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## **Title 7**

### **ANIMALS**

#### **Chapter:**

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## Chapter 7.04

### ANIMAL CONTROL SUPERVISOR<sup>1</sup>

**Section:**

- 7.04.010**     **Appointment - Assistants' appointment.**
- 7.04.015**     **Duties relating to the seizure, impoundment and disposition of impounded animals other than dogs.**
- 7.04.020**     **Duties of the animal control supervisor relating to the seizure and impoundment of dogs and disposition of impounded dogs.**
- 7.04.025**     **Duties generally.**

**7.04.010**   **Appointment - Assistants' appointment.**

An animal control supervisor and assistants, if any, shall be appointed by the city manager.

(Prior code §3.13 (Ord. 641 §2, Ord. 1371 §2))

**7.04.015**   **Duties relating to the seizure, impoundment and disposition of impounded animals other than dogs.**

The duties of the animal control supervisor relating to the seizure, impoundment and disposition of impounded animals other than dogs are as follows:

- A. To seize and impound any animal running at large which is creating a nuisance or injuring or threatening to injure person or property; to kill any animal where necessary to prevent injury to a person; and to kill any wild animal which is seriously injured and which, based on the information and belief of the animal control supervisor, has no owner;
- B. Where the owner of an impounded wild or domestic animal is known to the animal control supervisor or readily ascertainable from recorded brands or marks, to give notice of the impoundment of the animal to the owner of the impounded animal; and, where the owner of an impounded domestic animal is not known to the animal control supervisor or not readily ascertainable from recorded brands or marks, to publish notice of the impoundment of the animal at least once in a newspaper of general circulation within the city where the estimated value of the impounded domestic animal exceeds one hundred dollars and to post notice of the impoundment of the animal where the estimated value of the impounded animal is one hundred dollars or less;
- C. To collect from the reclaiming owner of an impounded animal a fee in the amount fixed by resolution of the city council;
- D. Where an impounded animal is a domestic animal or a fur bearing animal within the meaning of Section 996 of the Civil Code of the state of California and is not claimed within five (5) days after notifying the owner thereof, publishing notice of the impoundment thereof, or posting notice of the impoundment thereof, to dispose of the animal in the manner prescribed by Chapter 3.28 of this code for the disposition of unclaimed property; provided however, that the animal control supervisor may kill in a humane manner any such impounded animal when its estimated value is less than the

- fee due for its impoundment;
- E. Where an impounded animal is a bovine animal, horse, mule or burro and is not claimed within five (5) days after notifying the owner thereof, publishing notice of the impoundment thereof or posting notice of the impoundment thereof, to notify and deliver the animal to the director of food and agriculture in the manner provided for by Section 17003 of the Food and Agriculture Code of the state of California;
  - F. Where an impounded animal is a wild animal and has no owner known to the animal control supervisor, to place the animal in a zoo or other similar facility, release the animal in an appropriate environment, or, where the placement or release of the animal as aforesaid is not practical, to kill the animal in a humane manner.

(Ord. 1371 §3)

**7.04.020 Duties of the animal control supervisor relating to the seizure and impoundment of dogs and disposition of impounded dogs.**

The duties of the animal control supervisor relating to the seizure and impoundment of dogs and the disposition of impounded dogs are as follows:

- A. To apprehend and impound any dog as authorized by the provisions of this code, using all force deemed by the animal control supervisor necessary to accomplish that end. The use of force, as herein authorized, shall include the employment of a tranquilizing device in order to bring a dog under control, and in the case of a vicious or rabid dog, when no other means of apprehension is available, to cause destruction of such dog;
- B. To hold an impounded dog, not wearing a city license tag, for a period of seventy-two hours whereupon, unless claimed by the owner within such time, the animal control supervisor may thereafter dispose of such dog by either selling it or humanely putting it to death;
- C. To ascertain from the city's license records the owner of an impounded dog wearing a city license tag and forthwith give to the owner a written notice thereof, mailed to the owner's address as shown on such records. If the owner does not reclaim such dog, within one hundred twenty (120) hours after the mailing of such notice, the animal control supervisor may dispose of such dog in the manner provided for in this chapter;
- D. To collect from the owner claiming a dog from the animal shelter, a fee in the amount fixed by resolution of the city council.

(Prior code §3.14 (Ord. 641 §2, Ord. 844 §1))

**7.04.025 Duties generally.**

It shall be the duty of the animal control supervisor to enforce all provisions of this title; provided however, that all members of the city police department are also authorized to enforce the provisions of this title.

(Ord. 1371 §5)

**Chapter 7.08**

**DOG LICENSES AND REGULATIONS<sup>2</sup>**

**Section:**

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**ARTICLE I. DEFINITIONS**

**7.08.010 Designated.**

For the purpose of this chapter and Section 7.12.080 or elsewhere in this title, certain terms used herein are defined as follows:

- A. Breedable Condition. The condition of a female dog commonly referred to as being in heat.
- B. Impounding Fees. Such fees shall be fixed by the city council by resolution, and required to be paid for the release of an impounded dog.
- C. Leash. A flexible rope, strap, cord, or chain, not over six (6) feet in length, of such strength and design as to be capable of restraining the dog for which it is being used to lead or restrain.
- D. Owner. Any person owning, possessing, keeping or controlling a dog within the city.
- E. Private Premises. Any place or premises not publicly owned.

- F. Public Place. Any public building, street, alley, sidewalk, park, way, or other premises publicly owned.
- G. Rabies Area. That area within the state of California as determined by the Director of the State Department of Public Health, as provided by Division 3, Chapter 3 of the Health and Safety Code.
- H. Rabies Vaccination. The injection with a canine rabies vaccine of a type approved under the provisions of Section 2606.4 of Title 17 of the California Code of Regulations.
- I. Running at Large. The presence of any dog in or upon any public place, or any private place or premises without the consent of the owner or occupant of such private premises, unless restrained by a leash under the control of a person physically capable of retaining control of said dog, or tethered upon such private premises to a fixture in such manner as not to create a nuisance.

(Prior code §3.96 (Ord. 993, Ord. 997, Ord. 2113 §2))

## **ARTICLE II. LICENSES**

### **7.08.020 Required - Impoundment generally.**

It shall be unlawful for any person to own or keep any dog in the city over the age of four (4) months for a period longer than thirty (30) days after it has attained the age of four (4) months, and in the case of a dog that is brought into the city that is over four (4) months of age for a period longer than thirty (30) days after it is brought into the city, without having obtained a license therefor, as provided in this chapter, except that in the case where a dog brought into the city bears an unexpired license issued by Butte County or any incorporated city in Butte County, licensing shall not be required by the city until the expiration of the existing license. Any dog over the age of four (4) months unlicensed and unvaccinated as provided in this chapter, or found running at large, whether licensed or not, shall be impounded by the city animal shelter, subject to sale, retention, disposition or release as provided in this title.

(Prior code §3.27 (Ord. 641 §3, Ord. 783 §1, Ord. 993 §1, Ord. 1113 §1, Ord. 1261 §1, Ord. 2099 §1))

### **7.08.030 Period - Expiration - Fees.**

Dog licenses may be issued for one, two or three year periods at the option of the dog owner. The term of the license shall be from the date of issuance of the license until the expiration of the term selected, provided, however, that no dog license shall have an expiration date which is later than the expiration date of the required rabies vaccine. Notwithstanding the above, the initial license obtained for a dog may also be issued for a period of six months.

Fees for licenses required by this chapter shall be fixed and determined by council resolution.

(Prior code §3.28 (Ord. 641 §3, Ord. 1261 §2, Ord. 2099 §2))

### **7.08.035 Late penalties.**

In addition to any other license fee or charge required herein, a late penalty which shall be determined by city council resolution shall be assessed under any of the following conditions:

- A. When a dog license is not renewed within 15 days following its expiration date;
- B. When a dog license is not obtained within thirty days after a dog over the age of four months is transferred, sold or brought into the city; or

- C. When a dog license is not obtained within thirty days of a dog reaching the age of four months. Fees for the penalty required by this chapter shall be fixed and determined by council resolution.

(Ord. 2099 §3)

**7.08.040 Application.**

Application for dog licenses shall be made at either the office of the city finance director or such other office or location as shall be designated by the city manager. A license and accompanying license tag suitable for attachment to a dog collar or harness shall be issued and delivered to an applicant upon receipt of payment of the required fee.

(Prior code §3.29 (Ord. 641 §3, Ord. 783 §1, Ord. 2099 §4), Ord. 2113 §1)

**7.08.050 Transfer.**

Where ownership of a duly licensed dog is transferred, the transferring owner shall cause such license to be transferred to the new owner by making application therefor in the same manner as required by Section 7.08.040 when applying for a new license, and paying the transfer fee fixed by resolution of the city council.

A transferring owner who fails to comply with this section shall be presumed to still be the owner of such dog and subject to all the provisions of this title applicable to owners of dogs.

(Prior code §3.29-1 (Ord. 853 §1))

**7.08.060 Form.**

- A. The dog license issued pursuant to this chapter shall be in a form prescribed by the city manager or a designee and shall set forth the following information:
1. The owner's name, address, and phone number and the address where the dog will reside if different from that of the owner;
  2. A description of the dog being licensed, including name, sex, breed and color;
  3. The rabies vaccination information, including the administering clinic, date of immunization, the type of rabies vaccine administered, the name of the manufacturer, the lot number of the vaccine used and the age of the dog at vaccination;
  4. The date the license is issued and the expiration date of the license;
  5. The number of the license; and
  6. A statement showing the amount of the fee and that the same has been paid.
- B. The license tag shall also be in a form prescribed by the city manager or a designee and shall have inscribed thereon, "City of Chico," and the following additional information:
1. The license number; and
  2. The expiration date of the license.

(Prior code §3.30 (Ord. 641 §3, Ord. 2099 §5), Ord. 2268)

**7.08.070 Exhibition upon request.**

It shall be unlawful for any person required to have a license pursuant to this chapter to fail, refuse, or neglect to exhibit the same, upon request, to the animal control supervisor or other authorized person.

(Prior code §3.31 (Ord. 641 §3, Ord. 1371 §6))

**7.08.080 Tags - How and where worn.**

The owner of a licensed dog shall cause the license tag issued for such dog to be affixed by a permanent metal fastening to the collar or harness on the dog in such a way that the tag may be easily seen by the animal control supervisor or other authorized person. It shall be the duty of the owner of a licensed dog to cause the dog collar or harness on which the license tag is attached to be worn by such dog at all times except when on the owner's premises. Any dog not wearing a license tag as provided in this section shall be impounded in the city animal shelter subject to retention, sale or disposition as provided in this title.

(Prior code §3.32 (Ord. 641 §3, Ord. 1371 §7))

**7.08.090 Tags - Counterfeit.**

It shall be unlawful for any person either to imitate or counterfeit the license tags provided for in this chapter or knowingly to use any imitation or counterfeit of such tags.

(Prior code §3.33 (Ord. 641 §3))

**7.08.100 Tags - Replacement - Fee.**

In the event that a current license tag is lost, the owner shall, within 30 days, apply to either the city finance director or such other office or location as the city manager shall direct for the issuance of a replacement tag and shall pay a replacement fee as prescribed by city council resolution.

(Prior code §3.34 (Ord. 641 §3, Ord. 783 §1, Ord. 2099 §6), Ord. 2113 §1)

**ARTICLE III. NUISANCES****7.08.110 Running at large prohibited - Leash required.**

It shall be unlawful for any person owning, possessing or having the custody or control of a dog to allow or permit such dog, whether licensed or unlicensed, to be or run at large, provided that the term "at large" as defined by Section 7.08.010(I) shall not be deemed to apply where the following circumstances prevail:

- A. Where and in an area that has been expressly provided and designated in Bidwell Park by Bidwell Park and Playground commission as an area for exercising dogs, and while a dog is being run or exercised in such defined area under the direction or control of the owner or custodian of such dog;
- B. Where a dog is being shown or participating in a dog show for which a permit has been granted by appropriate city authority, and while such dog is being shown and participating under the control of the owner or custodian of such dog;
- C. Where and in an area that has been set aside and designated as a dog exercise area elsewhere in the city of Chico by the city council, and a dog is being run or exercised in such area under the control of the owner or custodian of such dog.

(Prior code §3.35 (Ord. 832 §1, Ord. 993 §1, Ord. 1007 §1))

**7.08.120 Nuisances - Prohibited.**

No owner or person having the possession, custody or control of a dog within the city shall allow or permit such dog to commit a nuisance upon any public or any private property; provided that this shall not apply to street gutters outside of pedestrian ways, it being the intent

of this section that it shall be the duty of all persons having control of a dog to curb such dog when necessary.

(Prior code §3.36 (Ord. 832 §1))

#### **7.08.130 Nuisances - Designated.**

Without limitation as to the general provisions of Section 7.08.120, the following specific acts and conditions committed by a dog are hereby declared to be unlawful and to constitute a public nuisance, and the owner of a dog committing any of the following shall be subject to the penalties provided by this title:

- A. Being in or upon any public building or public or private school grounds, except when authorized by appropriate officials, and excepting further, “seeing eye” dogs while guiding, in attendance with, or waiting for a blind person;
- B. Annoying, harassing, nipping, mauling or biting any person or persons;
- C. A female dog in breedable condition being within the city, except when confined in or upon the premises of its owner;
- D. Damaging or destroying any property or thing of value;
- E. Creating a disturbance in a neighborhood by howling, barking or making unusual noises;
- F. Committing excretion on private property other than the property of its owner.

(Prior code §3.37 (Ord. 832 §1, Ord. 993 §1))

#### **7.08.140 Nuisances - Abatement.**

When any condition prohibited by Sections 7.08.110, 7.08.120 and 7.08.130 is found to exist, the animal control supervisor or authorized person is authorized, except when such condition occurs on the owner's premises, to impound such dog in the city animal shelter and, subject to the prior approval of the city attorney, to institute abatement proceedings against the owner of such dog in the manner provided by law.

If any such condition occurs on the owner's premises, the animal control supervisor or other authorized person is authorized, subject to the prior approval of the city attorney, to institute abatement proceedings against the owner of such dog in the manner provided by law.

The remedy herein provided is nonexclusive and may be pursued singularly or concurrently with any penal process provided for any violation of any provision of this title.

(Prior code §3.41 (Ord. 832 §1, Ord. 1371 §8))

### **ARTICLE IV. PENALTY**

#### **7.08.150 Designated.**

Any person violating any provision of this chapter shall be punished by a fine or fines of not less than \$7.50 for the first offense, not less than \$15.00 for the second offense occurring during the same license year; and of not less than \$25.00 for a third or subsequent offense occurring during the same license year.

(Prior code §3.37-1 (Ord. 832 §2, Ord. 944 §1, Ord. 1009 §1))

## Chapter 7.12

### RABIES CONTROL<sup>3</sup>

**Section:**

- 7.12.010      Animals suspected of rabies - Duty of custodian to report.**
- 7.12.020      Animals suspected of rabies - Duty of health officer to examine.**
- 7.12.030      Animals suspected of rabies - Disposition.**
- 7.12.040      Quarantine of animal which has bitten person - Destruction of rabid animal.**
- 7.12.050      Disposition of animal bitten by rabid animal.**
- 7.12.060      Bringing animal into city from rabid area.**
- 7.12.070      Authority to require muzzles when - Violation a misdemeanor.**
- 7.12.080      Rabies vaccination.**

**7.12.010    Animals suspected of rabies - Duty of custodian to report.**

It shall be unlawful for any person to fail to report any animal suspected of having rabies to the health officer and submit such animal to the examination of the health officer or a representative.

(Prior code §3.19 (Ord. 224 §1200), Ord. 2268)

**7.12.020    Animals suspected of rabies - Duty of health officer to examine.**

It shall be the duty of the health officer, when called upon, to examine, or have examined, any animal if it is suspected of having rabies, and to ascertain whether or not such animal is afflicted with rabies.

(Prior code §3.20 (Ord. 224 §1200))

**7.12.030    Animals suspected of having rabies - Disposition.**

Animals suspected of having rabies shall not be destroyed, but shall be kept in confinement until the health officer or a designee shall find that further observation of the live animal is not necessary for the determination of the presence or absence of rabies. After the permission of the health officer has been secured, the animals afflicted with rabies may be destroyed. The person or officer capturing any such animal shall, if the owner thereof is known to such person or officer, notify such owner that such animal has been captured. If any animal is found not to be afflicted with rabies and is not reclaimed by the owner thereof or other person claiming the same within five days after capture, such animal shall be destroyed in some humane manner by the person capturing the same, or the officer to whom the animal was delivered.

(Prior code §3.21 (Ord. 224 §1201), Ord. 2268)

**7.12.040    Quarantine of animal which has bitten person - Destruction of rabid animal.**

Whenever it is shown that any animal has bitten any person, the owner or person having the custody or possession thereof shall, upon order of the animal control supervisor or the health

officer, deliver such animal to the animal control supervisor or a licensed veterinarian who shall quarantine it and keep it tied up or confined for a period of two weeks. When the animal is delivered to a licensed veterinarian, the owner or person who delivers the animal shall be responsible for all of the costs of the confinement and care of the animal. The health officer may make an inspection or examination of any animal quarantined as herein provided for at any time. If it appears to the health officer, upon examination as aforesaid, or otherwise, that the animal has the rabies, the health officer shall have the animal destroyed forthwith.

(Prior code §3.22 (Ord. 224 §1202, Ord. 1371 §9), Ord. 2268)

#### **7.12.050 Disposition of animal bitten by rabid animal.**

Whenever any animal is bitten by another animal having rabies, the owner or person having the custody or possession of the animal so bitten shall, upon being informed thereof, either destroy such animal or quarantine it and keep it tied up or confined for a period of six months. The health officer shall have power and discretion to destroy or quarantine the animal so bitten, in case the owner or person having custody or possession thereof shall fail to do so immediately or if the owner or person having custody thereof is not readily accessible.

(Prior code §3.23 (Ord. 224 §1203), Ord. 2268)

#### **7.12.060 Bringing animal into city from rabid area.**

It shall be unlawful for any person to bring an animal into the city from any place in which rabies has been known to exist within six months previously, except upon the written permission of the health officer. Such permission is to be granted only upon the condition that the animal, whenever in the city during a subsequent period of six months, will be confined or muzzled.

(Prior code §3.24 (Ord. 224 §1204))

#### **7.12.070 Authority to require muzzles when - Violation a misdemeanor.**

During the existence of rabies, or if such existence is suspected, the health officer is empowered to order all dogs in the city be muzzled, and to disobey such order is a misdemeanor.

(Prior code §3.25 (Ord. 224 §1204))

#### **7.12.080 Rabies vaccination.**

Except as hereinafter provided, no dog of the age of four months or older shall be permitted in the city without having been vaccinated for rabies within a period of less than thirty months, provided that no license shall be issued as required by this title for any dog with respect to which dog a period of thirty months since its last vaccination will expire prior to the expiration of the license year or term for which such license is to be issued. Evidence of compliance with this section shall be a valid official vaccination certificate as issued by a doctor of veterinary medicine, which certificate shall be produced for inspection by any official of the city authorized to administer any provision of this title. The owner of any dog subject to the provisions of this section shall cause to be attached to a collar or harness to be worn by such dog a tag or emblem with sufficient inscription thereon from which it can be established that such dog has been vaccinated and the date thereof.

Notwithstanding anything herein to the contrary, all dogs shall be vaccinated when required by the provisions of Chapter 3 of Division 3 of the Health and Safety Code of the state.

(Prior code §3.38 (Ord. 641 §3, Ord. 701 §2, Ord. 993 §1))

**Chapter 7.16****ANIMALS - DISEASES****Section:**

- 7.16.010**      **Veterinary surgeons to report contagious diseases.**
- 7.16.020**      **Keeping tubercular animals prohibited.**
- 7.16.030**      **Keeping horses afflicted with glanders prohibited.**
- 7.16.040**      **Destruction of animals afflicted with tuberculosis or glanders.**

**7.16.010**    **Veterinary surgeons to report contagious diseases.**

Every veterinary surgeon practicing in the city shall immediately report, in writing, to the health officer every case of contagious pleuropneumonia, tuberculosis, foot and mouth disease, anthrax, Texas fever, actinomycosis, glanders, farcy, or hydrophobia with which any animal such veterinary surgeon shall treat or examine in the city shall be affected.

(Prior code §3.9 (Ord. 224 §1225), Ord. 2268)

**7.16.020**    **Keeping tubercular animals prohibited.**

It shall be unlawful for a person to bring into the city or keep within the city, or permit to be kept on any premises owned or controlled by such person within the city, any cow, or calf, or other animal afflicted with tuberculosis.

(Prior code §3.10 (Ord. 224 §1226), Ord. 2268)

**7.16.030**    **Keeping horses afflicted with glanders prohibited.**

It shall be unlawful for a person to bring into the city, or keep within the city, or permit to be kept on any premises owned or controlled by such person within the city, any horse afflicted with glanders.

(Prior code §3.11 (Ord. 224 §1227), Ord. 2268)

**7.16.040**    **Destruction of animals afflicted with tuberculosis or glanders.**

The health officer and the health officer's designees are hereby empowered under such regulations as such officer may determine to cause the destruction of any animal found in the city afflicted with tuberculosis or horse affected with glanders.

(Prior code §3.12 (Ord. 224 §1228), Ord. 2268)

**Chapter 7.20**

**ANIMALS - KEEPING<sup>4</sup>**

**Section:**

**7.20.010 Prohibited - Exceptions.**

**7.20.010 Prohibited - Exceptions.**

It is unlawful to keep within the city any animal of any species for any purpose except where specifically permitted in a particular zone by provisions of the zoning laws of the city. This provision does not apply to the riding or transporting of animals through the city.

(Prior code §3.1 (Ord. 1111 §5))

**TITLE 7 FOOTNOTES**

1. For Charter provisions authorizing the appointment of city officers by the city manager, see §701.
2. For statutory provisions authorizing cities to impose a dog license tax, see Government Code §38792; see also Food & Agricultural Code §30501 et seq.; for provisions on impoundment of dogs found running at large, see Food & Agricultural Code §31101; for statutory provisions on city authority to declare nuisances, see Government Code §38771.
3. For statutory provisions on rabies control, see Health and Safety Code §1900 et seq.
4. For land use regulations on the keeping of animals, see section 19.76.040, “Animals and fowl”; obstruction by animals on streets and sidewalks, see Ch. 9.44.