

It is hereby declared a public nuisance for any person to perform any of the following acts or cause any of the following conditions to exist, or for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist or the following acts are found to have been committed thereon:

- .010 Fire Hazards. The presence of any dry or dead shrub, palm frond or tree, combustible refuse or waste, or any growing material which by reason of its size, manner of growth or location constitutes a potential fire hazard to a building, structure, crop or other property.
- .020 Public Burning. The intentional outdoor burning of any material, structure, matter or thing unless specifically authorized by the Anaheim Fire Marshal.
- .030 Refuse and Waste. The keeping of any refuse or waste on any property for a period in excess of three (3) consecutive days. "Refuse or waste" shall include, but is not limited to, the following:
  - .0301 Any rubbish, refuse, trash or debris of any kind including without limitation: rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal or other pieces of metal, trimmings from plants or trees, cans, bottles or barrels; or
  - .0302 The accumulation of any garbage or refuse, human or animal excrement or fecal material, uneaten food or food wastes, waste matter or material that emits an offensive odor or encourages the breeding of flies or other insects.
- .040 Polluted Water. A swimming pool, spa, pond or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water being or becoming polluted water. "Polluted water" means water in a swimming pool, pond or other body of water containing bacterial growth, algae, remains of insects or deceased animals, rubbish, refuse or waste, debris, papers, or any other foreign matter or material which, because of their quantity or nature, constitute an unhealthy, unsafe or unsightly condition or obscure the bottom of the swimming pool, spa, pond or other body of water.
- .050 Improper Storage. The storage or maintenance upon any property of any of the following:
  - .0501 Motor vehicles, trailers, campers, boats, or other mobile equipment within any front yard area as defined in Title 18 of this Code, excluding driveways.
  - .0502 Inoperative, abandoned, wrecked or dismantled motor vehicles or parts thereof upon any property for a period in excess of ten (10) consecutive days. "Motor vehicle" as used in this chapter shall be defined as set forth in Section 670 of the California Vehicle Code. An "inoperative motor vehicle" includes, but is not limited to, vehicles which cannot be immediately started and driven due to a lack of fuel, lack of necessary parts, a malfunctioning engine or other malfunctioning systems or parts, a lack of one or more wheels or tires or a complete or nearly complete lack of air in any of the vehicle's tires. This section shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner or where it is not visible from a street or other public or private property. This section shall also not apply to a motor vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the lawfully authorized and permitted business of a licensed dismantler, licensed vehicle dealer or a junkyard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this Section.
  - .0503 Abandoned, broken or discarded furniture, household appliances or equipment visible from a public street or other public or private property for a period in excess of three (3) consecutive days.
  - .0504 Garbage cans or refuse and recyclable receptacles as described in Section 10.10.030 in front or side yards and visible from a public street, except as permitted by Subsection .020 of Section 10.10.050 of this Code.
  - .0505 Furniture, other than lawn or patio furniture, on porches, or in required front or side yards for a period in excess of three (3) consecutive days.
- .060 Clothes Hanging. To place, maintain, hang, dry or air out clothing, household fabrics or laundry on or from any manmade or natural device, including, but not limited to clotheslines, fences, open windows, balconies, trees or shrubbery, in a front or side yard that is visible from a street or other public property.

.070 Improper Maintenance.

.0701 Maintenance of any property including, but not limited to, building exteriors and structures, in such condition as to become so defective, unsightly, or deteriorated as to cause, in the estimation of the Building Official or the Community Preservation Manager, substantial detriment to neighboring properties and improvements.

.0702 Maintaining property where any building exists in any of the following conditions:

.01 Maintaining property where any building has been boarded up for a period in excess of three (3) consecutive days without a valid demolition or building permit on file with the Anaheim Building Division to abate said boarded up condition.

.02 Maintaining property where any building has been left open and unsecured from trespassers, children or vandals for a period in excess of three consecutive days.

.03 Maintaining property where any building, vacant or occupied, has been left in a state of partial construction and where, for three (3) consecutive days or more, no current (unexpired) building permit was on file with the Anaheim Building Division to complete said construction.

.0703 Maintaining property with any building in a condition of significant deterioration or disrepair, including, but not limited to, buildings with crumbling plaster or stucco, peeling paint/lack of paint, broken or inoperable doors or windows, insufficient weatherproofing, water or other structural damage, or broken, cracked, rotted or buckled exterior walls or roofs.

.0704 Maintaining property with defective or insufficient lighting so as to render it dangerous or detrimental to the public health, safety or welfare for a period in excess of three (3) consecutive days.

.0705 Maintaining property with overgrown vegetation which:

.01 Causes detriment to neighboring properties or obstructs pedestrian and/or vehicular traffic;

.02 Is likely to harbor rats, vermin or other nuisances;

.03 Prevents, impedes or otherwise restricts access to electric, water or gas meters, or to any other public equipment or facilities, by persons representing the City of Anaheim or any other utility requiring or seeking access thereto; or

.04 Causes visual obstruction of any street sign and/or light so as to be detrimental to the public health, safety or welfare.

.0706 Maintaining property with any type of dead vegetation.

.0707 Maintaining property on which there exists an encroachment in required yard areas which is not specifically permitted under this Code.

.0708 Maintaining property with attractive nuisances dangerous to children in the form of:

.01 Abandoned and broken equipment;

.02 Hazardous or unfenced pools, spas, ponds, other bodies of water or excavations; or

.03 Neglected, unsecured or abandoned machinery.

.0709 Maintaining property in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code Section 3480.

.0710 Maintaining property where any device, decoration, design, fence, vehicle or structure, by reason of its condition, is unsightly or is deteriorated or maintained in a state of disrepair.

.080 Graffiti. Permitting or allowing any graffiti to remain on any property, including, but not limited to, any building, wall, fence, vehicle or structure for a period in excess of twenty four (24) hours.

.090 Unsafe Buildings and Other Structures. Any building, driveway or structure which has any of the following conditions or defects:

.0901 Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, is not maintained, or is not so arranged as to provide safe and adequate means of exit, in case of fire or panic, for all persons housed or assembled therein who would be required to, or might use such door, aisle, passageway, stairway or other means of exit.

.0902 Whenever any portion thereof has been damaged by earthquake, wind, flood, or by any other cause, in such a manner that the structural strength or stability thereof is appreciably less than the minimum requirements of this Code for a new building of similar structure, purpose or location.

.0903 Whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby possibly injure persons or damage property.

.0904 Whenever any building, portion of a building, or any structural member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting wind pressure, earthquake forces, live-load or dead-load as specified in the Building Standards Codes, as adopted by Title 15 of this Code, without exceeding the working stresses permitted in the Building Standards Codes.

.0905 Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of new construction.

.0906 Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

.0907 Whenever, for any reason whatsoever, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used.

.0908 Whenever the building or structure has been so damaged by fire, wind, earthquake, flood, or other calamity, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for trespassers, homeless persons, vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

.0909 Any building or structure which has been constructed or which now exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure of the building regulations of this City as set forth in the Building Standards Codes or California Health and Safety Code, or of any law or ordinance of this State or City relating to the construction, condition, location or structure of buildings.

.0910 Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease as determined by the Community Preservation Manager or the State or County Health Officer, or is likely to cause injury or be detrimental to the health, safety or general welfare of those living within.

.0911 Whenever the building or structure, used or intended to be used for dwelling purposes, has light, air, and sanitation facilities inadequate to protect the health, safety or general welfare of persons living within.

.0912 Whenever any building or structure, by reason of obsolescence, dilapidated condition, deterioration, damage, electric wiring, gas connections, heating apparatus, or other cause, is in such condition as to be a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause.

.0913 Any building which meets the definition of a substandard building in the California Health and Safety Code.

.0914 Any building that does not conform to fire resistive requirements of the Building Standards Codes or the California Fire Code, as adopted by Title 16 of this Code.

.0915 Any sidewalk/walkway, driveway or parking lot which is debilitated, broken, damaged, or raised to such a degree as to be unsightly if it can be viewed from public property, or to be injurious to property or injurious to persons using said sidewalk/walkway, driveway or parking lot.

.100 Improper Uses. The following uses of property are not permitted:

.1001 The use of private property for the recreational driving of any form of motorized or motor-driven bike, scooter or vehicle as defined by California Vehicle Code Section 670.

.1002 The use of any building or portion thereof for living, sleeping or cooking purposes which were not designed or intended to be used for such occupancies.

.1003 The use of any property or building or portion thereof in any manner not permitted by Title 18 of the Anaheim Municipal Code, as provided by Section 18.90.120 of this Code.

.110 Hazardous Obstructions. An obstacle, landscaping or thing installed, or maintained in the corner setback area reaching a height higher than four feet above the adjoining top of the curb at the applicable corner of the street intersection, or four feet above the nearest pavement surface where there is no curb, or the existing traveled roadway at the corner in question where there is no curb or pavement. Hazardous obstructions do not mean existing or future permanent buildings otherwise constructed or maintained in accordance with applicable zoning and building regulations, public utility poles or trees trimmed at the trunk at least eight feet above the level of the ground surface provided said trees are spaced so that trunks do not obstruct the vision of motorists.

.120 Abandoned Well. As defined in subsections .010 and .170 of Section 10.20.020 of Chapter 10.20 of Title 10 of this Code.

.130 Feeding of wild animals or cats.

.1301 It shall be unlawful for any person to feed a feral cat, a stray cat or a cat community on public property, unless the person is a cat caregiver, who first obtains permission from the Community Preservation Manager. It shall also be unlawful for any person to feed a feral cat, a stray cat or a cat community on private property in a manner that creates harmful health or sanitation conditions, destruction of property, attraction of coyotes, rats and/or other vermin, which is otherwise detrimental to the public health, safety or welfare, or which otherwise creates an unreasonable disturbance, such as noise, so as to disrupt the peace and comfort of persons of ordinary sensitivity in surrounding households. For purposes of this section, a "feral cat" is a cat who has either never had contact with humans or whose contact with humans has diminished over time. Feral cats are the offspring of stray or feral cats, are not accustomed to human contact, and are usually too fearful to be handled or adopted. As a result, feral cats survive on their own outdoors. A "stray cat" is a pet who has been lost or abandoned, is used to contact with people, may be reunited with its family, and is tame enough to be adopted. A "cat community" is a group of stray and/or feral cats that live or take refuge together as a group in a specific territory where food and shelter are available. A "cat caregiver" is a person who, in accordance with "Trap-Neuter-Return", provides care, including, food, water, shelter or medical care to a feral cat, a stray cat or a cat community. "Trap-Neuter-Return" is the method of humanely trapping feral and stray cats, having them spayed or neutered and vaccinated against rabies, and then returning them to their cat community to live out their lives or, in the case of stray cats, to their owners, if possible.

.1302 It shall be unlawful for any person to feed any wild birds on public property in a manner that creates harmful health or sanitation conditions, destruction of property, unsightly or increased slipperiness of sidewalks, animal dependency, attraction of coyotes, squirrels, rats and/or other vermin, which is otherwise detrimental to the public health, safety or welfare or otherwise creates an unreasonable disturbance, such as noise, so as to disrupt the peace and comfort of persons of ordinary sensitivity in surrounding households.

(Ord. 5622 § 2 (part); October 28, 1997: Ord. 5680 § 1; June 8, 1999: Ord. 5739 § 1; October 17, 2000: Ord. 5812 §§ 13 - 20; June 11, 2002: Ord. 6306 § 2; October 7, 2014: Ord. 6325 § 1; May 5, 2015.)

## CHAPTER 13: ANIMAL FOOD AND FOOD SCRAPS

---

### Section

32.1301 Food Left Outside for Certain Mammalian Predators.

32.1302 Food Left Outside For Any Animal During Certain Hours.

32.1303 Garbage Containing Food Scraps.

32.1304 Limited Applicability.

32.1305 Violation and Penalty.

32.1306 Severability.

#### **§ 32.1301 Food Left Outside for Certain Mammalian Predators.**

(a) No person shall feed or in any manner provide food for one or more nondomesticated mammalian predators. A nondomesticated mammalian predator shall include coyotes, raccoons, foxes, opossums, bears, mountain lions, and bobcats.

(b) Exceptions. This Section shall not apply in any of the following instances:

(1) Where the person providing the food is the owner of such non-domesticated mammalian predator and the predator is kept under a valid certificate or permit issued by the State of California Department of Fish and Game; or

(2) Where the person provides food for a trapped, injured or unweaned, nondomesticated mammalian predator between the time the agency in charge of animal control is notified and the time such predator is picked up by said agency.

(Ord. 3322, passed - -1989)

#### **§ 32.1302 Food Left Outside for Any Animal During Certain Hours.**

No person shall leave or permit to be left out-of-doors food for any animal between the hours of 10:00 p.m. of any one day and 6:00 a.m. of the following day, unless the area where the food is left is not accessible to nondomesticated mammalian predators.

(Ord. 3322, passed - -1989)

#### **§ 32.1303 Garbage Containing Food Scraps.**

No person shall leave or permit to be left out-of-doors any garbage containing food scraps without first securing said food scraps in closed containers.

(Ord. 3322, passed - -1989)

#### **§ 32.1304 Limited Applicability.**

Sections 32.1302 and 32.1303 shall be applicable only in the mountainous and foothill areas of the County described as follows: Beginning at the intersection of the San Bernardino and Los Angeles County line with the center line of State Highway 138; thence southeasterly along said center line to the north line of Section 1, Township 3 North, Range 7 West, San Bernardino Meridian, said point being also on the northern boundary of the San Bernardino National Forest; thence easterly along said boundary and continuing along said boundary, following all of its various courses to the Northeast corner of Section 18, Township 3 North, Range 5 West, San Bernardino Meridian; thence leaving said National Forest boundary east along section lines to the northeast corner of Section 13, Township 3 North, Range 4 West, San Bernardino Meridian; thence south along the East line of said Section 13 to the northwest corner of Section 10, Township 3 North, Range 3 West, San Bernardino Meridian, said point being also on the northern boundary of the San Bernardino National Forest; thence easterly along said boundary and continuing along said boundary, following all of its various courses to the San Bernardino and Riverside County line; thence leaving said National Forest boundary Westerly along said County line to the southwest corner of Section 8, Township 2 South, Range 1 West, San Bernardino Meridian; thence north along section lines to the northwest corner of Section 32, Township 1 South, Range 1 West, San Bernardino Meridian; thence east along the North line of said Section 32 to the southwest corner of Section 28; thence north along the west line of Sections 28 and 21 to the Southeast corner of Section 17; thence west along section lines to the center line of Bryant Street; thence northwesterly along said center line to the center line of State Highway 38; thence westerly along said center line of State Highway 38 to the center line of Garnet Street; thence northerly along said center line of Garnet Street to the center line of Florida Street; thence westerly along said center line of Florida Street to the center line of Green Spot Road; thence northerly and westerly along said center line of Green Spot Road to the eastern boundary line of the City of Highland; thence northerly along said boundary and continuing along said boundary, following all of its various courses to the Northern boundary of the City of San Bernardino; thence westerly along said northern boundary of the City of San Bernardino, following all of its various courses to the center line of Interstate 215; thence leaving said boundary northwesterly along said center line to the center line of Interstate 15; thence southwesterly along said center line of Interstate 15 to the south line of Section 13, Township 1 North, Range 6 West, San Bernardino Meridian; thence west along section lines to the southwest corner of Section 16, Township 1 North, Range 7 West, San Bernardino Meridian, said point being on the boundary of the City of Rancho

Cucamonga; thence northerly, westerly and southerly along said boundary to the northern boundary of the City of Upland; thence westerly along said northern boundary of the City of Upland to the San Bernardino and Los Angeles County line; thence northerly along said County line to the point of beginning.

(Ord. 3322, passed - -1989)

#### **§ 32.1305 Violation and Penalty.**

A person violating any provision of this Chapter shall be guilty of an infraction, punishable in accordance with the provisions of Chapter 2 of Division 1 of Title 1 of this Code.

(Ord. 3322, passed - -1989)

#### **§ 32.1306 Severability.**

If any provision or clause of this Chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, or clauses or applications thereof which can be implemented without the invalid provision or clause or application, and to this end the provisions and clauses of this Chapter are declared to be severable.

(Ord. 3322, passed - -1989)

In section 13-1208 and in this article, unless the context otherwise requires:

1. "Animal" means any animal of a species that is susceptible to rabies, except man.
2. "At large" means being neither confined by an enclosure nor physically restrained by a leash.
3. "County board of health" means the duly constituted board of health of each county.
4. "County enforcement agent" means that person in each county who is responsible for enforcing this article and the rules adopted under this article.
5. "County pound" means any establishment that is authorized by the county board of supervisors to confine, maintain, safekeep and control dogs and other animals that come into the custody of the county enforcement agent in the performance of the county enforcement agent's official duties.
6. "Department" means the department of health services.
7. "Impound" means the act of taking or receiving into custody by the county enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with this article.
8. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
9. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
10. "Owner":
  - (a) Means any person who keeps an animal other than livestock for more than six consecutive days.
  - (b) Does not include a person who keeps an animal at the request of an animal shelter as defined in section 11-1022.
11. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
12. "Stray dog" means any dog three months of age or older running at large that is not wearing a valid license tag or microchipped.
13. "Vaccination" means the administration of an antirabies vaccine to animals by a veterinarian or by a rabies vaccinator who is certified pursuant to section 32-2240.02.
14. "Veterinarian", unless otherwise indicated, means any veterinarian who is licensed to practice in this state or any veterinarian who is employed in this state by a governmental agency.
15. "Veterinary hospital" means any establishment that is operated by a veterinarian licensed to practice in this state and that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it pens, stalls, cages or kennels for quarantine, observation or boarding.
16. "Vicious animal" means any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation or that has been so declared after a hearing before a justice of the peace or a city magistrate.



- [4-1 Definitions](#)
- [4-2 Unlawful To Resist Or Obstruct Animal Control Officer](#)
- [4-3 Vaccinations -- Certificate Required For Dog Licensing](#)
- [4-4 License Required -- License And Impound Fees](#)
- [4-5 License Fee -- Exemptions](#)
- [4-6 Receipt And Tag Issuance -- Replacement](#)
- [4-7 License Period/Renewal](#)
- [4-8 License Register](#)
- [4-9 Tagging Dog -- Tag Misuse](#)
- [4-10 Number Of Animals Allowed](#)
- [4-11 Wild Animals](#)
- [4-12 Restrictions On Keeping Fowl](#)
- [4-13 Restraint And Sanitation](#)
- [4-14 Strays -- Impoundment](#)
- [4-15 Permitting Animals To Run At Large](#)
- [4-15.1 Rules To Observe Within Needles Dog Park](#)
- [4-16 Duty To Impound Animals Running At Large](#)
- [4-17 Right Of Entry](#)
- [4-18 Means Of Capture](#)
- [4-19 Release Of Dog And/Or Cat -- Basic Conditions](#)
- [4-20 Release -- Neutering Or Spaying](#)
- [4-21 Release -- Rabies Suspicion](#)
- [4-22 Quarantine Authority Generally](#)
- [4-23 Biting Animal -- Report](#)
- [4-24 Biting Animal -- Confinement If Vaccinated](#)
- [4-25 Biting Animal -- Confinement If Unvaccinated](#)
- [4-26 Rabies Suspect -- Confinement And Release](#)
- [4-27 Rabies Suspect -- Impoundment -- Destruction](#)
- [4-28 Owner To Report Suspicion Of Rabies](#)
- [4-29 Bitten Animals](#)
- [4-30 Animal Bite Record](#)
- [4-31 Vicious Animals -- Just Cause](#)
- [4-32 Vicious Animals -- Restrictions](#)
- [4-33 Abandonment](#)
- [4-34 Protective Care By Officer](#)
- [4-35 Poisoning](#)
- [4-36 Vehicle Confinement Or Carrying -- Generally -- Open Trucks](#)
- [4-37 Vehicle Confinement -- Responsible Person](#)
- [4-38 Vehicle Confinement -- Impoundment](#)
- [4-39 Found Animal Reporting](#)
- [4-40 Injury By Vehicles -- Motorist Responsibility](#)
- [4-41 Fighting](#)
- [4-42 Injury And Overwork](#)
- [4-43 Depriving Of Food, Shelter Or Medical Care](#)
- [4-44 Intoxicated Driving Or Riding](#)
- [4-45 Cages, Fences And Leashes](#)
- [4-46 Trapping -- Manner -- Care While Trapped](#)
- [4-47 Trapping -- Disposal](#)
- [4-48 Crating Or Boxing](#)
- [4-49 Promotional Sale Or Gift](#)
- [4-50 Research Or Medical Use](#)
- [4-51 Euthanasia -- Certification](#)
- [4-52 Public Nuisance Animal](#)
- [4-53 Professional Animal Handlers](#)
- [4-54 Violations -- Penalty](#)
- [4-60 Mandatory Spaying And Neutering -- Cats](#)



## **4-1 Definitions**

As used in this chapter, unless the context otherwise indicates, the following definitions shall be in effect:

- (a) “Adequate feed” means the provision at suitable intervals, but in no event less than once every twenty-four hours, of a quantity of wholesome foodstuff suitable for the animal’s physical condition and age, sufficient to maintain an adequate level of nutrition in the animal. Such foodstuff is to be served in a clean receptable, dish or container.
- (b) “Adequate water” means the access to a sufficient supply of clean, fresh, and potable water provided at suitable intervals for the animal’s physical needs and the climatic conditions.
- (c) “Animal” means dogs, cats, horses, mammals, reptiles, birds and other wild, domestic or farm animals that may be found in the care, custody, control or ownership of human beings.
- (d) “Administrative hearing officer” means the code enforcement department head or any person or persons so appointed by the city manager.
- (e) “Animal control officer” means any duly authorized person in the employ of the city responsible for the enforcement of this chapter and regulations.
- (f) “Animal shelter” means any establishment authorized by the city for the confinement, maintenance, safekeeping and control of all animals that come into the custody of any animal control officer in the performance of his/her official duties.
- (g) “Animal vaccination certificate” means that every veterinarian who vaccinates any animal with rabies vaccine shall issue to the owner of such animal, a certificate, which is signed by the veterinarian and which states thereon the name and description of the animal, the date of such vaccination and the expiration date and type of vaccine used.
- (h) “At large” means not confined; any animal which is not directly controlled and contained by an owner is an animal “at large.”
  - (i) “Bite” means a puncture, scrape or tear of the skin inflicted by teeth of an animal.
  - (j) “City” means the City of Needles, California.
- (k) “Commercial kennel” means any licensed establishment in the city at which dogs are bred, raised for sale, trained, rented, boarded, and cared for, for profit, excluding dental, medical or surgical care.
- (l) “Commercial stables” means any licensed establishment in the city at which horses are bred, raised for sale, boarded, cared for, quarantined (forty days in a state of enforced isolation), trained, sold, or rented, on a commercial basis excluding dental, medical or surgical care.
- (m) “Confined” means a condition whereby an animal is restricted to the property of the owner by enclosed lot, leash, cord or chain of suitable length for the type of animal, as determined by an animal control officer and so placed that the animal has free access to his feed, water and shelter, and further, so affixed as to preclude the animal becoming entangled on any obstruction; and the cage, coop, stable, leash, cord, chain, or fence barrier shall be of such size and length to permit the animal to stand upright and lie down, and of such further dimensions as shall be deemed adequate by the animal control officer.
- (n) “Cruelty or torture” of any animal, means every act, omission or commission where physical pain, suffering or death is caused by any person.
- (o) “Dog license” means the actual paper receipt which evidences the fact that a party has purchased a dog license. The license must contain certain information concerning a specific animal (breed, type, color, sex, tag number and rabies vaccination date) and information concerning the owner of said animal (name, address and telephone number).
- (p) “Dog tag” means the number stamped metal or plastic disk which is to be attached to the dog’s collar or harness as evidence of the purchase of a license.

- (q) “Fees” means moneys collected by the city, as established by the city council and amended from time to time for the impounding, maintenance, sale or destruction of animals at the animal shelter.
- (r) “Fowl” means any domesticated bird.
- (s) “Gift” means something voluntarily transferred from one to another without compensation.
- (t) “Grooming parlor” means any establishment, or part thereof, or premises, maintained for the purpose of offering animal grooming services for profit.
- (u) “Impound” means the act of taking or receiving into custody by any law enforcement officer any animal for the purpose of confinement in an animal shelter consistent with the provisions of this chapter.
- (v) “Kennel” means a house for a dog or dogs; an establishment where dogs are bred, boarded, or impounded.
- (w) “License fee” means the fee paid for each dog license, as established by the city council.
- (x) “Nuisance animal” means any animal which unreasonably annoys humans, endangers the life or health of other animals or person, or gives offense to human senses; or which substantially interferes with the right of the citizens, other than its owner, to the enjoyment of life or property.
- (y) “Owner” means any person owning, possessing, and having the care, custody and control of any animal.
- (z) “Pet shop” means any business intended as a profit-making or commercial establishment, premises or a part thereof, maintained for the purchase, sale, exchange or hire of animals of any type; except that the term shall not include livestock auctions.
- (aa) “Rabies quarantine area” means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent the city’s jurisdiction.
- (ab) “Service dog” means a dog specifically trained and used to aid a handicapped person.
- (ac) “Shelter” means protection from the elements as hereinafter provided.
- (ad) “Stray animal” means any animal at large of which the ownership is unknown.
- (ae) “Vaccination” means administration of an anti-rabies vaccine to any animal by a veterinarian.
- (af) “Vaccine” means an anti-rabies medication in a dosage and type as designated by the State Veterinarian.
- (ag) “Veterinarian” means any person licensed to practice veterinary medicine by any State Board of Veterinary Medical Examiners.
- (ah) “Veterinary clinic” means any establishment operated by a veterinarian to provide dental, medical or surgical treatment, care and grooming, for animals on an outpatient basis.
- (ai) “Veterinary hospital” means any establishment operated by a veterinarian that provides clinical facilities and houses animals for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages, or kennels for quarantine or observation, in a completely enclosed building.
- (aj) “Vicious animal” means any animal which without provocation has attacked, bitten, or injured any human being, other animal or livestock, or which has a known propensity to attack or bite human beings or animals.
- (ak) “Vicious animal restrictions” means a vicious animal shall be confined by the owner or custodian within a building or secure enclosure and shall not be taken out of such building or secure enclosure unless securely restrained.
- (al) “Wild animal” means any animal found naturally in an undomesticated state, whether indigenous to this state or not, and whether raised in captivity or not. (Ord. No. 447-AC)

#### **4-2 Unlawful To Resist Or Obstruct Animal Control Officer**

It is unlawful for any person to resist or obstruct any animal control officer in the exercise of duties, or tamper with equipment, imposed by this chapter. Also, it is unlawful for any person to tamper, remove or destroy animal

#### **4-3 Vaccinations -- Certificate Required For Dog Licensing**

- (a) Every person applying for a dog license must exhibit a certificate issued by a licensed veterinarian. Such certificate shall show that the dog, for which the license shall be issued, has been vaccinated against rabies in accordance with the provisions of subsection (b) of this section. A license for such dog shall not be issued unless and until such certificate is so exhibited.
- (b) Rabies Vaccination Certificate. Every person practicing veterinary medicine in the city who vaccinates an animal with rabies vaccine shall issue to the person keeping, harboring or having such animal a certificate which is signed by the veterinarian and which states thereon the name and description of the animal, the date of such vaccination and the expiration date and type of vaccine used. (Ord. No. 447-AC)

#### **4-4 License Required -- License And Impound Fees**

- (a) It is unlawful to own or harbor any dog within the city over the age of six months or more, without purchasing a license.
- (b) It shall be the duty of every person owning or harboring a dog or dogs to place and maintain a collar upon the neck of each and every dog and to attach thereto a dog license tab secured from the city.
- (c) The fees for each dog license and for all applicable pound fees shall be established by city council resolution. (Ord. No. 447-AC)

#### **4-5 License Fee -- Exemptions**

- (a) Service Dogs. The license fee provisions of this chapter shall not apply to a dog which has been trained or is being trained and is being used as a service dog. Proof of use and training as a service dog shall be the responsibility of the person, firm or corporation owning said animal and will be supplied in the form of a certificate of training in a form satisfactory to the animal control officer.
- (b) Dogs in military service or in law enforcement.
- (c) Puppies. The provisions of this chapter relating to licensing shall not apply to dogs under six months of age. (Ord. No. 447-AC)

#### **4-6 Receipt And Tag Issuance -- Replacement**

There shall be given to each person paying such license fee a receipt stating the amount and date of payment and the date of expiration of such license and containing a brief description of the dog. The owner shall be furnished a numbered tag of durable material. If such tag is lost, it shall be the duty of the owner, within ten days from the date of discovery of loss, to procure a new numbered tag and pay the fee established in the fee schedule by the city council. (Ord. No. 447-AC)

#### **4-7 License Period/Renewal**

Each dog license issued by the city shall be good for one-year period. (Ord. No. 447-AC)

#### **4-8 License Register**

The city shall keep a register of all licenses issued showing:

- (a) The name, current address, and telephone number if any, of the owner;
- (b) Description of the dog; and age, if known;
- (c) Whether altered or not;
- (d) The number of the tag;
- (e) Expiration date of vaccination and type. (Ord. No. 447-AC)

#### **4-9 Tagging Dog -- Tag Misuse**

- (a) The owner of any dog licensed under this chapter shall securely fasten about the neck of the dog a collar with the tag attached thereto bearing the number of the license.
- (b) It is unlawful for any person to intentionally remove any license tag issued under the provisions of this chapter from any dog not owned by him, or not lawfully in his possession or for any person to place on any dog or to permit any dog in his control or possession, to wear any license tag not issued under the provisions of this chapter for that particular dog, or to own, keep or possess, any dog, wearing any counterfeit, imitation, or altered license tag. (Ord. No. 447-AC)

#### **4-10 Number Of Animals Allowed**

No person shall possess any combination of more than four (4) animals (as defined in section 4-1) at any one residence located within the city without first obtaining written permission from the department of animal control. (Ord. No. 447-AC; Ord. No. 489-AC)

#### **4-11 Wild Animals**

- (a) No wild animals shall be exhibited in public or private or kept anywhere within the city unless and until the owner or person harboring such animals shall have obtained written permission from the city's department of animal control. Said permission must be obtained within ten days of obtaining the animal or arriving in the city.
- (b) Any person having at the date of the adoption of the ordinance codified in this chapter or thereafter obtaining, owning or having the care, custody, or control of any wild animal, shall receive written permission from the animal control officer for information purposes. (Ord. No. 447-AC.)

#### **4-12 Restrictions On Keeping Fowl**

It is unlawful for any person to keep or cause to be kept, or permit to be kept on premises over which any person may have control within the city limits:

- (a) Any rooster or the male of any species of fowl over the age of three months, except where permitted in the proper land use zone;
- (b) Any fowl within seventy feet of any dwelling or other buildings used for the habitation of human beings, other than his own personal and private dwelling;
- (c) Any fowl that shall not at all times be confined within a suitable home or coop or enclosed runway;
- (d) Any fowl in any house, coop or runway which shall not at all times be kept clean and free from offensive odor. (Ord. No. 447-AC)

#### **4-13 Restraint And Sanitation**

- (a) Every person who is the owner of any animal or keeps the same upon his premises or under his care, custody or control, must have a fenced yard or use a chain, or other adequate means so that said animal shall not leave or escape from the premises upon which it shall be kept.
- (b) No person shall keep any such animal unless its living area is kept clean and free from offensive odors, animal wastes and rodents, excessive amounts of flies, or any other offensive or unwholesome condition.
- (c) It is unlawful for the owner or person having care, custody, or control of any animal to permit, either willfully or through failure to exercise due care and control of such animal, any animal to excrete any solid waste upon any sidewalk of any public street or public park, or upon any real property of any other person, or upon any place to which the public has normal access or right of ingress or egress, provided further, that no violation of this section shall occur if the owner of the offending animal promptly and voluntarily removes the animal waste. (Ord. No. 447-AC)

#### **4-14 Strays -- Impoundment**

Any animal running at large shall be impounded at the city animal shelter for not less than seventy-two hours; within which time, if the ownership of the animal is provided and the owner calls for it. Such owner shall be able to remove such animal upon the payment of a fee for its impoundment in an amount to be determined by the city council, which shall go to the credit of the department of animal control, and an amount set by the city council for board of the animal. If the ownership of the animal is unknown and not easily ascertainable, or the animal is unclaimed after five days, the city may dispose of the animal by sale, gift or euthanasia. (Ord. No. 447-AC)

#### **4-15 Permitting Animals To Run At Large**

It is unlawful for any person having charge, custody or control of any dog or other animal, or any fowl, to permit the same to run at large or trespass on the private premises of another, or to be on any public highway, street, alley, court, public ground, or unfenced lot. Dogs on any public street or other premises, must be restrained by a leash, not to exceed six feet. (Ord. No. 447-AC)

##### **4-15.1 Rules To Observe Within Needles Dog Park**

- (a) It is unlawful for any person having charge, custody or control of a dog not to restrain the dog by leash, not to exceed six feet, except when the dog is within the enclosed boundary of the Needles Dog Park. Persons using the Dog Park facility must follow these rules and any other posted rules posted by the City.

##### **RULES TO OBSERVE WITHIN NEEDLES DOG PARK**

- (1) Keep all gates to the Dog Park closed!
- (2) Dog Park owners, holders, and users (collectively, "Dog Park Users") agree to hold the City and its various departments, employees, volunteers and agents harmless from all liability, claims, and/or damages for personal injury, property damage or injury to their pet(s).
- (3) Dog Park Users agree to abide by the Dog Park rules and any future amendments thereto.
- (4) Dog Park Users use the Dog Park AT THEIR OWN RISK and assume all risk of injury to themselves, any minor accompanying them, and users assume all risk of injury and damage to their personal property.
- (5) Only dogs are permitted and no more than three (3) dogs per Dog Park User.
- (6) No dog with a history of biting either a human or other dogs shall be permitted.
- (7) All dogs must be fully vaccinated and licensed, in compliance with State, County and City requirements, and must wear a collar with current tags. Spiked collars are not permitted.
- (8) Dogs must always be attended by, under the control of, and in the view of an adult over 18 years.
- (9) Dogs must be on leash at all times unless in the designated off-leash enclosed areas.
- (10) Dog Park Users must always have the leash on their person.
- (11) Dog Park Users are responsible for their dog's behavior and are legally responsible for injuries caused by their dog.
- (12) Dog Park Users must pick up after their dog and dispose of waste in the containers provided.
- (13) Dog Park Users must fill any holes made by their dogs.
- (14) No one under the age of 18 years shall be permitted in the Dog Park unless under adult supervision.
- (15) No female dogs in heat are permitted.
- (16) Rough play and aggressive dogs are not allowed. In the event a dog displays aggressive behavior, the dog shall immediately be placed on a leash and removed.
- (17) No human or dog food allowed; however, dog treats are allowed.

- (18) Never give treats to a dog without the Dog Park User's permission.
- (19) No alcohol or tobacco products permitted.
- (20) Only "throw" toys are allowed.
- (21) Do not brush or otherwise groom dogs inside the Dog Park.

#### **4-16 Duty To Impound Animals Running At Large**

It will be the duty of the animal control officer and of every police officer while on duty to take up and deliver to the animal shelter, subject to the provisions of this chapter, all animals, dogs or fowl found running at large or trespassing on any private premises, or found upon any public highway, street, alley, court, public grounds, or upon any unfenced lot, or not within a sufficient enclosure. (Ord. No. 447-AC)

#### **4-17 Right Of Entry**

The animal control officer or any police officer of the city, for just cause, shall have the right to enter upon any private property or public property in the city in order to examine or capture any animal thereon or therein, provided however, that no such officer, or employee, agent, or servant thereof, shall have the right to enter a house or structure without having first secured a search warrant or permission from the property owner thereof. (Ord. No. 447-AC)

#### **4-18 Means Of Capture**

The animal control officer or any police officer shall have the authority, when deemed by them reasonably necessary, to utilize a tranquilizer gun or any other form of device or substance in order to apprehend, capture, control, or subdue or destroy any animal either running at large, or considered to be a threat. (Ord. No. 447-AC)

#### **4-19 Release Of Dog And/Or Cat -- Basic Conditions**

No dog or cat impounded shall be released to any person residing within the city, except under the following conditions:

- (a) There has been presented to the department of animal control a current license for such dog, or a deposit for license paid by the person adopting, owning or keeping such animal. After fifteen days license deposits are forfeited if license is not obtained.
- (b) There has been paid to the department of animal control the impound, board, and other fees as provided by the law; or adoption fee, as established by the city council, by the person applying for the release of said animal.
- (c) Animal is deemed a gift. (Ord. No. 447-AC)

#### **4-20 Release -- Neutering Or Spaying**

Before the release of any dog or cat, a deposit is required by the state for the spaying or neutering of the animal. (Ord. No. 447-AC)

#### **4-21 Release -- Rabies Suspicion**

If the animal control officer suspects that any animal impounded has rabies he/she shall hold such animal for examination by a veterinarian. In the event that such animal is afflicted with rabies, it shall be disposed of or confined for such time as the animal control officer shall direct. Whenever the animal control officer shall determine that such animal does not have rabies, it shall be released as provided herein. (Ord. No. 447-AC)

#### **4-22 Quarantine Authority Generally**

The animal control officer may, by public notice and proclamation, quarantine any animal in any area of the city where he finds rabies or other disease to exist. During such quarantine period and until public notice of its



termination has been given by the animal control officer, each animal in that area must be securely confined by its owner. All such designated animals found at large in that area during such period may be impounded, quarantined or destroyed as ordered by the animal control officer. (Ord. No. 447-AC)

#### **4-23 Biting Animal -- Report**

It shall be the duty of anyone with knowledge of a human being having been bitten by any animal to promptly report the same to the animal control officer, and to provide all pertinent information requested. (Ord. No. 447-AC)

#### **4-24 Biting Animal -- Confinement If Vaccinated**

If the biting animal has been properly vaccinated against rabies, it shall be the duty of any person owning, possessing or having the care, custody or control of said animal to confine such animal separately and securely in keeping with directions from the animal control officer for a period of ten days. In the event such animal develops any illness during the quarantine period, the owner or person having the care, custody, or control shall promptly notify a veterinarian, who shall make such examination as he deems necessary and report his findings to the animal control officer. In the event said animal is deemed to have rabies, said animal shall be handled in accordance with the provisions of this chapter.

#### **4-25 Biting Animal -- Confinement If Unvaccinated**

In the event the biting animal has not been vaccinated against rabies, said animal shall be quarantined and confined, at the owner's expense in either the animal quarters at the business premises of a veterinarian, in the city animal shelter or at the owner's premises at the discretion of the animal control officer for a period of ten days for observation. Such animal shall not be released before suitable provisions for vaccination and licensing have been made as set forth in this chapter. (Ord. No. 447-AC)

#### **4-26 Rabies Suspect -- Confinement And Release**

- (a) Upon the receipt by the animal control officer of any animal believed to be afflicted with rabies, or which has been exposed to the infection of rabies, such officer shall separately confine such animal and shall immediately notify a veterinarian. The veterinarian shall thereupon make such examination of the animal as deemed necessary.
- (b) It shall be the duty of the animal control officer to keep such animal suspected of having rabies confined for such time as the veterinarian may direct, and such animal shall not be redeemed or released except upon written order signed by the animal control officer.
- (c) The cost of all examinations shall be borne by the owner of said animal. (Ord No. 447-AC)

#### **4-27 Rabies Suspect -- Impoundment -- Destruction**

It shall be the duty of the animal control officer to impound any animal found in or upon any public street, alley or other public place, or in or upon any lot or premises, whether public or private, if such animal is known to have been bitten or suspected of having rabies, or known to have been bitten by any animal having or suspected of having rabies, and such animal shall be brought immediately to a veterinarian for determination of whether the animal shall be destroyed or impounded. If destruction of the animal is required, destruction shall be accomplished in such manner as to preserve the head intact. Such head shall promptly and without delay be properly removed and packaged for shipment for laboratory analysis. (Ord. No. 447-AC)

#### **4-28 Owner To Report Suspicion Of Rabies**

Whenever any person owning, possessing or having the care, custody or control of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, he shall immediately notify the animal control officer to make an inspection or examination of such animal until it shall be established to the satisfaction of a veterinarian or animal control officer that such animal has or does not have rabies. (Ord. No. 447-AC)

#### **4-29 Bitten Animals**



Whenever any animal is bitten by another animal suspected of having rabies, the owner of the animal so bitten or the owner of the biting animal shall immediately notify the animal control officer. (Ord. No. 447-AC)

#### **4-30 Animal Bite Record**

It shall be the duty of the animal control officer to keep an accurate record of all reports of animal bites, including the place of occurrence, time of report, person making the report, disposition of the case, and such other information as may be required by the animal control officer. Each such case shall be investigated, and the animal properly dealt with in accordance with the provisions of this chapter. (Ord. No. 447-AC)

#### **4-31 Vicious Animals -- Just Cause**

- (a) Any animal which without provocation has attacked, bitten, or injured any human being, other animal or livestock, or which has a known propensity to attack or bite human beings or animals is defined to be a vicious animal for the purpose of this chapter.
- (b) It shall be the duty of the animal control officer to receive and investigate complaints concerning vicious animals. Whenever an animal complained against shall be deemed by a police officer or the animal control officer to be a possible vicious animal, the animal control officer shall report the fact to the administrative hearing officer in the form of a written complaint.
- (c) The administrative hearing officer, after the public hearing finds the evidence before it, that the animal complained of is in fact a vicious animal as defined in section 4-1, the administrative hearing officer may direct the owner or custodian of the vicious animal to confine the animal and to abate its danger to the public in accordance with section 4-1, or require the owner or custodian of the vicious animal to surrender the animal to the city and authorize the animal control officer to destroy the animal.
- (d) The animal control officer shall maintain a record of all known vicious animals in the city.
- (e) If any dangerous, fierce, or vicious animal shall be found at large or running at large and cannot be taken up or tranquilized and impounded, such animal may be slain by any duly authorized officer or agent. (Ord. No. 447-AC)

#### **4-32 Vicious Animals -- Restrictions**

- (a) A vicious animal shall be confined by the owner or custodian within a building or secure enclosure and shall not be upon any street or public place, except while securely restrained, humanely muzzled and in the charge of a responsible person.
- (b) A vicious animal not confined as required by this subsection is hereby declared a public nuisance, detrimental to the public health, safety and welfare. The owner of the animal shall be held strictly liable for any violation of this section and for any damages caused hereby. (Ord. No. 447-AC)

#### **4-33 Abandonment**

It shall be unlawful for any person owning, possessing or having the care, custody, or control of any animal or carcass, to abandon the same on a public street, road, alley, or any other public place, or upon the private property of another. An animal shall be considered to be abandoned when not claimed by an owner after seven calendar days. (Ord. No. 447-AC)

#### **4-34 Protective Care By Officer**

Whenever the animal control officer finds that any animal is, or will be, without proper care, the officer may take up such animal for protective care, and in the event of sickness or injury of the animal, where the owner or keeper is unknown, the officer may take any action he deems appropriate to prevent undue pain and suffering, including veterinary care or the immediate destruction of the animal. (Ord. No. 447-AC)

#### **4-35 Poisoning**

It is unlawful for any person to administer any poisonous drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another, or whether said drug or substance

be exposed upon such person's property, the private property of another, or any public place. (Ord. No. 447-AC)

#### **4-36 Vehicle Confinement Or Carrying -- Generally -- Open Trucks**

It is unlawful for any person to carry or enclose, or cause to be carried or enclosed in or upon any vehicle or conveyance any animal in a cruel or inhumane manner. It shall be unlawful for any person to transport or convey any animal in the bed of an open pickup truck or similar open vehicle without making some provisions to prevent said animal from jumping or being thrown from said vehicle or conveyance. (Ord. No. 447-AC)

#### **4-37 Vehicle Confinement -- Responsible Person**

No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or wellbeing of such animal due to heat, cold, lack of food or water, or such other circumstances as may be reasonably be expected to cause suffering, disability or death. (Ord. No. 447-AC)

#### **4-38 Vehicle Confinement -- Impoundment**

Any law enforcement officer or animal control officer who finds an animal in a motor vehicle in violation of this chapter may break and enter the motor vehicle if necessary to remove the animal.

- (a) The officer removing the animal shall take the animal to the animal shelter or to a veterinarian if deemed necessary and shall, in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name, office and address where the animal may be claimed by the owner thereof.
- (b) The animal will be surrendered to the owner if the owner claims the animal within seventy-two hours from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal.
- (c) In the event the owner cannot be contacted or expresses no interest in reclaiming the animal within the allotted seventy-two hour holding period the animal control officer may dispose of the animal in any reasonable humane manner, including adoption. (Ord. No. 447-AC)

#### **4-39 Found Animal Reporting**

Each person that shall take custody of any lost, abandoned animal running at large shall report the same to the animal control facility immediately after taking custody thereof. (Ord. No. 447-AC)

#### **4-40 Injury By Vehicles -- Motorist Responsibility**

- (a) Every operator of any vehicle upon the streets and ways of the city shall immediately upon injuring, striking, maiming or running down any animal give such aid as he/she is reasonably able to render. In the absence of the owner, he/she shall immediately contact the animal control officer furnishing sufficient facts relative to such injury.
- (b) It is the duty of such operator to remain at or near the scene until the appropriate authorities arrive, and immediately identify him or herself.
- (c) Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal shelter.
- (d) Emergency vehicles are not required to stop if an animal is hit while responding to an emergency call, but shall notify the animal control officer, as soon as possible. (Ord. No. 447-AC)

#### **4-41 Fighting**

It is unlawful for any person to own, keep, or use, or in any manner be connected with, or financially interested in, the management of, or to receive money or other thing of value for the admission of any person to, a house, apartment, pit or place procured or permitted to be used or occupied for baiting or fighting of animals; or to

instigate, promote, arrange, or carry on a fight between animals, or do any act as assistant, umpire, principal, spectator or otherwise in a fight between animals, or in aid of or calculated to encourage or further any fight between animals. (Ord. No. 447-AC)

#### **4-42 Injury And Overwork**

It is unlawful for any person to overdrive, overload, torture, beat, injure, maim, mutilate, or kill any animal whether belonging to himself or to another, whether on or off the premises of the owner of said animal. (Ord. No. 447-AC)

#### **4-43 Depriving Of Food, Shelter Or Medical Care**

It is unlawful to deprive any animal of necessary food, drink, or shelter, or expose to the elements of the weather and to the extremes of heat or cold, or refuse to obtain veterinary care for illness, injury, disease or infirmity, or willfully instigate, engage in, or in anyway further an act of cruelty to any animal, or any act to produce such cruelty. Action as per section 4-34. (Ord. No. 447-AC)

#### **4-44 Intoxicated Driving Or Riding**

It is unlawful for any person to ride or drive an equine while such person is under the influence of intoxicating liquor or drug.

#### **4-45 Cages, Fences And Leashes**

It is unlawful to confine an animal in any cage, coop, or fence barrier of a size deemed insufficient by the animal control officer; or to restrict any animal by leash, cord, or chain of a length deemed insufficient for the animal. (Ord. No. 447-AC)

#### **4-46 Trapping -- Manner -- Care While Trapped**

It is unlawful for any person to trap any animal with other than a humane "live" trap which will inflict no physical injury upon the animal. It is unlawful for any person having trapped an animal to leave it without food, water or shelter for an unreasonable period. (Ord. No. 447-AC)

#### **4-47 Trapping -- Disposal**

It is unlawful for any person who has trapped an animal, or discovers any animal so trapped, to dispose of it in any fashion. The animal shall immediately be taken to the shelter or call the shelter for a pick-up. (Ord. No. 447-AC)

#### **4-48 Crating Or Boxing**

It is unlawful for any person to overcrowd any animal in any crate, box, or other receptacle or fail to provide water, food, shelter, or sanitation for same. (Ord. No. 447-AC)

#### **4-49 Promotional Sale Or Gift**

It is unlawful for any person, in connection with any advertising campaign or promotion, to give, sell, or barter, or offer to use, give, sell, or barter, as a gift or prize, any live animal in any manner where there will be a transfer of ownership or possession. (Ord. No. 447-AC)

#### **4-50 Research Or Medical Use**

It is unlawful for any person within the city to sell or offer for sale, buy or offer to buy, barter or offer to barter, give or offer to give, or furnish any animal for the purpose of experimental, laboratory or vivisection use. (Ord. No. 447-AC)

#### **4-51 Euthanasia -- Certification**

No employees of a public or private animal shelter may use any substance in the euthanasia of animals unless he/she is certified as competent to use those substances by a certified educational institution or by a licensed veterinarian. (Ord. No. 447-AC)

#### **4-52 Public Nuisance Animal**

No person shall keep or maintain any animal in the city in such manner as to disturb the peace, comfort or health of any person.

- (a) Any person failing to abate such a nuisance after the administrative hearing officer has ordered him to do so shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not in excess of five hundred dollars. The administrative hearing officer, after due notice and an administrative hearing as required by this chapter, may impose civil penalties.
- (b) Any animal having been declared to be a public nuisance shall, when required by the administrative hearing officer and upon demand by the animal control officer, be delivered by this owner to the custody of the city. A public nuisance animal which has been impounded by the city may be redeemed by the owner only upon those conditions established by the administrative hearing officer for that animal.
- (c) Any animal found to be unredeemable shall be disposed of. No animal may be destroyed or otherwise disposed of pending the outcome of any appeal from an order of the administrative hearing officer. The animal control officer shall retain custody of the animal pending appeal, and the expense of the care, feeding, and any necessary veterinary care for the animal shall be charged to the owner.
- (d) As an alternative, if any person shall fail to abate a public nuisance animal or public nuisance condition after the administrative hearing officer has ordered him to do so, the city manager may refer the matter to the city attorney for appropriate legal action. (Ord. No. 447-AC)

#### **4-53 Professional Animal Handlers**

- (a) Persons operating or owning a commercial grooming parlor, kennel, pet shop, dog training facility, or any other commercial establishment which sells animals, or any noncommercial kennel must obtain a permit and business license from the city.
- (b) Inspection-Right of Entry. Any animal control officer, after proper identification, shall be permitted to enter, at any reasonable time, any commercial grooming school, grooming parlor, kennel, pet shop, dog training facility, or any other commercial establishment which sells animals, or any noncommercial kennel, for the purpose of making inspections to determine compliance with this chapter. Any animal control officer shall make as many inspections as necessary for the enforcement of this chapter, except that the time period between inspections shall not exceed one year.
- (c) Violation-Notice. Upon the inspection of a facility by the animal control officer, notification of any violations will be made to the owner or manager by written notice within five calendar days of the inspection.
- (d) Corrective Action. Upon the receipt of written notice of violation, the owner or manager will have five calendar days to rectify the violation. If the violation has not been corrected within the five-day period, the animal control officer may issue a misdemeanor or citation for the violation of the applicable section of this chapter.
- (e) Cage Construction and Size.
  - (1) Cages shall be constructed of fiberglass, metal, wood or wire or any combination thereof which is impervious to animal waste and can be kept sanitary.
  - (2) Cages shall be of height and width as to allow each animal the room to stand, sit, lie down, turn in a normal comfortable position. Stacked cages shall have flooring that prevents the excretion from entering the lower cages.
- (f) Run Construction and Size.
  - (1) Runs shall be of construction hardened cement, with one-fourth inch per foot drop to gutter outside wire. Solid partitions at least three feet high shall be provided between runs, chain-link construction shall be provided for all areas above the solid partitions with tops covering runs. A flushing system shall be available to all runs.

- (g) Capacity of Cage or Run. Animals maintained in cages or runs for a period exceeding twenty-four hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species.
- (h) Adult animals shall be segregated by sex, except where otherwise indicated for the health or welfare of the animal.
- (i) Housing and Disposal Requirements Generally.
  - (1) Indoor housing shall be sufficiently temperature controlled and ventilated to provide for the animal's comfort and health. Sufficient lighting shall be provided by either artificial or natural means.
  - (2) Outside housing shall be sufficient to protect an animal from any extreme weather conditions that may be detrimental to the animals' health.
  - (3) Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors and disease.
- (j) Feeding and Watering. There shall be made available to all animals on the premises fresh, wholesome, nutritious food, suitable for the species and supplied at least once a day and fresh water supplied as often as extreme weather requires. Food and water containers shall be kept clean.
- (k) Health Care. Each animal located at a grooming parlor, kennel, pet shop, or dog training facility shall be observed daily by the animal caretaker in charge. Sick, diseased or injured animals shall be provided with proper medical care immediately.
- (l) Nontoxic Materials-Floor Construction-Housekeeping. Animal housing facilities shall be constructed of nontoxic materials and of a structurally sound design. Interior floors shall be constructed to allow easy cleaning and be impervious to animal wastes. The housing facility shall be kept in good order and repair and be always kept clean and sanitary.
- (m) Storage and Refrigeration. Supplies of food and bedding shall be stored in a manner which adequately protects against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.
- (n) Lighting. The area of the building within which the animal is kept shall have ample light by natural or artificial means or both. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection of animals and facilities and the cleaning of the same.
- (o) Heating. The indoor portion of the building within which the animal is kept shall be sufficiently heated to provide for its health and comfort. The ambient temperature shall not be allowed to fall below fifty degrees Fahrenheit for animals not acclimated to lower temperatures.
- (p) Ventilation. The indoor portion of the building within which the animal is kept shall be adequately ventilated to provide for its health and comfort. Such area shall be provided with fresh air either by means of windows, doors, vents, coolers or air conditioning. Auxiliary ventilation, such as exhaust fans, vents, coolers, or air conditioning shall be provided when the ambient temperature is eighty-five degrees Fahrenheit or higher.
- (q) Interior Surfaces-Painting. The interior building surfaces shall be maintained so that they are substantially impervious to animal wastes and may be readily sanitized.
- (r) Drainage. A suitable method shall be provided to rapidly eliminate water from the area of the building within which the animal is kept. If drains are used, they shall be properly constructed and kept in good repair to avoid clogging and foul odors there from. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.
- (s) Outdoor Shelter-Sun and Elements.
  - (1) Sufficient shelter shall be provided which allows all animals kept outdoors protection from the direct rays of the sun and shelters them from all elements of weather. (Ord. No. 447-AC)



Any person owning, possessing or having the care, custody or control of an animal, who willfully refuses, fails or neglects to furnish any animal control officer the required information as provided herein, or who willfully fails, refuses or neglects to cause said animals to be registered and pay the license fees that the time and in the manner herein provided, or who willfully fails, refuses or neglects to pay any other fee or charge required by this chapter, or any person who shall willfully resist, interfere with or prevent any animal control officer in the exercise of his/her duties, or who violates any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as the law allows. (Ord. No. 447-AC)

#### **4-60 Mandatory Spaying And Neutering -- Cats**

- (a) Requirement. No person may own, keep, or harbor an unaltered un-neutered or un-spayed cat over the age of four (4) months in violation of this section. An owner or custodian of an unaltered cat must have the cat spayed or neutered, or provide a certificate of sterility, or obtain an unaltered cat license in accordance with this chapter.
- (b) Exemptions. This section shall not apply to any of the following:
  - (1) A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California licensed veterinarian. If the cat is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian must apply for an unaltered cat license.
  - (2) Any cat medically qualified by a California licensed veterinarian which is unable to be spayed or neutered due to the likelihood of the animal suffering serious bodily injury or death due to age or infirmity.
- (c) Denial or Revocation of Unaltered Cat License and Reapplication. City's Animal Control Department ("City's Animal Control Department" or "Department") may deny or revoke an unaltered cat license for one or more of the following reasons:
  - (1) The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;
  - (2) The Department has received at least three (3) complaints, verified by the Department, that the owner, custodian, applicant, or licensee has allowed a cat to be stray or run at large or has otherwise been found to be neglectful of his or her or other animals;
  - (3) The owner, custodian, applicant, or licensee has been previously cited for violating a state law, local ordinance or other municipal provision relating to the care and control of animals;
  - (4) The unaltered cat has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the meaning of the Needles Municipal Code or under state law;
  - (5) Any unaltered cat license held by the applicant has been revoked;
  - (6) The license application is discovered to contain a material misrepresentation or omission of fact.
- (d) Re-Application for Unaltered Cat License.
  - (1) When an unaltered cat license is denied, the applicant may re-apply for a license upon changed circumstances and a showing that the requirements of this chapter have been met. The Department shall refund one-half of the license fee when the application is denied. The applicant shall pay the full fee upon re-application.
  - (2) When an unaltered cat license is revoked, the owner or custodian of the cat may apply for a new license after a thirty (30) day waiting period upon showing that the requirements of this chapter have been met. No part of an unaltered cat license fee is refundable when a license is revoked, and the applicant shall pay the full fee upon re-application.
- (e) Appeal of Denial or Revocation of Altered Cat License—Request for Hearing.

(1) Notice of Intent to Deny or Revoke. The Department shall mail to the owner, custodian, licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered cat which includes the reason(s) for the denial or revocation. The owner, custodian, licensee, or applicant may request a hearing to appeal the denial or revocation. The request must be made in writing within ten (10) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.

(2) Hearing Officer. The hearing shall be conducted by an administrative hearing officer as defined in this chapter.

(3) Notice and Conduct of Hearing. The Department shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than thirty (30) days after the Department's receipt of the request for a hearing. The hearing will be informal, and the rules of evidence will be strictly observed. The Department shall mail a written decision to the owner or custodian within ten (10) days after the hearing. The decision of the hearing officer shall be the final administrative decision.

(4) Change in Location of Cat. If the cat is moved after the Department has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner, custodian, licensee, or applicant must provide the Department with information as to the cat's whereabouts, including the current owner or custodian's name, address, and telephone number.

(f) Transfer, Sale, and Breeding of Unaltered Cat. An owner or custodian who offers any unaltered cat for sale, trade, or adoption must include a valid unaltered cat license number with the offer of sale, trade, or adoption, or otherwise state and establish compliance with this section. The unaltered license must appear on a document transferring the animal to the new owner.

(g) Penalties. Penalties issued for failure to spay or neuter a cat shall be enforced as set forth below:

(1) An administrative citation, infraction, or other such authorized penalty may be issued to an owner or custodian of an unaltered cat for a violation of this section only when the owner or custodian is concurrently cited for another violation under state or local law pertaining to the obligations of a person owning or possessing a cat. Examples of such state law or local ordinance violations include, but are not limited to, the following: cat at large; failure to license a cat; cattery permit violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject cat in violation of the Penal Code; rabies quarantine violations for the subject cat; operating a business without a license and/or lack of State Tax Identification Number; animals left unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy animals.

(2) Should the owner or custodian of an unaltered cat be found in violation of a state or local law, as stated above, in subsection 4-60(g)(1), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section.

(h) Impoundment. When an unaltered cat is impounded pursuant to state and/or local law, in addition to satisfying applicable requirements for the release of the animal, including, but not limited to, payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the following:

(1) Provide written proof of the cat's prior sterilization, if conditions cannot or do not make this assessment obvious to the Department's personnel;

(2) Have the cat spayed or neutered by a veterinarian under contract with the Department at the expense of the owner or custodian. Such expense may include additional fees due to extraordinary care required;

(3) Have the cat spayed or neutered by another California licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to spay or neuter the animal and shall pay a spay/neuter deposit to the Department. The veterinarian shall complete and return to the Department within ten (10) days, a statement confirming that the cat has been spayed or neutered or is, in fact, incapable of breeding and shall release the cat to the owner or custodian only after the spay or neuter procedure is complete;



(4) At the discretion of the Department's manager, the cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the cat will be spayed or neutered and that he or she will submit a statement within ten (10) days of the release, signed by the veterinarian, confirming that the cat has been spayed or neutered or is incapable of breeding; or

(5) If the owner or custodian demonstrates compliance with this section.

(i) Costs of Impoundment. The owner or custodian of the unaltered cat shall be responsible for the costs of impoundment, which shall include daily board costs, vaccination/medication, and any other diagnostic or therapeutic applications as provided in this chapter.

(1) The costs of impoundment shall be a lien on the cat, and the unaltered animal shall not be returned to its owner or custodian until the costs are paid. If the owner or custodian of an impounded unaltered animal does not pay the lien against it in full within fourteen (14) days, the animal shall be deemed abandoned to the Department in accordance with this chapter.

(j) Application of Fees and Fines Collected. All costs and fines collected under this chapter and the fees collected under this section shall be paid to the Department for the purpose of defraying the cost of the implementation and enforcement of this program.

(k) No person shall be permitted to adopt any cat, which has not been neutered, unless and until a spay/neuter deposit shall have been paid to the City. The spay/neuter deposit shall be as established from time to time by resolution of the City Council in accordance with California Food and Agriculture Code section 30503.

(l) Upon presentation to City's Animal Control Department of a written statement or receipt from a veterinarian that such adopted cat has been altered within six months, the alter deposit shall be refunded to the person who paid the deposit.

All adopted cats, if not already spayed or neutered, shall be altered within sixty (60) days; or the alter deposit, if any, shall be deemed unclaimed and nonrefundable. (Ord. No. 645-AC)