

ORDINANCE NO. 2635

AN ORDINANCE OF THE CITY OF REDDING AMENDING TITLE 7 (ANIMALS), CHAPTER 7.04 (GENERAL PROVISIONS), BY AMENDING SECTIONS 7.04.005 (AUTHORITY OF EMPLOYEES OF CONTRACTED PUBLIC POUND, SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, ANIMAL CONTROL AGENCY, OR HUMANE SOCIETY), 7.04.010 (DEFINITIONS), 7.04.020 (TETHERING ANIMALS ON STREET), 7.04.060 (COMMITTING NUISANCE IN PUBLIC AREAS), 7.04.080 (ENCLOSURE REQUIRED) AND 7.04.170 (VIOLATIONS); AMENDING CHAPTER 7.12 (DOGS), BY AMENDING SECTIONS 7.12.020 (IN PUBLIC PARKS AND MALLS), 7.12.090 (LICENSE - RECORDS) AND 7.12.160 (KENNEL LICENSE - APPROVAL OF BOARD OF ADMINISTRATIVE REVIEW REQUIRED), REPEALING SECTION 7.12.120 (TAG PROCUREMENT AND RECORD) AND ADDING SECTION 7.12.190 (ANIMALS IN VEHICLES); AMENDING CHAPTER 7.13 (DANGEROUS DOGS), BY AMENDING SECTIONS 7.13.030 (DANGEROUS DOG DEFINITION), 7.13.050 (SEIZURE AND IMPOUNDMENT), 7.13.080 (DANGEROUS DOG CLASSIFICATION PROCEDURE), 7.13.095 (AGGRAVATING CIRCUMSTANCES), 7.13.110 (CONDITION OF MAINTENANCE OF DANGEROUS DOG), 7.13.120 (DESTRUCTION OF DANGEROUS DOGS – REQUEST FOR TEMPORARY STAY PENDING JUDICIAL REVIEW); AMENDING CHAPTER 7.16 (IMPOUNDMENT), BY AMENDING SECTIONS 7.16.010 (ANIMAL - CONTROL OFFICER APPOINTMENT), 7.16.030 (STRAYS), 7.16.060 (VIOLATIONS), 7.16.070 (REDEMPTION OF ANIMALS), AND REPEALING SECTION 7.16.080 (DESTRUCTION OF UNREDEEMED ANIMALS); AND AMENDING CHAPTER 7.20 (SALE OF UNREDEEMED ANIMALS), BY AMENDING SECTIONS 7.20.010 (REQUIRED – NOTICE – TIME LIMIT) AND 7.20.050 (REDEMPTION PRIOR TO SALE), AND REPEALING SECTIONS 7.20.020 (NOTICE – POSTING), 7.20.030 (PROCEDURE), 7.20.040 (MINIMUM BIDS), 7.20.060 (BILL OF SALE), 7.20.070 (REDEMPTION AFTER SALE), AND 7.20.080 (DISPOSITION OF PROCEEDS), ALL RELATING TO THE KEEPING OF ANIMALS

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REDDING AS FOLLOWS:

Section 1. Title 7 (Animals), Chapter 7.04 (General Provisions), Section 7.04.005 is amended to read as follows:

Section 7.04.005 - Authority of Employees of Contracted Public Pound, Society for the Prevention of Cruelty to Animals, Animal Control Agency, or Humane Society.

- A. Employees of any of the following: a public pound, a society for the prevention of cruelty to animals, an animal control agency, or a humane society who have qualified as humane

officers pursuant to California Corporations Code Section 14502 are authorized to issue notices to appear in court pursuant to Chapter 5C of Title 3 of Part 2 of the Penal Code for violations of state animal control laws or this title at such times as there exists a valid contract for these services between the city and the public pound, society for the prevention of cruelty to animals, animal control agency, or humane society.

- B. Employees of a public pound, society for the prevention of cruelty to animals, animal control agency, or a humane society who have qualified as humane officers pursuant to California Corporations Code Section 14502 are included within the definition of "enforcement officer" of Section 1.13.020 of this code and are authorized to issue administrative citations pursuant to Chapter 1.13 of this code for violations of state animal control laws or Title 7 of this code at such times as there exists a valid contract for these services between the city and the public pound, society for the prevention of cruelty to animals, animal control agency, or humane society.
- C. The authority of the humane officers is limited to the jurisdiction of the city. The humane officers are not authorized to take any person into custody even though the person to whom the notice is delivered does not give his or her written promise to appear in court or before an administrative tribunal.
- D. The authority of the animal control agency may expand in times of emergency to include the rescue of animals, the shelter of record for pets of displaced owners, the opening of additional shelter locations, and other emergency operations as warranted.
- E. It shall be unlawful for any person to willfully resist, delay or obstruct any animal control officers in the discharge or attempt to discharge any duty imposed upon such officer pursuant to this Title or other provisions of the Redding Municipal Code.

Section 2. Title 7 (Animals), Chapter 7.04 (General Provisions), Section 7.04.010 is amended to read as follows:

Section 7.04.010 – Definitions.

For purposes of this title, unless the context clearly indicates otherwise, certain words and phrases shall have the meanings given them in this section.

"Animal" means all nonhuman members of the animal kingdom including domestic, exotic and livestock species.

"Animal control officer" means the poundmaster or any individual authorized to act by the provisions of Title 7 and Chapter 1.13 of this code.

"Dog" means and includes the domesticated members of the species *canis familiaris*; the word "dog" excludes other members of the family *Canidae*, including any hybrids of *canis familiaris*.

"Dog exercise area" means any fenced area or other enclosed area of a city park designated by the city council by resolution or ordinance as an area where dogs may be off a leash.

"Domestic animal" means any animal customarily kept by humans for companionship, including, but not limited to, dogs, cats, birds, rabbits, hamsters, mice, turtles, pot-bellied pigs and the like.

"Exotic animal" means any species of animal not considered domestic or livestock. For the purpose of this definition, "exotic animal" includes, but is not limited to, poisonous snakes and lizards.

"Exotic birds" means and includes parakeets, parrots (including macaws), cockatiels, cockatoos and similar birds.

"Kennel" means either:

1. Any person, firm or corporation engaged in the business of keeping, harboring, breeding, buying, or selling dogs or cats or both; or
2. Any dwelling or other property where more than six dogs or six cats, or any combination thereof exceeding a total of six, over the age of four months are kept and maintained for a purpose other than breeding, buying, selling or boarding.

The term "kennel" shall not include any animal shelter operated by a humane society, a municipal agency or its authorized agents, or a veterinary hospital operated by a veterinarian licensed by the state of California.

"Large fowl" means and includes emus, ostriches, rheas or other similar flightless birds.

"Livestock" means any animal customarily kept by humans for the purpose of providing food, clothing or work, including, but not limited to, equine, bovine, ovine, caprine, porcine and fowl, but excluding bees.

"Pot-bellied pig" means and includes the Vietnamese variety miniature pig of less than one hundred fifty pounds in weight and less than twenty-two inches in height as the shoulder.

"Poultry" means and includes pigeons, chickens, ducks, geese, turkeys and all other domestic or domesticated fowl.

"Pound" means and includes any location used for the impounding of animals and may include any animal shelter operated by the Haven Humane Society or the County of Shasta.

"Wild animal" means and includes specifically any live nonhuman primate, raccoon, skunk, fox, coyote, wolf, leopard, panther, tiger, lion, lynx, poisonous snake or like reptile, or any other warm-blooded mammal which can normally be found in the wild state and is not typically domesticated in California.

Section 3. Title 7 (Animals), Chapter 7.04 (General Provisions), Section 7.04.020 is amended to read as follows:

Section 7.04.020 – Tethering Animals on Street.

Except as permitted by Title 18 of the Redding Municipal Code, no person shall tether any animal or graze the same upon any public street, avenue, sidewalk or alley, or so near to any public street, avenue, sidewalk or alley as to endanger or annoy any person or occupant of any vehicle passing thereon.

Section 4. Title 7 (Animals), Chapter 7.04 (General Provisions), Section 7.04.060 is amended to read as follows:

7.04.060 - Committing Nuisance in Public Areas.

- A. It is unlawful for the owner or person having custody of any animal to permit, either willfully or through failure to exercise due care or control, to allow any such animal to defecate or urinate upon the sidewalk of any public street; or upon the floor of any common hall in any apartment house, hotel, or other multiple dwelling; or upon any entranceway, stairway or wall immediately abutting on a public sidewalk; or upon the floor of any theater, shop, store, office building, or other building used in common by the public; or upon the floor or stairway of any depot or station or public waiting room; or upon any floor, stairway, entranceway, office, lobby, foyer, or patio used in common by the public; or upon the walks, picnic areas, tennis courts, ball diamonds, band shells, or in or upon any public buildings located within the public parks.
- B. It is declared to be a public nuisance and is unlawful for any person to feed cats outside by placing food directly on the ground or in containers in publicly owned spaces. A person may feed only cats owned or kept by the household. Food must be provided in containers that are not to be left outside overnight.

Section 5. Title 7 (Animals), Chapter 7.04 (General Provisions), Section 7.04.080 is amended to read as follows:

7.04.080 - Enclosure Required.

It is the duty of every owner or persons in possession and in control of animals to keep them within a good and substantial enclosure within the city which will prevent their running at large. Cats can be kept outside in such conditions so as not to be a nuisance as stated in Section 7.04.070.

Section 6. Title 7 (Animals), Chapter 7.04 (General Provisions), Section 7.04.170 is amended to read as follows:

7.04.170 - Violations.

Unless otherwise indicated, any violation of Section 7.04.030, 7.04.040, 7.04.050, 7.04.090, 7.04.100, 7.12.110, 7.12.130, 7.12.140, 7.13.080, 7.13.110, or 7.13.140, constitutes a misdemeanor. Any violation of any other Section in Title 7 constitutes an infraction.

Section 7. Title 7 (Animals), Chapter 7.12 (Dogs), Section 7.12.020 is amended to read as follows:

7.12.020 - In Public Parks and Malls.

- A. It is unlawful for any person to bring into or to permit any dog under his or her control or in his or her possession to enter an improved or landscaped area of any park, playground, or public recreational ground, or any publicly owned pedestrian mall in the city, except in spaces where specific signage permits dogs.
- B. This section shall not apply in any of the following circumstances:
 - 1. When the dog is brought onto such public place in a vehicle and is thereafter kept in the vehicle while on the premises.
 - 2. When the dog is brought onto such public place for a city-approved dog show or other organized event relating to dogs.
 - 3. When the dog(s) primary purpose is to assist a person with a disability, as defined in state or federal statute or regulation.

Section 8. Title 7 (Animals), Chapter 7.12 (Dogs), Section 7.12.090 is amended to read as follows:

7.12.090 - License—Records.

The city clerk or any animal regulation organization under contract with the City shall keep a record of the licenses issued by this Chapter.

Section 9. Title 7 (Animals), Chapter 7.12 (Dogs), Section 7.12.120 is repealed.

Section 10. Title 7 (Animals), Chapter 7.12 (Dogs), Section 7.12.160 is amended to read as follows:

7.12.160 - Kennel License—Approval of Board of Administrative Review Required.

- A. Except as permitted by Title 18 of the Redding Municipal Code, it is unlawful for any person to maintain a kennel without obtaining a kennel license from the city. All permitted kennels are then subject to business license requirements as set in Title 6 – Business Taxes, Licenses and Regulations. No kennel license shall be issued without a use permit approved by the board of administrative review. The board of administrative review shall not issue such permit other than through the procedures as established in the zoning regulations of the city. The board of administrative review shall have the discretion to limit, condition or restrict any permit issued in any way the board deems necessary under the circumstances with regard to location, neighborhood, noise, sanitation, proper planning and any other factor deemed relevant by the board. Any such permit shall be revocable at any time by the board of administrative review at the discretion of the board.

- B. Any person owning, conducting, managing or operating any kennel within the city shall pay for the privilege of maintaining or operating such kennel a license fee established by resolution of the city council. The use permit, together with satisfactory evidence of current rabies vaccinations, shall be presented to the city clerk prior to issuance of the kennel license.
- C. Because of the need to adequately protect animals within kennels from unhealthy conditions and practices, and the interest of the public in preventing inhumane practices, reasonable inspections by the city shall be completed. As a condition of the issuance of a kennel license, each operator shall agree to allow such inspection. Such acknowledgment shall be made part of the application and file. Each kennel for which a kennel license has been issued shall be inspected at intervals determined by the city.
- D. Any kennel which is found by the city to be unsanitary or a menace to animal or public health, safety or welfare is declared to be a public nuisance. In the event immediate action is necessary to preserve or protect animal or public health, safety or welfare, the city is authorized and empowered to summarily abate such nuisance by any reasonable means, including but not limited to, impoundment of the animal(s) or the immediate closure of the kennel, or both, for such time until the nuisance is abated.

Section 11. Title 7 (Animals), Chapter 7.12 (Dogs), Section 7.12.190 is added to read as follows:

7.12.190 – Animals in Vehicles

- A. No person shall transport or carry on any public street any dog in any unenclosed portion of a motor vehicle unless the dog is protected by a cage, pen, or crosstie which will prevent the dog from falling from, being thrown from, or jumping from the motor vehicle.
- B. No person shall leave a dog in an unattended motor vehicle without adequate ventilation, and water, or in such a manner as to subject the animal to extreme temperatures which adversely affect the dog's health or welfare.
- C. If an animal is confined in a vehicle, appears to be in distress or in such a manner to be a detriment to its health, or is kept in such a way to otherwise be in violation of any portion of this Section, any animal control officer or any peace officer may enter the vehicle by whatever force is reasonably necessary to release the animal without liability upon the city or any person for resulting damage.
- D. Any animal that has been confined in a vehicle in violation of this section may be impounded pending a hearing before the Administrative Hearings Board to determine if the animal shall be returned to its owner and the costs and expenses for impoundment. In the event of any such impoundment, the owner or keeper of the animal shall be liable for all costs and expenses of impounding or keeping the animal.
- E. No person shall leave a dog in an unattended motor vehicle without assuring that the dog cannot escape or bite persons passing by the vehicle.

Section 12. Title 7 (Animals), Chapter 7.13 (Dangerous Dogs), Section 7.13.030 is amended to read as follows:

7.13.030 - Dangerous Dog Definition.

A. A "dangerous dog" means any of the following:

Any dog, except for one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior:

1. An attack which requires a defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself or herself peacefully and lawfully;
2. An attack which results in an injury or death to a person in a place where such person is conducting himself or herself peacefully and lawfully;
3. Any behavior that constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself or herself peacefully and lawfully;
4. An attack causing injury or death to another domestic animal or livestock which occurs off the property of the owner of the attacking animal;
5. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

B. For the purposes of this section, a person is peacefully and lawfully upon the private property of an owner or possessor of the animal when he or she is on such property in the performance of any duty imposed upon him or her by the laws of the state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on such property upon invitation, expressed or implied.

C. No dog may be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog; or was teasing, tormenting, abusing, or assaulting the dog, or has in the past been observed or reported to have teased, tormented, abused, or assaulted the dog; or was committing or attempting to commit crime.

Section 13. Title 7 (Animals), Chapter 7.13 (Dangerous Dogs), Section 7.13.050 is amended to read as follows:

7.13.050 - Seizure and Impoundment.

A. A dog defined as dangerous under Section 7.13.030 of this chapter shall be impounded when an animal control officer has probable cause to believe the dog poses an immediate threat to public health or safety.

- B. Any dog which bites, attacks, or causes injury or death to any human being may be immediately seized and impounded pending a hearing and determination pursuant to Section 7.13.080 of this chapter.
- C. It shall be unlawful for an owner or person having the custody or possession of a dog reasonably believed to be dangerous to fail to surrender said animal to an animal control officer upon lawful demand.
- D. Following a hearing pursuant to Section 7.13.080, the dog shall be released if it is determined not dangerous or the owner or keeper has complied with the conditions for maintenance of a dangerous dog pursuant to Section 7.13.110 of this chapter. If the hearing officer or board determines that the dog is dangerous and orders the dog maintained under conditions specified in Section 7.13.110, the dog shall not be released until all impoundment fees have been paid. The owner and keeper shall be jointly and severally liable to the city for all impoundment costs. No dog for which impoundment costs are due shall be released until the charges have been paid.

Section 14. Title 7 (Animals), Chapter 7.13 (Dangerous Dogs), Section 7.13.080 is amended to read as follows:

7.13.080 - Dangerous Dog Classification Procedure.

Upon reasonable information, the city manager or his or her designee may initiate an administrative hearing to determine whether a dog is dangerous in accordance with the following procedures:

- A. All dangerous dog classification hearings taken under this chapter shall be heard as provided by this section. The hearing procedures specified in Food and Agricultural Code Section 31621 are expressly not adopted.
- B. A hearing under this section shall be informal and open to the public. The hearing shall be conducted before a hearing officer or board, as those terms are defined in Chapter 1.13 of this code. The hearing officer or board shall record the proceedings on audiotape. The hearing officer or board shall regulate the course of the proceedings and shall permit the parties and may permit others to offer written or oral comments on the issues. The hearing officer or board may limit the use of subpoenas, witnesses, testimony, evidence, rebuttal and argument. The hearing officer or board may allow the cross-examination of witnesses to the extent necessary to ensure a fair hearing and may limit cross-examination of witnesses as necessary to maintain proper decorum.
- C. Unless provided otherwise, the city bears the burden of proof at the hearing. The owner or keeper has the burden of proof to demonstrate the existence of any affirmative defenses or any mitigating circumstances that may apply. The existence of mitigating circumstances shall not require the hearing officer or board to refrain from classifying a dog as dangerous.
- D. The owner or keeper and animal control officer presenting the case may be represented by legal counsel and may present oral and written evidence. Any relevant evidence may

be admitted if it is the sort of evidence of which responsible persons are accustomed to rely in the conduct of serious affairs. Relevant admissible evidence includes but is not limited to incident reports and witness affidavits. A formal oath is not required for witnesses to provide testimony.

- E. The owner or keeper of the dog shall be served with notice of the hearing as provided by Section 7.13.060 of this chapter. The hearing shall be held at the next scheduled meeting of the Administrative Hearings Board, but no less than three (3) business days nor more than twenty (20) business days after service of notice upon the owner or keeper of the dog.
- F. Within fifteen calendar days of the hearing, the hearing officer or board shall issue a written determination supported by the weight of the evidence. The failure of the hearing officer or board to issue a timely decision shall not prejudice the city's right to act in the matter. The hearing officer's or board's determination shall be served on both the owner and the keeper as provided in Section 7.13.060(B) of this chapter.
- G. The written determination shall include a finding of whether the dog is dangerous. If the written determination includes a finding that the dog is dangerous, the hearing officer or board shall either: (1) specify conditions pursuant to Section 7.13.110 of this chapter under which the dangerous dog may be maintained, or (2) order destruction of the dangerous dog pursuant to Section 7.13.120 of this chapter.
- H. The written determination shall include a finding as to whether reckless or negligent conduct by the owner or keeper was the cause of, or partial cause of, the incident giving rise to the dangerous dog classification. In any case where such a finding is made in the affirmative, an administrative fine may be imposed. The fine may be an amount up to one thousand dollars per violation as determined appropriate by the hearing officer or board.
- I. The written determination shall include a finding as to whether that grossly reckless or grossly negligent conduct by the owner or keeper was the cause of, or partial cause of, the incident giving rise to the dangerous dog classification. In any case where such a finding is made in the affirmative, the owner or keeper may be ordered by the hearing officer or board not to possess any or to be limited in the number of dogs he or she may possess for a period of up to three years.
- J. Any violation of the written order of the Administrative Hearings Board shall constitute a public nuisance and shall constitute a misdemeanor.

Section 15. Title 7 (Animals), Chapter 7.13 (Dangerous Dogs), Section 7.13.095 is amended to read as follows:

7.13.095 - Aggravating Circumstances.

Before classifying a dog dangerous, the hearing officer or board may consider the following factors related to the location and situation of the incident and the aggression exhibited by the dog. The location, situation and aggression factors described in this section are ranked from low to high. The existence or rank of aggravating circumstances, however, shall not be determinative

of whether a dog is dangerous or require the hearing officer or board to conduct an independent investigation.

A. Location Relevance.

1. Victim uninvited on property;
2. Victim invited on property;
3. Dog off property, on leash;
4. Dog off property, off leash, owner present;
5. Dog off property, off leash, owner absent.

B. Situation Relevance.

1. Dog chasing, harassing or worrying waterfowl/small animals;
2. Dog chasing, harassing or worrying livestock;
3. Dog attacking waterfowl/small animals;
4. Dog attacking livestock;
5. Dog chasing or attacking dogs/cats;
6. Dog threatening human adults;
7. Dog threatening human children;
8. Dog attacking human adults;
9. Dog attacking human children.

C. Aggression Severity.

1. Bark;
2. Growl;
3. Snap/lunge - no contact;
4. Bite and release leaving no marks;
5. Bite and release leaving marks with no broken skin;
6. Bite and release leaving a scratch;

7. Bite and release leaving one to four punctures;
8. Bite and release leaving one to four punctures plus lacerations;
9. Multiple bite attack;
10. Bite without releasing with punctures/lacerations;
11. Severe mauling;
12. Fatality.

Section 16. Title 7 (Animals), Chapter 7.13 (Dangerous Dogs), Section 7.13.110 is amended to read as follows:

7.13.110 - Condition of Maintenance of Dangerous Dog.

- A. No person shall own, maintain or possess a dog determined to be a dangerous dog, except upon one or more following conditions that the hearing officer or board may specify in a written order:
 1. The dog shall not be permitted to be loose, or to create any danger to the peace, health, or safety of the people in the vicinity of the location where it is kept or maintained.
 2. If the dog is not kept securely within a cage or a building or within a fenced area accessible only by the dog's owner or custodian, the premises where the dog is maintained shall be posted to warn of the presence of a dangerous dog. Signs shall be placed at each point of access where the dog may be present, or at fifty-foot intervals around the perimeter of the area where the dog may be present if the perimeter does not have a fence or other obstruction to access by human beings.
 3. The dog shall be provided with proper and adequate food, water, ventilation, shelter, and care at all times; the dog may not be subject to neglect, suffering, cruelty or abuse.
 4. The city shall be allowed at any reasonable time to inspect the dangerous dog and the conditions of care and maintenance of the dangerous dog.
 5. The dog shall not be allowed to have contact with children that are younger than eleven years of age, unless the person is a resident, relative or regular invitee on the premises where the dog is kept.
 6. If the owner or keeper of the dog is also the owner of the premises where the dog is maintained, the owner of the dog shall be required to furnish proof of general liability insurance covering the owner and activities on the premises where the dog is maintained, in an amount not less than fifty thousand dollars nor more than

three hundred thousand dollars. If the owner or keeper of the dog is not the owner of the premises where the dog is maintained, the owner of the dog shall be required to provide a copy of the written determination and order of the hearing officer or board to the owner of the property and to show proof of having given that notice.

7. A dangerous dog shall be spayed or neutered at the owner's expense, within ten business days of a final determination that the dog is dangerous.
 8. The owner or keeper of the dog must display on the dog's collar at all times a distinctive license tag issued by the city identifying the dog as dangerous.
 9. The owner or keeper of the dog shall securely confine the dog to the dog owner's or keeper's property or other property with that property owners' permission by means of a physical device or structure and in a manner that prevents the dog from reaching adjoining private property or any property used by the public.
 10. The owner or keeper of the dog must, within ten business days of a final determination that the dog is dangerous dog, obtain an identification microchip embedded under the dog's skin.
 11. The owner or keeper of any dog determined dangerous under this chapter must acknowledge in writing receipt of a copy of this chapter.
 12. The owner or keeper of any dog determined dangerous under this chapter must notify the city immediately if the dog is on the loose or unconfined.
 13. The owner or keeper of any dog determined dangerous under this chapter must notify the city if the dog dies, is sold, transferred, kept at a new location, or the owner or keeper changes addresses.
 14. Such other conditions that the hearing officer or board may specify.
 15. If the dog is impounded pending a dangerous dog hearing, all conditions imposed by the hearing officer or the board shall be satisfied prior to the dog being returned to the owner.
- B. It is unlawful and a misdemeanor for any person to hide, release, remove from the conditions of maintenance except for veterinary treatment, or transfer possession of a dangerous dog without written authorization of the Administrative Hearings Board.

Section 17. Title 7 (Animals), Chapter 7.13 (Dangerous Dogs), Section 7.13.120 is amended to read as follows:

7.13.120 - Destruction of Dangerous Dogs—Request for Temporary Stay Pending Judicial Review.

- A. A dog classified as dangerous under Section 7.13.080 of this chapter and ordered by the hearing officer or board to be destroyed, shall be destroyed after the later of the following dates:
1. Five calendar days after personal service or ten calendar days after service by mail of the administrative hearing decision unless a written notice of intent to seek judicial review is delivered to the city clerk or a petition for writ of mandate has been filed and a copy delivered to the city clerk;
 2. An administrative stay under subsection B of this section is granted, then after the expiration of the administrative stay; or
 3. A court has stayed destruction of the dog pending judicial review, then after the expiration of the court stay.
- B. A dog owner or keeper may request a temporary administrative stay of the destruction of his or her dog pending the filing of a petition for writ of mandate by filing a written request for stay with the city clerk and making an advanced payment for kenneling costs. The stay may be granted and effective for a number of days equal to the number of days of advanced kenneling costs received. The administrative stay shall not be granted for more than ninety days from the date of the administrative decision, unless, approved in writing by the City Manager, or his/her designee, or by a valid order of the Superior Court. If the dog owner prevails in court, the payments shall be refunded. If a writ of mandate is filed and served before expiration of the stay under this subdivision, the destruction of the dangerous dog shall be stayed during the pending judicial review and the balance of the advanced payment shall be refunded pending the final outcome of the matter.
- C. The owner and keeper shall be jointly and severally liable to the city for the cost of impoundment, kenneling, euthanasia, and disposal of the dog's remains.

Section 18. Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.010 is amended to read as follows:

7.16.010 - Animal-Control Officer Appointment.

The animal-control officer shall be appointed by the City Manager, public pound, society for the prevention of cruelty to animals, animal control agency, or humane society under contract to provide animal control services for the City of Redding.

Section 19. Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.030 is amended to read as follows:

7.16.030 - Strays.

The animal-control officer shall take up and receive into the public pound all stray dogs, all dogs found running at large upon any public street, alley, sidewalk or public place within the city and all such animals as may be left standing and attached to any vehicle without being securely fastened or having some person in charge thereof, and all dogs impounded as a result of a violation of Section 7.12.190 of the Redding Municipal Code. He or she shall hold all animals for a period of not less than seventy-two hours, except those covered by Agriculture Code Section 17003. At the expiration of said time, if unredeemed, the animal-control officer may cause dogs or cats to be destroyed or adopted to a member of the public. Severely injured, seriously ill, or newborn animals unable to feed themselves, may be disposed of sooner.

Section 20. Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.060 is amended to read as follows:

7.16.060 - Violations.

- A. The animal-control officer or any police officer of the city is authorized and instructed that where any person arrested for violation of any of the sections designated above as misdemeanors is not immediately taken before a magistrate as more fully set forth in the Penal Code of this state, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of the person, the offense charged, and the time and place when the person shall appear in court.
- B. The time specified in the notice to appear must be at least five days after the arrest.
- C. The place specified in the notice to appear shall be before the judge of the judicial district in which the offense is alleged to have been committed.
- D. The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person in order to secure release must give his or her written promise to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody.
- E. The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified in the notice.
- F. Any person willfully violating his written promise to appear in court is guilty of a misdemeanor and shall be punishable by a fine of not to exceed five hundred dollars, or imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment, regardless of the disposition of the charge upon which he was originally arrested.
- G. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.6(e) of the Penal Code of the state, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty days after his failure to appear as promised.

- H. Nothing contained in this section shall be deemed or construed to require any arresting officer to issue a citation instead of taking the person arrested before a magistrate as otherwise provided by law.
- I. Nothing contained in this section shall be deemed or construed to affect Section 7.16.050 or 7.16.070.

Section 21. Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.070 is amended to read as follows:

7.16.070 - Redemption of Animals.

- A. If the owner, or any other person, within a period of seventy-two hours, desires to redeem a dog or cat impounded, he may do so upon payment to the animal-control officer of the cost of caring for the animal and, in addition, a fee based on the number of times the animal has been impounded, as follows:
 - 1. Ten dollars for the first time;
 - 2. Twenty dollars for the second time within one year;
 - 3. Twenty-five dollars for each time after the second time, within one year;
 - 4. The fee for redemption of a dangerous or vicious animal shall be twenty-five dollars for each and every time the animal is impounded, in addition to the cost of caring for the animal.
- B. If an impounded dog does not have a current city license, said license fee must be paid prior to release of the dog. In addition, if a rabies vaccination is required, the dog may be vaccinated, at a cost to be borne by the owner, prior to release.
- C. The animal-control officer shall keep a record by description, license tag number on dogs, name of owner and date of redemption of each dog or cat that is redeemed from the pound and on subsequent redemptions of the same animal, the animal-control officer shall make due record of each impounding redemption and amount of redemption fees paid.

Section 22. Title 7 (Animals), Chapter 7.16 (Impoundment), Section 7.16.080 is repealed.

Section 23. Title 7 (Animals), Chapter 7.20 (Sale of Unredeemed Animals), Section 7.20.010 is amended to read as follows:

7.20.010 - Required—Notice—Time Limit.

All impounded animals, if not redeemed within seventy-two (72) hours, may be made available for adoption.

Section 24. Title 7 (Animals), Chapter 7.20 (Sale of Unredeemed Animals), Section 7.20.020 is repealed.

Section 25. Title 7 (Animals), Chapter 7.20 (Sale of Unredeemed Animals), Section 7.20.030 is repealed.

Section 26. Title 7 (Animals), Chapter 7.20 (Sale of Unredeemed Animals), Section 7.20.040 is repealed.

Section 27. Title 7 (Animals), Chapter 7.20 (Sale of Unredeemed Animals), Section 7.20.050 is amended to read as follows:

7.20.050 - Redemption Prior to Adoption.

The owner or person entitled to the control of any animal impounded, may, at any time before the adoption or other disposition thereof, redeem the animal by paying all costs, fees and charges thereon.

Section 28. Title 7 (Animals), Chapter 7.20 (Sale of Unredeemed Animals), Section 7.20.060 is repealed.

Section 29. Title 7 (Animals), Chapter 7.20 (Sale of Unredeemed Animals), Section 7.20.070 is repealed.

Section 30. Title 7 (Animals), Chapter 7.20 (Sale of Unredeemed Animals), Section 7.20.080 is repealed.

Section 31. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any person or circumstance. The City Council of the City of Redding hereby declares that it would have adopted each section, subsection subdivision paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections subdivisions paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 32. The City of Redding finds that this Ordinance is not a “project” according to the definition set forth in the California Environmental Quality Act (“CEQA”), and, pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment), the adoption of this ordinance is therefore not subject to the provisions requiring environmental review.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Redding at a regular meeting on the 16th day of March, 2021, and was duly read and adopted at a regular meeting on the 6th day of April, 2021, by the following vote:

AYES: **COUNCIL MEMBERS: Dacquisto, Mezzano, Schreder, Winter, and Resner**
NOES: **COUNCIL MEMBERS: None**
ABSENT: **COUNCIL MEMBERS: None**
ABSTAIN: **COUNCIL MEMBERS: None**

/s/ Erin D. Resner
ERIN D. RESNER, Mayor

ATTEST:

FORM APPROVED:

/s/Pamela Mize
PAMELA MIZE, City Clerk

/s/ Barry E. DeWalt
BARRY E. DeWALT, City Attorney

DATE ATTESTED:

_____, 2021