

Chapter 6.17

DANGEROUS AND WILD ANIMALS

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6.17.010 **Conflicting Provisions.**

To the extent of any conflict or inconsistency between the provisions of this Chapter and Chapters 6.08, 6.12, or 6.16 of this title, the provisions of this Chapter shall prevail. Where there is no conflict or inconsistency, the provisions of Chapters 6.08, 6.12, and 6.16, shall be applied generally to supplement the provisions of this Chapter. (Ord. 512 §1 (part), 1993)

6.17.020 **Dangerous and Wild Animals.**

It shall be unlawful for any person to own, possess or maintain the custody, charge, or control of any animal known by such person to be dangerous or wild as regulated by Chapter 14 of Division 20 of the Health and Safety Code of the State (Sections 25990 et seq.) as such animals are defined in Article I of Chapter 1 of Division 3 of the Fish and Game Code of the State (Sections 2116, et seq.) (Ord. 512 §1(part), 1993)

6.17.030 **Animals at Large.**

A person who owns or is in charge of, controls or who possesses a dog or other animal who permits, allows, or causes the dog or other animal to run, stray, be uncontrolled, or in any manner be in, upon, or at large, upon a public street, sidewalk, park, or other public property or in or

upon the premises or private property of another person shall be guilty of a misdemeanor if such dog or other animal bites, attacks, or causes injury to any human being or other animal.

Any person convicted pursuant to this article shall not own, possess, control, or be in charge of any animal of the type which caused the bite, attack, or injury for a period of three years after the date of conviction. The Pound Master shall not issue or renew any license or permit for such type of animal for the person so convicted. (Ord. 512 §1 (part), 1993)

6.17.040 **Impoundment; Biting or Attacking Animals.**

A. The Pound Master shall have the power to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten, or injured any human being or other animal:

1. Pending any court or dog license or animal permit revocation proceeding arising from the attack, bite, or injury; or

2. To undertake a hearing pursuant to Section 6.17.050 of this Chapter.

B. Failure to surrender to the Pound Master upon demand a dog or other animal which is subject to being impounded pursuant to this Section shall be a misdemeanor. A dog or other animal impounded pursuant to the authority of this Section shall be returned to the owner or custodian as provided by subsection D of this Chapter, or when the dog or other animal is no longer required as evidence, or if a notice of a hearing pursuant to said Section 6.17.050 to declare the dog or other animal a dangerous animal has not been served on the owner or custodian within seven days after the impoundment.

C. In lieu of impounding, the Pound Master may permit the dog or other animal to be confined at the owner's or custodian's expense in a Pound Master approved dog kennel or veterinary facility within the City or at the owner's or custodian's

residence provided the owner or custodian:

1. Shall not remove the dog or other animal from the kennel, veterinary facility or other residence without the prior written approval of the Pound Master;

2. Shall make the dog or other animal available for observation and inspection by the Pound Master or members of law enforcement to their authorized representatives; and

3. The Pound Master may have a dog or other animal impounded or confined as provided in subsection 1 or 2 of this Section permanently identified by means of photo identification prior to release or impoundment or confinement. (Ord. 512 §1 (part), 1993)

6.17.050 Impounded or Confined Animals: Procedures.

A. Hearings. The Pound Master or Chief of Police, or their authorized representatives, shall conduct a hearing to determine whether or not a dog or other animal impounded pursuant to Section 6.17.040 of this Chapter is a dangerous animal. The hearing shall be conducted in an informal manner and shall afford the owner and the owner's witnesses a reasonable opportunity to be heard. Notice of the time and place of the hearing shall be served by pre-paid first class mail, within 45 days after the impoundment of the animal and at least 35 days prior to the hearing.

B. Dangerous Animals Declared. The Pound Master or Chief of Police, or their authorized representatives, after a hearing, may declare any dog or other animal to be a dangerous animal whenever it has bitten, attacked, or caused injury to any human being or other animal.

C. Determinations of Dangerous Animals: Evidence. In making a determination that a dog or other animal is or is not dangerous, evidence of the following shall be considered:

1. Any previous history of the dog or other

animal attacking, biting, or causing injury to a human being or other animal;

2. The nature and extent of injuries inflicted and the number of victims involved;

3. The place where the bite, attack, or injury occurred;

4. The presence or absence of any provocation for the bite, attack, or injury;

5. The extent to which property has been damaged or destroyed;

6. Whether the dog or other animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;

7. Whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals;

8. Whether the dog or other animal can be effectively trained or re-trained to change its temperament or behavior;

9. The manner in which the dog or other animal has been maintained by its owner or custodian;

10. Any other relevant evidence concerning the maintenance of the dog or other animal; and

11. Any other relevant evidence regarding the ability of the owner or custodian, or the Pound Master, to protect the public safety in the future if the dog or other animal is permitted to remain in the city.

D. Dangerous Animals: Disposition.

1. It shall be unlawful for any person to own, possess, harbor, or keep any dog or other animal declared by the Pound Master after a hearing, to be dangerous.

2. Any dog or other animal declared by the Pound Master to be dangerous, if not already impounded by the Pound Master, shall be immediately surrendered to the Pound Master, and it shall be the duty of the Pound Master to take up

and impound any such dog or other animal.

3. Any dog or other animal declared to be a dangerous animal shall be humanely destroyed. The Pound Master shall sign an order authorizing the destruction of the dog or other animal after the seventh (7th) day after the decision affirming that the dog or other animal is a dangerous animal has been served upon the owner or custodian of the animal.

E. Dogs or Other Animals Determined Not Dangerous: Procedure. If it is determined that the dog or other animal is not dangerous, but that the bite, attack, or injury was the result of improper or negligent training, handling, or maintenance, the dog license or animal permit may:

1. Be revoked if it is determined that the owner or custodian is unable or unwilling to properly train, handle or maintain the dog or other animal, and a similar incident is likely to occur in the future in the absence of proper training, handling, or maintenance; or

2. Be reissued with reasonable terms, conditions, or restrictions imposed for the training, handling, or maintenance of the dog or other animal to protect the public, health, safety, and welfare if it is determined that the owner or custodian is able and willing to properly train, handle, or maintain the dog or other animal, and a similar incident is not likely to occur in the future with proper training, handling, or maintenance.

F. Revoked Licenses of Previously Impounded or Confined Dogs or Animals.

1. If a dog or other animal has been impounded or confined pursuant to this Section, and its license or permit has been revoked pursuant to subsection (1) of subsection (E) of this section, and the owner or custodian wishes to reclaim or remove the dog or animal from the city, the Pound Master shall release it, provided the dog or other animal is taken to its new location immediately, and directly upon its release from impoundment or confinement. Failure to remove the dog or other animal permanently, immediately and directly from the city upon release from

impoundment or confinement shall be a misdemeanor. All pound fees shall be paid prior to the release of the dog or other animal.

2. Any dog or other animal which has previously been impounded or otherwise confined and which has not been claimed within seven (7) calendar days after the service of a notice of revocation of its license or permit shall be deemed abandoned and shall be disposed of by the Pound Master in accordance with this article. Notwithstanding the provisions of this subsection, the owner may enter into a written agreement with the Pound Master to take additional time to remove, or to cause the dog or other animal to be removed, to a new location outside the city. Such additional time shall not exceed ten (10) days. All pound fees shall be paid prior to the release of the dog or other animal.

G. Animal Identification. Any dog or other animal subject to this section shall be permanently identified by the Pound Master by the use of photographs or permanent markings, or both, prior to the release of such dog or other animal from impoundment or confinement.

H. Limitations on Future Possession. Any person whose dog or other animal has been declared dangerous or whose license or permit has been revoked pursuant to this section shall not own, possess, control, or be in charge of any animal of the type declared to be dangerous or whose license or permit has been revoked for a period of three (3) years after the date of the action declaring the animal dangerous or revoking the license or permit. The Pound Master shall not issue or renew any license or permit for such type of animal for any such person. (Ord. 512 §1 (part), 1993; Ord. 738 §1, 2006)

6.17.060 Decisions Final.

The decisions of the Pound Master or Chief of Police, or their authorized representatives, shall be final. (Ord. 512 §1 (part), 1993)