



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/28/2026

ITEM NO: 3

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

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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:

<u>Jurisdiction</u>	<u>Code Section</u>	<u>Scope of Authorization</u>	<u>Relevant Language / Summary</u>	<u>Conditions or Limitations</u>
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.

<u>Jurisdiction</u>	<u>Code Section</u>	<u>Scope of Authorization</u>	<u>Relevant Language / Summary</u>	<u>Conditions or Limitations</u>
			"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