

ORDINANCE NO. 884

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEMEAD, CALIFORNIA, AMENDING TITLE 6 OF THE ROSEMEAD MUNICIPAL CODE CONCERNING ANIMALS AND ANIMAL CONTROL.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSEMEAD, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 6 and subsequent chapters of such Title of the Rosemead Municipal Code is hereby amended to read in its entirety as follows

TITLE 6: ANIMALS

Chapters:

- 6.02 Terms and Duties
- 6.04 Animals Generally
- 6.06 Dogs
- 6.08 Potentially Dangerous and Vicious Dogs
- 6.12 Cats

Chapter 6.02 TERMS AND DUTIES

Sections:

- 6.02.010 Definitions
- 6.02.020 Animal Control Officer
- 6.02.030 Deputies
- 6.02.040 Police Powers
- 6.02.050 License and tax powers
- 6.02.060 Duties
- 6.02.070 Interference with duties
- 6.02.080 Entering upon premises

6.02.010 Definitions

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

- A. Animal:** "Animal" means any beast, poultry, bird, reptile, or fish.
- B. Animal Exhibition:** "Animal Exhibition" means any display containing one or more domestic or wild animals which are exposed to public view for entertainment, instruction, or advertisement.
- C. Animal Menagerie:** "Animal Menagerie" means a place where wild animals are kept or maintained for any commercial purpose including places where wild animals are boarded, trained, or kept for hire.
- D. At Large:** "At Large" means an animal off the premises of its owner unless such animal can be securely confined by a strong leash securely and continuously held by the owner of such animal or confined within an automobile.

- E. **Cat:** "Cat" means any feline of any age, including both male and female.
- F. **Cat Kennel:** "Cat Kennel" means any lot, building, structure, enclosure, or premises whereupon or wherein four or more cats, over four months of age, are kept or maintained for any purpose, including places where cats are boarded, kept for sale, or kept for hire.
- G. **Dog:** "Dog" means any canine, including both male and female.
- H. **Dog Kennel:** "Dog Kennel" means any lot, building, structure, enclosure, or premises whereupon or wherein four or more dogs over four months of age are kept or maintained for any purpose, including places where dogs are boarded, kept for sale, or kept for hire.
- I. **Grooming Parlor/ Mobile:** "Grooming Parlor / Mobile" means any place of business, whether or not such business is regularly conducted by the operator within a building or other structure, permanent or otherwise or within a van, truck or other movable vehicle, where animals are groomed, clipped, bathed or otherwise conditioned as pets and/or for show.
- J. **Hobby Breeder:** "Hobby Breeder" is any person, except for a person possessing a valid kennel license, which owns and breeds a dog or cat and sells the offspring for pay or other compensation.
- K. **Horse:** "Horse" means any mule, burro, pony, jack, hinny, or jenny.
- L. **Impounded:** If any animal pursuant to this ordinance or any state statute has been received into the custody of any animal shelter, such animal will have been "impounded", as such word is used throughout.
- M. **Impounding Agency:** "Impounding Agency" means the animal control officer of the City of Rosemead, or any other agency designated by the City of Rosemead for the purpose of impounding an animal taken into custody.
- N. **Large Animal:** "Large Animal" means any animal that weighs 250 pounds or more.
- O. **Owner:** "Owner" means any person, firm, or corporation owning, having an interest in, or having control, custody, or possession of an interest in, or having control, custody, or possession of any animal.
- P. **Person:** "Person" includes any firm, partnership, corporation, trust, association, or individual person.
- Q. **Pet Shop:** "Pet Shop" means any place of business where dogs, cats, monkeys, birds, reptiles, fish, or any other animals to be kept as pets are kept for sale.
- R. **Pygmy Pig:** "Pygmy Pig" means a pig or hog classified as *Sus scrofa jubatus* Muller, or *Sus scrofa (cristatus) vittatus*, and commonly referred to as a Vietnamese pot-bellied pig, pygmy pig, or mini-pig, which stands no higher than 20 inches at the shoulder and is no longer than 40 inches from the tip of the head to the end of the buttocks, and weighs no more than 120 pounds.
- S. **Shall and May:** Shall is mandatory, may is permissive.
- T. **Small Animal:** "Small Animal" means any animal that weighs less than 250 pounds.
- U. **Unlicensed Dog:** "Unlicensed Dog" means any dog for which the license for the current year has not been paid, or to which the tag for the current year provided for within is not attached.

V. Wild Animals: "Wild Animals" can live independently of humans and are not descended from domesticated animals. They behave in a similar way to other members of their species and do not need people to provide them with food, accommodation or breeding partners.

W. Wild Species: "Wild Species" means any wild, exotic, dangerous, or non-domestic animal, including but not limited to, mammals, fowl, fish, or reptiles.

6.02.020 Animal Control Officer.

The office of the animal control officer is established. The animal control officer may be a person, firm, association, corporation, another municipality, or the county of Los Angeles, as determined by the city council. The animal control officer shall serve for such period of time and shall receive such compensation as shall be established by ordinance, resolution or by contract executed by the city council. The animal control officer is authorized and directed to perform, in conjunction with and under the supervision of the city manager, the powers and duties herein bestowed upon and required to be performed by said animal control officer.

6.02.030 Deputies.

Whenever a power is granted to, or duty is imposed upon the animal control officer, public safety officer or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this chapter expressly provides otherwise.

6.02.040 Police Powers.

The animal control officer shall be vested with the necessary police powers and duties of a police officer for the exclusive purpose of enforcing the provisions of this chapter, and it shall be his duty to issue citations for violations of any of the provisions of this chapter. The animal control officer shall enforce all of the laws of the city, county, and state relating to the care, treatment, impounding or other conditions of animals, and to the prevention of cruelty to animals. The exercise of said police powers shall be under the direct supervision of the city manager.

6.02.050 License powers.

The animal control officer or public safety officer, when so contracted for, shall be vested with the powers and duties of a license inspector, and shall have the power to collect the license fees and to issue the animal licenses and tags prescribed herein.

6.02.060 Duties.

It is made the duty of the animal control officer or public safety officer to enforce any other sections of this chapter, whether enumerated as a duty or not.

6.02.070 Interference with duty.

No person shall rescue or attempt to rescue any animal mentioned herein from the possession of the animal control officer, nor interfere with the animal control officer or his deputies in the performance of their official duties.

6.02.080 Entering upon premises.

The animal control officer, any officer or employee thereof or other duly designated representative of the city, or police officer shall have the right to make an inspection to enforce the provisions of this chapter or other applicable law by entering into any building or upon any property within the city, when said person has reasonable cause to believe that there exists in any building and/or upon any property any violation of the provisions of this chapter or other applicable law; provided, that:

(a) If such building and/or property is occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefore; and if such building and/or property is unoccupied, he shall first make a reasonable effort to locate the owner thereof or other persons having authority over the building and/or property and request entry, explaining his reasons therefore.

(b) If entry into said building or upon said property is refused, the animal control officer, any officer or employee thereof or other duly designated representative of the city, or any police officer shall obtain an inspection warrant pursuant to the provisions of the Code of Civil Procedure (Sec. 1822.50--1822.57), for the entry and inspection of said building and/or said property.

(c) Notwithstanding the foregoing, if the animal control officer, any officer or employee thereof, or other duly designated representative of the city, or any police officer has probable cause to believe that the keeping or the maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, he shall have the right to immediately enter and inspect such building and/or property, and may use any reasonable means required to effect such entry and make such inspection, whether such building and/or property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the building and/or property is occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefore.

This section shall not prohibit the animal control officer, any officer or employee thereof, or any police officer from entering upon any public or private property in the city for the purpose of capturing an animal running at large in violation of this chapter or other applicable law. Any person who denies, prevents, obstructs, or attempts to deny, prevent or obstruct said capture is guilty of a misdemeanor.

6.02.090 City Prosecutor.

The City Prosecutor, in his or her sound discretion, may prosecute violations of this Title as infractions or misdemeanors.

Chapter 6.04 ANIMALS GENERALLY

Sections:

6.04.010 Keeping certain animals prohibited.

6.04.020 Certain animals as novelties prohibited.

6.04.030 Exceptions

6.04.040 Miscellaneous animals: monkeys, horses, chickens and ducks.

6.04.050 Bees.

- 6.04.060 Other animals running at large.
- 6.04.070 Fowl and rabbits not to run at large.
- 6.04.080 Allowing wild or vicious animals to run at large prohibited.
- 6.04.090 Cleanliness of premises where animals are kept.
- 6.04.100 Animal feces.
- 6.04.110 Manure bins and removal of manure.
- 6.04.120 An Animal control officer may order premises an manure bins cleaned and disinfected.
- 6.04.130 Slaughter of animals.
- 6.04.140 Transporting animals in motor vehicles.
- 6.04.150 Noisy animals.
- 6.04.160 Keeping diseased animals prohibited – Exception.
- 6.04.170 Traps prohibited.
- 6.04.180 Impounding.
- 6.04.190 City animal shelter provided.
- 6.04.200 Care of animals.
- 6.04.210 Reclaiming of animals:
- 6.04.220 Fees for impounding.
- 6.04.230 Destruction of impounded unfit animals.

6.04.010 Keeping certain animals prohibited.

Except as provided in this chapter, it shall be unlawful for any person to keep on any lot within the city, the following:

- (1) Swine, hogs or pigs (except Vietnamese pot-bellied pigs)
- (2) Dangerous or poisonous reptiles;
- (3) Wild animals.
- (4) Bees.
- (5) Roosters over three months old.

The Planning Commission may grant a conditional use permit for keeping of such animals or reptiles subject to the following conditions:

- (1) The animals or reptiles are maintained within an educational institution as defined by the Cal. Education Code;
- (2) The animals or reptiles are used exclusively for scientific or medical research;
- (3) The animals or reptiles are part of a commercial venture operated in a commercial zone, or less restrictive zone.

6.04.020 Certain animals as novelties prohibited.

No person shall:

- A. Sell, offer for sale, barter, or give away as pets, toys, premiums or novelties, any baby chickens, ducklings or other fowl under three weeks of age, or rabbits under two months of age; or

- B. Color, dye, stain or otherwise change the natural color of the above described fowl or rabbits; or
- C. Bring or transport the above described fowl or rabbits into the city

6.04.030 Exceptions

Section 6.04.020 does not prohibit the sale of commercial lots or display in proper facilities of any of the fowls or rabbits described herein, by breeders or stores engaged in the business of selling for commercial breeding or raising, or for food or their exhibition at any fair, show or exhibit where such fowls or animals are displayed for commercial purposes and in the interest of improving agriculture of industry, or their sale for raising as a part of a training or educational program under conditions and standards established or approved by a 4-H Club, Future Farmers of America, accredited educational institutes or similar organizations or institutions.

6.04.040 Miscellaneous animals: monkeys, horses, chickens and ducks.

1. No person owning or having control of any monkey, ape, chimpanzee, or other animal of the monkey type, shall permit, allow or suffer such animal to run at large within the city or permit, allow or suffer such animal to be or go upon any street or public place within the city without having such animal securely fastened by an adequate chain or rope, firmly held by or attached to a competent person.
2. Such animal shall be deemed and considered as running at large, within the meaning of the expression as herein used, when not confined within an enclosure or when not securely tied or chained.
3. Horses may be kept on those premises where permitted by the zoning ordinance.
4. Chickens and ducks may only be kept in the area where permitted by the zoning ordinance. The keeping of chickens and ducks shall be subject to the following additional provisions:
 - (1) They shall be kept a minimum of ten feet from the side and rear property lines.
 - (2) They shall not be kept in the front yard setback.
 - (3) They shall be kept a minimum of twenty-five feet from any building used for human habitation on the lot.
 - (4) They shall be kept a minimum of fifty feet from any building used for human habitation on an adjacent lot.
 - (5) There shall be a chain-link fence, or an approved equal, a minimum of four feet in height, surrounding the area keeping the chickens and/or ducks. A closeable, lockable gate shall be provided.
 - (6) Running, potable water shall be provided to the area keeping the chickens and/or ducks.
 - (7) All applicable regulations and ordinances of the city and of the Los Angeles County health department shall be fully adhered to.

6.04.050 Bees.

No person shall keep or maintain, or suffer or permit to be kept or maintained, upon premises owned or controlled by him or it, in the city, a hive of bees. This section

shall not apply to the keeping of bees within an educational institution for study or observation, or within a physician's office or laboratory for medical research, treatment, or other scientific purposes, provided they are not permitted to fly at large.

6.04.060 Other animals running at large.

No person owning or having control of any ox, steer, bull, cow, horse, colt, calf, sheep, goat, or any other animal commonly referred to as a "wild species" shall:

- A. Permit such animal to run at large in the city,
- B. Cause or permit any such animal to be pastured, herded, staked or tied in any street, lane, alley, park or other public place;
- C. Tie, stake, pasture, or permit the tying, staking, or pasturing of any such animal upon any private property within the limits of the city, without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street or public place, or upon any such private property;
- D. Permit any said animals to be or remain during the nighttime secured by a stake, or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such animal, or by securely fastening such animal by means of a rope or chain of sufficient size, strength and weight to effectively restrain such animal;
- E. Fail to provide the necessary sustenance, drink, shelter, or protection from the weather, or otherwise;

6.04.070 Fowl and rabbits not to run at large.

It is declared to be a nuisance and no person shall suffer or permit any rabbits and/or permitted birds and/or fowl owned or controlled by him or it, to run or fly at large or go upon the premises of any other person in the city. Fowl and rabbits may only be kept in the zone permitted in the zoning code of the city. The keeping of fowls and rabbits is subject to the development standards as stipulated in the zoning code.

6.04.080 Allowing wild or vicious animals to run at large prohibited.

No person owning or having charge, custody, control or possession of any animal or reptile known by such person to be vicious or dangerous, or commonly so known, or owning or having charge, custody, control or possession of any elephant, bear, hippopotamus, rhinoceros, lion, tiger, leopard, wolf, monkey, ape, chimpanzee, bobcat, lynx, wildcat, puma, cheetah, or any animal commonly referred to as a "wild species," or any poisonous reptile, shall permit or allow the same to be at large upon any highway, street, lane, alley, court or other public place, or upon any private property other than within the enclosed premises of such person. If the owner or harborer fails to provide adequate restraint or control of said animal as ordered by the animal control officer or his authorized deputy, within a reasonable time, said animal shall then be subject to summary destruction.

6.04.090 Cleanliness of premises where animals are kept.

Every person owning or occupying premises where any animal, dog, cat, fowl or bird is kept shall keep the stable, barn, stall, pen, coop, building or place in which said animal is kept in a clean and sanitary condition.

6.04.100 Animal feces.

No owner or person having charge, custody or control of any animal shall permit, either willfully or through failure to exercise due care or control, any such animal to defecate and to allow such feces thereafter to remain on any public sidewalk or park or any other public property, or on any improved private property other than that of the owner or person who has custody or control of such animal.

(Prior code §6.04.040)

6.04.110 Manure bins and removal of manure.

Every person owning or occupying premises where manure from any animal accumulates shall provide for the removal of such manure daily. Unless all manure accumulated on any premises is removed daily, boxes, bins or receptacles of a design and construction acceptable to the animal control officer of the city or the animal control officer shall be provided by the owner or occupant of such premises, and such boxes, bins or receptacles shall be used only for the purpose of containing the accumulation of manure, which shall be placed therein or removed therefrom, and in no instance shall manure be placed in such boxes or receptacles in such manner as to prevent the tight closing of the lid; provided, however, that nothing contained herein shall apply to manure which is spread as fertilizer over or around cultivated plants, vines, vegetables, lawns, bushes or trees, or to manure kept by any nursery for commercial fertilizer purposes, unless such manure creates a nuisance either from fly breeding or excessive obnoxious odors. Said boxes, bins or receptacles shall be constructed of brick, stone, concrete, metal, or wood lined with metal or other sound material, and shall be proof against access to the contents thereof by flies. The contents of said boxes, bins or receptacles shall be removed once a week.

6.04.120 Animal control officer may order premises and manure bins cleaned and disinfected.

No person who is ordered by the animal control officer of the city or animal control officer to clean or disinfect any stable, barn, corral, stall, pen, coop, building, or place in which any animal is kept, or who is ordered by such officer to clean or disinfect any box, bin or receptacle used for the accumulation of manure shall fail, neglect or refuse to clean and disinfect such stable, barn, corral, stall, pen, coop, building, place, box, bin or receptacle.

6.04.130 Slaughter of animals.

No person shall, within the city, willfully slaughter or cause to be slaughtered any animal. This section shall not apply to the slaughter of such animals within an educational institution, physician's office or laboratory for medical research or other scientific purposes, to the slaughter of such animals by a person licensed by the state of California to practice veterinary medicine, or by a commercial establishment duly

entitled by the city and otherwise licensed by the appropriate State or Federal agency as a slaughterhouse.

6.04.140 Transporting animals on motor vehicles.

No person shall transport any animal on the running board of any motor vehicle or outside the passenger compartment, tonneau or body thereof, unless such animal is protected by a framework or other device which will prevent such animal from falling off, jumping or being thrown from such motor vehicle, whether in motion or not.

6.04.150 Noisy animals.

It is declared to be a nuisance, and no person shall keep, maintain or permit upon any lot or parcel of land within the city under his control, any animal or animals, which by any sound or cry emit noise in violation of Section 8.36.060 of this code.

6.04.160 Keeping diseased animals prohibited--Exception.

No person shall keep any animal which is known or believed by him to be infected with any dangerous or communicable disease, or which is afflicted with any painful disease believed by him to be incurable, without a permit to do so from the animal control officer of the city.

6.04.170 Traps prohibited.

No person shall set or use any spring steel trap, No. 1 or larger, in the city. This section shall not, however, prohibit the use of rodent traps.

6.04.180 Impounding.

It shall be the duty of the animal control officer to take up, impound and safely keep any of the animals enumerated in this chapter found running at large, staked, tied or being herded or pastured in any street, lane, alley, court, square, park, or other place belonging to or under the control of the city, or upon any private property in the city, contrary to the provisions of this chapter. The following shall be captured and taken into custody:

- A. All unlicensed dogs;
- B. Any other animal, wild or domestic, which is by this Title required to be licensed, but which is unlicensed;
- C. Any animal being kept or maintained contrary to the provisions of this Title, the Animal Control Ordinance, or any other ordinance or state statute;
- D. Dogs and other animals running at large contrary to the provisions of the Food and Agricultural Code or any other state statute or of this Title;
- E. Sick, injured, stray, unwanted or abandoned animals;
- F. Dogs which are unvaccinated in violation of this Title;
- G. Animals delivered by the owners to the director, all title and interest in which is abandoned by such owners;
- H. Animals for which the owner or custodian is unable to care because of imprisonment, illness, bankruptcy, litigation or other contingency, or in cases in which the owner or custodian cannot be found.

6.04.190 City animal shelter provided.

There shall be provided by the City a suitable building or enclosure to keep and safely hold all animals herein enumerated which are subject to be impounded, which shall be known and designated as the "animal shelter or animal holding facility."

6.04.200 Care of animals.

When any animal is impounded, it shall be provided, during impoundment, with proper and sufficient food and water, by the animal control officer or the impounding agency designated by the city.

6.04.210 Reclaiming of animals.

The owner of any animal impounded shall have the right to reclaim the same, at any time prior to the sale or destruction thereof, upon payment to the city or the impounding agency of the costs and charges provided in this chapter for impounding and keeping said animals, and the obtaining of a license for unlicensed animals.

6.04.220 Fees for impounding.

The city or impounding agency shall charge a fee established by resolution of the city council for the impounding of animals.

6.04.230 Destruction of impounded unfit animals.

It shall be the duty of the animal control officer or the impounding agency to order the destruction of any animal lawfully taken into custody which, in the opinion of the animal control officer or the impounding agency, is infected with a dangerous or communicable disease, or which is in an incurably crippled condition, or which is adjudged by a written report of a licensed veterinarian to be afflicted with any painful, incurable disease.

Chapter 6.06 DOGS

Sections:

- 6.06.010 License and registration required.
- 6.06.020 Procurement of license certificates.
- 6.06.030 Issuance of license tags and certificates.
- 6.06.040 Time limit – license fee.
- 6.06.050 Fee for spayed or neutered animals.
- 6.06.060 Fees paid annually – delinquency charge.
- 6.06.070 Tags must be shown.
- 6.06.080 Removal of registration tags.
- 6.06.090 Counterfeiting tags.
- 6.06.100 Running at large prohibited.
- 6.06.110 Impounding and quarantine.
- 6.06.120 Giving notice of captured animals.
- 6.06.130 Rabies vaccination.
- 6.06.140 Rabies revaccination.
- 6.06.150 Rabies certificate.

- 6.06.160 Rabies licensing requirement.
- 6.06.170 License evidence.
- 6.06.180 Animal control officer to have dog examined for rabies.
- 6.06.190 Unlawful for any person to fail to notify animal control officer, his deputies or animal control officer or his deputies regarding rabid dog.
- 6.06.200 Dogs and other animals to be quarantined for ten (10) days.

6.06.010 License and registration required.

No person owning, having an interest in, or having control, custody or possession of any dog shall fail, neglect or refuse to license and register such dog, if over four months of age, in compliance with the terms of this chapter.

6.06.020 Procurement of license certificates.

The animal control officer of the city, when so contracted for, is authorized and directed to procure each year such number of license certificates and tags as may be sufficient for use during the year.

6.06.030 Issuance of license tags and certificates.

A metallic tag and license certificate with corresponding numbers shall be furnished by the city, or contractual agent of the city as designated for the city, to any person required by this chapter to obtain a license, upon payment of the appropriate license or tag fee prescribed in this chapter. The issuer of said tags and license certificates shall keep record of the name, address and telephone number of the owner of the dog or person making payment of the license fee, and to whom a certificate and tag has been issued, and the number and date of such certificate. Such metal tag issued for the current license year shall be securely fastened to the collar or harness of the dog, and shall be worn by such dog at all times other than those periods when confined to the owner's house, enclosed yard or pen. A duplicate of a lost license tag may be procured from the issuer upon proof of loss and payment of the fee set by City Council resolution.

6.06.040 Time limit--license fee.

- (1) Every person owning or having custody or control of any dog or dogs over the age of four months within the city, shall first obtain an annual license from the city, or designated representative or contractual agent of the city as designated for the city, for each such dog, and at the same time obtain a dog license tag, and for such license or licenses shall pay a fee established by resolution of the city council.
- (2) Original license fees shall be due and payable within fifteen days after any dog is acquired and comes into the care, custody and control of any person in the city.

6.06.050 Fee for spayed or neutered animals.

Pursuant to Section 30804.5 of the Food and Agricultural Code, any dog or cat license tag issued pursuant to Section 6.06.040 shall be issued for one-half or less of the fee

required if a certificate is presented from a licensed veterinarian that the dog or cat has been spayed or neutered.

6.06.060 Fees payable annually--delinquency charge.

- A. The license fees provided for in this chapter shall be paid annually to the director in the amount set forth in city's master fee resolution as adopted by the city council.
- B. A delinquency charge as provided in the city's master fee resolution shall be assessed when the license fees provided for in this chapter are not paid on or before the expiration date or the date the license is required to be obtained by the provisions of this title.

6.06.070 Tag must be shown.

No person shall fail or refuse to show to the animal control officer or any police officer the license and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under his immediate control.

6.06.080 Removal of registration tags.

No unauthorized person shall remove from any dog, any collar, harness or other device to which is attached a registration tag for the current year, or remove such tag therefrom.

6.06.090 Counterfeiting tags.

No person shall imitate or counterfeit the tags provided for in this chapter, or shall use any imitation or counterfeit of such tag.

6.06.100 Running at large prohibited.

No person owning, having an interest in, harboring, or having charge, care, control, custody or possession of any dog shall cause or permit such dog to be off the premises of its owner, unless such dog is securely confined by a strong leash of not exceeding six feet, securely and continuously held by a competent person owning, having an interest in, harboring or having charge, care, control, custody or possession of such dog, unless such dog be confined within an automobile.

6.06.110 Impounding and quarantine.

It shall be the duty of the animal control officer, and of any police officer of this city, to take up all dogs found in violation of Section 6.06.100. When such dog is taken up, it shall be delivered to the animal control officer. All such dogs shall be impounded in the animal shelter.

6.06.120 Giving notice of captured animals.

Any person who captures an animal at large, as defined in Section 6.06.100 shall, within twenty-four hours, give notice to the animal control officer. Such notice shall include the following:

- (a) The fact that he has such animal in his possession;

- (b) The complete description of such animal;
- (c) The license number of such animal, if any, and by what county or municipal corporation issued. If such animal has no license, such person shall so state;
- (d) The place where such animal is confined.

Any such person shall thereafter surrender the animal to the animal control officer, or his deputy, upon request.

6.06.130 Rabies vaccination.

- (1) Every person keeping, harboring or having a dog over the age of four months in the city shall cause such dog to be vaccinated with a type of rabies vaccine approved by the State Department of Public Health within a period of thirty days from the date such dog was harbored, kept or had within the city, or within thirty days from the date the dog attains the age of four months; provided, however that the aforesaid provision shall not apply so as to require the vaccination of any dog which has been vaccinated with an approved vaccine by a person licensed by the state of California, or by any other state or nation, to practice veterinary medicine where such vaccination has been completed within the period of time as prescribed in this section.
- (2) If chick embryo vaccine was used in such vaccination, it must have been completed within thirty-six months, or if the tissue-type vaccine was used, it must have been completed within one year prior to the date such dog was first kept, harbored or brought into the city.

6.06.140 Rabies revaccination.

Every person keeping, harboring or having in the city a dog which has been vaccinated with chick embryo vaccine shall cause such dog to be vaccinated within a period of not more than three years; or a dog which has been vaccinated with a tissue-type vaccine, shall cause the dog to be vaccinated within a period of not more than one year.

6.06.150 Rabies certificate.

Every person keeping, harboring or having in the city any dog required by this chapter to be vaccinated shall, at all times while such dog is thus kept, harbored or had, have in his possession a certificate issued by a person licensed by the state of California or any other state or nation to practice veterinary medicine, which certificate shall specify that such dog has been vaccinated in accordance with the provisions of Sections 6.06.130 and 6.06.140.

6.06.160 Rabies licensing requirements.

- (1) Every person applying for a dog license must exhibit a certificate issued by a person licensed by the state of California to practice veterinary medicine, which certificate shall show that the dog for which the license is to be issued either:
 - i. Has been vaccinated in accordance with the provisions of Sections 6.06.130 and 6.06.140; or

- ii. Should not be so vaccinated by reason of age, infirmity or other disability.
- (2) Such exemption shall be valid for a period not to exceed one year. A license for any dog shall not be issued unless and until either such certificate is exhibited.

6.06.170 License evidence.

At the time a dog license is issued, the date of vaccination and the type of vaccine used, as shown on the certificate, shall be recorded on the license registration form.

6.06.180 Animal control officer to have dog examined for rabies.

Officers or persons capturing dogs under the provisions of Sections 6.06.110 and 6.06.120 shall separately confine such dogs captured by them in some safe place, and shall report the capture to the animal control officer of the city or his deputies, or the animal control officer or his deputies, and shall submit such dog to the examination of the animal control officer of the city or his deputies.

6.06.190 Unlawful for any person to fail to notify animal control officer, his deputies or animal control officer or his deputies regarding rabid dog.

It is unlawful for any person having knowledge of the whereabouts of such animal known to have or suspected of having rabies or which has shown symptoms or rabies to fail, refuse or neglect to immediately notify the animal officer of the city or his deputies, or the animal control officer or his deputies, or to fail, refuse, or neglect to allow the animal control officer or his deputies to make an inspection or examination of such animal until it shall be established to the satisfaction of said official that such animal control officer that such animal has rabies or not. The animal control officer or his deputies, or the animal control officer or his deputies shall likewise be notified of any person bitten by an animal of a species subject to rabies, whether or not the animal is suspected of having rabies.

6.06.200 Dogs and other animals to be quarantined for ten days.

Whenever it is shown that any dog or other animal has bitten any person, no owner or person having the custody or possession thereof, upon order of the animal control officer, any police officer, or the animal control officer of the city shall fail, refuse or neglect to quarantine such animal and keep it securely confined on a chain or in a closed cage or paddock for a period of ten days, or shall fail, refuse or neglect to allow the animal control officer or his deputies to make an inspection or examination thereof at any time during said period. No such dog or animal shall be removed without written permission of the animal control officer or his deputies.

Chapter 6.08 POTENTIALLY DANGEROUS AND VICIOUS DOGS

Sections:

- 6.08.010 Declaration of public nuisance.
- 6.08.020 Definitions.
- 6.08.030 Procedure for declaring dog potentially dangerous and/or vicious.
- 6.08.040 Administrative hearing by City Manager.

- 6.08.050 Appeal procedure.
- 6.08.060 Licensing and vaccinating.
- 6.08.070 Seizure and impoundment.
- 6.08.080 Cost assessment when animal seized.
- 6.08.090 Identification and sterilization requirement for vicious dogs.
- 6.08.100 Procedure for destruction.
- 6.08.110 Restraint or enclosure.
- 6.08.120 Posting of property where potentially dangerous or vicious dogs are maintained.
- 6.08.130 Notice of disposal or escape.
- 6.08.140 Owners to permit compliance inspections.
- 6.08.150 Removal from list of potentially dangerous dogs.
- 6.08.160 Unlawful to own, harbor or keep dog found by another jurisdiction to be potentially dangerous or vicious.
- 6.08.170 Keeping by minors prohibited.
- 6.08.180 Violation Penalty.

6.08.010 Declaration of public nuisance.

It is the purpose and intent of this chapter to establish procedures pursuant to Food and Agricultural Code Section 31601 et seq. to deal with potentially dangerous and vicious dogs.

Potentially dangerous and vicious dogs have become a serious threat to the safety and welfare of the citizens of this city.

Attacks by potentially dangerous and vicious dogs on human beings and domestic animals are attributable to the failure of owners to register, confine and properly control vicious and potentially dangerous dogs.

Potentially dangerous and vicious dogs are declared a public nuisance.

6.08.020 Definitions.

For the purposes of this chapter, the words set out in this section shall be defined as follows.

1. "Potentially dangerous dog" means one or more of the following:
 - (1) Any dog which, when unprovoked, engages in any behavior which requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog; or
 - (2) Any dog which, when unprovoked, bites a human being; or
 - (3) Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog; or
 - (4) Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or
 - (5) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals; or

- (6) Any dog which on three separate occasions within a twelve (12) month period has been observed to be unrestrained off its owner's premises by an Animal Control or Code Enforcement Officer of the city, or which has been apprehended and/or impounded on three such occasions for being unrestrained or uncontrolled off its owner's premises; or
 - (7) Any dog which engages in or is found to have been trained to engage in exhibitions of fighting.
2. "Vicious dog" means one or more of the following:
- (1) Any dog seized under Section 599(aa) of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code; or
 - (2) Any dog which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a human being. Severe injury means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery; or
 - (3) Any dog previously determined to be currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of its determination, continues the behavior described under the definition of "potentially dangerous dog" above, or any dog previously determined to be a currently listed as a potentially dangerous dog, which is not properly licensed and vaccinated, not properly restrained and/or not properly maintained on the owner's property.

6.08.030 Procedure for declaring dog potentially dangerous and/or vicious.

- 1. If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the chief officer of the Animal Control Department, or his or her designee, shall set a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious.
- 2. The chief Animal Control Officer shall notify the owner or keeper of the dog that an administrative hearing will be held by the city, at which time the owner may present evidence as to why the dog in question should not be declared potentially dangerous or vicious.
- 3. The owner or keeper of the dog shall be served with notice of the hearing, either personally or by first class mail, or by certified mail at the owner's last known address, not less than five days before the time set for hearing. Service shall be deemed complete at the time notice is personally served or deposited in the mail.
- 4. Failure of any person to receive notice shall not affect the validity of any proceedings under this chapter.
- 5. The hearing shall be open to the public.
- 6. The City Manager or other person designated by the City Manager shall conduct the administrative hearing.
- 7. Notice shall be substantially in the form set forth below:

Notice of Administrative Hearing re: Determination and Disposition of Potentially Dangerous or Vicious Dog. This is a Notice of Hearing before the Rosemead City

Manager or his designee, to determine whether your dog (name of dog--describe if available) is a potentially dangerous or vicious dog. If your dog is found to be a potentially dangerous and/or vicious dog as defined by Rosemead Municipal Code Section 3650 et seq., the City Manager or other person designated as Hearing Officer, may issue any one or more of the following orders: (1) The dog shall be properly licensed and vaccinated; (2) The dog shall be maintained on owner's property and shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass. The dog may not be off the owner's premises unless it is restrained by a substantial leash, of appropriate length, and if it is under the control of a responsible adult; (3) If the dog in question dies or is sold, transferred or permanently removed from the City, the owner shall notify the City of Rosemead of the changed condition and new location of the dog within two days in writing; (4) The dog shall be destroyed; (5) Owner shall pay any and all costs incurred by the City in the administration of Rosemead Municipal Code Section 3650 et seq., including but not limited to, costs incurred by the City for housing, maintenance, feeding and providing care, including medical care, of the dog during such time as the dog is in the custody of the City of Rosemead.

6.08.040 Administrative hearing by City Manager.

- A. At the time stated in the notice, the City Manager or his or her designee, hereinafter referred to as Hearing Officer, shall hear and consider all relevant evidence, objections or protests and shall receive testimony under oath relative to the alleged potentially dangerous and/or vicious animal. The Hearing Officer may admit into evidence all relevant evidence, including incident reports and affidavits of witnesses. The Hearing Officer may find, upon a preponderance of evidence, that the dog in question is potentially dangerous or vicious and may make other orders authorized by this chapter. The hearing may be continued from time to time.
- B. If the Hearing Officer finds by a preponderance of evidence that the animal which is the subject of the hearing is potentially dangerous and/or vicious, the Hearing Officer shall prepare findings and an order, which shall specify and make specific orders with respect to the dog as authorized by this chapter. A copy of the findings and order shall be served on the owner of the dog in accordance with the provisions of Section 6.08.030.

6.08.050 Appeal procedure.

After the hearing is conducted pursuant to this chapter, the owner/keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first class mail postage prepaid. If a determination is made that the dog is potentially dangerous or vicious, the owner or keeper shall comply with those orders made by the Hearing Officer. If the owner or keeper of the dog contests the determination of the Hearing Officer, he or she may, within five days of receipt of the notice of determination, appeal the decision of the Hearing Officer. Appeal shall be made to the City Manager. The appellant shall serve personally or by first class mail, postage prepaid, notice of the appeal upon the city.

6.08.060 Licensing and vaccinating.

All potentially dangerous and/or vicious dogs shall be properly licensed and vaccinated. The licensing authority shall include the potentially dangerous designation in the registration records of the dog, either after the owner or the keeper of the dog has agreed to the designation or after the city has determined the designation applies to the dog. The city may charge a potentially dangerous dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog.

6.08.070 Seizure and impoundment.

- A. If upon investigation it is determined by the Animal Control Officer that probable cause exists to believe that the dog in question poses an immediate threat to public safety, then the Animal Control Officer may seize and impound the dog pending the hearings to be held pursuant to this chapter. The owner or keeper of the dog shall be liable to the city for the costs and expenses of keeping the dog if the dog is later adjudicated potentially dangerous or vicious.
- B. When a dog has been impounded pursuant to subsection A of this section and it is not contrary to public safety, the Animal Control Officer may permit the animal to be confined at the owner's expense in a city-approved kennel or veterinary facility.

6.08.080 Cost assessment when animal seized.

If it is determined at the hearing as provided in this chapter that the dog in question is potentially dangerous and/or vicious, the Hearing Officer may assess the owner of the dog for any costs of administration incurred by the city, including but not limited to costs incurred in housing, maintaining and feeding the dog and for any medical attention required for the dog. Costs assessed shall be charged to the owner. The costs may be imposed as a special assessment or lien pursuant to Chapter 8.44. The notice and hearing requirements of that Chapter required prior to imposition of such special assessment or lien shall be deemed satisfied by the notice and hearing procedures set forth in this Title.

6.08.090 Identification and sterilization requirement for vicious dogs.

The owner or keeper of any dog determined to be vicious pursuant to this chapter shall at his or her expense have an identification number assigned by the Animal Control Department permanently tattooed on the inner left rear leg of the dog. The identification shall be noted in the city licensing files for that dog. Any dog determined to be vicious shall be sterilized at the owner's expense.

6.08.100 Procedure for destruction.

- A. A dog determined to be potentially dangerous or vicious may be destroyed by the Animal Control Department/city when it is found, after a hearing pursuant to Section 6.08.040, that the release of the dog would create a significant threat to the public health, safety and welfare.
- B. If it is determined that a dog found to be potentially dangerous or vicious shall not be destroyed, the Hearing Officer shall impose conditions upon the ownership of the dog that protect the public health, safety and welfare.

6.08.110 Restraint or enclosure.

- A. A dog determined to be potentially dangerous pursuant to this chapter shall at all times while not securely confined indoors:
 - (1) Be confined in an area which is securely fenced and locked so as to prevent trespassing by children and from which the dog cannot escape; and
 - (2) When off the property of its owner or keeper, be humanely muzzled and leashed with a substantial leash or chain not to exceed four feet in length and under the control of a responsible adult who is familiar with and in control of the dog; or
 - (3) Be humanely confined in a vehicle so that it can neither escape nor inflict injury on passers-by.
- B. A dog determined to be vicious pursuant to this chapter at all times while not securely confined indoors:
 - (1) Shall be confined in an outdoor fenced enclosure on the property where the dog is kept or maintained, so it cannot bite, attack or cause injury to any person. All enclosures, fences and gates must be constructed of substantial material and installed and maintained in a workmanlike manner. The enclosure must be anchored solidly to the ground and must be of sufficient structural strength and height to ensure the strict confinement of the dog and to prevent unauthorized access. If necessary to accomplish the intent of containment, a cover over the enclosure shall be installed. In addition, any and all gates must be kept locked;
 - (2) May be off the property of the owner or keeper for purposes of obtaining veterinary care, being sold or given away, complying with any provision of law or with a directive of the City Manager or his or her designee or the Animal Control Officer;
 - (3) When off the property of its owner or keeper or in the care of a veterinarian, shall be securely and humanely muzzled and restrained with a harness and nylon leash, sufficient to restrain the dog, not exceeding four feet in length, and shall be under the direct charge and control of its owner or keeper.

For the purposes of this section, a dog which is humanely muzzled and/or confined in a vehicle shall be able to drink, breathe and pant freely under conditions which do not subject the animal to needless suffering. When circumstances warrant, the officer-in-charge of the Animal Control Officer may modify conditions of restraint to accommodate the special needs of the dog.

6.08.120 Posting of property where potentially dangerous or vicious dogs are maintained.

The owner or keeper of a dog which has been determined to be potentially dangerous or vicious pursuant to this chapter shall display a sign, on the property where the dog is kept, containing a visual and verbal warning that there is a dangerous or

vicious dog on the property. The sign shall be visible to the general public and capable of being read from any adjacent street, sidewalk or other such public right-of-way.

6.08.130 Notice of disposal or escape.

- A. The owner or keeper of any dog found to be potentially dangerous or vicious pursuant to this chapter shall notify the Animal Control Department immediately if the dog has escaped, is unconfined, has attacked another animal, has bitten a human being, or has died.
- B. The owner or keeper of a dog found to be potentially dangerous pursuant to this chapter shall notify the Animal Control Department within forty-eight (48) hours if the dog is sold, transferred or permanently removed from the place where the owner or keeper resided or kept the dog at the time the dog was determined to be potentially dangerous. The owner or keeper shall also inform the Animal Control Department of any new address where the dog is to be kept and the name, address and telephone number of any new owner.
- C. The owner or keeper of a dog found to be vicious shall notify the Animal Control Department at least forty-eight (48) hours prior to selling, transferring or permanently removing the dog to a new location and shall also provide the Animal Control Department with the name, address and telephone number of the new owner of the dog with the address of any new permanent location of the dog.

6.08.140 Owners to permit compliance inspections.

The owner or keeper of any dog determined to be potentially dangerous or vicious pursuant to this chapter shall consent to inspection of the property where the dog is kept and of the dog upon twenty-four (24) hours' written notice by the Animal Control Department. The inspection shall be set at a reasonable time and in a reasonable manner to verify full compliance with the requirements of this chapter and/or the requirements of the orders issued by the Hearing Officer.

6.08.150 Removal from list of potentially dangerous dogs.

If there are no additional instances of the behavior described in Section 6.08.020 within a thirty-six (36) month period from the date of designation as a potentially dangerous dog, the dog shall be removed from the list of potentially dangerous dogs. The dog may, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the thirty-six (36) month period if the animal or keeper of the dog demonstrates to the Animal Control Department that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety.

6.08.160 Unlawful to own, harbor or keep dog found by another jurisdiction to be potentially dangerous or vicious.

No dog which has previously been determined to be potentially dangerous or vicious after an administrative hearing or court order by another jurisdiction will be allowed to be kept, owned or harbored in the city. Any notice by the Animal Control Department to remove, abate or destroy any dog owned, harbored or maintained in

violation of this section may be appealed to the City Manager or his or her designee by filing with the City Manager a written statement of the factual basis for the appeal within five working days of the receipt of the notice.

6.08.170 Keeping by minors prohibited.

No dog determined to be potentially dangerous or vicious pursuant to this chapter shall be kept by an owner or keeper who is a minor.

6.08.180 Violation Penalty.

Any violation of this chapter involving a potentially dangerous dog or vicious dog shall be punishable by an administrative fine as set by City Council resolution. All administrative fines paid pursuant to this chapter shall be paid to the city for the purpose of deferring costs of implementation of this chapter.

Chapter 6.12 CATS

Sections:

6.12.010 Optional identification license for cats.

6.12.010 Optional identification license for cats.

In order to provide a method for identifying cats, a license may be obtained. The fee for such license shall be established by resolution of the city council. These licenses shall be valid for the life of the cat. This section shall not require the licensing of cats, but merely provides for their optional licensing.

(See next page for signatures)

PASSED AND ADOPTED this 17th day of November, 2009:

Margaret Clark

MARGARET CLARK
MAYOR

ATTEST:

Gloria Molleda

GLORIA MOLLEDA
CITY CLERK

APPROVED AS TO FORM:

Joseph M. Montes

JOSEPH M. MONTES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF ROSEMEAD)

I, Gloria Molleda, City Clerk of the City of Rosemead, California, do hereby certify that the foregoing **Ordinance No. 884** was regularly introduced and placed upon its first reading at a regularly meeting of the City Council on 27th of October, 2009. That after said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 17th of November, 2009 by the following vote to wit:

Yes: Armenta, Clark, Low, Ly, Taylor

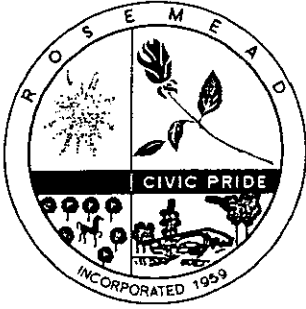
No: None

Absent:None

Abstain: None



Gloria Molleda
City Clerk



ROSEMEAD CITY COUNCIL STAFF REPORT

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: JEFF ALLRED, CITY MANAGER 

DATE: NOVEMBER 17, 2009

**SUBJECT: ORDINANCE 884 – SECOND READING: AMENDING TITLE 6 OF THE
ROSEMEAD MUNICIPAL CODE CONCERNING ANIMALS AND
ANIMAL CONTROL**

SUMMARY

On October 27, 2009, the City Council reviewed the Ordinance No. 884 amending Title 6 of the Rosemead Municipal Code regarding Animals and Animal Control. Ordinance No. 884 is now before Council at the required second reading for adoption.

Staff Recommendation

Staff requests that City Council ADOPT Ordinance No. 884 at its second reading.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process.

Prepared by:


GLORIA MOLLEDA
CITY CLERK

Attachment A –Ordinance No. 884