

Chapter 6.08

ANIMAL CONTROL OFFICER

Sections:

- 6.08.010 Position Created.**
- 6.08.020 Authority.**
- 6.08.030 Authority to Enter onto Private Property.**
- 6.08.040 Warrants Not Required.**
- 6.08.050 Authority to Arrest and Issue Notices to Appear.**
- 6.08.060 Impounding Animals and Disposing of Animal Carcasses.**
- 6.08.070 Obstructing Duty- Unlawful.**
- 6.08.080 Equipment to Impound/Firearms Authorized.**
- 6.08.090 Mutual Aid Authority.**
- 6.08.100 No Liability of City.**
- 6.08.110 Applicability of State Laws.**

6.08.010. Position Created.

The Animal Control Officer shall serve in the dual capacity of Animal Control Officer and Pound master. The Animal Control Officer shall serve under the direction of the Police Chief and shall be responsible for licensing animals as required under this title and the maintenance and operation of the animal shelter. The Animal Control Officer shall receive such compensation as may be approved by the city council. Nothing shall prohibit the city from contracting with public or private entities for animal control services. (Ord 546 § 1, 1995)

6.08.020 Authority:

The Animal Control Officer may obtain an inspection warrant, pursuant to, and under the authority of, California Code of Civil Procedure section 1822.50 et seq. The Animal Control

Officer may enter into any premises whereupon the Animal Control Officer has a reasonable belief that violations of this title relating the care, treatment, and control of animals exist. (Ord 546 § 1, 1995)

6.08.030 Authority to Enter onto Private Property:

The Animal Control Officer shall have the right, and is hereby authorized, to enter onto private property for the purpose of enforcing the provisions of this title. The Animal Control Officer or his/her designee shall be given prompt access to the property upon exhibiting suitable evidence of his/her identity and authority. When entry is not granted after orally requesting such and exhibiting adequate identification, the Animal Control Officer shall obtain an inspection warrant pursuant to California Code of Civil Procedure section 1822.50 et seq. An inspection warrant is not required in emergency situations. Neither the Animal Control Officer nor the city shall be liable for any damage resulting from any reasonable entry. (Ord 546 § 1, 1995)

6.08.040 Warrants not Required:

The Animal Control Officer may enter onto private property without a warrant in the following situations:

- A. When entering is expressly permitted by the property owner.
- B. When he/she has probable cause to believe that a rabid, injured, sick, abandoned, or mistreated animal is present; or
- C. When in pursuit of an animal that:
 - 1. is unlicensed;
 - 2. has been running at large upon any public property, including any road or highway;
 - 3. has been trespassing on private property and the owner of such property has requested that such animal be apprehended.
- D. When he/she has probable cause to

believe that a violation of this title exists in any building or upon the premises. (Ord 546 § 1, 1995)

6.08.050 Authority to Arrest and Issue Notices to Appear:

The Animal Control Officer has the authority and duty, under California Penal Code sections 836.5 and 830.9, to investigate complaints and violations of the provisions of this title and may arrest a person without a warrant whenever he/she has reasonable cause to believe that the person to be arrested has violated this title. In the alternative the Animal Control Officer may issue a citation to any person violating the provisions of this title ordering such person to appear in court to answer such charges. (Ord 546 § 1, 1995)

6.08.060 Impounding Animals and Disposing of Animal Carcasses:

A. The Animal Control Officer shall seize and impound any animal found on any premises in violation of any portion of this title and he/she shall have a lien upon such animal sufficient to secure payment of all expenses incurred by reason of his/her seizing, transporting, keeping, and caring for such animal.

B. The Animal Control Officer shall remove and dispose of all dead animals found on any street or other public place. (Ord 546 § 1, 1995)

6.08.070 Obstructing Duty-Unlawful:

It is unlawful and shall be a misdemeanor for any person to willfully resist, delay, or obstruct the Animal Control Officer, in the discharge or attempt to discharge the duty of his/her office. (Ord 546 § 1, 1995)

6.08.080 Equipment to Impound/Firearms Authorized:

The Animal Control Officer is authorized to employ the use of a tranquilizer gun and any animal control equipment or devices ordinarily used within the state for animal control or to impound an animal. If in the opinion of the Chief of Police, it is advisable that the Animal Control Officer carry a firearm or other weapon, then the Animal Control Officer shall be entitled to carry such firearm or weapon. (Ord 546 § 1, 1995)

6.08.090 Mutual Aid Authority:

The Animal Control Officer may assist other animal control officers, other animal control departments, peace officers or public officials within the state when requested to do so and such requests are related to the field of animal control/impoundment. (Ord 546 § 1, 1995)

6.08.100 No Liability of City:

No Liability shall enure to the city for any action taken relating to the control or impoundment of animals as provided for in this title. (Ord 546 § 1, 1995)

6.08.110 Applicability of State Laws:

Notwithstanding the provisions of this title, the provisions of the California Health and Safety Code, the California Penal Code, and the California Code of Regulations relating to animal health, control, and care, and rabies control shall apply when such provisions are more stringent than those provided for in this title. (Ord 546 § 1, 1995)