DATE: October 23, 2026

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Pet Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-26-006. Project Location: Town Wide. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on an Ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code regarding electronic pet containment and the Town's fence regulations.

CEQA:

The proposed Ordinance amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment (CEQA Guidelines Section 15378).

BACKGROUND:

A resident provided the Town with information pertaining to electronic pet containment systems and requested that the Town consider amending the Town Code to allow for the use of electronic pet containment systems (Exhibit 4). Specifically, the resident asked that the Town Council consider amending Town Code Section 4.40.005 to recognize hidden underground electronic fence systems as an additional method of pet containment. In response, the Town Council requested a brief informational report on this topic.

The Town Council received an informational report on August 4, 2026. After discussion, the

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Planning Manager and Community Development Director

Town Council directed the Town Attorney to draft an Ordinance permitting the use of underground electric fence systems on properties of one acre or more in the hillside area. The reason for the amendment is to correct an inconsistency in the current Town Code.

CURRENT ORDINANCES:

The draft Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315. This item is before the Planning Commission because the Planning Commission reviews amendments to Chapter 29.

Town Code Section 4.40.005 (a) currently requires that pets be contained or on a leash. If pets are contained by a fence, the fence is required to be six feet tall. Section 4.40.005 (a) reads as follows:

> **Sec. 4.40.005. - Restraint of dogs.**
>
> (a) The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind a fence not less than six (6) feet high. This section shall not apply to the following:
> (1) Guide dogs for the blind or deaf while performing their duties;
> (2) Dogs participating in field or obedience trails or exhibitions as permitted by the Town;
> (3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;
> (4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;
> (5) Dogs within an off-leash area designated by the Town;
> (6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

Town Code Sections 29.40.030 through 29.40.0330 address fences in residential zones. Because it is important to read these provisions of the Town Code together, a copy of those Sections are included as Exhibit 2.

Town Code Section 29.40.0315 prohibits solid fences in the hillside area and requires that perimeter fencing on properties of one acre or more, be wildlife friendly:

> Town Code Section 29.40.0310 defines "wildlife-friendly fence" as: a fence that allows any animal, regardless of size, to climb under, pass

> through, or jump over, with a maximum height of 42 inches and a minimum distance between the bottom rail and the ground of 18 inches.

When Sections 4.40.005 and 29.40.0315 are read together, they prohibit an animal owner on a property of one acre or more located in the hillside area from building a perimeter fence at the property line to contain the animal. The height that Section 4.40.005 requires is a height that is prohibited by Section 29.40.0315. This does not appear to have been a deliberate policy choice. Section 4.40.005 predates adoption of Section 29.40.0315. Both Sections predate widespread consumer availability of buried-wire containment technology, which was patented in 1973 and first became widely available between 1989-1993.

Town Code Section 29.40.0320 authorizes the Community Development Director to grant exceptions to the Town's fence regulations when specified conditions are present. Subsection (d) authorizes an exception when "a special security concern exists that cannot be practically addressed through alternatives." Subsection (e) authorizes an exception when "a special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship."

DISCUSSION:

One common type of electronic pet containment system is a wired invisible fence. The system uses a wire buried around the perimeter of a property to establish a designated boundary for the pet.

The State of California does not prohibit the use of electronic fences for ordinary pet containment. However, state law regarding "potentially dangerous or vicious dogs" requires an "enclosure," which is defined as "a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper of the dog. The enclosure shall be designed to prevent the animal from escaping . . . ." (Food and Agricultural Code Sections 31601-31683.) Thus, for potentially dangerous or vicious dogs, this language requires a physical fence as opposed to an electronic pet containment system.

Based on public comment and review of industry publications, staff has identified the following pros of allowing pet owners to use electronic pet containment systems:

1) Removes a conflict between Town Code Sections 4.40.005 and 29.40.0315 affecting properties of one acre or more located in the hillside area;
2) Allows wildlife movement, which is consistent with the "Room to Roam Act" (described below);

3) Provides hillside property owners on property of one acre or more with a cost-effective tool to assist with keeping their pets on their property while preserving the appearance of the Town's hillsides; and
4) Covers large acreage and adapts to hilly areas where fences are difficult to build.

Staff has identified the following local jurisdictions in California that allow the use of electric pet containment fences:

Jurisdiction	**Code Section**	**Scope of Authorization**	**Relevant Language / Summary**	**Conditions or Limitations**
County of San Diego	**San Diego County Code § 62.669**	**General dog-control provision**	Recognizes an **"electronic pet containment system"** as one method by which a dog may be effectively controlled, in addition to voice control or physical restraint.	Applies to dogs; electronic containment is treated as an alternative method of control.
City of Del Mar	**Del Mar Municipal Code § 4.04.020**, incorporating specified San Diego County animal-control provisions	**General dog-control provision**	Incorporates San Diego County law requiring owners to effectively control dogs by voice, an **electronic pet containment system**, or physical and humane restraint by leash, fence, or other enclosure.	The City's treatment appears to derive substantially from its adoption of applicable County animal-control provisions.
City of Salinas	**Salinas Municipal Code § 7-1**	**General animal-containment provision**	Animals are deemed to be running at large unless restrained or confined within an appropriate enclosure, **"such as an electrified fence or an electronic fence."**	Applies broadly to dogs and other animals, except domesticated cats. The enclosure must be designed to prevent escape.
County of Monterey	**Monterey County Code § 8.04.010**	**General dog-containment provision**	Recognizes a dog as confined within a "dog-tight enclosure" where contained by an	Applies to dogs in the unincorporated County.

Jurisdiction	**Code Section**	**Scope of Authorization**	**Relevant Language / Summary**	**Conditions or Limitations**
			"electric or electronic fence."	
City of Rolling Hills	**Rolling Hills Municipal Code § 6.24**	**Aggressive animals**	Expressly permits confinement of an aggressive animal by **"a fence, electronic fence, running line, pulley, or trolley system,"** or another approved device.	Limited to aggressive animals and subject to requirements designed to prevent escape.

The information provided by the resident also references a new state law, the "Room to Roam Act" (Exhibit 6). Assembly Bill 1889 amends Government Code Section 65302 effective January 1, 2028. After January 1, 2028, Government Code Section 65302 will require that the Conservation Element of the Town's General Plan identify ways in which wildlife corridors can be protected in the Town.

A redline version of the draft Ordinance is attached as Exhibit 3. A clean version of the draft Ordinance is attached on Exhibit 2.

PUBLIC COMMENTS:

The Town published notice of this item in the Los Gatos Weekly. Public comments received by 3:00 p.m., Friday, October 23, 2026, are included as Exhibit 7.

CONCLUSION:

A. Summary

The draft Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315 regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code.

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report, provide comments, open the public hearing, and forward a recommendation to the Town Council to introduce the draft Ordinance amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Ordinance) regarding electronic pet containment and the Town's

fence regulations (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

1. Make the finding that the proposed amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment pursuant to CEQA Guidelines Section 15378 (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Ordinance) regarding electronic pet containment and the Town's fence regulations in the draft Ordinance (Exhibit 2).

C. Alternatives

Alternatively, the Planning Commission can:

1. Forward a recommendation to the Town Council for approval of the draft Ordinance with modifications; or
2. Vote not to recommend approval of the draft Ordinance; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings
2. Draft Ordinance
3. Redline Showing Proposed Ordinance Amendments
4. Information Provided by Resident
5. Town Code Section 29.40.030 – 29.40.0330
6. Assembly Bill 1889, "Room to Roam Act"
7. Public Comments Received Prior to Packet Publication

PLANNING COMMISSION – *October 28, 2026*
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-26-006

Forward a Recommendation to the Town Council on an Ordinance Amending Chapter 4 (Animals and Fowl) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Electronic Pet Containment and the Town's Fence Regulations. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Project Location: Town Wide. Applicant: Town of Los Gatos.

FINDINGS

Required Findings for CEQA:

- The proposed amendments are not a project subject to CEQA because it can be seen with certainty it will not impact the physical environment pursuant to CEQA Guidelines Section 15378

Required Findings for General Plan:

- The amendments to Chapter 29 of the Town Code regarding electronic pet containment and the Town's fence regulations are consistent with the General Plan because they will allow property owners to contain pets while maintaining wildlife corridors and maintain the open appearance of hillsides. (General Plan Open Space Policies 1.4, 2.1, 2.4, Conservation Policy 5.3.).

EXHIBIT 1

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DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING SECTION 4.40.005, "RESTRAINT OF DOGS," OF CHAPTER 4, "GENERAL PROVISIONS," AND SECTION 29.40.0310, "DEFINITIONS," AND SECTION 29.40.0315, "HEIGHT, MATERIALS AND DESIGN, AND LOCATION," OF CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING ELECTRONIC PET CONTAINMENT AND TOWNS FENCE REGULATIONS.

WHEREAS, the Town Code regulates fencing in the Town; and

WHEREAS, the Town Code currently does not permit hidden underground electronic fencing for pet containment; and

WHEREAS, the purpose of Ordinance is to allow the use of hidden underground electronic fencing for pet containment in hillside areas on properties of one acre or more in size; and

WHEREAS, this matter was regularly noticed in conformance with state and Town law and came before the Planning Commission for public hearing on October 28, 2026; and

WHEREAS, on October 28, 2026, the Planning Commission reviewed and commented on the proposed amendments regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code and forwarded a recommendation to the Town Council for approval of the proposed amendments; and

WHEREAS, this matter was regularly noticed in conformance with state and Town law and came before the Town Council for public hearing on _____; and

WHEREAS, on _____, the Town Council reviewed and commented on the proposed amendments regarding electronic pet containment and the Town's fence regulations to correct an inconsistency in the current Town Code and the Town Council voted to introduce the Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Purpose.

The proposed Ordinance would change Town Code Sections 4.40.005, 29.40.0310, and 29.40.0315 to allow the use of electric pet containment systems on property of one acre or more located in the hillside area. This item came before the Planning Commission because the Planning Commission reviews and proposes amendments to Chapter 29.

SECTION II. Amendments – Town Code.

The Town of Los Gatos Town Code is hereby amended as follows:

1. Section 4.40.005, "*Restraint of Dogs*" of Chapter 4, "*General Provisions*," is hereby amended to read:

(a) The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind either:

(1) a fence not less than six (6) feet high; or

(2) On a property of one acre or more located in the hillside area, as defined by Town Code Section 29.40.0310, a Hidden Underground Electronic Dog Fence as defined in Town Code Section 29.40.0310

(b) This section shall not apply to the following:

(1) Guide dogs for the blind or deaf while performing their duties;

(2) Dogs participating in field or obedience trials or exhibitions as permitted by the Town;

(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;

(5) Dogs within an off-leash area designated by the Town;

(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

(c) Potentially dangerous dog maintenance requirement: In addition to subsection (a) above, the following requirements for the maintenance of a potentially dangerous dog are as follows:

(1) A sign advising of the presence of a potentially dangerous dog shall be posted at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(2) A potentially dangerous dog must be restrained by a person with the physical capability to control the dog.

(3) A potentially dangerous dog must wear a muzzle, head collar or head halter type device, as determined by the Town Manager or hearing officer, and be on a sturdy, non-retractable leash of no more than six (6) feet in length when

it is on any public street or in any other public place or upon any private place or property or common area of any planned development, cluster, townhouse, or condominium project unless the dog owner/guardian or person with a right to control the dog has obtained the consent of the owner/guardian or person in control of the private place or property or common area of the planned development, cluster, townhouse, or condominium project.

(4) A potentially dangerous dog must be spayed or neutered.

(5) A potentially dangerous dog must have a microchip implant for identification purposes.

(6) A Hidden Underground Electronic Dog Fence may not be used to confine a potentially dangerous dog.

(d) In addition to subsections (a) through (c) above, the owner or person with the right to control a dangerous dog shall:

(1) Keep the dog under the owner's own physical restraint by means of both a sturdy, non-retractable leash not to exceed three (3) feet in length and capable of restraining four (4) times the weight of the dog; and be attached to an escape-proof commercial quality walking harness that fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. Neck collars alone of any type or material, will not be sufficient. The dog must be securely muzzled with a device constructed to allow normal respiration but impossible for the dog to remove without human assistance. The Town Manager or hearing officer will make the final determination as to the efficacy of these restraint methods. The dog must be under the direct physical control of a person eighteen (18) years old or older who is physically capable of restraining the animal when the animal is off the property of the owner/guardian with the right to control the animal.

(2) Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog and that, when inside, the dog does not pose a threat to other occupants of the premises.

(3) Post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(4) The Town Manager or designee may, in their discretion, require that a dangerous dog be maintained in an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the side, or with sides embedded not less

than two (2) feet into the ground. When outside, said pen must be behind a fence not less than six (6) feet high.

(5) It is understood that the provision of subsection (c)(4), above, shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.

(6) A dangerous dog is subject to special dog permit tag requirements under section 4.40.020.

(7) The dog owner/guardian or person with a right to control the dog must attend a dog obedience class with the dog that exhibited the behavior leading to its designation of dangerous. Pre-approval to attend such class may be required by the administrator of the dog obedience class.

(e) In addition to subsections (a) through (c) above, the owner or person with the right to control a vicious dog shall maintain the dog as follows:

(1) Outdoors:

a. The dog must be confined by means of a securely enclosed escape-proof, locked kennel, or pen. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen must be constructed in a manner and of such material so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous or vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free.

b. The supporting posts of the structure must be set in concrete or other material not less than two (2) feet into the ground and no further than six (6) feet apart. The sides and ends of the structure must be constructed of solid boards or chain-link material not less than six (6) feet in height and securely fastened to the top and bottom of the structure. The structure may not be constructed or maintained in any front or required side yard and must be maintained in a sanitary condition at all times. The dog(s) confined therein must be afforded adequate protection from the elements and kept in a humane manner.

c. The escape-proof, locked kennel or pen may not be enclosed by an outdoor fence less than six (6) feet high.

(2) Indoors: The dog must be confined by means of a house, apartment, building, or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of either the owner/guardian or

person with a right to control the dog, and the owner must ensure that the dog is not a threat to other occupants of the premises.

(3) The Town Manager or hearing officer may impose additional conditions upon the ownership/guardian and control of a vicious dog if the hearing officer determines that under these additional conditions the dog would not present a significant threat to the public health, safety, and welfare.

(4) If the Town Manager or hearing officer determines that a dog is vicious but additional conditions upon the ownership/guardianship and control of the dog will not sufficiently mitigate a significant threat to the public health, safety, and welfare, the hearing officer may order the dog be destroyed by the Town in accordance with the law.

(e) Violation of this section shall be punishable as a misdemeanor.

2. Section 29.40.0310, "*Definitions*" of Chapter 29, is amended to add the following definition:

"Hidden underground electronic dog fence means a system manufactured by an Underwriters Laboratory-approved manufacturer consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a contractor authorized to install for animal control devices."

3. Section 29.40.0315, "*Height, materials and design, and location*" of Chapter 29, "*Zoning Regulations*" is hereby amended to read as follows:

"(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a hidden underground electronic dog fence as defined in Section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development

Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. With the exception of hidden underground electronic dog fences where permitted, electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a hidden underground electronic dog fence as defined in section 29.40.0310.

c. Chain link, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

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(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house."

SECTION III. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this ordinance and shall not affect the validity of the remaining portions of this ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION IV. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION V. Publication.

The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VI. Effective Date.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the xxth day of xx, 2026, and was adopted by the Town Council of the Town of Los Gatos at its regular meeting on the xxth day of xx 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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SIGNED:

_____
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____
TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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Sec. 4.40.005. Restraint of dogs.

(a) ~~(a)~~ The owner or person with the right to control any dog shall keep such dog under the owner's own physical restraint by means of a leash not to exceed six (6) feet in length, or shall keep such dog confined behind ~~a fence not less than six (6) feet high.~~ either:

(1) A~~a~~ fence not less than six (6) feet high; or

(2) On a property of one acre or more located in the hillside area a Hidden Underground Electronic Dog Fence as defined in Town Code Section 29.40.0310.

(b) ~~.~~ This section shall not apply to the following:

(1) Guide dogs for the blind or deaf while performing their duties;

(2) Dogs participating in field or obedience ~~trails~~ trials or exhibitions as permitted by the Town;

(3) Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;

(4) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;

(5) Dogs within an off-leash area designated by the Town;

(6) Dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

(c~~b~~) Potentially dangerous dog maintenance requirement: In addition to subsection (a) through (b) above, the following requirements for the maintenance of a potentially dangerous dog are as follows:

(1) A sign advising of the presence of a potentially dangerous dog shall be posted at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(2) A potentially dangerous dog must be restrained by a person with the physical capability to control the dog.

(3) A potentially dangerous dog must wear a muzzle, head collar or head halter type device, as determined by the Town Manager or hearing officer, and be on a sturdy, non-retractable leash of no more than six (6) feet in length when it is on any public street or in any other public place or upon any private place or property or common area of any planned development, cluster, townhouse, or condominium project unless the dog owner/guardian or person with a right to control the dog has obtained the consent of the owner/guardian or person in control of the private place or property or common area of the planned development, cluster, townhouse, or condominium project.

(4) A potentially dangerous dog must be spayed or neutered.

(5) A potentially dangerous dog must have a microchip implant for identification purposes.

(6) A Hidden Underground Electronic Dog Fence may not be used to confine a potentially dangerous dog.

(d~~c~~) In addition to subsections (a) ~~and~~ through (c~~b~~) above, the owner or person with the right to control a dangerous dog shall:

(1) Keep the dog under the owner's own physical restraint by means of both a sturdy, non-retractable leash not to exceed three (3) feet in length and capable of restraining four (4) times the weight of the dog; and be attached to an escape-proof commercial quality walking harness that fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. Neck collars alone of any type or material, will not be sufficient. The dog must be securely muzzled with a

device constructed to allow normal respiration but impossible for the dog to remove without human assistance. The Town Manager or hearing officer will make the final determination as to the efficacy of these restraint methods. The dog must be under the direct physical control of a person eighteen (18) years old or older who is physically capable of restraining the animal when the animal is off the property of the owner/guardian with the right to control the animal.

(2) Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog and that, when inside, the dog does not pose a threat to other occupants of the premises.

(3) Post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign shall be capable of being understood by a child with normal reading skills of a second grader.

(4) The Town Manager or designee may, in their discretion, require that a dangerous dog be maintained in an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the side, or with sides embedded not less than two (2) feet into the ground. When outside, said pen must be behind a fence not less than six (6) feet high.

(5) It is understood that the provision of subsection (c)(4), above, shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.

(6) A dangerous dog is subject to special dog permit tag requirements under section 4.40.020.

(7) The dog owner/guardian or person with a right to control the dog must attend a dog obedience class with the dog that exhibited the behavior leading to its designation of dangerous. Pre-approval to attend such class may be required by the administrator of the dog obedience class.

(~~d~~e) In addition to subsections (a~~), (b) and~~) through (d~~e~~) above, the owner or person with the right to control a vicious dog shall maintain the dog as follows:

(1) Outdoors:

a. The dog must be confined by means of a securely enclosed escape-proof, locked kennel, or pen. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen must be constructed in a manner and of such material so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous or vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free.

b. The supporting posts of the structure must be set in concrete or other material not less than two (2) feet into the ground and no further than six (6) feet apart. The sides and ends of the structure must be constructed of solid boards or chain-link material not less than six (6) feet in height and securely fastened to the top and bottom of the structure. The structure may not be constructed or maintained in any front or required side yard and must be maintained in a sanitary condition at all times. The dog(s) confined therein must be afforded adequate protection from the elements and kept in a humane manner.

c. The escape-proof, locked kennel or pen may not be enclosed by an outdoor fence less than six (6) feet high.

(2) Indoors: The dog must be confined by means of a house, apartment, building, or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of

either the owner/guardian or person with a right to control the dog, and the owner must ensure that the dog is not a threat to other occupants of the premises.

(3) The Town Manager or hearing officer may impose additional conditions upon the ownership/guardian and control of a vicious dog if the hearing officer determines that under these additional conditions the dog would not present a significant threat to the public health, safety, and welfare.

(4) If the Town Manager or hearing officer determines that a dog is vicious but additional conditions upon the ownership/guardianship and control of the dog will not sufficiently mitigate a significant threat to the public health, safety, and welfare, the hearing officer may order the dog be destroyed by the Town in accordance with the law.

(e) Violation of this section shall be punishable as a misdemeanor.

(Ord. No. 1971, § II, 2-22-94; Ord. No. 2276, § 1, 9-18-18; Ord. No. 2320, § III, 9-7-21)

Sec. 29.40.0310. Definitions.

The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this ~~section~~article:

Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

Double fence means two (2) fences spaced a few feet apart regardless of height and material.

Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

Fence regulations means sections 29.40.030 through 29.40.0330.

Hidden Underground Electronic Dog Fence means a system manufactured by an Underwriters Laboratory-approved manufacturer consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a contractor authorized to install for animal control devices.

Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Perimeter fence means a fence located on the property line of a lot.

Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0315. Height, materials and design, and location.

(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a Hidden Underground Electronic Dog Fence as defined in Ssection 29.40.0310.~~.~~

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. With the exception of Hidden Underground Electronic Dog Fences where permitted, e~~E~~lectric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence or a Hidden Underground Electronic Dog Fence as defined in section 29.40.0310.

c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

(Ord. No. 2286, § I, 8-6-19)

TECHNICAL ANALYSIS & STAFF GUIDANCE

Proposed Amendment to Los Gatos Municipal Code

Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas

with Corresponding Clarification to Section 29.40.0315

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April 2026

Prepared for review by:
Town Attorney, Town of Los Gatos • Town Planning & Community Development Staff
Silicon Valley Animal Control Authority (SVACA) • Santa Clara County Officials

EXHIBIT 4

Executive Summary

What is the gap?

Section 4.40.005(a) of the Los Gatos Municipal Code (Animal Code) requires dogs to be kept either on a leash or behind a fence not less than six feet high. The hillside fence regulations (§29.40.0315) prohibit solid fences in hillside areas and require that perimeter fencing on properties of one acre or greater be wildlife-friendly — a maximum of 42 inches high. The result is an unintended conflict: the Animal Code requires a six-foot fence for off-leash dog containment, while the Hillside Code prohibits that same fence. Hillside residential property owners in the Town's 1,170 HR-zoned parcels have no currently compliant means of allowing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language that predates the widespread availability of electronic pet containment technology.

What change is requested?

A two-part amendment is proposed. First, §4.40.005(a) would be amended to recognize a UL-Listed hidden underground electronic dog fence system — consisting of a low-voltage transmitter and buried boundary wire installed by a CA-licensed D-64 contractor — as a third compliant means of dog containment in designated hillside areas, alongside leash and physical fence. Second, a clarifying note would be added to §29.40.0315 confirming that the existing prohibition on "electric fences" refers to traditional above-ground perimeter fencing carrying live line voltage, and does not apply to buried-wire electronic containment systems as defined and permitted under the amended §4.40.005(a). A five-step permitting process with defined installation parameters is proposed to govern approval.

Why is the change consistent with wildlife protection?

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement. The buried boundary wire carries no voltage and has no physical presence above ground. Wildlife — deer, mountain lions, coyotes, bobcats, turkeys, and foxes — pass freely through the property. Only the trained dog wearing a receiver collar is affected. The system is fully consistent with the intent of §29.40.0305, which calls for hillside fencing to allow the free movement of wildlife. It is also aligned with AB 1889 (Room to Roam Act, effective 2028), which requires municipalities to consider wildlife-friendly fencing standards. By contrast, the interior-setback solid fencing currently used as an informal workaround by some hillside residents creates real physical barriers to wildlife movement and represents a worse outcome under the hillside fence intent policy.

Purpose of This Document

This technical analysis is prepared to assist the Town Attorney, Planning Department staff, SVACA, and Santa Clara County officials in evaluating the proposed two-part amendment to Los Gatos Municipal Code §4.40.005(a) and §29.40.0315. It is designed to make the review and adoption process as straightforward as possible by providing:

Note: Town Planning Department records confirm 1,170 HR-zoned (Hillside Residential) parcels within Town limits.[1] Approximately 400 properties have had hidden underground electronic dog

[1] Parcel count confirmed by Ryan Safty, Community Development Department, Town of Los Gatos, email correspondence April 2026.

fence systems installed in the Los Gatos hills and the Santa Clara County side of the Santa Cruz Mountains Area — a community-scale adoption currently operating in a legal gray area that this amendment would resolve.[2]

- Verbatim text of the three relevant Town Code sections for quick reference
- A structured conflict and gap analysis identifying where the code fails hillside residents
- Documentation of current workarounds residents are employing, with analysis of their impacts
- A summary of precedents from California, Oregon, and other jurisdictions where this technology is formally recognized
- Animal professional endorsements supporting the safety and efficacy of the technology
- The proposed amendment language and five-step permitting process

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I. Relevant Town Code Sections — Verbatim Text

The following three sections of the Los Gatos Municipal Code are directly relevant to this amendment. They are reproduced verbatim for quick reference.

Section 4.40.005(a) — Animal Code: Restraint of Dogs

SOURCE: LGMC Chapter 4, Article IV, §4.40.005(a)

> No person owning or having charge, care, custody or control of any dog shall permit such dog to be or remain off the premises of the owner of such dog unless such dog is under the owner's own physical restraint by means of a leash not to exceed six feet in length, or shall keep such dog confined behind a fence not less than six feet high.

Note: This section was written before hidden underground electronic dog fence technology existed as a viable consumer product. It has never been updated to recognize this technology as a third compliant means of containment.

Section 29.40.0305 — Hillside Fence Code: Intent

SOURCE: LGMC Chapter 29, Article IV, §29.40.0305 (enacted Ord. No. 2286, Aug. 6, 2019)

> The intent of these fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife within the hillside area.

Section 29.40.0315 — Hillside Fence Code: Prohibited Fence Types

SOURCE: LGMC Chapter 29, Article IV, §29.40.0315 (as amended, Ord. No. 2286, Aug. 6, 2019; Ord. No. 1316, June 7, 1976 as original)

[2] Installation count based on information provided by Troy Dykes, D-64 Licensed Contractor, DogWatch Hidden Fences, covering installations in the Los Gatos and Santa Cruz Mountains area.

> The following fence types are prohibited in the hillside area: (a) Electric fences, including any fence designed to produce an electric shock. (b) Solid fences, including wood, masonry, concrete, or vinyl fences with more than 20% surface obstruction. (c) Buck-and-rail and double fences. On properties of one (1) acre or greater, perimeter fencing shall be wildlife-friendly fence as defined in Section 29.40.0310 — maximum 42 inches in height with an 18-inch gap at the bottom.

Note: The “electric fence” prohibition originates from Ord. No. 1316 (June 7, 1976), enacted for agricultural-style live-voltage perimeter shock fencing. Live describes an exposed conductor that carries electrical power, typically above 60 V DC or 30 V AC, which are thresholds widely considered hazardous.

Hidden underground electronic dog fence technology was patented in 1973 but had only sold 50 units by 1976 and was not a viable consumer product. The 2019 rewrite carried this prohibition forward without addressing this technology as a distinct category.

Section 29.40.0310 — Definitions

SOURCE: LGMC Chapter 29, Article IV, §29.40.0310

> The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:
>
> *Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.*
>
> *Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.*
>
> *Double fence means two (2) fences spaced a few feet apart regardless of height and material.*
>
> *Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.*
>
> *Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.*
>
> *Fence regulations means sections 29.40.030 through 29.40.0330.*
>
> *Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.*
>
> *Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Perimeter fence means a fence located on the property line of a lot.*
>
> *Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.*

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

The following fence types are prohibited in the hillside area:

II. Conflict and Gap Analysis

The Three-Section Problem

A careful reading of the three code sections above reveals a structural gap that leaves hillside dog owners with no currently compliant means of containing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language, combined with hillside-specific restrictions that were designed for environmental protection, not pet containment.

Code Section	What It Requires / Prohibits	Effect on Hillside Dog Owner
§4.40.005(a) — Animal Code	Dog must be on leash OR behind a fence not less than six feet high. Only two options recognized.	No hidden fence option recognized. Code gap — technology never addressed.
§29.40.0315 — Prohibited Fences	Solid fences prohibited in hillside. Perimeter fencing on 1+ acre must be wildlife-friendly (max 42", 18" ground gap).	6-foot solid fence required by §4.40.005(a) is prohibited here. Wildlife-friendly fence is too short (42" vs. 72" required).
§29.40.0305 — Hillside Fence Intent	Hillside fence regulations exist specifically to allow the free movement of wildlife through corridors.	A 6-foot solid fence would directly violate this intent even if physically permitted. No compliant option satisfies both codes.

Result: A hillside property owner who wishes to allow their dog off-leash in their own yard has no currently compliant option under the existing code. This appears to be an unintended gap created by older code language — a consequence of three code sections that were written at different times and have not been reconciled with each other or with technological developments over the past fifty years.

Why the Electric Fence Prohibition Does Not Apply — and Why Clarification Is Still Needed

The prohibition on "electric fences" in §29.40.0315 was written in 1976 for agricultural-style perimeter shock fencing: exposed above-ground wires carrying live line voltage. Such fencing presents real hazards — fire ignition risk in dry hillside vegetation, shock risk to people, children, wildlife, and livestock. The prohibition is valid and should be retained.

A hidden underground electronic dog fence is categorically different technology:

- The boundary wire is buried a few inches underground and carries no voltage or current
- It functions as a passive radio frequency emitter only (AM and FM bands)
- There is no exposed conductor, no shock hazard to people or wildlife, no fire risk
- Only the trained dog wearing the receiver collar is affected — all other animals and people pass freely

The 1976 ordinance never contemplated this technology. The 2019 rewrite (Ord. No. 2286) carried the prohibition forward by inertia, not deliberate policy determination. A clarifying note to §29.40.0315 is needed to confirm that the "electric fence" prohibition refers to traditional line-voltage above-ground perimeter fencing, and does not apply to hidden underground electronic dog fence systems as defined and permitted under §4.40.005(a).

III. How the Current Code Is Failing: Resident Workarounds and Their Impacts

Because the current code provides no compliant off-leash option for hillside dog owners, residents have developed informal workarounds. These workarounds range from a responsible, wildlife-compatible solution that should be formally recognized, to harmful circumventions of the hillside fence code that produce exactly the environmental damage the code was designed to prevent.

Preferred Compliance Option: Hidden Underground Electronic Dog Fence (Currently Unrecognized)

The Town of Los Gatos Planning Department has confirmed that there are 1,170 HR-zoned (Hillside Residential) parcels within the Town limits (confirmed by Ryan Safty, Associate Planner, Community Development Department, April 2026). Of these, approximately 400 hidden underground electronic dog fence systems have already been installed across the Los Gatos and Santa Cruz Mountain hillside area by a California State Licensed D-64 Non-Specialized Contractor (DogWatch, installer Troy Dykes) — representing roughly 34% of all hillside parcels operating in a legal gray area. These systems:

- Contain the dog completely within the property boundary
- Present zero physical obstruction to wildlife — deer, mountain lions, bobcats, turkeys, coyotes, and foxes pass freely through the property
- Require no grading, no above-grade materials, no structural alteration
- Carry no voltage in the boundary wire — passive RF emitter only, zero fire risk
- Have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos

These installations exist in a legal gray area: residents have chosen the most environmentally responsible available technology, but the code does not formally recognize it. This creates enforcement uncertainty for residents, SVACA, and Town staff.

The scale of adoption is significant. With 1,170 confirmed HR-zoned parcels and approximately 400 installations already in place, this is not a niche concern — it is a community-wide issue affecting a material fraction of the hillside residential population, with growth likely as awareness increases.

Resident Community Testimony

The following is representative of the community support for this amendment, received from a Los Gatos hillside resident following the April 7, 2026 Town Council meeting:

> *"Through the hillside neighborhoods of Los Gatos — and across the broader Santa Cruz Mountains — Town residents have been quietly and responsibly using invisible electric fence systems for years. These installations are wildlife-friendly. Unlike solid or chain-link fencing, invisible fences present no physical barrier to deer, mountain lions, coyotes, turkeys, bobcats and other native species moving freely through our wildlife corridors. The hillside ecosystem functions as intended. Aesthetically consistent with hillside character — there are no visible structures, no fencing panels, and no visual impact on the natural landscape that defines our neighborhoods. Already recognized regionally — Silicon Valley Animal Control (SVACA) already accepts my invisible electric fence installation as a valid form of dog containment. The Town's code simply hasn't caught up with that regional standard."*

Resident further noted that their DogWatch system was installed by a CA Low Voltage Licensed contractor who has installed the same fence for hundreds of properties along the Santa Cruz Mountains and greater Bay Area, including multiple properties on the same street. The resident described the technology as "more comprehensive and failsafe than the current ordinance requirement" which relies on physical barriers with gates and doors that can fail.

Less Desirable Alternative: Interior-Setback Solid Fencing

Town planning staff have noted (conversation with Ryan Safty, LG Planning Department, April 2026) that some hillside residents are addressing the containment problem by constructing solid fences set back a few feet from the property line, rather than on the property boundary.

Their rationale: §29.40.0315 requires that perimeter fencing (fencing at the property boundary line) be wildlife-friendly. A solid fence set back from the property line is not technically "perimeter" fencing under this reading, and therefore may not be subject to the wildlife-friendly requirement.

This workaround is problematic on multiple grounds:

- **It creates solid physical barriers inside the wildlife corridor. The barrier effect on wildlife movement is identical to a property-line fence — setback by a few feet changes nothing ecologically. Solid fences fragment habitat, block species movement, and reduce genetic connectivity regardless of their distance from the property line.** Environmental harm:
- **This workaround is only available to residents with sufficient lot depth to set a fence back meaningfully. Smaller or more steeply sloped properties cannot use it. It creates a two-tier system based on lot size rather than policy.** Inequity:
- **This interpretation has not been formally sanctioned by the Planning Department or confirmed by the Town Attorney. It is a practice that is tolerated informally, not a recognized compliant solution. Residents relying on it are exposed to potential enforcement action.** Legal uncertainty:
- **The express intent of §29.40.0305 is to allow wildlife movement within the hillside area. A solid fence anywhere within that area — whether on the property line or set back — undermines that intent.** Contrary to intent:
- **The hidden underground electronic dog fence achieves the same dog containment objective with zero above-grade structure, zero wildlife impact, and**

zero visual intrusion. The interior-setback solid fence achieves containment at the cost of wildlife movement, viewshed, and hillside character. Worse outcome than hidden fence:

The interior-setback workaround is a symptom of the code gap, not a solution to it. Formally recognizing the hidden underground electronic dog fence under §4.40.005(a) would eliminate the pressure that drives residents toward this harmful workaround.

IV. Jurisdictional Precedents

Multiple California and out-of-state jurisdictions have formally recognized hidden underground electronic dog fence systems as a compliant means of dog containment, explicitly distinguishing them from traditional electric fences. These precedents provide a strong foundation for the proposed amendment.

California Precedents

San Diego County Code §62.669(c) — California's Leading Precedent

San Diego County is the most directly applicable California precedent. Section 62.669(c) of the San Diego County Code explicitly lists electronic pet containment systems as a third compliant means of dog control on private property, alongside leash and physical fence:

> SEC. 62.669. RESTRAINT OF DOGS REQUIRED. (c) A dog's owner or custodian or a person having control of a dog that is lawfully on private property shall keep the dog: (1) leashed or tethered as allowed under Health and Safety Code section 122335, (2) under direct and effective control by voice or electronic pet containment system, or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets humane standards.

This is the precise structure proposed for Los Gatos §4.40.005(a): a third option alongside leash and physical enclosure. San Diego County's code confirms that California law supports this formulation and that it can be implemented at the county level. Based on the jurisdictions reviewed, no Santa Clara County city or town has yet adopted equivalent language — Los Gatos appears poised to be the first in this region (subject to Town Attorney confirmation).

Los Altos Hills — Adjacent Santa Clara County Precedent

The Town of Los Altos Hills, also in Santa Clara County and also a hillside community with wildlife corridor concerns, recently amended its fence ordinance (May 2025) to address wildlife corridor fencing requirements. While it does not specifically codify hidden fence technology, its approach confirms that Santa Clara County hillside jurisdictions actively manage the intersection of fencing and wildlife movement at the ordinance level.

Ventura County — Wildlife Corridor Fencing Regulations

Ventura County has implemented dedicated wildlife corridor regulations in its zoning ordinance that explicitly identify impermeable fencing as a barrier to be minimized, and establish a permitting pathway for fencing near wildlife corridors. This is the regulatory model that AB 1889 (Room to Roam Act) will require all California cities and counties to adopt by 2028.

Oregon Precedents

City of Central Point, Oregon — Express Statutory Exclusion

The City of Central Point, Oregon (City Code §17.57) provides the clearest statutory model for distinguishing hidden underground electronic dog fences from traditional electric fences. The code states:

> "Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone.

This is exactly the clarification proposed for Los Gatos §29.40.0315: a statement that the electric fence prohibition does not apply to hidden underground electronic dog fence systems. Central Point's language confirms that this categorical distinction is legally sound, administratively straightforward, and has been successfully implemented in Oregon municipal code.

Oregon Municipality — Express Exemption from Electric Fence Prohibition

Multiple Oregon municipal codes explicitly exempt underground electronic pet containment systems from electric fence prohibitions. One representative example:

> Farm animal containment fences in A-1 Agriculture Districts not used as a dwelling and electronic underground pet containment fences in all zoning districts are exempt from this section.

This confirms that the approach of expressly exempting hidden underground electronic dog fences from electric fence prohibitions is a well-established and legally tested technique in Oregon municipal codes.

National Context and Scale

Hidden underground electronic dog fence technology is in widespread national use, recognized as a legitimate containment method across multiple jurisdictions:

- Over 3 million pets protected by Invisible Fence® Brand alone since 1973 (PR Newswire, 2019)
- DogWatch® has over 200 independent dealers worldwide, operating since 1990
- Multiple states and municipalities have expressly distinguished this technology from traditional electric fences in their codes
- Kansas (Overland Park Municipal Code 6.08.020): formally recognizes electronic containment as a compliant form of dog control with specific operational conditions — see full subsection below

Overland Park, Kansas — Detailed National Precedent (Municipal Code 6.08.020)

The City of Overland Park, Kansas (Municipal Code 6.08.020, subsection (a)(3)) explicitly authorizes electronic dog fences as a compliant containment method, with specific operational parameters that closely mirror the Los Gatos proposed amendment structure:

> *"Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. Dogs confined to residential property by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the*

> *front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar."*

The structural parallels to the proposed Los Gatos amendment are direct: (1) electronic containment recognized as a third compliant option alongside leash and physical enclosure; (2) setback from property lines and sidewalks required; (3) front yard exclusion; (4) dangerous dog exclusion. These are the same operational parameters proposed for Los Gatos, adapted for hillside and wildlife corridor conditions rather than suburban residential.

Legal Uncertainty Created by the Current Code Gap

The current code gap creates legal exposure for residents beyond mere inconvenience. Kenneth M. Phillips, a nationally recognized dog bite attorney (dogbitelaw.com), articulates the prevailing legal doctrine:

> *"If the municipal code requires a fence, and does not address electronic systems, then the dog owner must provide a physical fence, not an electronic one."*

Under this doctrine, the approximately 400 hillside Los Gatos residents currently using DogWatch systems may not be legally compliant with §4.40.005(a) — even though SVACA has recognized their systems on-site as valid containment. This creates a two-track enforcement environment: residents are practically compliant but legally exposed. The proposed amendment resolves this uncertainty cleanly in both directions.

Phillips also notes that due process requires any prohibition to be stated clearly or it is unenforceable: codes prohibiting "electric fences" without defining precisely what devices are covered create interpretive uncertainty. This reinforces the need for the clarifying note to §29.40.0315 proposed as the secondary element of this amendment — confirming that the prohibition does not reach hidden underground electronic dog fence systems as defined.

- The technology is active in every major California metropolitan area, including San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, and Mendocino counties (Pet Stop of the Peninsula and North Bay)
- Texas (Argyle, Fate, and others): multiple Texas municipalities use identical model ordinance language expressly recognizing invisible fence systems as sufficient restraint — see full subsection below
- Maryland (Baltimore City): formal Health Department regulatory framework with permit system recognizing electronic fence as valid animal restraint, with operational conditions including setbacks and posted signage — see full subsection below
- North Carolina (Pineville): invisible fence system expressly recognized as a qualifying "secure enclosure" under animal restraint ordinance (§90.040), subject to posted signage requirement

Texas — Model Ordinance Language (Argyle, Fate, and Others)

At least two Texas municipalities — the Town of Argyle (Chapter 2, Animal Control) and the City of Fate (Ordinance No. O-1783) — use identical language in their animal control ordinances expressly recognizing invisible fence systems as compliant restraint. The identical phrasing across separate municipalities indicates this language derives from a shared Texas model animal control ordinance, suggesting adoption is broader than these two examples alone:

> *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."*

This is among the most direct statutory language found in any jurisdiction: no conditions other than demonstrated containment (the animal must not be found outside the premises). It stands

in contrast to the more structured permitting approaches in Kansas, Maryland, and proposed for Los Gatos, but confirms that straightforward legislative recognition of this technology is legally tested and in active use across Texas municipalities. Both Argyle and Fate also expressly exclude dangerous dogs from electronic containment eligibility, consistent with the Los Gatos proposed amendment.

Baltimore, Maryland — Health Department Regulatory Framework

Baltimore City, Maryland, formally recognizes electronic dog fences as valid animal restraint through a permit and exemption system administered by the Health Department's Office of Animal Control. The regulatory framework has been in place since at least 2009 and remains active today, with a formal permit application process. Key operational conditions under the Baltimore framework:

- The dog cannot come within 10 feet of any public walkway, footpath, alley, or street
- The fence must be at least 2 feet from any adjacent property
- A visible sign must be posted on the property indicating that an electronic fence is in use

The structural parallel to the Los Gatos proposed amendment is direct: setback from public ways and adjacent properties, posted signage, and permit-based approval. Baltimore's framework demonstrates that a formal permitting pathway for electronic pet containment is administratively viable and has operated successfully in a major U.S. city for over fifteen years.

Pineville, North Carolina — Invisible Fence as Qualifying Secure Enclosure

Section 90.040 of the Pineville, North Carolina Code of Ordinances expressly recognizes an invisible fence system as a qualifying "secure enclosure" under its animal restraint ordinance, with two conditions:

> *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."*

The operational requirement — system in working order with posted signage — maps directly onto the proposed Los Gatos permitting parameters. The characterization of invisible fence as a qualifying "secure enclosure" is also legally significant: it confirms that courts and enforcement agencies in at least one jurisdiction have accepted this technology as satisfying the enclosure standard, resolving the legal uncertainty identified by Kenneth M. Phillips (see Section II, Legal Uncertainty Created by the Current Code Gap).

V. Animal Professional Endorsements

Veterinary Research: University of Pennsylvania

The foundational safety research on hidden underground electronic dog fence systems was conducted in partnership with the University of Pennsylvania School of Veterinary Medicine. The research proved the system to be safe, gentle, and effective for animals, with no short- or long-term adverse effects on the animals contained. This research was conducted beginning in 1975 and has underpinned the technology's widespread adoption.

SVACA — Silicon Valley Animal Control Authority

SVACA is the regional animal control authority that serves and enforces animal control laws for the Town of Los Gatos. SVACA officers have visited the DogWatch hidden underground

electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment consistent with the requirement that dogs be "properly confined to the owner's property."

SVACA's operational recognition of this technology predates the proposed code amendment. The amendment would formalize what SVACA already endorses in practice.

California-Based Veterinary Endorsements

Dr. Jamie Textor, veterinarian, California (DogWatch Bay Area & Northern California testimonial):

> As a veterinarian and a dog owner, I would highly recommend this company. Within the week [of installation], the fence was installed and the problem was literally SOLVED that day.

National Veterinary Endorsements

Dr. Roxane Jackson, veterinarian, Washington (DogWatch of the Twin Cities testimonial):

> I am a veterinarian, and I recommend this fence system to my clients. The price, installation, and training were all reasons I chose this brand.

Australian Veterinary Association (AVA)

The Australian Veterinary Association acknowledges that there are situations in which a hidden underground electronic dog fence can increase the safety and welfare of an animal, and supports responsible use in those situations. The AVA's position confirms the technology's place in the spectrum of responsible pet ownership tools when used appropriately with proper training.

D-64 Non-Specialized Contractor Licensing

California is the only state with a dedicated contractor license classification for animal control device installation: the D-64 Non-Specialized Contractor license. Troy Dykes of DogWatch Hidden Fences holds this license and is believed to be one of the only active D-64 licensed contractors in the region. The existence of this license category confirms that California's contractor licensing framework already recognizes hidden underground electronic dog fence installation as a professional, regulated trade.

VI. Proposed Amendment Language

Primary Amendment — Town Code Section 4.40.005(a)

The following language is proposed to be added to §4.40.005(a) as a third compliant containment option, applicable in designated hillside areas:

> In designated hillside areas of the Town of Los Gatos, a Hidden Underground Electronic Dog Fence system — manufactured under UL Listed DogWatch (or other UL-listed equivalent manufacturer as approved by the Town), consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a

> California State Licensed D-64 Non-Specialized Contractor authorized for Animal Control Devices — shall be recognized as a third compliant means of dog containment under this section, in addition to leash and physical fence, subject to the permitted installation parameters and permitting process set forth herein.

Secondary Clarification — Town Code Section 29.40.0315

The following clarifying note is proposed for addition to §29.40.0315:

> The prohibition on "electric fences, including any fence designed to produce an electric shock" refers to traditional perimeter fencing carrying live line voltage along exposed above-ground conductors. This prohibition does not apply to Hidden Underground Electronic Dog Fence systems as defined and permitted under Section 4.40.005(a), which carry no voltage or current in their boundary wire and present no fire or shock hazard.

Permitted Installation Parameters

- Electronic boundary observes same setbacks from property lines as required for a 6-foot solid fence under §29.40.0315 and §4.40.005(a)
- Training certificate required: property owner must obtain certification that their dog(s) have been successfully trained to respect the boundary, issued by the licensed D-64 installing contractor; certification logged with SVACA dog license record
- 24-hour backup battery required to sustain system operation in event of power interruption
- 20-foot setback from any riparian corridor (as defined in §29.40.0310); setback applies to the programmed electronic boundary, not the buried wire routing
- Not applicable to dogs designated Potentially Dangerous, Dangerous, or Vicious under LGMC §4.10.010 or §4.40.005

Five-Step Permitting Process

1. Property Survey — Prepared by a licensed surveyor, showing property boundaries, setbacks, recorded easements, riparian corridors, utility meters, and underground access vaults or covers.
2. Proposed Site Plan — Prepared by the D-64 licensed contractor or architect, illustrating the electronic boundary location, 20-foot riparian corridor setback, control box location, power supply connection, and backup power system.
3. Approved Permit — Pulled by D-64 Licensed Contractor or property owner; identifies D-64 contractor and California license number.
4. Installation Inspection — Follows same procedure as traditional fence permits to validate conformance with approved site plan.
5. Dog Certification — Following inspection sign-off, dog(s) trained to containment system; certification submitted to SVACA to be added to dog's license record.

VII. Alignment with State Law — AB 1889, Room to Roam Act

This amendment is directly aligned with AB 1889, the Room to Roam Act, signed by Governor Newsom on September 27, 2024, and effective January 1, 2028. The law amends Government

Code §65302 to require California cities and counties, upon their next General Plan update on or after January 1, 2028, to:

- Identify and analyze wildlife connectivity areas, permeability, and natural landscape areas within the jurisdiction
- Identify and analyze existing or planned wildlife passage features
- Consider impacts of development and barriers to wildlife movement, and avoid, minimize, or mitigate those impacts
- Consider incorporating “wildlife-friendly fencing” as a standard, policy, or implementation program

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement — they have no physical structure above grade and present no impediment to free passage of wildlife through the property. Formally recognizing this technology in the Town Code now positions Los Gatos ahead of the 2028 compliance requirement and demonstrates proactive leadership on wildlife corridor protection. Based on the jurisdictions reviewed, Los Gatos appears poised to become the first municipality in Santa Clara County to codify this specific technology, setting a regional precedent aligned with the direction of state law (subject to Town Attorney review and confirmation).

VIII. Key Contacts for Staff Reference

Role	Name & Organization	Contact
Proponent	Keith Blaine AIA LEED AP	keithblaine@mac.com | 408-784-1821
D-64 Licensed Installer	Troy Dykes, DogWatch Hidden Fences	Contact via DogWatch® network
SVACA Executive Director	Dan Soszynski, SVACA	SVACA main line: 408-764-0344
Town Planning Dept.	Ryan Safty, Planning Department	Community Development: 408-354-6874
CC Recipient	Allen Meyer, Town Planning Dept.	Community Development: 408-354-6874
CC Recipient	Megan Blaine, Blaine Architects	Blaine Architects

APPENDIX B — Precedent Municipalities: Jurisdictions Formally Recognizing Electronic Pet Containment Systems

The following table summarizes jurisdictions identified in this analysis that have formally recognized hidden underground electronic dog fence or invisible fence systems as a compliant means of animal containment in their municipal codes or regulatory frameworks. All code language is reproduced verbatim or summarized from primary sources. This table is provided

for staff reference and is not exhaustive; additional jurisdictions may have adopted equivalent language, particularly in Texas where identical language appears across multiple municipalities suggesting derivation from a shared model ordinance.

State / Jurisdiction	Code / Authority	Key Code Language / Framework
California San Diego County	County Code §62.669(c)	Dog on private property shall be kept: (1) leashed or tethered; (2) under direct and effective control by voice or *electronic pet containment system*; or (3) in a building or adequate enclosure. Third-option structure identical to proposed Los Gatos amendment.
Oregon City of Central Point	City Code §17.57	*"Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is* ***permitted in any zone****.*
Kansas City of Overland Park	Municipal Code 6.08.020(a)(3)	Dogs may be confined by electronic fence or electronic collar. Conditions: 10-ft setback from sidewalk/property line; prohibited in front yards; no dangerous dogs; owner must post signage. Electronic containment recognized as third compliant option alongside leash and physical enclosure.
Texas Town of Argyle	Code of Ordinances Ch. 2 (Animal Control)	*"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Fate, TX (Ord. No. O-1783) — believed to derive from Texas model animal control ordinance.
Texas City of Fate	Ordinance No. O-1783 (Animal Control)	*"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Argyle, TX.
Maryland Baltimore City	Health Dept. Regulatory Action on Electronic Fences as Animal Restraints (2009, active)	Formal permit system recognizing electronic fence as valid animal restraint. Conditions: dog must not come within 10 ft of public walkways/alleys/streets; fence at least 2 ft from adjacent property; visible sign required. Permit application required; issued by Health Department Office of Animal Control. Active since 2009.
North Carolina Town of Pineville	Code of Ordinances §90.040 (Restraint of Animals)	*"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."* Invisible fence expressly qualifies as a "secure enclosure" under this section.

Note: Colorado Springs, CO permits electronic fences with signage requirements as an administrative practice, but no formally codified ordinance recognizing electronic containment as a compliant restraint method was identified. Fort Worth, TX requires a physically enclosed structure and does not recognize electronic containment under its current code, illustrating that recognition is not universal and that explicit codification as proposed here is necessary to resolve the legal uncertainty.

APPENDIX — Technology Timeline for Staff Reference

Here's the complete, sourced timeline — which is directly relevant to your code gap argument:

1973 — Richard Peck U.S. Patent 3,753,421 was the first electronic dog fence ("Stay-Put"). Collar is the size of a deck of cards / 13 oz. Fifty units sold in the first year, by mail order only. Not practically available to most consumers.

1976 — Peck sells patent rights to John Purtell, who renames it "Invisible Fence." Los Gatos fence ordinance (Ord. No. 1316) is enacted this same year. At this moment, the technology existed but had sold only ~50 units nationwide and was not a viable consumer product.

1980s — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

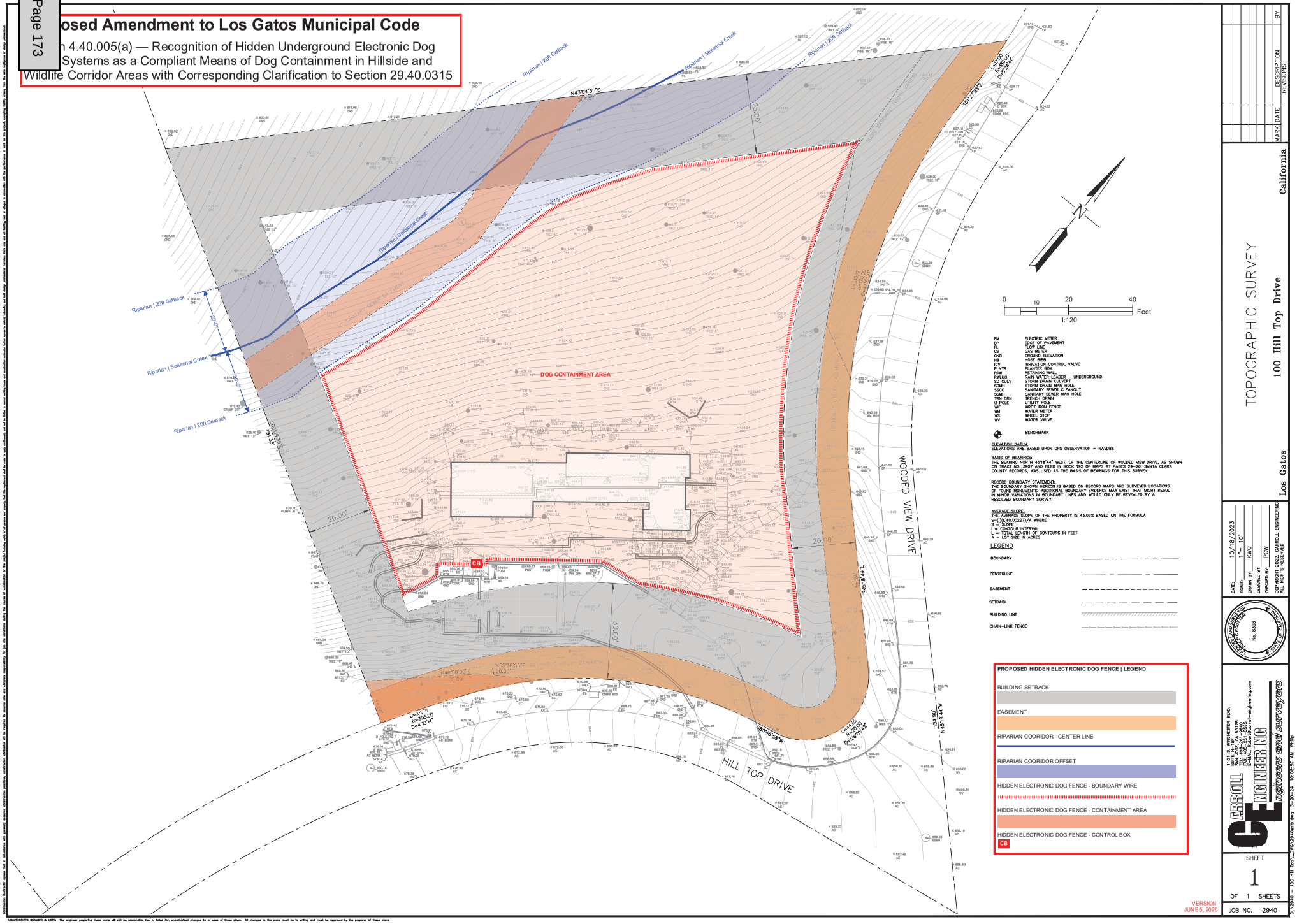
1989–1993 — The original patent expires (sources vary slightly: some say 1989, some say 1990, one says 1993). This is the pivotal moment — competitors enter the market immediately. DogWatch, PetSafe, and Innotek all emerge after the patent expires.

1990s–2000s — Mass-market adoption. Multiple competing brands, falling prices, wider availability, DIY kits introduced. The technology becomes a mainstream consumer product.

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osed Amendment to Los Gatos Municipal Code

n 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas with Corresponding Clarification to Section 29.40.0315



TOPOGRAPHIC SURVEY

100 Hill Top Drive

Los Gatos California

MARK	DATE	DESCRIPTION REVISIONS	BY

DATE: 10/18/2023
SCALE: 1" = 10'
DRAWN BY: KWC
DESIGNED BY:
CHECKED BY: PCW

COPYRIGHT 2022, CARROLL ENGINEERING
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PHILIP C. WOOTTON No. 8396 REGISTERED PROFESSIONAL ENGINEER STATE OF CALIFORNIA

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civil engineers and surveyors
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TEL: 408-296-4200
FAX: 408-296-8293
e-mail: info@carroll-engineering.com

SHEET 1 OF 1 SHEETS

JOB NO. 2940

VERSION JUNE 5, 2026

UNAUTHORIZED CHANGES & USES: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

Protective Covenant: areas that do not contain dog control protective perimeter restrictive covenant of the property owner to maintain in areas that are outside responsibility for the activities only by virtue of ownership of the public fences and of prime property. No easement will be made to maintain and use the public fences and of prime property. No easement will be made to maintain and use the public fences and of prime property. No easement will be made to maintain and use the public fences and of prime property.

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Sec. 29.40.030. Fences, walls, gates, gateways, entry arbors, and hedges.

(Ord. No. 2286, § I, 8-6-19)

Ord. No. 2286, § I, adopted Aug. 6, 2019, repealed § 29.40.030 and enacted new provisions as §§ 29.40.030—29.40.0330, to read as herein set out. Former § 29.40.030 pertained to similar subject matter and derived from Ord. No. 1316, § 4.10.020, adopted June 7, 1976; Ord. No. 1493, adopted March 17, 1981; Ord. No. 1873, § I, adopted Oct. 7, 1991; Ord. No. 2049, § I, adopted Oct. 5, 1998; Ord. No. 2062, § I, adopted June 21, 1999; and Ord. No. 2278, § II, adopted Dec. 18, 2018.

Sec. 29.40.0305. Intent.

The intent of these fence regulations, as defined in section 29.40.0310, is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife. Unless specified otherwise, these fence regulations are applicable Town-wide. These fence regulations incorporate portions of the Hillside Development Standards and Guidelines related to fencing.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0310. Definitions.

The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:

Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.

Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.

Double fence means two (2) fences spaced a few feet apart regardless of height and material.

Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.

Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

Fence regulations means sections 29.40.030 through 29.40.0330.

Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.

Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Perimeter fence means a fence located on the property line of a lot.

Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0315. Height, materials and design, and location.

(a) *Height.*

(1) Fences, walls, gates, or hedges may not exceed six (6) feet in height, with one (1) foot of lattice on top (seven (7) feet high in total); except as provided in subsections (2), (3), and (4) below.

(2) In the hillside area:

a. Fences, walls, gates, or hedges may not exceed six (6) feet.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in section 29.40.0310.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

(4) Pedestrian gateways or entryway arbors may be up to eight (8) feet high. No more than one (1) gateway or entryway arbor per street frontage is allowed.

(b) *Materials and design.*

(1) The following fence types and materials are prohibited:

a. Any fence with bare lengths of wire stretched between posts.

b. Electric fences, including any fence designed to produce an electric shock.

c. Barbed or razor wire fences, including any fence with attached barbs, sharp points, or razors.

d. Transparent fences such as barriers of glass or clear plastic.

(2) In the hillside area:

a. Fences located within twenty (20) feet of a property line adjacent to a street shall be open view fencing as defined in section 29.40.0310.

b. On properties one (1) acre or greater, perimeter fencing shall be a wildlife-friendly fence as defined in section 29.40.0310.

c. Chainlink, welded wire, wire mesh, or similar material shall be coated with green, brown, or black vinyl or finish and shall be supported by a wood frame.

d. Buck and rail, double, and solid fences are prohibited.

(3) In the Landmark and Historic Preservation Overlay:

a. Plastic fencing is prohibited.

b. Fences located in a required front yard shall be open view.

(4) Pedestrian gateways or entryway arbors shall be open view. A gateway or entryway arbor shall have a maximum width of six (6) feet and a maximum depth of four (4) feet.

(c) *Location.*

(1) No fence, wall, or gate shall be located within emergency egress easements.

(2) No fence, wall, or gate shall be located within twenty (20) feet of a riparian corridor as defined in section 29.40.0310.

(3) Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0320. Exceptions.

An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one (1) of the following conditions exist:

(a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.

(b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:

(1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or

(2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.

(c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.

(d) A special security concern exists that cannot be practically addressed through alternatives.

(e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0325. Exemptions.

All fences, hedges, gates, and walls existing on the effective date of this ordinance [from which this section derives] that do not meet the regulations contained herein are nonconforming and are exempt from these regulations. Existing nonconforming fences may be maintained and/or replaced in kind, including historic stone or river rock walls.

(Ord. No. 2286, § I, 8-6-19)

Sec. 29.40.0330. Penalties.

A property owner who has unlawfully constructed any fence, wall, gate, gateway, entry arbor, or hedge is subject to applicable enforcement and penalties as described in sections 29.20.930 through 29.20.965 of the Town Code.

(Ord. No. 2286, § I, 8-6-19)

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 1889

CHAPTER 686

An act to amend Section 65302 of the Government Code, relating to land use.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1889, Friedman. Conservation element: wildlife and habitat connectivity.

Existing law, the Planning and Zoning Law, requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use, housing, and conservation elements, as specified. Existing law requires the conservation element to consider the effect of development within the jurisdiction on natural resources located on public lands.

This bill would additionally require the conservation element to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity. The bill would require the conservation element, upon the next update of one or more elements on or after January 1, 2028, to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife, as defined, and habitat connectivity. The bill would authorize a city, county, or city and county to incorporate by reference into its general plan an existing plan, including a certified local coastal plan, that meets these requirements. The bill would authorize a city, county, or city and county preparing to update its conservation element to consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science and the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity. The bill would authorize a city, county, or city and county to consult with other appropriate entities and meet the above-described requirements in a separate component or section of the general plan entitled a wildlife connectivity element. The bill would include related legislative findings and declarations. By adding to the duties of county and city officials in the administration of their land use planning duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Development and human activities adversely impact wildlife by reducing or eliminating their core habitat, severing connections between habitats, and interfering with their behavioral patterns and ability to access food, water, shelter, and genetically diverse mates.

(2) Climate change is a significant threat to California's biodiversity. As climate change alters the habitat, ranges, and movement patterns of numerous animals and plants, wildlife must have the ability to shift their ranges to effectively adapt to changed climatic conditions and resource availability. Moreover, wildlife must be able to move to effectively respond to extreme weather events, includes wildfire, drought, and floods.

(3) Executive Order No. N-82-20, codified by the Legislature in Section 71450 of the Public Resources Code, declared that it is the goal of the state to conserve at least 30 percent of California's land and coastal waters by 2030 to combat the climate and biodiversity crisis. Wildlife connectivity contributes to the preservation and restoration of biodiversity by ensuring that wildlife has the opportunity to move through the landscape to forage, find mates and reproduce, seek shelter from stochastic events including flooding or wildfires, and adapt to the impacts of climate change.

(4) The public trust doctrine, codified in Section 1600 of the Fish and Game Code among other sections, holds that wildlife is held in trust for the people and that the protection and conservation of fish and wildlife is of utmost public interest. The California Constitution grants cities and counties the power to control and organize development within their boundaries as a means of serving the general welfare. Because cities and counties have the power to control development decisions within their boundaries, they have a responsibility under the public trust doctrine to do so in a manner that protects fish and wildlife and habitat connectivity.

(5) It is therefore the policy of the state to protect, restore, and improve the functioning of fish, wildlife, and habitat connectivity through local government land use planning and zoning.

(b) It is the intent of the Legislature that, in carrying out the policy of the state, local jurisdictions, including cities and counties, shall consider and implement measures to avoid, minimize, or mitigate impacts to fish, wildlife, and habitat connectivity from existing and planned land uses within their jurisdictions. It is further the intent of the Legislature that local jurisdictions, including cities and counties, implement measures to remediate

barriers to wildlife connectivity within their jurisdictions to the extent feasible.

(c) This act shall be known, and may be cited, as the Room to Roam Act.

SEC. 2. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the members of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the

United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) Upon any substantive revision of the circulation element on or after January 1, 2025, the legislative body shall do all of the following:

(i) Incorporate the principles of the Federal Highway Administration's Safe System Approach, in the circulation element by including policies that aim to eliminate fatal and serious injuries for all road users through a holistic view of the roadway system, including provisions that account for human error, recognize vulnerable road users, and promote redundant and proactive safety measures.

(ii) Develop bicycle plans, pedestrian plans, and traffic calming plans based on the policies and goals in the circulation element that shall address all of the following for any urbanized area within the scope of the general plan:

(I) Identify safety corridors and any land or facility that generates high concentrations of bicyclists or pedestrians.

(II) Use evidence-based strategies, including strategies identified in the United States Department of Transportation's Strategic Highway Safety Plan to develop safety measures specific to those areas that are intended to eliminate traffic fatalities, with an emphasis on fatalities of bicyclists, pedestrians, and users of any other form of micromobility device in the areas identified in subclause (I).

(III) Set goals for initiation and completion of all actions identified in the plans within 25 years of the date of adoption of the modified circulation element based upon projected development activities within urbanized areas within the scope of the general plan and projected availability of revenues.

(C) (i) A county or city shall begin implementation of the modified circulation element plan specified in subparagraph (B) within two years of the date of adoption of the plan.

(ii) A county or city shall regularly review the progress towards and identify impediments to completing implementation of the plan for a multimodal transportation network, including all bicycle plans, pedestrian plans, and traffic calming plans iterated in the modified circulation element, and the construction of any related infrastructure.

(iii) A county or city shall consider revising the circulation element if, following the review under clause (ii), the county or city determines it will

not reach the goals of the bicycle, pedestrian, or traffic calming plans within 25 years of the date of adoption of the modified circulation element.

(D) For the purposes of this paragraph, the following definitions shall apply:

(i) "Business activity district" has the same meaning as defined in Section 22358.9 of the Vehicle Code.

(ii) "Land facilities that generate high concentrations of bicyclists or pedestrians" has the same meaning as described in Section 22358.7 of the Vehicle Code.

(iii) "Micromobility device" means a bicycle, electric bicycle, or motorized scooter as those terms are defined and described in Division 1 (commencing with Section 100) of the Vehicle Code.

(iv) "Safety corridor" has the same meaning as defined in Section 22358.7 of the Vehicle Code.

(v) "Urbanized area" has the same meaning as defined in Section 21071 of the Public Resources Code.

(E) For purposes of this paragraph, "users of streets, roads, and highways" mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on the movement of wildlife and habitat connectivity. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity, and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(4) Upon the adoption or next revision of one or more elements on or after January 1, 2028, the conservation element shall be updated to:

(A) Identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, as those terms are defined in Section 158 of the Streets and Highways Code.

(B) Identify and analyze existing or planned wildlife passage features, as defined in Section 158 of the Streets and Highways Code, including, but not limited to, wildlife passage features included in the inventory of connectivity needs on the state highway system, as described in Section 158.1 of the Streets and Highways Code, to ensure that planned development does not undermine the effectiveness of existing and potential wildlife passage features, as defined in Section 158 of the Streets and Highways Code.

(C) (i) Consider the impacts of development and the barriers caused by development to wildlife and habitat connectivity.

(ii) For the purposes of this subparagraph, "wildlife" has the same meaning as defined in Section 89.5 of the Fish and Game Code.

(D) Avoid, minimize, or mitigate impacts and barriers to wildlife movement to the extent feasible.

(E) Analyze and consider opportunities to remediate existing barriers to wildlife connectivity and restore degraded habitat and open space.

(5) If a city, county, or city and county has already included policies in existing plans, including its certified local coastal plan, that meet the requirements of paragraph (4), the city, county, or city and county may incorporate the plan by reference into the general plan to comply with this section.

(6) In preparing to update the conservation element, the city, county, or city and county may do any of the following:

(A) Consider incorporating appropriate standards, policies, and feasible implementation programs such as wildlife-friendly fencing and lighting, buffers from sensitive resources, prohibitions on invasive plants, habitat connectivity overlay zones, and compact development standards, or consider whether adoption of ordinances is necessary to feasibly implement these standards, policies, and implementation programs, and include goals to adopt any necessary ordinances.

(B) Consult with the Department of Fish and Wildlife, any California Native American tribe that is on the contact list maintained by the Native American Heritage Commission and that has traditional lands located within the city, county, or city and county's jurisdiction, and any open-space district that owns lands designated for conservation within the city, county, or city and county's jurisdiction. Upon receiving a request for consultation, the

department, tribe, or district may, in its sole discretion, accept or refuse to consult, based on the priority of natural resources impacted or other factors.

(C) Consider relevant best available science as appropriate, including, but not limited to, peer-reviewed literature, citable publicly available datasets, publicly sourced online datasets, and information and reports from government agencies, California Native American tribes, and academic institutions.

(D) Consider the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity, including, but not limited to, any of the following:

(i) Habitat linkages and wildlife corridors, such as those identified and summarized in the Areas of Conservation Emphasis, as defined by subdivision (a) of Section 1851 of the Fish and Game Code, and in regional habitat connectivity assessments.

(ii) Wildlife corridors, such as migration corridors identified by global positioning system collar studies.

(iii) Wildlife movement barriers, such as connectivity areas, as defined by subdivision (a) of Section 158 of the Street and Highways Code, and barriers identified by the Department of Fish and Wildlife's Restoring California's Wildlife Connectivity report.

(iv) Other connectivity considerations, such as those outlined in the State Wildlife Action Plan, habitat conservation plans approved pursuant to Section 1539 of Title 16 of the United States Code, natural community conservation plans approved pursuant to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code, regional conservation investment strategies approved pursuant to Chapter 9 (commencing with Section 1850) of Division 2 of the Fish and Game Code, and other relevant plans, policies, and ordinances adopted by neighboring jurisdictions.

(7) In preparing to update the conservation element, the city, county, or city and county may consult with other appropriate local, state, or federal agencies, or academic institutions, as deemed appropriate by the city or county.

(8) The city, county, or city and county may meet the requirements in paragraphs (4) through (6), inclusive, in a separate component or section of the general plan entitled a wildlife connectivity element.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight online railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in subparagraphs (A) to (F) of paragraph (1), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by FEMA. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 6161 of the Water Code that are available from the Department of Water Resources.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:

(A) Information regarding fire hazards, including, but not limited to, all of the following:

(i) Fire hazard severity zone maps available from the Office of the State Fire Marshal.

(ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.

(iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.

(iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open-space designations of homeowner associations.

(v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.

(B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B), including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city

or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B), including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of

natural features and ecosystem processes, when developing alternatives for consideration. For purposes of this clause, "natural infrastructure" means using natural ecological systems or processes to reduce vulnerability to climate change related hazards, or other related climate change effects, while increasing the long-term adaptive capacity of coastal and inland areas by perpetuating or restoring ecosystem services. This includes, but is not limited to, the conservation, preservation, or sustainable management of any form of aquatic or terrestrial vegetated open space, such as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain gardens, and urban tree canopies. It also includes systems and practices that use or mimic natural processes, such as permeable pavements, bioswales, and other engineered systems, such as levees that are combined with restored natural systems, to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) Upon the next revision of the housing element on or after January 1, 2020, the safety element shall be reviewed and updated as necessary to identify residential developments in any hazard area identified in the safety element that do not have at least two emergency evacuation routes.

(6) After the initial revision of the safety element pursuant to paragraphs (2), (3), (4), and (5), the planning agency shall review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every eight years, to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

(7) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(8) Before the periodic review of its general plan and before preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(9) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) "Disadvantaged communities" means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) "Public facilities" includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) "Low-income area" means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

From: Nazzi Shishido [redacted]
Sent: Thursday, October 15, 2026 8:58 AM
To: Clerk <Clerk@losgatosca.gov>
Cc: Town Manager <Manager@losgatosca.gov>
Subject: Re: Electronic Pet Containment – Public and Animal Safety Concerns. (October 20, 2026), Addition to my email for council

[EXTERNAL SENDER]

Hello,

This is an addition to my email below.

I have been regularly watching the Town Council agendas for the electronic pet containment item because I understood that it would be returning to the Council for further consideration. I have not seen the item appear on a subsequent agenda.

At the August 4 meeting, this issue was brought forward based on a request from a single resident. Other than Vice Mayor Ristow's strong support for moving the matter forward, the discussion reflected questions and concerns regarding the need for the change, Town priorities, enforcement, cost, and whether there was broader public demand for it.

Because this proposed ordinance could affect hillside residents safety throughout Los Gatos, I believe the public should have an opportunity to review the actual proposed ordinance and participate in a meaningful discussion before any change is adopted.

I am particularly interested in the treatment of hillside properties **under one acre.** The August 4 discussion addressed the Hillside and also specifically discussed properties over one acre. **The Town should not lump all hillside properties together. Hillside properties are not all the same and present different challenges depending on lot size, location, road access, neighboring properties, easements, driveways, and proximity to public areas.** I would like to understand what is now being proposed for properties under one acre and why.

Could you please let me know when this item will return to the Town Council agenda and when the public will have an opportunity to comment? **I respectfully request that this matter be placed on a future Town Council agenda so that the public has an opportunity to review the proposed changes and participate in a meaningful discussion before any ordinance is adopted.**

Thank you,

Nazzi Shishido, [redacted] Los Gatos, 95032

On Oct 15, 2026, at 8:14 AM, Nazzi Shishido [redacted] wrote:

EXHIBIT 7

Good morning,

My name is Nazzi Shishido, and I am a Los Gatos hillside resident and an animal lover. I plan to attend the October 20 Town Council meeting and would like to raise a public-safety concern as well as an animal safety concern regarding electronic pet containment.

The ordinance should also specifically address hillside properties **under one acre**. While the Town's current fencing regulations address wildlife passage requirements for larger hillside properties, properties under one acre **do not** have the same wildlife-passage concern but present different safety concerns, particularly on corner lots where electronic containment may be close to streets, public rights-of-way, neighboring property lines, easements, and driveways.

Those protections should include **minimum setbacks** from public areas and rights-of-way, neighboring property lines, easements, and driveways, as well as a requirement that the containment system be **properly maintained and functioning**. This is particularly important because if an electronic containment system fails, an animal may be able to leave the property without any physical barrier preventing it from reaching pedestrians, other animals, neighboring properties, driveways, or roadways. A failure could result in a dog bite, traffic accident, injury, or other serious safety incident. **Repeated incidents or citations** involving an animal leaving its designated containment area should be a clear indication that the electronic containment system is not functioning effectively and that additional safety measures may be necessary.

The Town should also consider whether **additional safeguards** are appropriate for larger dogs, dogs with a documented bite or escape history, or dogs with known behavioral issues. **The Town should also consider that larger dogs with documented behavioral issues, including biting, charging, or attacking, can pose a danger not only to people and other pets, but also to local wildlife such as deer and wild turkeys.**

Clear standards are important not only for public safety, but also so that dog owners understand their responsibilities and Town staff have objective standards that can actually be enforced. These standards also **protect the animals themselves** from escape, traffic accidents, injury, and other preventable harm.

I respectfully request that a Council Member ask to **place electronic pet-containment safety standards and setbacks on a future Town Council agenda.**

Thank you for your support and cooperation. I can be reached at [redacted].

Thank you,

Nazzi

From: Lisa Van Buskirk [redacted]
Sent: Tuesday, October 20, 2026 12:07 PM
To: Clerk <Clerk@losgatosca.gov>; Council <Council@losgatosca.gov>; Planning <Planning@losgatosca.gov>
Subject: town council meeting and planning commission meeting

[EXTERNAL SENDER]

To whom it may concern, it has been brought to our attention that the city of Los Gatos is considering allowing electric fences. We ask that the city slow down to carefully consider all options and seek experts for advice. Thank you.

Lisa Van Buskirk | Senior Vice President

Development, Planned Giving & Community Engagement

Peninsula Humane Society & SPCA

1450 Rollins Road | Burlingame, CA 94010

[redacted]

From: Nazzi Shishido [redacted]
Sent: Tuesday, October 20, 2026 2:40 PM
To: Planning <Planning@losgatosca.gov>; Attorney <Attorney@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>; Council <Council@losgatosca.gov>
Cc: Clerk <Clerk@losgatosca.gov>; Hiroshi Shishido <hshishido@alumni.gsb.stanford.edu>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: Public Comment – Opposition to Electronic Pet Containment for Hillside Properties Below One Acre

[EXTERNAL SENDER]

Good afternoon,

Attached is my written public comment in opposition to the proposed electronic pet-containment changes for hillside properties below one acre.

I respectfully ask that the attached PDF be included in the public record and provided to the Town Council, Planning Commission, Planning Department, Town Manager, and Town Attorney.

I will be attending tonight's Town Council meeting and the Planning Commission meeting on October 28, 2026.

Thank you for your time and consideration.

Regards,

Nazzi Shishido, [redacted]

To: **Town council, Planning department, Planning Commission, Town Manager Town Attorney**

CC: Town Clerk, Town Manager Office

From: Nazzi Shishido

Subject: **Opposition to Electronic Fencing for Pet Containment on Hillside Properties Below One Acre**

Date: October 20, 2026

My name is Nazzi Shishido, and we have lived at [redacted] in Los Gatos, a hillside property of less than one acre, for 21 years.

Request to Town Council: Please do not change the Town's hillside fencing rules to recognize electronic containment as a substitute for secure physical fencing for hillside properties below one acre unless and until the Town completes independent and proper due diligence, involves environmental experts, animal welfare groups, wildlife organizations, engages Los Gatos residents, and fully evaluates the safety issues associated with electronic fencing and its potential impact on the Town of Los Gatos.

My family's documented experience shows that the consequences of electronic-containment failure are not theoretical. Our experience is at the end of this email.

There is no issue with having six-foot physical fencing on our property for safety and dog containment, thanks to the extensive work that began in 2017 by the Los Gatos Planning Department, Planning Commission, Town Council, and Council Policy Committee, with significant participation from Los Gatos residents and careful consideration of wildlife protection and movement throughout our hillside communities. It took approximately two and a half years of public review and consideration to develop and implement these regulations— a stark contrast to what is happening now: a rushed process without adequate due diligence that risks putting wildlife in danger and turning wildlife into prey, while also creating safety risks for Los Gatos residents, children, pets, neighbors, delivery workers, pedestrians, cyclists, utility workers, first responders, police officers, and firefighters.

This proposal originated from one petitioner's request for electronic fencing as a form of pet containment, based on the inaccurate premise that the petitioner has no other option and cannot install a physical fence to contain the dog. That premise is inaccurate. Existing Town rules do not prevent the petitioner from containing a dog on the property. A six-foot physical fence is permitted. The citation issue is not the absence of a fence; it is the failure to properly confine the dog and the use of electronic fencing as the means of containment when it should not have

been relied upon for that purpose. The Town's April 7, 2026 and August 4, 2026 meeting videos should be reviewed as part of the record.

If the existing code already provides a lawful and effective means of containing the dog, then what problem with the Town Code are we actually trying to solve? One resident does not represent the Town of Los Gatos, and an individual request should not become Town-wide policy without demonstrated community need.

The Planning Commission began considering hillside fencing amendments in July 2017, and the Town specifically sought public input. The issue continued through Planning Commission review, Town Council consideration, and Council Policy Committee review. In October 2018, the Council referred portions of the proposed hillside fencing amendments to the Policy Committee for further discussion. The Policy Committee considered the matter in November and again in December 2018. In March 2019, the proposed hillside regulations returned to the Planning Commission, and the Town again specifically requested written and oral public participation. The matter continued to the Town Council in June 2019. (Los Gatos Official Site)

The result was a deliberate balance. Los Gatos hillside residents were permitted physical fences, while the Town sought to preserve wildlife habitat and movement through the hillsides. At the same time, the Town recognized that residents have legitimate reasons for physical fencing, including the protection and containment of animals.

Hillside properties of less than one acre may have fences up to 6 feet and are not subject to the wildlife-fencing requirements applicable to larger hillside parcels; in many circumstances, a permit is not even required. Hillside properties of one acre or more are subject to wildlife-friendly fencing requirements, including a maximum height of 42 inches with 18 inches of clearance at the bottom. These distinctions were developed through a lengthy public process centered on wildlife protection and movement.

Official Town records:

2017 Planning Commission — Hillside Fences, Hedges and Walls Staff Report

2018 Town record — Council and Policy Committee hillside fencing review and public input

2019 Town record — Planning Commission review and public input

Electronic Dog Containment Is Not Adequate Protection

Electronic dog-containment systems—sometimes called invisible fences, wireless fences, GPS fences, or electronic-collar containment systems—should not be accepted as a substitute for a secure, visible physical fence. They do not create a physical barrier. Instead, they depend on a dog receiving and responding to a warning or correction, such as a tone, vibration, or electronic stimulation.

The Town should evaluate these systems under foreseeable real-world conditions—not only under ideal conditions when the equipment is functioning, batteries are charged, the owner is present, the dog is calm, and no wildlife, emergency, or unexpected trigger is present.

A secure physical fence helps keep a dog inside while also creating separation from wildlife, other dogs, strangers, children, and other hazards. An electronic boundary does not provide that physical separation.

A Hypothetical Hillside Scenario Using Electronic Fence

Consider a typical hillside neighborhood. Neighbor A owns a corner lot and relies on an electronic fence to contain a large, high-prey-drive dog. Neighbor B lives immediately to the right, Neighbor C lives across the street, and Neighbor D lives below the property.

It is an ordinary afternoon. Neighbor B's gardener is working in the yard. Neighbor C is sitting on the front porch. Neighbor D's children are playing in their yard. A cyclist is riding down the street. A pedestrian is walking a small dog. An Amazon delivery driver is approaching to deliver a package.

Neighbor A's dog is outside. A deer walks onto the property. The deer does not know that an electronic boundary exists. The dog sees the deer and its prey drive takes over. It begins chasing the deer. Now consider what happens next.

The deer can run anywhere. It can cross the invisible boundary, enter Neighbor B's yard where the gardener is working, run into the street toward the cyclist or the pedestrian and dog, cross toward Neighbor C's property, or run downhill toward Neighbor D's yard where children are playing.

The electronic fence does nothing to stop the deer or the dog and disaster happened.

If the pursuing dog is sufficiently stimulated by the chase to cross the electronic boundary despite the correction, there is now no physical barrier separating that dog from the gardener, the children, the pedestrian and small dog, the cyclist, the delivery driver, the roadway, or the surrounding properties.

And once the dog crosses the electronic boundary, another problem arises: the dog may be reluctant to cross the boundary again to return home because returning may require receiving another electronic correction.

One deer entering one yard can therefore turn an electronic-containment failure on a single property into a safety issue affecting an entire group of neighboring residents and members of the public.

A physical fence does something fundamentally different: it creates an actual barrier between the dog and the deer and helps prevent the chase from beginning in the first place.

Electronic containment should also not encourage a situation in which a dog is left outside to function, in effect, as an unsupervised perimeter-security system. A dog should not become the barrier between private property and neighbors, children, workers, delivery personnel, pedestrians, or other members of the public. **The containment system should contain the dog; the dog should not be expected to police the boundary and be the bodyguard.**

This is why electronic containment cannot be evaluated only by asking whether it usually keeps a dog within a particular boundary. The Town must consider what happens on the occasion when it does not.

Wildlife and Prey Drive

This issue is especially important in hillside neighborhoods where dogs may encounter deer, fawns, wild turkeys, rabbits, squirrels, birds, coyotes, bobcats, and other wildlife.

A moving animal can trigger an immediate chase response. A dog with a strong prey drive—or a dog that becomes excited, fearful, territorial, or intensely focused—may charge through an electronic boundary in pursuit. At that moment, instinct may override the dog's learned avoidance of the warning or correction.

An electronic collar does not create a physical barrier capable of stopping a large, fast-moving, or highly aroused dog. Once the dog crosses the boundary, nothing physically prevents it from entering a neighboring property, roadway, driveway, trail, open-space area, or wildlife habitat.

The concern is not the same for every breed or type of dog. There is a meaningful difference between a hunting or pointing breed developed to pursue game and a companion dog with substantially different behavioral traits. Breed, size, strength, temperament, and particularly prey drive are relevant when evaluating the risks of electronic containment. A high-prey-drive hunting dog pursuing wildlife may present a very different containment challenge than a lower-prey-drive companion dog. For dogs with strong hunting and pursuit instincts, secure physical containment should be required rather than relying solely on an electronic boundary.

Risk to Neighbors, Children and Pets

Electronic containment can also shift the burden of safety onto neighboring property owners. If one owner relies on an electronic fence that does not reliably contain a dog, surrounding residents may feel forced to install physical fencing on their own properties simply to protect their families, pets, workers, and use of their own yards and driveways. In effect, one property owner's decision not to use physical containment can require multiple neighboring properties to construct physical barriers instead. The Town should consider whether that is a reasonable or equitable consequence of changing its containment requirements.

When a dog crosses an electronic boundary, the risk extends beyond wildlife.

What happens if children are playing on the other side of the property line? What happens if a small dog, cat, or other pet is nearby? What happens if an elderly resident, a small-statured adult,

or another person walking a dog is suddenly confronted by a large, fast-moving, highly excited dog?

Possible consequences include:

- A child, pedestrian, or dog walker being knocked down
- A small pet being chased, injured, or killed
- A dog-on-dog confrontation
- A leash being pulled from a handler's hands
- A frightened person falling or entering the roadway to avoid the dog
- A dog bite or defensive bite
- A dog associating a person, cyclist, child, or another animal with the correction and becoming more fearful or reactive

A visible fence gives neighbors, children, delivery workers, visitors, and others notice of the dog's boundary. An electronic boundary gives no such notice. Someone may unknowingly enter an area the dog perceives as its territory because there is

Equipment and Maintenance Failure

Electronic containment is only as reliable as its equipment, power source, signal, collar, maintenance, training, and the person responsible for operating it. Foreseeable failures include:

- Power outages
- Dead or depleted collar batteries
- Equipment malfunction
- Damaged buried wire
- Loss, drift, or interruption of a wireless or GPS signal
- Improper collar fit
- Inadequate training
- Failure to inspect, recharge, repair, or maintain the equipment
- Owner absence, vacation, illness, or inability to respond

A physical fence remains visible and continues to provide a barrier when the power is out, equipment fails, batteries die, or the owner is not present.

The Town must also determine how electronic containment can realistically be inspected, monitored, and enforced. Who verifies that the system is functioning? How often must it be tested? How would Code Enforcement determine whether an invisible boundary is operating properly? What happens after a power outage, dead battery, damaged wiring, signal failure, landscaping, excavation, erosion, or other disruption? What happens when the system is inoperable or a dog escapes?

If electronic containment is recognized as lawful pet containment, the Town needs an enforceable standard for maintaining it—not simply an assumption that the equipment will continue to work and that every owner will properly maintain it.

Dogs, Owners and Hillside Properties Are Not Interchangeable

The Town should not assume that all dogs, owners, and hillside properties present the same circumstances. Dogs range from small companion animals to powerful working and hunting breeds, including breeds with strong prey drive, speed, endurance, and an instinct to pursue wildlife. Dogs may also have behavioral or aggression issues that do not become known until an incident occurs.

Electronic containment depends on the individual dog, its training, properly functioning equipment, and the owner's responsible and consistent use of the system.

Nor should the Town assume that every owner will use electronic containment merely as an additional precaution. For some owners, it may become a substitute for physical containment, allowing a dog to remain outside for extended periods rather than being walked, supervised, exercised, or taken outside by its owner. The Town should evaluate foreseeable uses of the technology, not simply its best-case use.

Hillside properties themselves are not interchangeable. They include steep terrain, narrow and shared driveways, ingress and egress easements, open areas adjacent to neighboring driveways, limited sightlines, narrow roads, properties without sidewalks, wildlife corridors, and areas where residents, workers, children, cyclists, delivery personnel, utility workers, and emergency responders may pass immediately alongside private property.

An electronic boundary is invisible to every one of those people—and to wildlife approaching from the other direction.

Roads, Drivers and Cyclists

The Town should consider what happens when a dog suddenly enters a roadway. A cyclist traveling uphill, downhill, or around a blind curve may have little opportunity to avoid a dog running into the road.

A cyclist may brake suddenly, swerve, fall, or collide with the dog. A driver may brake or swerve to avoid it. The consequences could injure the cyclist, pedestrian, driver, passenger, dog, or wildlife.

These risks are particularly serious on narrow, winding hillside roads with limited visibility, steep grades, parked vehicles, and little room for a cyclist or pedestrian to avoid danger.

Escape and Return

The Town should independently evaluate what happens after a dog crosses an electronic boundary.

A dog may cross while frightened, excited, pursuing wildlife, responding to another dog, or fleeing a perceived threat. Once outside, the dog may hesitate or refuse to return if doing so requires crossing the correction zone again.

That can create the worst possible result: the dog has escaped and may be reluctant to come back. Meanwhile, there is no physical barrier preventing it from entering a roadway, neighboring property, driveway, open space, or wildlife habitat.

Emergency, 911, Fire and Evacuation Risks

These concerns become even more serious during the emergencies for which Los Gatos hillside communities must prepare.

During a 911 call, medical emergency, fire, wildfire evacuation, earthquake, utility failure, prolonged power outage, or other urgent event, electronic containment may fail or become unreliable precisely when residents and emergency responders need predictable, unobstructed access.

Firefighters, police officers, paramedics, utility crews, animal-control officers, and evacuation personnel should not unexpectedly encounter an uncontained dog while responding to an emergency. A dog frightened by sirens, smoke, flames, flashing lights, strangers, hoses, emergency vehicles, or people rushing onto the property may react unpredictably, escape, chase, guard its territory, or interfere with emergency access.

During a wildfire or evacuation, a frightened dog may run through an electronic boundary, be unable or unwilling to return, enter a roadway, obstruct an evacuation route, or confront residents and responders. Electronic containment also provides no physical barrier between the dog and wildlife or other animals fleeing a fire.

In hillside areas, defensible-space work requires reliable access for firefighters, vegetation-management crews, contractors, utility personnel, and inspectors. A loose or unpredictable dog can delay or prevent access to a property. During a wildfire, medical emergency, or evacuation, even a short delay can have serious consequences.

The danger is not merely inconvenience. An emergency responder who must stop to avoid, assess, restrain, or defend against an uncontained dog loses time. A resident who cannot safely leave because of a loose dog, or a dog that enters an evacuation route, can create a dangerous situation.

Public-safety regulations should not assume that every owner is a responsible owner, will be home, every battery will be charged, every collar will work, every signal will remain available, and every dog will respond to an electronic correction during a crisis.

Delivery, Utility and Service Workers

Electronic containment provides no visible warning to delivery drivers, postal carriers, food-delivery workers, contractors, landscapers, gardeners, utility workers, and other service providers.

These workers may approach a driveway, porch, garage, gate, or side yard in the ordinary course of their work, often carrying packages or equipment and with limited ability to quickly move away.

If a dog crosses an electronic boundary while reacting to a delivery vehicle, unfamiliar person, wildlife, or another trigger, the worker may unexpectedly encounter a loose, barking, charging, frightened, or excited dog. A physical fence provides both a visible boundary and an actual barrier. An electronic system does not.

Protection for the Entire Community

The Town's dog-containment standards should protect the entire community, rather than depend on an electronic system functioning under ideal conditions. Those standards should protect:

- Wildlife, including deer, fawns, wild turkeys, birds, rabbits, squirrels, and other native animals
- Children and families
- Neighbors, pedestrians, and visitors
- Small pets, other dogs, and cats
- Cyclists, drivers, and vehicle passengers
- Delivery drivers, postal carriers, food-delivery workers, and other service providers
- Contractors, landscapers, gardeners, and housekeepers
- Utility workers and defensible-space crews
- Firefighters, police officers, paramedics, animal-control officers, and evacuation personnel
- The dog itself

A properly designed and maintained physical fence, enclosed dog run, or other secure physical enclosure is not a guarantee against every incident. But it creates an actual, visible barrier. It helps keep dogs contained, creates separation from wildlife and other people, remains functional during power outages, gives others notice of the dog's boundary, and provides a more dependable safeguard during ordinary life and emergencies.

Electronic containment should therefore be treated, at most, as a supplemental tool—not as a substitute for secure physical containment where public safety, wildlife protection, emergency access, and neighborhood safety are at stake.

Independent Due Diligence and Verification

Before changing the Municipal Code, the Town should independently verify the factual claims, sources, endorsements, installation figures, legal interpretations, and animal-control representations that have been submitted in support of electronic containment.

A proposal seeking a code amendment is advocacy; it is not an independent public-safety, wildlife, animal-welfare, or enforcement study. The Town should not rely solely on manufacturer claims, installer representations, testimonials, or statements from anyone who may financially benefit from the sale, installation, training, maintenance, or expanded use of electronic-containment systems.

Before changing the law, the Town should obtain independent review from qualified professionals with no financial interest in electronic containment, including appropriate wildlife, veterinary, animal-behavior, public-safety, fire-safety, and animal-control professionals.

My Family's Experience with Electronic Fencing and Why This Proposed Change Matters to Us

My family experienced firsthand during 2024 and 2025 what can happen when electronic fencing does not reliably contain a dog. I am providing this history because it is directly relevant to the policy the Town is now considering.

A physical fence could have been installed at the neighboring property, but electronic containment was used instead. The dog was a large, athletic hunting dog with behavioral issues and had been subject to an electronic containment system shock since 2021. The dog exhibited aggressive behavior, including biting at hands and feet. The dog was left outside for extended periods and became increasingly difficult to control. I observed the dog chasing baby deer and squirrels and, on occasion, killing and tearing apart wild turkeys. The dog also roamed outside the property and was not reliably contained by the electronic fence. The owner was aware that the dog was getting out.

We also learned that delivery personnel would not deliver due to the concern about the dog.

In February or March 2024, our surveyor had to stop working because the dog was not contained by the electronic fence. He knocked on our door visibly upset and told me that the dog had charged him three times. He took photographs, packed his equipment, and left. We had to arrange for him to return later to finish the survey, and he required that the dog be confined. The surveyor also told me that another woman had warned him that the dog was "nasty" and asked why I had not warned him.

The situation escalated in August 2024 when the electronic boundary was relocated closer to the property line, very close to our driveway and closer to an area used by the public. Beginning around August 7, 2024, this resulted in police calls and involvement by Silicon Valley Animal Control.

On August 9, 2024, Silicon Valley Animal Control issued a warning concerning restraint of the dog. Officer Castro was involved. Owner ignored. **Case# A24-155773**

On August 10, 2024, another warning was issued by Silicon Valley Animal Control. Officer Castro was again involved. Owner ignored. **Case# A24-155773**

As the situation continued, Mr. Dan Soszynski, Executive Director of Silicon Valley Animal Control, was informed. Mr. Patrick Pedrotti, Field Services Manager, also came to our home to observe the conditions firsthand.

The dog's bark was extremely loud and frightened people in the area. I recall Animal Control referring to the dog as "Cujo," and I asked what that meant.

On August 20, 2024, the Town of Los Gatos issued a $100 citation concerning restraint of the dog. Importantly, the Town's citation instructed that the dog be confined by a fence of not less than six feet so that the dog would not continue running loose. **Town Violation # 24-398, $100**

The electronic containment system was already in place, yet it was not reliably containing the dog.

For almost a month, the situation significantly affected our daily lives. We were afraid to come out of our home, walk down our driveway, or check our mail because of the possibility of encountering the dog. We stopped or limited visits by our gardener, cleaners, and other workers because we did not want them exposed to the same risk. We only left the home in our cars.

2025

In 2025, the containment problems began again after another dog was brought to the property.

On August 9, 2025, my husband experienced a medical emergency requiring a 911 response and resulting in approximately one week of hospitalization. During that emergency, I was concerned about the dog, both for my husband's safety while being transported by stretcher and for the safety of the emergency responders who needed access to our property.

This experience is directly relevant to the issue now before the Town. During a 911 emergency, residents should not have to wonder whether an electronic containment system is functioning or whether a dog will cross an invisible boundary while firefighters or paramedics are trying to reach someone.

On August 29, 2025, Silicon Valley Animal Control issued another warning concerning the dog running loose. The Town of Los Gatos also issued a $100 citation through Mr. Allen Meyer, Code Compliance Officer. The Town Attorney's office was involved. **Town violation # 25-279, $100**

On August 30, 2025, the dog was again running loose, and another citation was issued by the Town of Los Gatos through Mr. Meyer. **Town violation # 25-279, $100**

On September 19, 2025, the dog was again running loose and charging toward our house. Another Town citation was issued on October 1, 2025. **Town Violation #25-325, $100**

During this period, the dog was observed in our backyard, roaming in our driveway, near our garage, and near our front door.

Why This Experience Matters

I am providing these names and dates because these events can be independently checked for accuracy through Town records and Silicon Valley Animal Control records.

Those records should reflect the involvement of Officer Castro, Executive Director Dan Soszynski, Field Services Manager Patrick Pedrotti, Los Gatos Code Compliance Officer Allen Meyer, the Town Attorney's office, and other personnel involved in these incidents.

DogWatch is also relevant to this history. Troy Dykes was the installer of the electronic fencing system being used at the neighboring property that did not work.

The central point is simple: an electronic containment system was used to confine a large, athletic hunting dog with known behavioral issues. The system repeatedly failed to contain the dog. The owner was aware of those failures, yet the dog continued to run loose.

There were repeated incidents. There were Animal Control warnings. There were Town citations. Police became involved. A surveyor had to stop working and leave. Delivery personnel were affected. Our gardeners, cleaners, and other workers were affected. Wildlife was affected. Our ability to safely use our own property was affected. During a 911 medical emergency, I was concerned about the safety of my husband and the emergency responders trying to reach him.

This is not a theoretical concern about whether electronic containment might fail. My family experienced what happens when it simply does not work.

Before Los Gatos changes its existing hillside fencing rules and recognizes electronic containment as a substitute for physical containment, this real-world history should be part of the Town's due diligence and expand.

The incidents, Animal Control warnings, and Town citations described in this letter can be independently verified through Town and Silicon Valley Animal Control records. I can provide supporting documentation upon request.

Thank you to the Town Council, Planning Commission, Town staff, and everyone involved for taking the time to review my concerns and the information I have provided.

I will be attending tonight's Town Council meeting, and I also plan to attend the Planning Commission meeting on October 28, 2026.

I respectfully ask that this email and the information provided with it be included in the public record and added to the appropriate meeting packet for consideration by the Town Council and Planning Commission. I can be reached at [redacted]

Thank you for your time and consideration.



Nazzi Shishido
[redacted]
Los Gatos, CA 95032

From: Nazzi Shishido [redacted]
Sent: Wednesday, October 21, 2026 3:50 PM
To: Rob Moore <RMoore@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>
Cc: Clerk <Clerk@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>; Chris Constantin <CConstantin@losgatosca.gov>; Planning <Planning@losgatosca.gov>; Hiroshi Shishido [redacted]; Town Manager <Manager@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: False SVACA Endorsement in Petitioner's E-Fencing Submission — SVACA Unaware of Statements nor endorse E Fencing for containment of pets

[EXTERNAL SENDER]

Mayor Moore and Councilmembers,

I was made aware of this issue only last Wednesday. Before then, I had never accessed the Town website to review Council minutes, videos, or related records. My mistake.

I hope you are as troubled by what I discovered today as I am, and as I believe any Los Gatos resident would be, when representations of this significance are presented to the Town as a basis for changing our Municipal Code.

Since last Wednesday, I have focused on the April 7 and August 4, 2026 Council meetings, read the Town records, watched the videos, and reviewed the petitioner's 17-page document.

To my surprise, I found that the report repeatedly represents to the Town that the Silicon Valley Animal Control Authority (SVACA) has recognized, accepted, and endorsed electronic fencing as valid dog containment.

Because of these representations, I contacted SVACA directly. I emailed Dan Soszynski, Executive Director; Patrick Pedrotti, Field Services Manager; and Officer Castro.

Today, I received a telephone call from Patrick Pedrotti the field service manager at SVACA:

• SVACA has never inspected or evaluated the hidden electronic fence system at 100 Hill Top Drive;

• SVACA has never recognized that system as valid dog containment;

• SVACA has never endorsed hidden electronic dog fences or this proposed amendment;

• His team and SVACA have had no contact with the petitioner concerning his electronic fence system other than Animal Control enforcement interactions and citations;

• He has never spoken with, communicated with, or had any connection with DogWatch or Troy Dykes concerning this system or electronic fencing;

• SVACA does not consider electronic fencing a substitute for physical containment and supports physical fencing for dog containment; and

• SVACA has handled cases involving children being mauled by dogs where electronic fencing failed.

Mr. Pedrotti also explained that SVACA will enforce whatever ordinance the Council ultimately approves because that is its responsibility.

Now compare what I was told directly by SVACA with what the petitioner's report tells the Town:

• Page 6 — Electronic fence systems "have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos."

• Page 7 — An unnamed resident states that SVACA "already accepts my invisible electric fence installation as a valid form of dog containment."

• Page 10 — The report again states that "SVACA has recognized their systems on-site as valid containment."

• Pages 11–12, under **"Animal Professional Endorsements"** — The report specifically states:

"SVACA officers have visited the DogWatch hidden underground electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment."

"The amendment would formalize what SVACA already endorses in practice."

• Page 13 — The report proposes that installer-issued training certificates be logged with SVACA dog-license records and submitted to SVACA. I have seen nothing in the report establishing that SVACA agreed to assume this role.

This is extremely concerning when the Town is being asked to change its Municipal Code based, in part, upon a submission invoking the authority and purported endorsement of the agency responsible for animal control services in Los Gatos.

My position remains simple: a homeowner may choose to use electronic fencing as an additional precaution, but electronic fencing should **never replace a physical enclosure as the required means of dog containment**.

There is an anonymous online petition circulating claiming victory on 8/5/26, the day after the Council meeting, and stating that postcards were mailed to more than 1,000 residents. Yet no one I have spoken with in my hillside neighborhood received one, nor did we.

Thank you council and I appreciate your care and support for protecting the safety of hillside residents, pedestrians, children, pets, and wildlife as well as delivery people and utility workers that this can impact. **You are the decision maker and we rely on you for help and protection.**

Dear Clerk,….Please submit this for the 10/28/26 meeting for Planning commission.

Thank you,

Nazzi Shishido, [redacted]

TECHNICAL ANALYSIS & STAFF GUIDANCE

Proposed Amendment to Los Gatos Municipal Code

Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems

as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas

with Corresponding Clarification to Section 29.40.0315

Prepared by: Keith Blaine AIA LEED AP | 100 Hill Top Drive, Los Gatos, CA 95032

[redacted] | [redacted]

April 2026

Prepared for review by:

Town Attorney, Town of Los Gatos • Town Planning & Community Development Staff

Silicon Valley Animal Control Authority (SVACA) • Santa Clara County Officials

ATTACHMENT 1

Executive Summary

What is the gap?

Section 4.40.005(a) of the Los Gatos Municipal Code (Animal Code) requires dogs to be kept either on a leash or behind a fence not less than six feet high. The hillside fence regulations (§29.40.0315) prohibit solid fences in hillside areas and require that perimeter fencing on properties of one acre or greater be wildlife-friendly — a maximum of 42 inches high. The result is an unintended conflict: the Animal Code requires a six-foot fence for off-leash dog containment, while the Hillside Code prohibits that same fence. Hillside residential property owners in the Town's 1,170 HR-zoned parcels have no currently compliant means of allowing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language that predates the widespread availability of electronic pet containment technology.

What change is requested?

A two-part amendment is proposed. First, §4.40.005(a) would be amended to recognize a UL-Listed hidden underground electronic dog fence system — consisting of a low-voltage transmitter and buried boundary wire installed by a CA-licensed D-64 contractor — as a third compliant means of dog containment in designated hillside areas, alongside leash and physical fence. Second, a clarifying note would be added to §29.40.0315 confirming that the existing prohibition on "electric fences" refers to traditional above-ground perimeter fencing carrying live line voltage, and does not apply to buried-wire electronic containment systems as defined and permitted under the amended §4.40.005(a). A five-step permitting process with defined installation parameters is proposed to govern approval.

Why is the change consistent with wildlife protection?

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement. The buried boundary wire carries no voltage and has no physical presence above ground. Wildlife — deer, mountain lions, coyotes, bobcats, turkeys, and foxes — pass freely through the property. Only the trained dog wearing a receiver collar is affected. The system is fully consistent with the intent of §29.40.0305, which calls for hillside fencing to allow the free movement of wildlife. It is also aligned with AB 1889 (Room to Roam Act, effective 2028), which requires municipalities to consider wildlife-friendly fencing standards. By contrast, the interior-setback solid fencing currently used as an informal workaround by some hillside residents creates real physical barriers to wildlife movement and represents a worse outcome under the hillside fence intent policy.

Purpose of This Document

This technical analysis is prepared to assist the Town Attorney, Planning Department staff, SVACA, and Santa Clara County officials in evaluating the proposed two-part amendment to Los Gatos Municipal Code §4.40.005(a) and §29.40.0315. It is designed to make the review and adoption process as straightforward as possible by providing:

Note: Town Planning Department records confirm 1,170 HR-zoned (Hillside Residential) parcels within Town limits.[1] Approximately 400 properties have had hidden underground electronic dog

[1] Parcel count confirmed by Ryan Safty, Community Development Department, Town of Los Gatos, email correspondence April 2026.

fence systems installed in the Los Gatos hills and the Santa Clara County side of the Santa Cruz Mountains Area — a community-scale adoption currently operating in a legal gray area that this amendment would resolve.[2]

- Verbatim text of the three relevant Town Code sections for quick reference
- A structured conflict and gap analysis identifying where the code fails hillside residents
- Documentation of current workarounds residents are employing, with analysis of their impacts
- A summary of precedents from California, Oregon, and other jurisdictions where this technology is formally recognized
- Animal professional endorsements supporting the safety and efficacy of the technology
- The proposed amendment language and five-step permitting process

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I. Relevant Town Code Sections — Verbatim Text

The following three sections of the Los Gatos Municipal Code are directly relevant to this amendment. They are reproduced verbatim for quick reference.

Section 4.40.005(a) — Animal Code: Restraint of Dogs

SOURCE: LGMC Chapter 4, Article IV, §4.40.005(a)

> No person owning or having charge, care, custody or control of any dog shall permit such dog to be or remain off the premises of the owner of such dog unless such dog is under the owner's own physical restraint by means of a leash not to exceed six feet in length, or shall keep such dog confined behind a fence not less than six feet high.

Note: This section was written before hidden underground electronic dog fence technology existed as a viable consumer product. It has never been updated to recognize this technology as a third compliant means of containment.

Section 29.40.0305 — Hillside Fence Code: Intent

SOURCE: LGMC Chapter 29, Article IV, §29.40.0305 (enacted Ord. No. 2286, Aug. 6, 2019)

> The intent of these fence regulations is to preserve the natural beauty of the Town of Los Gatos, the natural movement of wildlife, and to protect traffic view areas while acknowledging that residents have the right to fence their properties to protect children, contain their animals, protect garden or agricultural areas, and maintain privacy. Specifically, within the hillside area, the intent of these fence regulations is to allow for the movement of wildlife within the hillside area.

Section 29.40.0315 — Hillside Fence Code: Prohibited Fence Types

SOURCE: LGMC Chapter 29, Article IV, §29.40.0315 (as amended, Ord. No. 2286, Aug. 6, 2019; Ord. No. 1316, June 7, 1976 as original)

[2] Installation count based on information provided by Troy Dykes, D-64 Licensed Contractor, DogWatch Hidden Fences, covering installations in the Los Gatos and Santa Cruz Mountains area.

> The following fence types are prohibited in the hillside area: (a) Electric fences, including any fence designed to produce an electric shock. (b) Solid fences, including wood, masonry, concrete, or vinyl fences with more than 20% surface obstruction. (c) Buck-and-rail and double fences. On properties of one (1) acre or greater, perimeter fencing shall be wildlife-friendly fence as defined in Section 29.40.0310 — maximum 42 inches in height with an 18-inch gap at the bottom.

Note: The “electric fence” prohibition originates from Ord. No. 1316 (June 7, 1976), enacted for agricultural-style live-voltage perimeter shock fencing. Live describes an exposed conductor that carries electrical power, typically above 60 V DC or 30 V AC, which are thresholds widely considered hazardous.

Hidden underground electronic dog fence technology was patented in 1973 but had only sold 50 units by 1976 and was not a viable consumer product. The 2019 rewrite carried this prohibition forward without addressing this technology as a distinct category.

Section 29.40.0310 — Definitions

SOURCE: LGMC Chapter 29, Article IV, §29.40.0310

> The following words, terms, and phrases, when used in these fence regulations, shall have the meanings ascribed to them in this section:
>
> *Buck and rail fence means a fence constructed with wood rails where the posts are arranged to form a triangle to provide the vertical structure of the fence. The horizontal rails are then attached to the triangle support posts.*
>
> *Corner sight triangle means a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines.*
>
> *Double fence means two (2) fences spaced a few feet apart regardless of height and material.*
>
> *Driveway view area means a triangular area at the intersection of driveways and sidewalks and street intersections having sides ten (10) feet in length, as measured along the driveway's path of travel from the back of the sidewalk or street.*
>
> *Fence means a structure constructed of posts, rails, wire, and/or barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.*
>
> *Fence regulations means sections 29.40.030 through 29.40.0330.*
>
> *Hillside area means all properties located within the area defined by the Hillside Area Map as contained in the Town of Los Gatos Hillside Development Standards and Guidelines.*
>
> *Open view fence means a fence constructed in such a way so that no more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.*
>
> *Perimeter fence means a fence located on the property line of a lot.*
>
> *Riparian corridor means an area comprised of habitat strongly influenced and delineated by the presence of perennial or intermittent streams.*

Solid fence means a fence constructed in such a way so that more than twenty (20) percent of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence.

Traffic view area means the area which is within fifteen (15) feet of a street and within two hundred (200) feet of the right-of-way line of an intersection.

Wildlife-friendly fence means a fence that allows any animal, regardless of size, to climb under, pass through, or jump over, with a maximum height of forty-two (42) inches and a minimum distance between the bottom rail and the ground of eighteen (18) inches.

The following fence types are prohibited in the hillside area:

II. Conflict and Gap Analysis

The Three-Section Problem

A careful reading of the three code sections above reveals a structural gap that leaves hillside dog owners with no currently compliant means of containing their dogs off-leash on their own property. This appears to be an unintended gap created by older code language, combined with hillside-specific restrictions that were designed for environmental protection, not pet containment.

Code Section	What It Requires / Prohibits	Effect on Hillside Dog Owner
§4.40.005(a) — Animal Code	Dog must be on leash OR behind a fence not less than six feet high. Only two options recognized.	No hidden fence option recognized. Code gap — technology never addressed.
§29.40.0315 — Prohibited Fences	Solid fences prohibited in hillside. Perimeter fencing on 1+ acre must be wildlife-friendly (max 42", 18" ground gap).	6-foot solid fence required by §4.40.005(a) is prohibited here. Wildlife-friendly fence is too short (42" vs. 72" required).
§29.40.0305 — Hillside Fence Intent	Hillside fence regulations exist specifically to allow the free movement of wildlife through corridors.	A 6-foot solid fence would directly violate this intent even if physically permitted. No compliant option satisfies both codes.

Result: A hillside property owner who wishes to allow their dog off-leash in their own yard has no currently compliant option under the existing code. This appears to be an unintended gap created by older code language — a consequence of three code sections that were written at different times and have not been reconciled with each other or with technological developments over the past fifty years.

Why the Electric Fence Prohibition Does Not Apply — and Why Clarification Is Still Needed

The prohibition on "electric fences" in §29.40.0315 was written in 1976 for agricultural-style perimeter shock fencing: exposed above-ground wires carrying live line voltage. Such fencing presents real hazards — fire ignition risk in dry hillside vegetation, shock risk to people, children, wildlife, and livestock. The prohibition is valid and should be retained.

A hidden underground electronic dog fence is categorically different technology:

- The boundary wire is buried a few inches underground and carries no voltage or current
- It functions as a passive radio frequency emitter only (AM and FM bands)
- There is no exposed conductor, no shock hazard to people or wildlife, no fire risk
- Only the trained dog wearing the receiver collar is affected — all other animals and people pass freely

The 1976 ordinance never contemplated this technology. The 2019 rewrite (Ord. No. 2286) carried the prohibition forward by inertia, not deliberate policy determination. A clarifying note to §29.40.0315 is needed to confirm that the "electric fence" prohibition refers to traditional line-voltage above-ground perimeter fencing, and does not apply to hidden underground electronic dog fence systems as defined and permitted under §4.40.005(a).

III. How the Current Code Is Failing: Resident Workarounds and Their Impacts

Because the current code provides no compliant off-leash option for hillside dog owners, residents have developed informal workarounds. These workarounds range from a responsible, wildlife-compatible solution that should be formally recognized, to harmful circumventions of the hillside fence code that produce exactly the environmental damage the code was designed to prevent.

Preferred Compliance Option: Hidden Underground Electronic Dog Fence (Currently Unrecognized)

The Town of Los Gatos Planning Department has confirmed that there are 1,170 HR-zoned (Hillside Residential) parcels within the Town limits (confirmed by Ryan Safty, Associate Planner, Community Development Department, April 2026). Of these, approximately 400 hidden underground electronic dog fence systems have already been installed across the Los Gatos and Santa Cruz Mountain hillside area by a California State Licensed D-64 Non-Specialized Contractor (DogWatch, installer Troy Dykes) — representing roughly 34% of all hillside parcels operating in a legal gray area. These systems:

- Contain the dog completely within the property boundary
- Present zero physical obstruction to wildlife — deer, mountain lions, bobcats, turkeys, coyotes, and foxes pass freely through the property
- Require no grading, no above-grade materials, no structural alteration
- Carry no voltage in the boundary wire — passive RF emitter only, zero fire risk
- Have been recognized on-site by SVACA as valid dog containment at properties in Los Gatos

These installations exist in a legal gray area: residents have chosen the most environmentally responsible available technology, but the code does not formally recognize it. This creates enforcement uncertainty for residents, SVACA, and Town staff.

The scale of adoption is significant. With 1,170 confirmed HR-zoned parcels and approximately 400 installations already in place, this is not a niche concern — it is a community-wide issue affecting a material fraction of the hillside residential population, with growth likely as awareness increases.

Resident Community Testimony

The following is representative of the community support for this amendment, received from a Los Gatos hillside resident following the April 7, 2026 Town Council meeting:

> *"Through the hillside neighborhoods of Los Gatos — and across the broader Santa Cruz Mountains — Town residents have been quietly and responsibly using invisible electric fence systems for years. These installations are wildlife-friendly. Unlike solid or chain-link fencing, invisible fences present no physical barrier to deer, mountain lions, coyotes, turkeys, bobcats and other native species moving freely through our wildlife corridors. The hillside ecosystem functions as intended. Aesthetically consistent with hillside character — there are no visible structures, no fencing panels, and no visual impact on the natural landscape that defines our neighborhoods. Already recognized regionally — Silicon Valley Animal Control (SVACA) already accepts my invisible electric fence installation as a valid form of dog containment. The Town's code simply hasn't caught up with that regional standard."*

Resident further noted that their DogWatch system was installed by a CA Low Voltage Licensed contractor who has installed the same fence for hundreds of properties along the Santa Cruz Mountains and greater Bay Area, including multiple properties on the same street. The resident described the technology as "more comprehensive and failsafe than the current ordinance requirement" which relies on physical barriers with gates and doors that can fail.

Less Desirable Alternative: Interior-Setback Solid Fencing

Town planning staff have noted (conversation with Ryan Safty, LG Planning Department, April 2026) that some hillside residents are addressing the containment problem by constructing solid fences set back a few feet from the property line, rather than on the property boundary.

Their rationale: §29.40.0315 requires that perimeter fencing (fencing at the property boundary line) be wildlife-friendly. A solid fence set back from the property line is not technically "perimeter" fencing under this reading, and therefore may not be subject to the wildlife-friendly requirement.

This workaround is problematic on multiple grounds:

- **It creates solid physical barriers inside the wildlife corridor. The barrier effect on wildlife movement is identical to a property-line fence — setback by a few feet changes nothing ecologically. Solid fences fragment habitat, block species movement, and reduce genetic connectivity regardless of their distance from the property line.** Environmental harm:
- **This workaround is only available to residents with sufficient lot depth to set a fence back meaningfully. Smaller or more steeply sloped properties cannot use it. It creates a two-tier system based on lot size rather than policy.** Inequity:
- **This interpretation has not been formally sanctioned by the Planning Department or confirmed by the Town Attorney. It is a practice that is tolerated informally, not a recognized compliant solution. Residents relying on it are exposed to potential enforcement action.** Legal uncertainty:
- **The express intent of §29.40.0305 is to allow wildlife movement within the hillside area. A solid fence anywhere within that area — whether on the property line or set back — undermines that intent.** Contrary to intent:
- **The hidden underground electronic dog fence achieves the same dog containment objective with zero above-grade structure, zero wildlife impact, and**

zero visual intrusion. The interior-setback solid fence achieves containment at the cost of wildlife movement, viewshed, and hillside character. Worse outcome than hidden fence:

The interior-setback workaround is a symptom of the code gap, not a solution to it. Formally recognizing the hidden underground electronic dog fence under §4.40.005(a) would eliminate the pressure that drives residents toward this harmful workaround.

IV. Jurisdictional Precedents

Multiple California and out-of-state jurisdictions have formally recognized hidden underground electronic dog fence systems as a compliant means of dog containment, explicitly distinguishing them from traditional electric fences. These precedents provide a strong foundation for the proposed amendment.

California Precedents

San Diego County Code §62.669(c) — California's Leading Precedent

San Diego County is the most directly applicable California precedent. Section 62.669(c) of the San Diego County Code explicitly lists electronic pet containment systems as a third compliant means of dog control on private property, alongside leash and physical fence:

> SEC. 62.669. RESTRAINT OF DOGS REQUIRED. (c) A dog's owner or custodian or a person having control of a dog that is lawfully on private property shall keep the dog: (1) leashed or tethered as allowed under Health and Safety Code section 122335, (2) under direct and effective control by voice or electronic pet containment system, or (3) in a building or enclosure that is adequate to ensure the physical confinement of the dog and that also meets humane standards.

This is the precise structure proposed for Los Gatos §4.40.005(a): a third option alongside leash and physical enclosure. San Diego County's code confirms that California law supports this formulation and that it can be implemented at the county level. Based on the jurisdictions reviewed, no Santa Clara County city or town has yet adopted equivalent language — Los Gatos appears poised to be the first in this region (subject to Town Attorney confirmation).

Los Altos Hills — Adjacent Santa Clara County Precedent

The Town of Los Altos Hills, also in Santa Clara County and also a hillside community with wildlife corridor concerns, recently amended its fence ordinance (May 2025) to address wildlife corridor fencing requirements. While it does not specifically codify hidden fence technology, its approach confirms that Santa Clara County hillside jurisdictions actively manage the intersection of fencing and wildlife movement at the ordinance level.

Ventura County — Wildlife Corridor Fencing Regulations

Ventura County has implemented dedicated wildlife corridor regulations in its zoning ordinance that explicitly identify impermeable fencing as a barrier to be minimized, and establish a permitting pathway for fencing near wildlife corridors. This is the regulatory model that AB 1889 (Room to Roam Act) will require all California cities and counties to adopt by 2028.

Oregon Precedents

City of Central Point, Oregon — Express Statutory Exclusion

The City of Central Point, Oregon (City Code §17.57) provides the clearest statutory model for distinguishing hidden underground electronic dog fences from traditional electric fences. The code states:

> "Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone.

This is exactly the clarification proposed for Los Gatos §29.40.0315: a statement that the electric fence prohibition does not apply to hidden underground electronic dog fence systems. Central Point's language confirms that this categorical distinction is legally sound, administratively straightforward, and has been successfully implemented in Oregon municipal code.

Oregon Municipality — Express Exemption from Electric Fence Prohibition

Multiple Oregon municipal codes explicitly exempt underground electronic pet containment systems from electric fence prohibitions. One representative example:

> Farm animal containment fences in A-1 Agriculture Districts not used as a dwelling and electronic underground pet containment fences in all zoning districts are exempt from this section.

This confirms that the approach of expressly exempting hidden underground electronic dog fences from electric fence prohibitions is a well-established and legally tested technique in Oregon municipal codes.

National Context and Scale

Hidden underground electronic dog fence technology is in widespread national use, recognized as a legitimate containment method across multiple jurisdictions:

- Over 3 million pets protected by Invisible Fence® Brand alone since 1973 (PR Newswire, 2019)
- DogWatch® has over 200 independent dealers worldwide, operating since 1990
- Multiple states and municipalities have expressly distinguished this technology from traditional electric fences in their codes
- Kansas (Overland Park Municipal Code 6.08.020): formally recognizes electronic containment as a compliant form of dog control with specific operational conditions — see full subsection below

Overland Park, Kansas — Detailed National Precedent (Municipal Code 6.08.020)

The City of Overland Park, Kansas (Municipal Code 6.08.020, subsection (a)(3)) explicitly authorizes electronic dog fences as a compliant containment method, with specific operational parameters that closely mirror the Los Gatos proposed amendment structure:

> *"Dogs may be confined to the premises of the residential property of their owner, keeper or harborer by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or a collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's or harborer's property. Dogs confined to residential property by an electronic fence or an electronic collar shall not be permitted to be nearer than 10 feet away from any public sidewalk or property line that is contiguous to neighboring property. In addition, dogs are prohibited from being confined by an electronic fence or an electronic collar in the*

> *front yards of an owner's, keeper's or harborer's property. No dog having been found a dangerous animal by the animal control division shall be confined by an electronic fence or an electronic collar."*

The structural parallels to the proposed Los Gatos amendment are direct: (1) electronic containment recognized as a third compliant option alongside leash and physical enclosure; (2) setback from property lines and sidewalks required; (3) front yard exclusion; (4) dangerous dog exclusion. These are the same operational parameters proposed for Los Gatos, adapted for hillside and wildlife corridor conditions rather than suburban residential.

Legal Uncertainty Created by the Current Code Gap

The current code gap creates legal exposure for residents beyond mere inconvenience. Kenneth M. Phillips, a nationally recognized dog bite attorney (dogbitelaw.com), articulates the prevailing legal doctrine:

> *"If the municipal code requires a fence, and does not address electronic systems, then the dog owner must provide a physical fence, not an electronic one."*

Under this doctrine, the approximately 400 hillside Los Gatos residents currently using DogWatch systems may not be legally compliant with §4.40.005(a) — even though SVACA has recognized their systems on-site as valid containment. This creates a two-track enforcement environment: residents are practically compliant but legally exposed. The proposed amendment resolves this uncertainty cleanly in both directions.

Phillips also notes that due process requires any prohibition to be stated clearly or it is unenforceable: codes prohibiting "electric fences" without defining precisely what devices are covered create interpretive uncertainty. This reinforces the need for the clarifying note to §29.40.0315 proposed as the secondary element of this amendment — confirming that the prohibition does not reach hidden underground electronic dog fence systems as defined.

- The technology is active in every major California metropolitan area, including San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, and Mendocino counties (Pet Stop of the Peninsula and North Bay)
- Texas (Argyle, Fate, and others): multiple Texas municipalities use identical model ordinance language expressly recognizing invisible fence systems as sufficient restraint — see full subsection below
- Maryland (Baltimore City): formal Health Department regulatory framework with permit system recognizing electronic fence as valid animal restraint, with operational conditions including setbacks and posted signage — see full subsection below
- North Carolina (Pineville): invisible fence system expressly recognized as a qualifying "secure enclosure" under animal restraint ordinance (§90.040), subject to posted signage requirement

Texas — Model Ordinance Language (Argyle, Fate, and Others)

At least two Texas municipalities — the Town of Argyle (Chapter 2, Animal Control) and the City of Fate (Ordinance No. O-1783) — use identical language in their animal control ordinances expressly recognizing invisible fence systems as compliant restraint. The identical phrasing across separate municipalities indicates this language derives from a shared Texas model animal control ordinance, suggesting adoption is broader than these two examples alone:

> *"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."*

This is among the most direct statutory language found in any jurisdiction: no conditions other than demonstrated containment (the animal must not be found outside the premises). It stands

in contrast to the more structured permitting approaches in Kansas, Maryland, and proposed for Los Gatos, but confirms that straightforward legislative recognition of this technology is legally tested and in active use across Texas municipalities. Both Argyle and Fate also expressly exclude dangerous dogs from electronic containment eligibility, consistent with the Los Gatos proposed amendment.

Baltimore, Maryland — Health Department Regulatory Framework

Baltimore City, Maryland, formally recognizes electronic dog fences as valid animal restraint through a permit and exemption system administered by the Health Department's Office of Animal Control. The regulatory framework has been in place since at least 2009 and remains active today, with a formal permit application process. Key operational conditions under the Baltimore framework:

- The dog cannot come within 10 feet of any public walkway, footpath, alley, or street
- The fence must be at least 2 feet from any adjacent property
- A visible sign must be posted on the property indicating that an electronic fence is in use

The structural parallel to the Los Gatos proposed amendment is direct: setback from public ways and adjacent properties, posted signage, and permit-based approval. Baltimore's framework demonstrates that a formal permitting pathway for electronic pet containment is administratively viable and has operated successfully in a major U.S. city for over fifteen years.

Pineville, North Carolina — Invisible Fence as Qualifying Secure Enclosure

Section 90.040 of the Pineville, North Carolina Code of Ordinances expressly recognizes an invisible fence system as a qualifying "secure enclosure" under its animal restraint ordinance, with two conditions:

> *"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."*

The operational requirement — system in working order with posted signage — maps directly onto the proposed Los Gatos permitting parameters. The characterization of invisible fence as a qualifying "secure enclosure" is also legally significant: it confirms that courts and enforcement agencies in at least one jurisdiction have accepted this technology as satisfying the enclosure standard, resolving the legal uncertainty identified by Kenneth M. Phillips (see Section II, Legal Uncertainty Created by the Current Code Gap).

V. Animal Professional Endorsements

Veterinary Research: University of Pennsylvania

The foundational safety research on hidden underground electronic dog fence systems was conducted in partnership with the University of Pennsylvania School of Veterinary Medicine. The research proved the system to be safe, gentle, and effective for animals, with no short- or long-term adverse effects on the animals contained. This research was conducted beginning in 1975 and has underpinned the technology's widespread adoption.

SVACA — Silicon Valley Animal Control Authority

SVACA is the regional animal control authority that serves and enforces animal control laws for the Town of Los Gatos. SVACA officers have visited the DogWatch hidden underground

electronic dog fence installation at 100 Hill Top Drive, Los Gatos, and recognized the system as a valid form of dog containment consistent with the requirement that dogs be "properly confined to the owner's property."

SVACA's operational recognition of this technology predates the proposed code amendment. The amendment would formalize what SVACA already endorses in practice.

California-Based Veterinary Endorsements

Dr. Jamie Textor, veterinarian, California (DogWatch Bay Area & Northern California testimonial):

> As a veterinarian and a dog owner, I would highly recommend this company. Within the week [of installation], the fence was installed and the problem was literally SOLVED that day.

National Veterinary Endorsements

Dr. Roxane Jackson, veterinarian, Washington (DogWatch of the Twin Cities testimonial):

> I am a veterinarian, and I recommend this fence system to my clients. The price, installation, and training were all reasons I chose this brand.

Australian Veterinary Association (AVA)

The Australian Veterinary Association acknowledges that there are situations in which a hidden underground electronic dog fence can increase the safety and welfare of an animal, and supports responsible use in those situations. The AVA's position confirms the technology's place in the spectrum of responsible pet ownership tools when used appropriately with proper training.

D-64 Non-Specialized Contractor Licensing

California is the only state with a dedicated contractor license classification for animal control device installation: the D-64 Non-Specialized Contractor license. Troy Dykes of DogWatch Hidden Fences holds this license and is believed to be one of the only active D-64 licensed contractors in the region. The existence of this license category confirms that California's contractor licensing framework already recognizes hidden underground electronic dog fence installation as a professional, regulated trade.

VI. Proposed Amendment Language

Primary Amendment — Town Code Section 4.40.005(a)

The following language is proposed to be added to §4.40.005(a) as a third compliant containment option, applicable in designated hillside areas:

> In designated hillside areas of the Town of Los Gatos, a Hidden Underground Electronic Dog Fence system — manufactured under UL Listed DogWatch (or other UL-listed equivalent manufacturer as approved by the Town), consisting of a low-voltage transmitter unit and a buried boundary wire that broadcasts radio frequencies to activate a receiver collar worn by the dog, and installed by a

> California State Licensed D-64 Non-Specialized Contractor authorized for Animal Control Devices — shall be recognized as a third compliant means of dog containment under this section, in addition to leash and physical fence, subject to the permitted installation parameters and permitting process set forth herein.

Secondary Clarification — Town Code Section 29.40.0315

The following clarifying note is proposed for addition to §29.40.0315:

> The prohibition on "electric fences, including any fence designed to produce an electric shock" refers to traditional perimeter fencing carrying live line voltage along exposed above-ground conductors. This prohibition does not apply to Hidden Underground Electronic Dog Fence systems as defined and permitted under Section 4.40.005(a), which carry no voltage or current in their boundary wire and present no fire or shock hazard.

Permitted Installation Parameters

- Electronic boundary observes same setbacks from property lines as required for a 6-foot solid fence under §29.40.0315 and §4.40.005(a)
- Training certificate required: property owner must obtain certification that their dog(s) have been successfully trained to respect the boundary, issued by the licensed D-64 installing contractor; certification logged with SVACA dog license record
- 24-hour backup battery required to sustain system operation in event of power interruption
- 20-foot setback from any riparian corridor (as defined in §29.40.0310); setback applies to the programmed electronic boundary, not the buried wire routing
- Not applicable to dogs designated Potentially Dangerous, Dangerous, or Vicious under LGMC §4.10.010 or §4.40.005

Five-Step Permitting Process

1. Property Survey — Prepared by a licensed surveyor, showing property boundaries, setbacks, recorded easements, riparian corridors, utility meters, and underground access vaults or covers.
2. Proposed Site Plan — Prepared by the D-64 licensed contractor or architect, illustrating the electronic boundary location, 20-foot riparian corridor setback, control box location, power supply connection, and backup power system.
3. Approved Permit — Pulled by D-64 Licensed Contractor or property owner; identifies D-64 contractor and California license number.
4. Installation Inspection — Follows same procedure as traditional fence permits to validate conformance with approved site plan.
5. Dog Certification — Following inspection sign-off, dog(s) trained to containment system; certification submitted to SVACA to be added to dog's license record.

VII. Alignment with State Law — AB 1889, Room to Roam Act

This amendment is directly aligned with AB 1889, the Room to Roam Act, signed by Governor Newsom on September 27, 2024, and effective January 1, 2028. The law amends Government

Code §65302 to require California cities and counties, upon their next General Plan update on or after January 1, 2028, to:

- Identify and analyze wildlife connectivity areas, permeability, and natural landscape areas within the jurisdiction
- Identify and analyze existing or planned wildlife passage features
- Consider impacts of development and barriers to wildlife movement, and avoid, minimize, or mitigate those impacts
- Consider incorporating "wildlife-friendly fencing" as a standard, policy, or implementation program

Hidden underground electronic dog fence systems do not create an above-grade physical barrier to wildlife movement — they have no physical structure above grade and present no impediment to free passage of wildlife through the property. Formally recognizing this technology in the Town Code now positions Los Gatos ahead of the 2028 compliance requirement and demonstrates proactive leadership on wildlife corridor protection. Based on the jurisdictions reviewed, Los Gatos appears poised to become the first municipality in Santa Clara County to codify this specific technology, setting a regional precedent aligned with the direction of state law (subject to Town Attorney review and confirmation).

VIII. Key Contacts for Staff Reference

Role	Name & Organization	Contact
Proponent	Keith Blaine AIA LEED AP	keithblaine@mac.com | 408-784-1821
D-64 Licensed Installer	Troy Dykes, DogWatch Hidden Fences	Contact via DogWatch® network
SVACA Executive Director	Dan Soszynski, SVACA	SVACA main line: 408-764-0344
Town Planning Dept.	Ryan Safty, Planning Department	Community Development: 408-354-6874
CC Recipient	Allen Meyer, Town Planning Dept.	Community Development: 408-354-6874
CC Recipient	Megan Blaine, Blaine Architects	Blaine Architects

APPENDIX B — Precedent Municipalities: Jurisdictions Formally Recognizing Electronic Pet Containment Systems

The following table summarizes jurisdictions identified in this analysis that have formally recognized hidden underground electronic dog fence or invisible fence systems as a compliant means of animal containment in their municipal codes or regulatory frameworks. All code language is reproduced verbatim or summarized from primary sources. This table is provided

for staff reference and is not exhaustive; additional jurisdictions may have adopted equivalent language, particularly in Texas where identical language appears across multiple municipalities suggesting derivation from a shared model ordinance.

State / Jurisdiction	Code / Authority	Key Code Language / Framework
California San Diego County	County Code §62.669(c)	Dog on private property shall be kept: (1) leashed or tethered; (2) under direct and effective control by voice or *electronic pet containment system*; or (3) in a building or adequate enclosure. Third-option structure identical to proposed Los Gatos amendment.
Oregon City of Central Point	City Code §17.57	*"Electrified fence" does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is* ***permitted in any zone****.*
Kansas City of Overland Park	Municipal Code 6.08.020(a)(3)	Dogs may be confined by electronic fence or electronic collar. Conditions: 10-ft setback from sidewalk/property line; prohibited in front yards; no dangerous dogs; owner must post signage. Electronic containment recognized as third compliant option alongside leash and physical enclosure.
Texas Town of Argyle	Code of Ordinances Ch. 2 (Animal Control)	*"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Fate, TX (Ord. No. O-1783) — believed to derive from Texas model animal control ordinance.
Texas City of Fate	Ordinance No. O-1783 (Animal Control)	*"An 'invisible fence' will suffice as sufficient restraint so long as the animal is not found outside the premises of the owner."* Dangerous dog exclusion applies. Identical language to Argyle, TX.
Maryland Baltimore City	Health Dept. Regulatory Action on Electronic Fences as Animal Restraints (2009, active)	Formal permit system recognizing electronic fence as valid animal restraint. Conditions: dog must not come within 10 ft of public walkways/alleys/streets; fence at least 2 ft from adjacent property; visible sign required. Permit application required; issued by Health Department Office of Animal Control. Active since 2009.
North Carolina Town of Pineville	Code of Ordinances §90.040 (Restraint of Animals)	*"If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence."* Invisible fence expressly qualifies as a "secure enclosure" under this section.

Note: Colorado Springs, CO permits electronic fences with signage requirements as an administrative practice, but no formally codified ordinance recognizing electronic containment as a compliant restraint method was identified. Fort Worth, TX requires a physically enclosed structure and does not recognize electronic containment under its current code, illustrating that recognition is not universal and that explicit codification as proposed here is necessary to resolve the legal uncertainty.

APPENDIX — Technology Timeline for Staff Reference

Here's the complete, sourced timeline — which is directly relevant to your code gap argument:

1973 — Richard Peck U.S. Patent 3,753,421 was the first electronic dog fence ("Stay-Put"). Collar is the size of a deck of cards / 13 oz. Fifty units sold in the first year, by mail order only. Not practically available to most consumers.

1976 — Peck sells patent rights to John Purtell, who renames it "Invisible Fence." Los Gatos fence ordinance (Ord. No. 1316) is enacted this same year. At this moment, the technology existed but had sold only ~50 units nationwide and was not a viable consumer product.

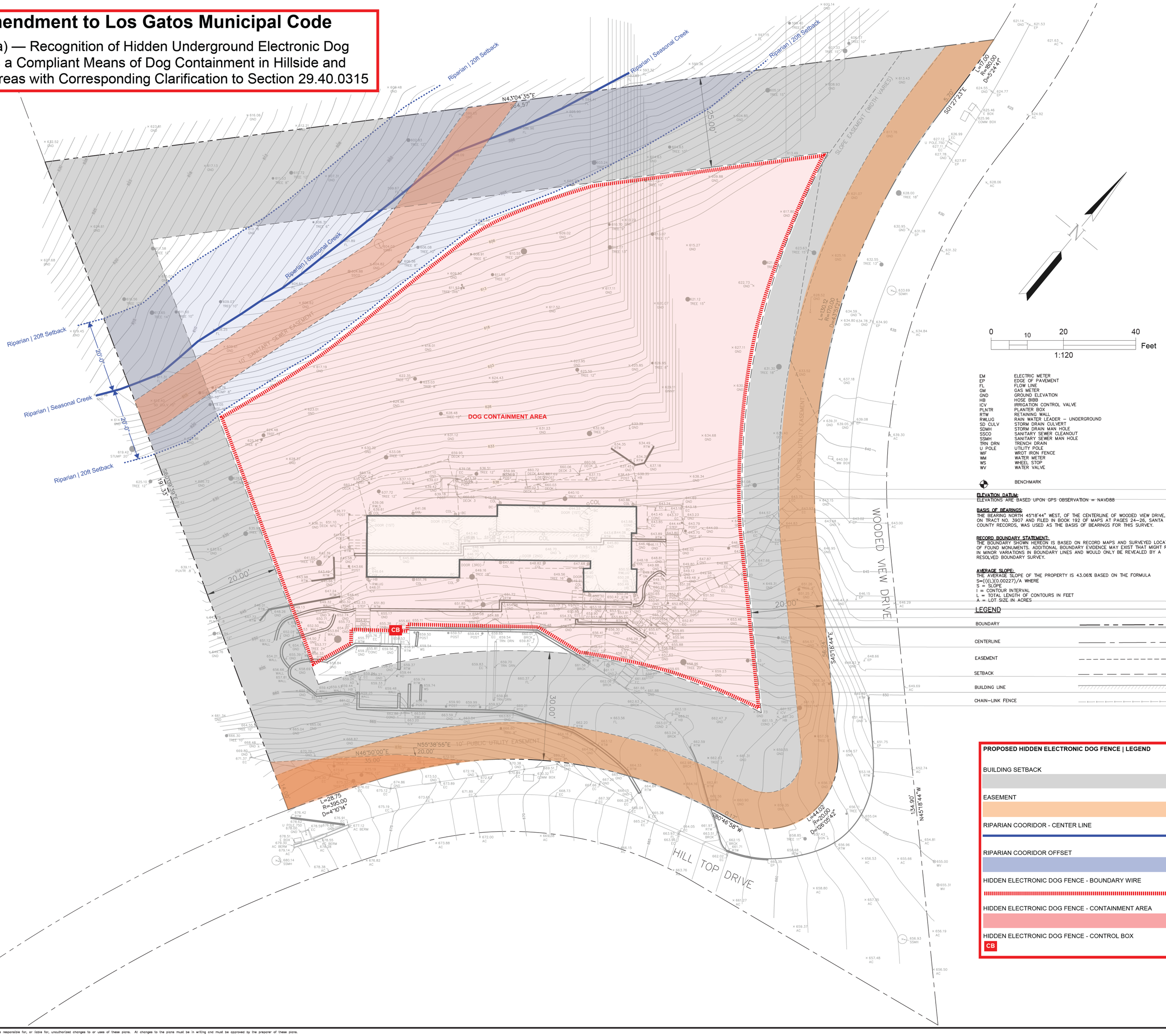
1980s — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

1989–1993 — The original patent expires (sources vary slightly: some say 1989, some say 1990, one says 1993). This is the pivotal moment — competitors enter the market immediately. DogWatch, PetSafe, and Innotek all emerge after the patent expires.

1990s–2000s — Mass-market adoption. Multiple competing brands, falling prices, wider availability, DIY kits introduced. The technology becomes a mainstream consumer product.

Proposed Amendment to Los Gatos Municipal Code

Section 4.40.005(a) — Recognition of Hidden Underground Electronic Dog Fence Systems as a Compliant Means of Dog Containment in Hillside and Wildlife Corridor Areas with Corresponding Clarification to Section 29.40.0315



EM ELECTRIC METER
EP EDGE OF PAVEMENT
FL FLOW LINE
GM GAS METER
GND GROUND ELEVATION
HB HOSE BIBB
ICV IRRIGATION CONTROL VALVE
PLNTR PLANTER BOX
RTW RETAINING WALL
RWLUG RAIN WATER LEADER – UNDERGROUND
SD CULV STORM DRAIN CULVERT
SDMH STORM DRAIN MAN HOLE
SSCO SANITARY SEWER CLEANOUT
SSMH SANITARY SEWER MAN HOLE
TRN DRN TRENCH DRAIN
U POLE UTILITY POLE
WF WROT IRON FENCE
WM WATER METER
WS WHEEL STOP
WV WATER VALVE

BENCHMARK

ELEVATION DATUM:
ELEVATIONS ARE BASED UPON GPS OBSERVATION = NAVD88

BASIS OF BEARINGS:
THE BEARING NORTH 45°18'44" WEST, OF THE CENTERLINE OF WOODED VIEW DRIVE, AS SHOWN ON TRACT NO. 3907 AND FILED IN BOOK 192 OF MAPS AT PAGES 24–26, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

RECORD BOUNDARY STATEMENT:
THE BOUNDARY SHOWN HEREON IS BASED ON RECORD MAPS AND SURVEYED LOCATIONS OF FOUND MONUMENTS. ADDITIONAL BOUNDARY EVIDENCE MAY EXIST THAT MIGHT RESULT IN MINOR VARIATIONS IN BOUNDARY LINES AND WOULD ONLY BE REVEALED BY A RESOLVED BOUNDARY SURVEY.

AVERAGE SLOPE:
THE AVERAGE SLOPE OF THE PROPERTY IS 43.06% BASED ON THE FORMULA
S=((I)(L)(0.00227))/A WHERE
S = SLOPE
I = CONTOUR INTERVAL
L = TOTAL LENGTH OF CONTOURS IN FEET
A = LOT SIZE IN ACRES

LEGEND

BOUNDARY
CENTERLINE
EASEMENT
SETBACK
BUILDING LINE
CHAIN–LINK FENCE

PROPOSED HIDDEN ELECTRONIC DOG FENCE | LEGEND

BUILDING SETBACK
EASEMENT
RIPARIAN COORIDOR - CENTER LINE
RIPARIAN COORIDOR OFFSET
HIDDEN ELECTRONIC DOG FENCE - BOUNDARY WIRE
HIDDEN ELECTRONIC DOG FENCE - CONTAINMENT AREA
HIDDEN ELECTRONIC DOG FENCE - CONTROL BOX
CB

VERSION
JUNE 5, 2026

MARK	DATE	DESCRIPTION REVISIONS	BY

TOPOGRAPHIC SURVEY

100 Hill Top Drive

Los Gatos **California**

DATE: 10/18/2023
SCALE: 1"= 10'
DRAWN BY: KWC
DESIGNED BY:
CHECKED BY: POW

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LICENSED LAND SURVEYOR PHILIP O. WOOTTON No. 8398 STATE OF CALIFORNIA

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SHEET 1 OF 1 SHEETS

JOB NO. 2940

Construction Contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, that this requirement shall be made to apply continuously and not be limited to normal working hours, and that construction contractor shall defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, except for liability arising from the sole negligence of design professional.

UNAUTHORIZED CHANGES & USES: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.

From: Nazzi Shishido [redacted]
Sent: Thursday, October 22, 2026 11:11 AM
To: Planning <Planning@losgatosca.gov>
Cc: Joel Paulson <jpaulson@losgatosca.gov>
Subject: Transcript of April 7th, 2026, Petitioner opening statement for E Fencing

[EXTERNAL SENDER]
Good morning Planning,

As you know, I am objecting to the proposed adoption of electronic fencing for pet containment. I believe the existing physical-fence requirements should remain in place.

One petitioner has been championing this change. During public comment on April 7, 2026, the petitioner made statements regarding the ability of hillside residents to contain their pets under the existing regulations. I have reviewed the April 7 Town documents but cannot locate his written comments or submission in the Town record.

I do have the video of his public comment and would like to provide an accurate transcript as part of the record. His statements are important because they appear to be part of the premise for requesting this ordinance change, including the assertion that hillside residents do not have a practical way to contain their pets under the existing rules.

Could you please let me know whether the Town has a written statement, email, presentation, or other submission from the petitioner associated with his April 7, 2026 public comment?

I am working on one more document which clearly states we do have option and will be submitting it by tomorrow. But the statement from petitioner is very important.

Thank you,

Nazzi

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