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 denial 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 November 17, 2026; and

WHEREAS, on November 17, 2026, 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

DRAFT

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

DRAFT

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

DRAFT

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.

DRAFT

(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 17 day of November, 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:

DRAFT

SIGNED:

_____

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

_____

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

DRAFT