to maintain or operate a cattery if the person keeps, harbors, or maintains more than five cats over six months of age.
 4. The following shall be exempt from the requirements of this chapter:
 - a. Persons keeping wild animals solely and exclusively as part of a bona fide rehabilitation or educational activity sanctioned by the state of California, Department of Fish and Game; and
 - b. Nonprofit enterprises recognized by the state of California as animal shelters or humane societies which shelter animals.
 5. If a person operates more than one kennel or cattery or maintains wild animals at more than one address, a separate permit shall be required for each location where the person maintains a kennel or cattery or keeps a wild animal.
- D. Special Regulations. As outlined in this section, the operations of kennels or catteries in appropriately zoned areas and the keeping of wild animals are subject to special regulations governing their operations. Any such regulations not specifically set forth herein shall be promulgated by the appropriate officer and shall be effective when approved by the Director.
- The issuance of a permit shall not be deemed to relieve or excuse the owner from the provisions and requirements of Chapter 6.04 in its entirety; nor from any other applicable requirement as set forth in existing federal, state, or local zoning codes, health and safety codes, business codes or other laws, ordinances, or requirements governing the operation of such a kennel or cattery enterprise or the keeping of such wild animals.
- E. Application Filing. All applications for a permit shall be filed, with the required fees, with the Animal Control Manager. Applications for a kennel/cattery permit shall be accompanied by copies of the rabies vaccination certificates for all dogs or cats to be kept pursuant to the kennel/cattery permit. The Animal Control Manager shall receive any fee required for the application, assure that the application is complete, and conduct such investigation and review as is necessary for action. The application for a permit shall contain such information and be filed on a form as is prescribed by the Animal Control Manager.
- F. Fees.
1. The fee for issuing a permit shall be due and payable by the owner within thirty (30) calendar days of the establishment of the kennel or cattery or the keeping of the wild animal within the county and thereafter on the same date each calendar year. The amount of the permit fee shall be established pursuant to Section 6.04.160 of this chapter.
 2. The fee for a permit becomes delinquent fourteen (14) calendar days after it becomes due and payable, and upon delinquency, an additional delinquent fee as established pursuant to Section 6.04.160 of this chapter shall be added to the regular fee.

- G. Investigation. The Animal Control Manager shall conduct such investigation of the background of the owner and the applicant and the history and physical condition of the kennel or cattery or keeping of the wild animal, including physical inspection of the premises, as is deemed appropriate. The Animal Control Manager shall consider any revocation of prior permits or conviction on charges directly related to animal cruelty involving the applicant or owner as evidence of disregard for the purposes of this chapter. Such character evidence may be used as cause for denying the application for a permit.
- H. Issuance. The Animal Control Manager shall issue the permit within ninety days after the date of application unless either:
1. The Animal Control Manager finds in writing that the applicant fails to provide the information requested with the application that is essential to making a determination;
 2. The Animal Control Manager finds in writing that any of the statements made in the application or supplementary information submitted are incorrect or untrue;
 3. The Animal Control Manager finds in writing an authorized basis for denial of the permit;
 4. The Animal Control Manager finds in writing that the applicant does not satisfy any requirement applicable to the permit; or
 5. The Animal Control Manager finds in writing that the applicant or enterprise does not conform to existing federal, state, or local zoning codes, health and safety codes, business codes, or other laws, ordinances, or requirements governing the operation of such a kennel or cattery enterprise or the keeping of such wild animal.
- I. Conditions. The Animal Control Manager may issue a permit upon such conditions relating to the method or manner of operation of the kennel or cattery or the keeping of wild animals as the Animal Control Manager deems necessary to protect the health and safety of the public or the animals kept.
- Any condition imposed pursuant to the provisions of this section, whether established at the time of issuance, at the time of renewal, or during the term of a permit, shall be embodied, together with the reasons therefor, in a written notice which is served upon the applicant or holder. The condition shall become effective fourteen (14) calendar days following the date of service of the notice thereof; provided that in the event an appeal therefrom is filed within the time and in the manner prescribed, the condition shall not become effective until the appeal is finally determined.
- J. Contents of Permits. The permit shall contain a complete description of the kennel or cattery or place of keeping authorized by the permit; the business name (if applicable), address, and telephone number of the location so permitted; the name, address, and business and home telephone numbers of the owner of the kennel or cattery or the keeper of the wild animal, the number of animals to be kept pursuant to the permit, and any conditions upon which the permit is issued. The kennel/cattery permit or the wild animal permit or a copy thereof shall be made available for inspection upon demand by any public or peace officer acting within the scope and course of their employment.
- K. Changes in Status. During the term of any permit issued pursuant to this section, the holder of the permit shall immediately file, in writing with the Animal Control Manager, a notice of any changes in the kennel or cattery or the location of keeping of the animal which relate to changes in the information given in the application for the permit. The Animal Control Manager shall issue an amended permit that shows any changes in the permit.
- L. Renewal of Permits. Approximately forty-five (45) calendar days prior to the expiration of the permit term, the Animal Control Manager shall transmit to the permit holder by mail a renewal application. The renewal application shall be on such a form and include such information as the Animal Control Manager requires and as is consistent with the information required in subsection E and G of this section. The Animal Control Manager shall act upon the renewal application not later than thirty (30) calendar days after the date the completed renewal application is filed.

The Animal Control Manager shall extend the term of the immediately preceding permit during the period of any investigation or examination required to determine whether the permit should be renewed.

- M. Standards. The Animal Control Manager shall, with the approval of the Director, set minimum standards for the proper care and maintenance both of a kennel or cattery or a place of keeping of wild animals and of the animals kept therein which are, at a minimum, consistent with applicable state and federal standards. A copy of such standards shall be provided in writing to the applicant with each initial application for or application for renewal of a permit.

The Animal Control Manager shall notify each permit holder no less than ninety (90) calendar days in advance of any proposed change in the standards and shall advise the permit holder that comments regarding any change may be submitted to the Director for review and consideration within thirty calendar days of notification. No change in the standards may be put in force without authorization of the Director given at least thirty (30) calendar days in advance of the proposed effective date of the change.

- N. Compliance with Standards. Each applicant or permit holder must demonstrate that the premises, facilities, cages, vivariums, aquariums, and equipment addressed in the permit comply with the standards on an ongoing basis. Upon request of the Animal Control Manager, and during normal business hours or by a mutually agreed time for the appointment, the applicant or permit holder must make the premises, facilities, cages, vivariums, aquariums, and equipment available for inspection by the Animal Control Manager. Failure to allow visual inspection as required shall be deemed a failure to comply with the requirements of this chapter and shall be considered cause for denial of application or revocation of the permit.
- O. Failure to Comply with Standards. If the applicant or permit holder fails to meet the requirements set in the standards, the Animal Control Manager shall notify the applicant or permit holder in writing within three (3) calendar days of discovering the failure to comply with the standards. The written notice shall advise the applicant or permit holder of any existing deficiency and the corrective measures that must be taken and completed to bring the premises, facilities, cages, vivariums, aquariums, and equipment into compliance with the standards.

The applicant or permit holder shall be given no more than thirty (30) calendar days and no less than fourteen (14) calendar days to complete the corrective measures, except that if any deficiency threatens the health or welfare of the animals kept or of the public, such corrective measures shall be made immediately or no later than one (1) day after the discovery of the deficiency.

Failure to correct the noted deficiencies as required shall be deemed a failure to comply with the standards and shall be considered cause for denial of the application or revocation of the permit and may be considered cause for animal nuisance.

- P. Grounds for Denial or Revocation. The Animal Control Manager may deny an initial permit application or renewal application or may revoke a permit during its term if written findings described by subsections N and O of this section are made.
- Q. Method of Denial or Revocation. A denial of an initial permit application or renewal application or revocation of an existing permit made by the Animal Control Manager shall be in writing, with the reasons for denial or revocation stated. Written notice of the denial or revocation, together with a copy of the provisions of this section and the standards and any other provisions of this chapter that apply to the permit, shall be served either in person or by mail to the applicant or permit holder.

Denial of an initial permit application or renewal application or revocation of an existing permit shall prohibit operation of the kennel or cattery or keeping of the wild animal(s) at any location within the unincorporated area of the City which is governed by this chapter.

With respect to denial of an application for renewal of a permit or revocation of an existing permit, the immediately preceding permit shall be deemed to be in full force and effect for fourteen (14) calendar days following the date of service upon the applicant or permit holder of the notice of denial or revocation. In the event the applicant files an appeal from the denial or revocation in the manner and within the time prescribed by subsection R of this section, the immediately preceding permit shall continue in full force and effect during the pendency of the appeal, until the date of the final decision by the appellate authority.

- R. Appeals. The holder of a permit or applicant therefor may file an appeal from the following:

1. The denial of an initial application for or application for renewal of a permit pursuant to the provisions of subsection Q of this section;
2. The imposition of conditions at the time of issuance of an initial or renewed permit, pursuant to the provisions of subsection I of this section; or
3. The revocation of an existing permit pursuant to the provisions of subsection Q of this section.

Any such appeal shall be in writing in the form of an affidavit, shall state the specific reasons therefor and grounds asserted for relief, shall be signed under penalty of perjury, and shall be filed with the Animal Control Manager no later than fourteen (14) calendar days after the date of service of the notices prescribed by subsections I and Q of this section, as may be applicable. If an appeal is not filed within the time or in the manner prescribed above, the right to review the denial, conditions, or revocation shall be deemed to have been waived.

Upon receipt of the appeal, a hearing shall be set in accordance with the provisions of Section 6.04.300 of this chapter.

- S. Effect of Revocation. The revocation of a permit shall terminate the right of the holder of the permit to engage in the enterprise or activity authorized by the permit for a period specified in the order of the Hearing Officer.

In the event of revocation of a permit, no other person shall be entitled to any rights or interests under the revoked permit, nor shall any such person be entitled to the issuance of a permit for the enterprise except upon written application filed with the animal control officer in accordance with the provisions of this chapter.

- T. Removal of Animals. Upon revocation of the permit, the permit holder shall have fourteen (14) calendar days to remove from the City or otherwise dispose of the animal kept pursuant to the permit or to appeal the Hearing Officer's decision. Should the owner fail to take such action, the Animal Control Manager shall have the authority to seize the animal in a manner provided by law and dispose of it in accordance with the provisions of this chapter.

(Ord. 405-98 § 1 (part), 1998)

6.04.280 - Animal nuisances.

- A. Declaration. The keeping, harboring, maintaining, or owning of any animal committing an animal nuisance as defined in Section 6.04.010(D) of this chapter, in addition to being a violation of this chapter, is declared to be a nuisance subject to abatement proceedings conducted in a similar, but not necessarily identical, manner as proceedings for abatement of other public nuisances.
- B. Authority to Abate. Upon a determination after a hearing held in accordance with the provisions of Section 6.04.300 of this chapter, the Animal Control Manager shall have the authority to take whatever measures are specified in the determination to abate the animal nuisance including, but not limited to, impoundment and destruction of the nuisance animal.
- C. Complaint. Any person aggrieved by an animal nuisance may file a complaint, signed under penalty of perjury, with the Animal Control Manager. Such complaint shall be in writing in the form of an affidavit and shall contain the following facts:
1. A description of the offending animal including, to the extent known, the color, size, sex, breed, and name of the animal, and the name and address of the owner of the animal;
 2. An assertion that the animal described creates an animal nuisance within the meaning of Section 6.04.010(D) of this chapter, together with a statement of facts upon which the assertion is based, including the name and address of any person who has been aggrieved by the animal, a description of the animal nuisance, the names and addresses of any witnesses thereto, the time, date, and location of any incident related to the assertion; and
 3. The name, residential and occupational addresses, and telephone numbers of the affiant.

- D. **Timely Filing.** Unless otherwise provided, an animal nuisance complaint must be filed within thirty (30) days of the most recent event or circumstances occasioning the complaint. Upon evidence that good cause exists that the complaint could not be filed within thirty (30) calendar days, the Animal Control Manager may extend the deadline for filing the complaint.
- E. **Impoundment of Animal.** Upon receipt by the Animal Control Manager of the complaint filed in compliance with subsection C and D of this section, the Animal Control Manager shall initiate an investigation of the incident or incidents described in the complaint to verify the facts stated or obtain other information. If, after an investigation, the identified facts show the existence of an animal nuisance within the meaning of subsection D of this section, the Animal Control Manager shall cause a hearing to be conducted. If such nuisance poses an imminent threat to public health or safety, the Animal Control Manager shall immediately locate and impound the animal subject to the charges.
- F. **Notice of Hearing.** Not later than fourteen (14) calendar days after the impoundment of a purported nuisance animal or, if the animal is not impounded but a determination has been made to hold a hearing to abate an animal nuisance, at such time as determined by the Animal Control Manager, the Animal Control Manager shall either personally serve upon or mail to the residential address of the owner of the animal and affiant the following:
1. A written notice of the time, date, and place of the hearing prescribed by Section 6.04.300 of this chapter;
 2. A copy of the complaint filed pursuant to subsection C and D of this section; and
 3. A copy of the provisions of this chapter.

Conversely, if, or after an investigation, the identified facts show the cause to conduct a hearing has not been shown, the Animal Control Manager shall so notify the affiant and the animal owner in writing.

(Ord. 405-98 § 1 (part), 1998)

6.04.290 - Dangerous and vicious animals.

- A. **Purpose.** The purpose of this section is to regulate the keeping of animals that are potentially dangerous or vicious or involve a threat to the safety of people and other animals on streets, sidewalks, and private property where the animals are not properly maintained as such animals constitute a serious hazard within the incorporated area of the city of Chowchilla. The increasing tendency to maintain dogs which, by virtue of breeding or training have a propensity to attack others, compounds the hazard.

Every owner of an animal is held strictly accountable for exercising control over the animal as necessary to ensure that the animal does not injure innocent human beings or other animals who are not on the premises where the animal is maintained. Such strict accountability is hereby imposed whether or not the injury results from the owner's negligence or fault, and regardless of the degree of precaution or control exercised by the owner.

- B. **Owner Responsible.** The animal owner is deemed responsible for the acts committed by that animal when the owner has failed to comply with the legal requirements for the keeping of that animal as defined in this chapter. No person shall permit or suffer an animal to act in a manner that constitutes dangerous or vicious behavior as defined in Sections 6.04.010(K) and 6.04.010(AB) of this chapter.

A violation of any of the provisions of this section is punishable as follows:

1. Any animal owner who maintains an animal in such a manner as to permit or suffer it to exhibit dangerous behavior shall be guilty of a misdemeanor.
2. Any animal owner who maintains any animal in such a manner as to permit or suffer it to exhibit vicious behavior shall be guilty of a misdemeanor. Nothing in this section shall prevent

prosecution for violations of other statutes or codes which may deal with other or more specific offenses, including but not limited to penal and civil statutes.

- C. Sale Prohibited. No animal held in custody by the Animal Control Manager which is known to have exhibited dangerous or vicious behavior as defined in this chapter shall be released for sale to any member of the public, but rather shall be destroyed upon exhaustion of the required period of impoundment unless legally reclaimed by the owner.
- D. Quarantine. No animal which has been declared dangerous or vicious or against which dangerous or vicious animal affidavit has been filed may be impounded or quarantined at any place other than the animal control center unless authorized by the Animal Control Manager.
- E. Filing of Charges. Any person, including employees of animal control, possessing personal knowledge of facts that there exists a dangerous or vicious animal within the incorporated area of the city of Chowchilla. The complainant may file with the Animal Control Manager a written affidavit, signed under the penalty of perjury, which contains the following facts:
 - 1. A description of the offending animal including, to the extent known, the color, size, sex, breed, and name of the animal, and the name and address of the animal owner;
 - 2. An assertion that the animal described is a dangerous or vicious animal within the meaning of Sections 6.04.010(K) or 6.04.010(AB), together with a statement of the facts upon which the assertion was based, including the name and address of any person who has been victimized or injured, including a description of the extent of the injuries, the names and addresses of the witnesses thereto, the time, date, and location of the incident related to the assertion, and an explanation of how the personal knowledge of the affiant was acquired; and
 - 3. The name, residential and occupational addresses, and telephone numbers of the affiant.
- F. Timely Filing. Unless otherwise provided, filing a dangerous or vicious affidavit must be made within thirty (30) calendar days of the most recent event or circumstances occasioning the affidavit. Upon evidence that good cause exists that an affidavit could not be filed within the thirty (30) calendar days, the Animal Control Manager may extend the deadline for filing the affidavit.
- G. Impoundment of Animal. Upon receipt by the Animal Control Manager of an affidavit filed in compliance with subsections E and F of this section, the Animal Control Manager shall initiate an investigation of the incident or incidents described in the affidavit for the purpose of verifying the facts stated and obtaining other information. If, after an investigation, the identified facts show the existence of a vicious animal within the meaning of Section 6.04.010(AA) of this chapter, the Animal Control Manager shall immediately locate and impound the animal which is the subject of the charges. If, or after an investigation, the Animal Control Manager identifies facts that show the existence of a dangerous animal within the meaning of Section 6.04.010(J) of this chapter, a dangerous animal hearing shall be conducted.
- H. Notice of Hearing. Not later than fourteen (14) calendar days after the impoundment of a purportedly vicious animal or, if the animal is not impounded but a determination has been made to hold a hearing concerning a purported dangerous animal, at such time as is determined by the Animal Control Manager, the Animal Control Manager shall mail to the residential address of the owner of the animal and affiant the following:
 - 1. A written notice of the time, date, and place of the hearing prescribed in Section 6.04.300 of this chapter, the date of the said hearing to be scheduled not earlier than fourteen (14) calendar days following personal service or deposit in the United States mail of the notice;
 - 2. A copy of the affidavit filed pursuant to subsections E and F of this section; and
 - 3. A copy of the provisions of this chapter.

Conversely, if, or after an investigation, the identified facts show that cause to conduct a dangerous or vicious animal hearing has not been shown, the Animal Control Manager shall so notify the animal owner in writing.

- I. **Bond Required.** At the discretion of the Animal Control Manager, any animal impounded or quarantined pursuant to the provisions of this chapter may be returned to the custody of its owner pending the outcome of the dangerous or vicious animal hearing and the rendering of a decision by the Hearing Officer, provided such return is determined to pose no threat to public health and safety.

The owner, if authorized by the Animal Control Manager, may gain custody of the animal by posting a cash bond in the amount of one thousand dollars (\$1,000.00) or such greater amount as is justified in writing and approved by the Director as necessary to assure the return of the animal or by furnishing other security upon review and approval by the City Attorney, which bond or other security shall be forfeited in the event the animal is not delivered into the custody of the Animal Control Manager if so ordered in the decision rendered by the Hearing Officer.

- J. **Registration.** Any animal which has been declared by the hearing officer to be dangerous or vicious within the meaning of Section 6.04.010(J) or Section 6.04.010(AA) of this chapter shall be subject to special registration requirements as follows:

An owner of a dangerous or vicious animal is required to pay, in addition to any licensing or permit fee, an annual special registration fee (as applicable) which shall be valid and renewable concurrent with the effective dates of the licensing of the animal. Late registration is subject to a penalty fee equal to two times the annual registration fee.

- K. **Keeping of a Dangerous or Vicious Animal.** Except as otherwise provided in the decision rendered by the Hearing Officer, the keeping of an animal which has been declared dangerous or vicious shall, at the minimum, be subject to the following provisions:

1. The animal must at all times, when not under restraint by a leash on public property, be securely confined under lock within a lawful fence.
2. The animal must at all times, when kept in any part of a house or structure, be confined in such a manner that the animal cannot exit such building on its own volition.
3. The animal must at all times, when off the owner's premises, be under the control of a responsible adult physically capable of retaining control of the animal and restrained by a substantial leash of not more than six feet (6') in length.
4. The animal must at all times be licensed and registered as required by this chapter and must be kept in compliance with all the regulatory provisions of this chapter in its entirety.
5. The animal owner must notify the Animal Control Officer in writing within three (3) calendar days if the location of the animal is to be permanently changed. An administration fee will be charged to modify the issued permit;
6. The owner must allow the Animal Control Officer to inspect the property at such time as reasonably to ensure the provisions ordered by the Hearing Officer are being complied with.

All costs associated with these provisions or any other or additional provisions ordered by the Hearing Officer shall be borne by the owner of the animal which has been declared to be dangerous or vicious.

- L. **Mitigating Circumstances.** In considering whether an animal is dangerous and/or vicious, the Hearing Officer may hear and consider evidence of any of the following mitigating circumstances:

1. That the injury or damage complained of was sustained by a person who was committing a willful trespass or other tort upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime;
2. That the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault;
3. That the injury or damage complained of was sustained by a domestic animal which at the time the injury or damage was teasing, tormenting, abusing, or assaulting the animal which is the subject of the hearing;

4. The injury or damage complained of was to a domestic animal, and was sustained while the animal in question was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner and the damage or injury complained of was to a species or type of domestic animal appropriate to the work of the dog.
- M. Right to Destroy. Nothing in this section shall be construed to prevent the Animal Control Manager from destroying an animal that is in the act of dangerous or vicious behavior towards any person or other animal as set forth in Sections 6.04.010(K) and 6.04.010(AB) of this chapter if such immediate destruction is reasonably necessary to protect public safety.

(Ord. 405-98 § 1 (part), 1998)

6.04.300 - Hearings.

- A. Purpose. The purpose of this section shall be to create special procedures to assure full access to administrative remedies in the application or enforcement of this title and for the mediation of disputes involving any animal governed by this chapter. Such procedures shall be administered by the Director and conducted by the Hearing Officer.
- B. Cause for Hearing. Hearings may be held to determine the following:
1. That an animal is a nuisance animal within the meaning of this chapter;
 2. That an animal is a dangerous animal within the meaning of this chapter;
 3. That an animal is a vicious animal within the meaning of this chapter;
 4. That a permit has been denied, issued conditionally, or revoked in accordance with the provisions of this chapter;
 5. That the decision of the Hearing Officer has been breached; or
 6. That cause for an order no longer exists and the owner may be relieved of the conditions imposed by the order.

A person shall be deemed to have shown cause for a hearing to be held when they comply with the applicable appeal, complaint, or charge filing provisions specified in Sections 6.04.270, 6.04.280, and 6.04.290 of this chapter.

As requested by the Director, hearings may be held in order to attempt mediation of other such matters as may arise from the keeping of animals.

- C. Authority of Hearing Officer. The Hearing Officer shall be authorized within the scope of authority given by Title 6 to the Director, to conduct hearings to resolve conflicts arising from the application and enforcement of this title, to make binding determinations, and to mediate disputes related to the keeping of animals pursuant to this title.
- D. Oaths and Subpoenas. The Hearing Officer shall have the power to administer oaths of affirmations. At the request of either the Animal Control Manager or the animal owner, the City Clerk shall, on behalf of the board, issue subpoenas for the attendance of witnesses at the hearing and be responsible for all official records of the hearing process.
- E. Hearing.
1. Not later than thirty (30) calendar days following the date of filing either an appeal as prescribed by Section 6.04.270(R) or a complaint as prescribed in Sections 6.04.280(C) and 6.04.280(D) or charges as prescribed in Sections 6.04.290(E) and 6.04.290(F) of this chapter, the Hearing Officer shall conduct a hearing to determine whether the requested action should be granted or denied. Written notice of the time, date, and place of the hearing shall be served upon the Director, the affiant, and the animal owner not later than fourteen (14) calendar days preceding the date of the hearing.

- a. During the hearing, the burden of proof shall rest with the plaintiff, and such proof shall be based upon a preponderance of the evidence. The provisions of the California Administrative Procedure Act (commencing at Section 11500 of the Government Code) shall not be applicable to such hearing, nor shall formal rules of evidence in civil or criminal judicial proceedings be applicable. The affiant and the animal owner may appear, present evidence, and examine and cross-examine witnesses.
 - b. Absent extraordinary circumstances as determined by the Hearing Officer, no animal may be presented as evidence or be present during the hearing.
 - c. In the event the affiant or the animal owner fails to appear at the time, date, and place appointed for the hearing, the hearing shall be conducted in the absence of the affiant or animal owner, and the Hearing Officer shall render a decision based upon the evidence presented during the hearing.
 - d. For the convenience of the Hearing Officer only, the hearing shall be recorded, and the recordings and all documents presented as evidence shall be maintained for a period of three (3) years as a part of the record of the hearing.
2. Unless otherwise agreed by the parties, within fourteen (14) calendar days of the conclusion of the hearing, the Hearing Officer shall issue a written decision, including but not limited to findings of fact and conclusions relative to the following:
 - a. Whether, based upon the evidence during the hearing, the action requested is granted or denied; and
 - b. What disposition should be made as a consequence.
 3. The Hearing Officer shall make a disposition based upon consideration of all of the facts and circumstances revealed by the evidence presented in the hearing and may order either:
 - a. That the Animal Control Manager destroy the animal in question;
 - b. That the Animal Control Manager release the animal in question to the owner subject to such conditions or special registration requirements as may be specified in this chapter or required to ensure public safety and animal welfare;
 - c. That the Animal Control Manager remove the animal in question for disposition in accordance with the applicable provisions of this chapter;
 - d. That the Animal Control Manager release the animal in question to the owner subject to payment of such fees and expenses as may be applicable according to the provision of this chapter; or
 - e. The Animal Control Manager issue, deny or revoke the subject permit.
 4. Unless otherwise agreed by the parties, notice of the written decision, including a copy thereof, shall be filed with the Animal Control Manager and shall be personally served upon or deposited in the United States mail to the affiant and the animal owner not later than twenty-one (21) calendar days following the date on which the hearing was concluded. The Hearing Officer's decision shall notify that the decision is final unless a party shall file a petition for a writ of mandate within fourteen (14) days of being served with the decision.
 5. Failure to comply with any procedural requirements or time limits of this chapter shall not deprive the Hearing Officer of jurisdiction over the issue or shall not vitiate any hearing conducted or order made pursuant to this chapter unless such failure constitutes a denial of due process of law.
- F. Finality of Determination. The decision of the Hearing Officer shall be final unless a party shall file a petition for a writ of mandate within fourteen (14) days following the receipt of the decision. There shall be no appeal to the City Council.
 - G. Disposition of Animal. Except as otherwise provided, in the event that the Hearing Officer orders destruction of an animal, the Animal Control Manager shall immediately impound or continue to impound said animal until fourteen (14) days following the date of personal service upon or deposit in

the United States mail of notice of the Hearing Officer's decision to the owner. In the event that the Animal Control Manager is personally served with a summons or other legal process in connection with a lawsuit that seeks review of the Hearing Officer's decision, the animal shall not be destroyed and shall continue to be impounded at the owner's expense while the lawsuit is pending.

- H. Release of Animal. No animal impounded pursuant to Sections 6.04.280 or 6.04.290 of this chapter shall be released to any person other than the owner of such animal. Should the owner fail to redeem the animal by the date specified in the Hearing Officer's decision, unless for good cause as determined by the Animal Control Manager, the animal shall be destroyed.

Notwithstanding any other provision in this chapter or a decision or order by the Hearing Officer to the contrary, the Animal Control Manager shall not release an animal impounded pursuant to Section 6.04.280 or 6.04.290 of this chapter to the owner absent compliance with the provisions relating to redemption prescribed by Section 6.04.190(D) of this chapter, including, but not limited to, the payment by the owner of all fees and charges for impoundment.

- I. Notification of Change. At such time as an animal declared to be dangerous, vicious, or a nuisance dies, or the location where the animal is kept changes, either through a change of residence or of ownership, the person owning the animal so declared must notify, in writing within five (5) calendar days, the Animal Control Manager of the change. Such notification must include the date of the animal's death and the place of burial or disposal of the animal or the name and the residential and occupational addresses and telephone numbers of the new owner and the new address and telephone number where the animal is to be kept.
- J. Failure to Comply. Failure of the owner to comply with the provisions of this chapter or the order of the Hearing Officer is a misdemeanor.
- K. Breach of Conditions. Jurisdiction shall continue in the Hearing Officer to order the removal and destruction of any animal which has been declared dangerous, vicious, or a nuisance should any of the conditions imposed by the order of the Hearing Officer be breached. Such action shall be taken pursuant to a hearing initiated by the Animal Control Manager and scheduled and conducted in accordance with the provisions of subsection E of this section except that once prima facie evidence of the breach of conditions has been established, the burden of proof shall be upon the owner to show cause as to why the animal should not be removed and destroyed.
- L. Relief. If, after a period of two years from the date of the determination of the Hearing Officer that the animal is dangerous, vicious, or a nuisance, it can be demonstrated that the owner has complied with the order of the Hearing Officer and that no further cause exists for the order to stay in force, the owner may apply to the Hearing Officer, in writing, for relief from the conditions for keeping or the provisions for special registration of the animal. Upon investigation by the Animal Control Manager and concurrence by the Hearing Officer, relief may be granted and the owner shall be notified in writing, or a hearing may be conducted to determine if cause for relief exists.
- M. The cost of a hearing held pursuant to this section shall be the responsibility of the animal's owner unless the Hearing Officer rules in favor of the owner.

(Ord. 405-98 § 1 (part), 1998)

6.04.310 - Violation a public nuisance.

The maintenance of any animal in violation of any provision of this chapter or any order of a Hearing Officer issued to this chapter constitutes a public nuisance.

(Ord. 405-98 § 1 (part), 1998)

6.04.320 - Penalties.

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- A. Notwithstanding the provisions of Chapter 1.16 of this code and unless otherwise stated in this chapter, a violation of any of the regulatory requirements of this title.
 - B. Every violation of this chapter constituting a misdemeanor is punishable by a fine not in excess of five hundred dollars (\$500) or by imprisonment in the county jail for not more than six (6) months or by both.
 - C. Assessment of other penalties as prescribed herein notwithstanding, violations of this title may result in revocation of license or permit.

(Ord. 405-98 § 1 (part), 1998)

Chapter 6.12 - ANIMALS—BERENDA RESERVOIR FACILITY

Sections:

6.12.010 - Prohibited when.

All animals, both domestic and otherwise, shall be prohibited from Berenda Reservoir Recreation Facility during special events and programs conducted under the authority of the City.

(Ord. 330-82 § 1, 1982)

6.12.020 - Seeing-Eye dogs exempted.

Seeing-Eye dogs which are certified for that purpose and are being used to aid the disabled, and police dogs under the supervision of an individual employed by the City, shall be exempt from this chapter.

(Ord. 330-82 § 2, 1982)

6.12.030 - Allowing during special events prohibited.

It is unlawful for any person or persons to allow an animal domestic or otherwise which they own, have the care or charge of, control, custody, or possession of to be present at a special event at the Berenda Reservoir when such an event is under the authority of the City.

(Ord. 330-82 § 3, 1982)