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
keithblaine@mac.com | 408-784-1821
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 6

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

---

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.

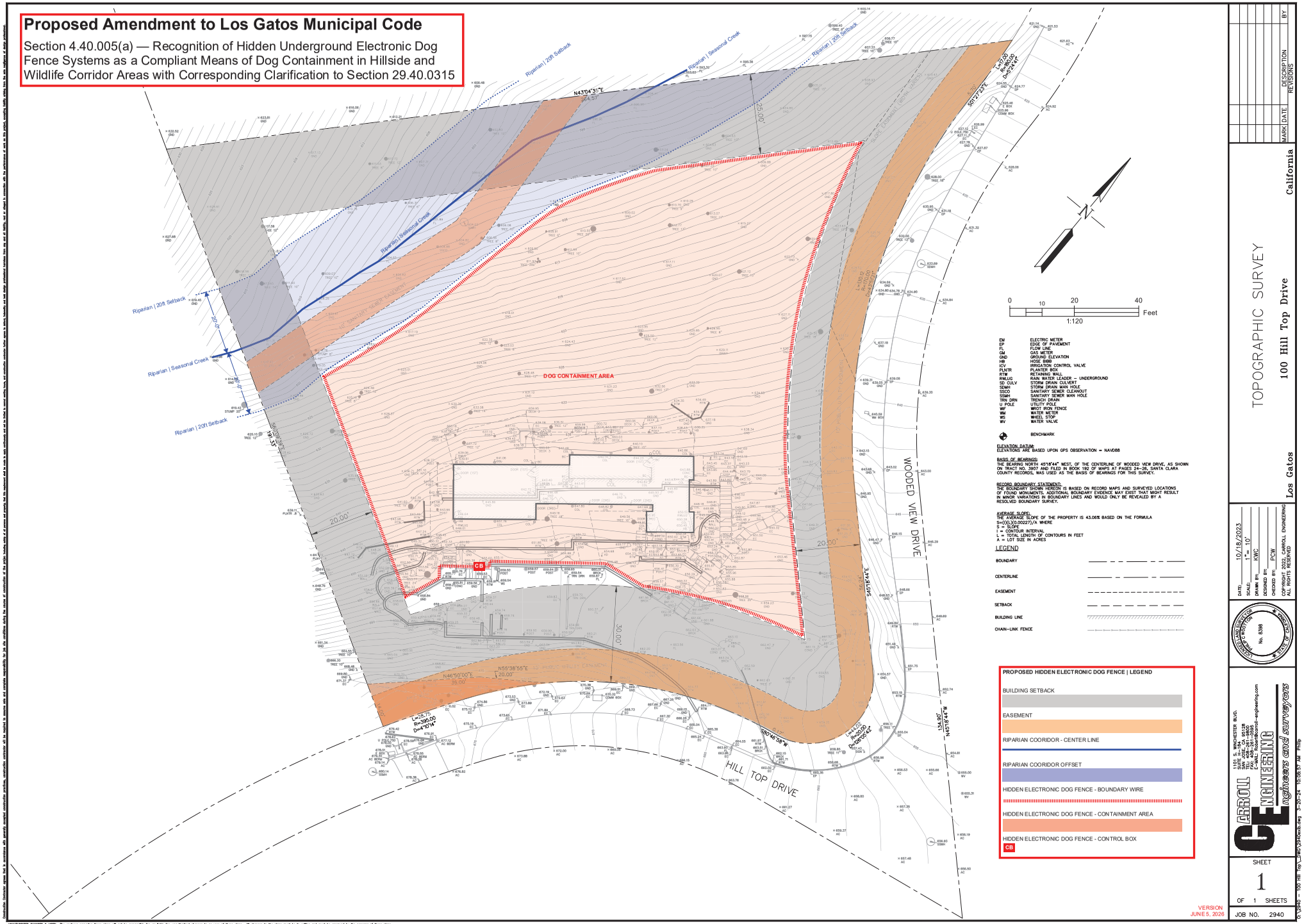
1980s — Collar shrinks from 13 oz. to 3 oz., opening the market to smaller dogs. Dealer network begins expanding. Still a niche, premium professional-install product.

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 WATER 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: PCW

COPYRIGHT 2022, CARROLL ENGINEERING
ALL RIGHTS RESERVED

LICENSED LAND SURVEYOR — No. 8396 — STATE OF CALIFORNIA

CARROLL ENGINEERING
civil engineers and surveyors
1101 S. WINCHESTER BLVD.
SAN JOSE, CA 95128
TEL: 408-296-4200
FAX: 408-296-8293
e-mail: info@carroll-engineering.com

SHEET 1 OF 1 SHEETS

JOB NO. 2940

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 Ordinance: areas that do not conform with all grading, erosion and sediment control protective ordinances shall be marked by fencing and no grading shall occur in these areas until adequate protective measures are in place. Fencing shall be maintained during all grading operations. No encroachment into these areas by heavy equipment, storage of materials or parking of vehicles shall be allowed.

C:\2940 – 100 Hill Top\Dwg\2940cnstr.dwg 3-20-24 10:06:57 AM Philip

This Page Intentionally Left Blank