

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING SECTIONS 91.001  
THROUGH 91.9999 OF TITLE IX, CHAPTER 91—ANIMALS**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA:**

Section 1.

Title IX, Chapter 91, Sections 91.001 through 91.999 is hereby *deleted* as follows:

***Pet Care***

~~91.001—Dogs at large~~

~~91.002—Animals in vehicles~~

***Animals Other Than Household Pets***

~~91.015—Purpose~~

~~91.016—Definitions~~

~~91.017—Insanitary conditions~~

~~91.018—Animals at large~~

~~91.019—Unnecessary noise~~

~~91.020—Number and kind of animals limited~~

~~91.021—Burial of deceased animals~~

~~91.022—Manure: keeping; receptacles; cleaning~~

~~91.023—Dairies~~

~~91.024—Riding academies~~

~~91.025—Dangerous animals at large~~

~~91.026—Keeping diseased animals~~

~~91.027—Transporting animals in motor vehicles~~

~~91.028—Variances~~

***Impoundment***

- ~~91.040—Small animal pound authorized~~
- ~~91.041—Poundmaster~~
- ~~91.042—Right of entry~~
- ~~91.043—Interference with Poundmaster~~
- ~~91.044—Impounding duties~~
- ~~91.045—Notice of impoundment~~
- ~~91.046—Reclaiming animals~~
- ~~91.047—Notice of sale; sale of animals~~
- ~~91.048—Disposition of unredeemed or infected animals~~
- ~~91.049—Proceeds from sale~~
- ~~91.050—Impounding fees~~

***Registration of Dogs and Kennels***

- ~~91.065—Definitions~~
- ~~91.066—Registration required; exceptions~~
- ~~91.067—Registration fees~~
- ~~91.068—Registration period~~
- ~~91.069—Vaccination; certificate~~
- ~~91.070—License tags~~
- ~~91.071—Registration records~~

***Rabies Control***

- ~~91.085—Rabid animals at large~~
- ~~91.086—Suspicion of rabies~~

~~91.087—Quarantine of animals~~

~~91.088—Disposition of rabid dogs~~

~~91.089—Transporting dogs to or from rabies area~~

***~~Vicious, Potentially Dangerous, and Public Nuisance Dogs~~***

~~91.100—Findings and declarations~~

~~91.101—Definitions~~

~~91.102—Procedure for declaring a dog potentially dangerous, vicious, or a nuisance~~

~~91.103—Notice of hearing, determination~~

~~91.104—Appeal~~

~~91.105—Seizure and immediate impoundment~~

~~91.106—When dogs may not be declared potentially dangerous, vicious, or public nuisance~~

~~91.107—Disposition of potentially dangerous or vicious dogs~~

~~91.108—Procedure for destruction of vicious dogs~~

~~91.109—Ownership of vicious dogs prohibited~~

~~91.110—Disposition of public nuisance dogs~~

~~91.111—Removal from list~~

~~91.999—Penalty~~

**PET CARE**

**~~§ 91.001—DOGS AT LARGE.~~**

~~—Registration as provided in § 91.071 shall entitle the owner of the dog for which the same is issued to keep such dog in the city during the term for which the registration shall be issued; provided, however, such owner shall at all times keep the dog securely enclosed in a room, pen, or enclosure or shall keep the dog securely tethered or on a leash. It shall be unlawful for any person at any time to have, own, or possess any dog in the city, whether the same is licensed or not, unless the dog shall be kept so enclosed or tethered or on a leash.~~

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~~(63 Code, § 5-1.313) (Ord. 2823, passed 12-15-59) Penalty, see § 91.999~~

~~§ 91.002 ANIMALS IN VEHICLES.~~

~~—(A) No person shall transport or carry, on any public highway or public roadway, any dog in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a cab or container, cage or other device that will prevent the dog from falling from, being thrown from, or jumping from, the motor vehicle.~~

~~—(B) No person shall leave a dog or any other animal in any unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health or welfare.~~

~~(63 Code, § 5-1.314) (Ord. 418 C.S., passed 1-2-85)~~

~~ANIMALS OTHER THAN HOUSEHOLD PETS~~

~~§ 91.015 PURPOSE.~~

~~—The Council does hereby find and determine that the growth and development of the city for residential purposes have reached such a state that the keeping of animals, poultry or racing-homing pigeons within the city, unless properly regulated as to location and sanitary conditions, and as to certain animals, unless definitely limited in number or entirely prohibited, is detrimental to the public health, safety, and general welfare, and that the public interest requires that the Council prescribe rules and regulations with respect thereto as set forth in this subchapter.~~

~~(63 Code, § 5-1.501) (Ord. 2823, passed 12-15-59; Am. Ord. 337 C.S., passed 4-7-81)~~

~~§ 91.016 DEFINITIONS.~~

~~—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—ANIMALS. Includes horses, ponies, mules, jacks, jennies, cows, bulls, calves, heifers, sheep, goats, swine, rabbits, and all other domestic or domesticated animals other than household pets.~~

~~—DWELLING. The main or principal dwelling located on the property of a person other than the keeper of the animals or poultry.~~

~~—HOUSEHOLD PETS. Includes cats, dogs, canaries, birds of the parrot or psittacinae family, and other kindred animals and birds usually and ordinarily kept as household pets.~~

~~—POULTRY. Pigeons, chickens, ducks, geese, turkeys, and all other domesticated fowl other than household pets and racing homing pigeons.~~

~~—RACING HOMING PIGEONS. Those pigeons, identified by seamless leg bands, which are kept and maintained for the specific purpose of racing or message carrying. Pigeons kept or raised for market or other commercial purposes shall not be deemed racing homing pigeons for the purposes of this subchapter.~~

~~(‘63 Code, § 5-1.502) (Ord. 2823, passed 12-15-59; Am. Ord. 337 C.S., passed 4-7-81)~~

~~§ 91.017 INSANITARY CONDITIONS.~~

~~—It is hereby declared to be a nuisance and it shall be unlawful for any person to keep or permit to be kept upon any premises any animals, poultry, racing homing pigeons, or household pets in a foul, offensive, obnoxious, filthy, or insanitary condition.~~

~~(‘63 Code, § 5-1.503) (Ord. 2823, passed 12-15-59; Am. Ord. 337 C.S., passed 4-7-81) Penalty, see § 91.999~~

~~§ 91.018 ANIMALS AT LARGE.~~

~~—It is hereby declared to be a nuisance and it shall be unlawful for any person to allow or permit animals or poultry, other than household pets, to run at large upon any public street or place or to trespass upon the property of another. This provision shall not be construed as permitting the running at large of any household pets restricted by the provisions of any other law of the city or by any law applicable thereto. This section does not prohibit the controlled release and exercise of racing homing pigeons.~~

~~(‘63 Code, § 5-1.504) (Ord. 2823, passed 12-15-59; Am. Ord. 337 C.S., passed 4-7-81) Penalty, see § 91.999~~

~~§ 91.019 UNNECESSARY NOISE.~~

~~—It is hereby declared to be a nuisance and it shall be unlawful to keep, maintain, or permit on any lot or parcel of land any animal, poultry, racing homing pigeon, or household pet which by any sound or cry shall disturb the peace and comfort of any neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property.~~

~~(‘63 Code, § 5-1.505) (Ord. 2823, passed 12-15-59; Am. Ord. 337 C.S., passed 4-7-81) Penalty, see § 91.999~~

~~§ 91.020 NUMBER AND KIND OF ANIMALS LIMITED.~~

~~—(A) It is hereby declared to be a nuisance and it shall be unlawful to keep or permit to be kept upon any premises in the city:~~

~~—(1) Any rabbits or poultry except racing homing pigeons within 50 feet of any dwelling, school, church, or hospital;~~

~~—(2) More than 30 in all rabbits or poultry, except racing homing pigeons within 100 feet of any dwelling, school, church, or hospital; or,~~

~~—(3) More than 200 in all rabbits or poultry, except racing homing pigeons, and except by special permit of the Planning Commission first had and obtained, or any rooster over four months old within 50 feet of any dwelling, school, church, or hospital. This provision limiting the maximum number of rabbits or poultry to 200 in all shall not be retroactive or effective as to rabbit or poultry ranches actually in operation on January 1, 1960, when the average number of rabbits or poultry ordinarily kept at any such establishment exceeds such number.~~

~~—(4) Racing homing pigeons may be kept in a loft and liberated for exercise or racing not less than 25 feet from any door or window of a habitable room of a dwelling. A permit may be issued by the Finance Department authorizing the keeping and liberating for exercise and racing of such racing homing pigeons. The fees for said permit shall be payable on an annual basis on January 1 of each year and shall become delinquent, if not paid on or before January 1 of each calendar year, within 30 days at which time a penalty of 50% shall be added to the fee which became delinquent on January 31. The fees for said permit shall be as follows:~~

~~—Up to 30 racing homers \$100~~

~~—Up to 100 racing homers 50~~

~~—(5) No permit shall be issued for over 100 racing homers and a permit shall be maintained for as long as the loft is in existence. A loft or coop placed on the roof of a structure shall be screened from view of the public.~~

~~(63 Code, § 5-1.506)~~

~~—(B) It is hereby declared to be a nuisance and it shall be unlawful to keep or permit to be kept upon any premises in the city any horse, mule, jack, jenny, cow, bull, calf, heifer, sheep, goat, swine, hog, or pig:~~

~~—(1) On any lot containing less than 30,000 square feet; or,~~

~~—(2) In any corral or barn within 75 feet of any dwelling.~~

~~(63 Code, § 5-1.507)~~

~~(Ord. 2823, passed 12-15-59; Am. Ord. 337 C.S., passed 4-7-81; Am. Ord. 784 C.S., passed 11-17-12) Penalty, see § 91.999~~

~~§ 91.021 BURIAL OF DECEASED ANIMALS.~~

~~—(A) It shall be the duty of all persons having dead animals upon their premises, or the owner or possessor of any animal dying within the city, to bury the same at least one foot underground either upon his own premises or in some post outside the inhabited portion of the city within 24 hours after the same shall have died.~~

~~(63 Code, § 5-1.508)~~

~~—(B) If any person fails or neglects to bury any animal as provided in this subchapter, it shall be the duty of the Poundmaster to proceed forthwith to have the same buried, and it shall be lawful for the city to charge to and recover from the owner or possessor of such dead animal the cost of burial thereof. Any person who shall neglect or refuse to bury or cause to be buried any dead animal upon his premises or in any public place of which he is the owner or possessor, or pay the city the cost incurred in burying such dead animal, shall be guilty of a misdemeanor. In the event the Poundmaster, after diligent search, cannot find the owner or possessor of any dead animal in this subchapter referred to, he shall cause the same to be buried, and the cost thereof shall be paid by the city.~~

~~(63 Code, § 5-1.509)~~

~~(Ord. 2823, passed 12-15-59)~~

~~§ 91.022 MANURE: KEEPING; RECEPTACLES; CLEANING.~~

~~—(A) No person shall keep any manure within 35 feet of any window or door of any inhabited structure or within 100 feet of any church, school, hospital, or place where food products are kept, stored, manufactured, or served to the public.~~

~~(63 Code, § 5-1.511)~~

~~—(B) Every person owning or occupying premises where any manure from any horse, pony, mule, cow, or other animal accumulates shall provide for the removal of such manure daily. Unless all manure accumulated on any premises shall be removed daily, boxes, bins, or receptacles of a design and construction acceptable to the Health Officer shall be provided by the owner or occupant of such premises, and such boxes, bins, or receptacles shall be used only for the purpose of containing the accumulation of manure and shall be kept tightly closed at all times except when manure shall be placed therein or removed therefrom. In no instance shall manure be so placed in such boxes or receptacles in such a manner as to prevent the tight closing of the lid; provided, however, nothing contained in this section shall apply to manure which is spread as fertilizer over or around cultivated plants, vines, vegetables, lawns, bushes, shrubs, or trees or to manure kept by any nursery for commercial fertilizer purposes unless such manure creates a nuisance, either from fly breeding or excessive, obnoxious odors. Such boxes, bins, or receptacles shall be constructed of brick, stone, concrete, metal, or wood lined with metal or other sound materials and shall be~~

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~~proofed against access to the contents thereof by flies. The contents of such boxes, bins, or receptacles shall be removed at least once a week.~~

~~(63 Code, § 5-1.512)~~

~~—(C) No person who is ordered by the Health Officer to clean or disinfect any stable, barn, stall, pen, coop, building, or place in which any horse, pony, mule, cow, or other animal is kept, or who is ordered by such officer to clean or disinfect any box, bin, or receptacle used for the accumulation of manure, shall fail, neglect, or refuse to clean and disinfect such stable, barn, stall, pen, coop, building, place, box, bin, or receptacle.~~

~~(63 Code, § 5-1.513)~~

~~(Ord. 2823, passed 12-15-59) Penalty, see § 91.999~~

~~§ 91.023 DAIRIES.~~

~~—(A) Maintenance. The provisions of this subchapter shall not be retroactive so as to apply to dairies in actual operation on January 1, 1960. No extensions or additions shall be permitted to be made to any such dairies except such alterations or repairs as may be required to be made therein to fulfill any requirements of the Humboldt Del Norte Counties Department of Public Health, and in such event such alterations or repairs may be made only upon the express permission of the Planning Commission of the city, issued upon written approval of the Humboldt Del Norte Counties Department of Public Health, stating the necessity therefor; and provided, further, no enlargement of any existing dairy shall be permitted by adding to the number of animals kept upon any premises in the city in connection with such use without the approval of the Planning Commission and the Health Officer.~~

~~(63 Code, § 5-1.514)~~

~~—(B) Abandonment. Any cessation of operations of existing dairies, coupled with a change in the use of the premises for other purposes, shall be construed to be an abandonment of the premises for such original purpose.~~

~~(63 Code, § 5-1.515)~~

~~(Ord. 2823, passed 12-15-59)~~

~~§ 91.024 RIDING ACADEMIES.~~

~~—From and after January 1, 1960, no riding academy, club, or school having horse, mule, or pony corrals or barns in connection therewith may be commenced, maintained, or operated within the city except upon special permit from the Planning Commission of the city first had and obtained.~~



~~(‘63 Code, § 5-1.516) (Ord. 2823, passed 12-15-59) Penalty, see § 91.999~~

~~§ 91.025 DANGEROUS ANIMALS AT LARGE.~~

~~—No person owning or having custody or control of any dog or other animal known by such person to be vicious or dangerous shall permit the same to run at large or to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.~~

~~(‘63 Code, § 5-1.517) (Ord. 2823, passed 12-15-59) Penalty, see § 91.999~~

~~§ 91.026 KEEPING DISEASED ANIMALS.~~

~~—No person shall keep any animal which is known or believed by him to be infected with any dangerous or communicable disease, or which is afflicted with any painful disease believed by him to be incurable, without a permit so to do from the Public Health Officer of the Humboldt Del Norte Counties Department of Public Health.~~

~~(‘63 Code, § 5-1.518) (Ord. 2823, passed 12-15-59) Penalty, see § 91.999~~

~~§ 91.027 TRANSPORTING ANIMALS IN MOTOR VEHICLES.~~

~~—No person shall transport any animal on the running board of any motor vehicle, or outside the passenger compartment, tonneau, or body thereof, unless such animal is protected by a framework or other device which will prevent such animal from falling off or being thrown from such motor vehicle while it is in motion.~~

~~(‘63 Code, § 5-1.519) (Ord. 2823, passed 12-15-59) Penalty, see § 91.999~~

~~§ 91.028 VARIANCES.~~

~~—In the event any person believes that unreasonable restrictions or unnecessary and extraordinary hardship or damage will be imposed upon him from the carrying out of the strict letter of any of the provisions of this subchapter, he may request a hearing therein before the Council, and if, after a public hearing thereon held upon notice to the claimant, the Council finds that unreasonable restrictions or unnecessary and extraordinary hardship or damage will be imposed upon him, any of the provisions or regulations hereby made may be modified in harmony with the general purposes and objectives hereof to the end that the public health, safety, and welfare of the people may be secured and substantial justice done.~~

~~(‘63 Code, § 5-1.520) (Ord. 2823, passed 12-15-59)~~

**IMPOUNDMENT**

~~§ 91.040 SMALL ANIMAL POUND AUTHORIZED.~~

~~—A small animal pound is hereby authorized in the city. It shall be located at some convenient place to be fixed by the Council. The small animal pound shall be and remain under the charge and control of the Poundmaster. The Poundmaster shall cause all animals impounded to be provided with sufficient food and water suitable therefor and shall keep the small animal shelter in a clean and sanitary condition at all times.~~

~~(‘63 Code, § 5-1.101) (Ord. 2823, passed 12-15-59)~~

~~§ 91.041 POUNDMASTER.~~

~~—(A) The office of Poundmaster within the Police Department is hereby established as part of the administrative organization of the city. The Poundmaster shall be appointed by and hold office at the pleasure of the City Manager, receiving such compensation as the Council from time to time may provide for, and shall work under the supervision of the Chief of Police. While engaged in the discharge of his duties, the Poundmaster shall wear a badge plainly designating his office. He shall enforce all laws of the city and state relating to the care, treatment, and impounding of dumb animals and the prevention of cruelty to dumb animals. He shall be sworn in as a police officer and be vested with the power and authority of such an officer for the sole purpose of performing the duties of Poundmaster, but he shall not be deemed to be a member of the Police Department unless qualified and appointed as such.~~

~~(‘63 Code, § 5-1.201)~~

~~—(B) All employees of the city working under the supervision and direction of the Poundmaster shall possess every power and perform all duties belonging to the office of Poundmaster whenever the Poundmaster shall designate and authorize any employee to so act; provided, however, no employee shall be so empowered unless he has been sworn in as a police officer of the city and has been issued a metallic badge, plainly designating his office, to be worn while performing such duties.~~

~~(‘63 Code, § 5-1.202)~~

~~(Ord. 2823, passed 12-15-59)~~

~~§ 91.042 RIGHT OF ENTRY.~~

~~—In the administration and enforcement of the provisions of this chapter the Poundmaster shall have authority to enter upon any premises upon which any animal is kept for the purpose of picking up, seizing, or impounding any animal found running at large, or staked, herded, or grazing thereon, contrary to the provisions of this chapter, or for the purpose of ascertaining whether such animal is registered or licensed as provided in this chapter, or for the purpose of inspecting the premises to ascertain whether any law of the city or state relating to the care, treatment, or~~

~~impounding of dumb animals or birds, or to the prevention of cruelty to dumb animals or birds, is being violated; provided, however, the right of entry shall be exercised only during daylight hours, and no building shall be entered without the consent of the owner or tenant. If any owner or tenant objects to such entry into any building, the Poundmaster shall secure a warrant authorizing him to enter and search such building and to arrest any person there present violating, or attempting to violate, any law of the city or state relating to the care, treatment, or impounding of dumb animals or birds or to the prevention of cruelty to dumb animals or birds.~~

~~(‘63 Code, § 5-1.203) (Ord. 2823, passed 12-15-59)~~

~~§ 91.043 INTERFERENCE WITH POUNDMASTER.~~

~~No person shall resist or interfere with the Poundmaster in the performance of his official duties, nor shall any person fail or refuse to exhibit the registration of any animal required to be licensed by this chapter when required to do so by the Poundmaster.~~

~~(‘63 Code, § 5-1.204) (Ord. 2823, passed 12-15-59) Penalty, see § 91.999~~

~~§ 91.044 IMPOUNDING DUTIES.~~

~~(A) It shall be the duty of the Poundmaster to take up, seize, and impound any animal found running at large in or upon any street or upon any unenclosed lot, or found staked out, herded, or grazing upon any street in any manner contrary to the provisions of this chapter. All police officers on duty shall be required to take up, seize, and immediately deliver to the Poundmaster any animals so found running at large.~~

~~(‘63 Code, § 5-1.205)~~

~~(B) The Poundmaster shall keep a record of each animal impounded, including the date such animal was received, the date and manner of its disposal, and the name and address of the person who redeemed, reclaimed, or purchased the animal from the animal pound, together with the amount of all fees received and collected therefor and the number of any license or the date of any registration exhibited or issued in connection therewith.~~

~~(‘63 Code, § 5-1.206)~~

~~(Ord. 2823, passed 12-15-59)~~

~~§ 91.045 NOTICE OF IMPOUNDMENT.~~

~~If any animal taken up or impounded shall be licensed or registered, and if such tag and number shall be upon the collar of such animal, the Poundmaster shall give notice to the owner thereof within 48 hours after the animal shall have been taken up. Such notice shall state that the animal has been taken up and impounded and will be disposed of or killed as provided in this chapter. The~~

~~notice shall be served upon the owner by delivering the same to him personally, or by leaving the same with any person at the place of residence of the owner, as stated in the records of the city, or by posting the same in a conspicuous place at the address of such owner, or by United States mail.~~

~~(‘63 Code, § 5-1.208) (Ord. 2823, passed 12-15-59)~~

~~§ 91.046 RECLAIMING ANIMALS.~~

~~—The owner or person entitled to the custody of any animal taken up, seized, or impounded may, at any time before the sale or disposal thereof, redeem such animal by paying to the Poundmaster the charges and fees, including registration fees, accruing up to the time of such redemption.~~

~~(‘63 Code, § 5-1.207) (Ord. 2823, passed 12-15-59)~~

~~§ 91.047 NOTICE OF SALE; SALE OF ANIMALS.~~

~~—(A) All impounded animals, except dogs, cats, rabbits, birds, and poultry, shall be promptly advertised for sale by the Poundmaster if not redeemed within three days after being impounded. He shall post three notices of sale, one at the entrance to the animal pound, one at the entrance to the Police Department, and one at any other place in the city. The notice shall contain a general description of the animal to be sold, with its marks or brands, if any, and shall note the date, hour, and place of sale.~~

~~(‘63 Code, § 5-1.209)~~

~~—(B) The Animal Control Officer shall proceed to sell for an amount of money established from time to time by resolution of the Council, those impounded animals advertised for sale by the Animal Control Officer. The Animal Control Officer shall execute to the purchaser thereof a bill of sale, and thereupon the title of such animal shall vest in such purchaser.~~

~~(‘63 Code, § 5-1.210)~~

~~(Ord. 2823, passed 12-15-59; Am. Ord. 308-C.S., passed 3-20-79)~~

~~§ 91.048 DISPOSITION OF UNREDEEMED OR INFECTED ANIMALS.~~

~~—(A) The Poundmaster shall sell, or order the destruction of, any dog, cat, rabbit, bird, or poultry which is unredeemed within three days after the notice of impoundment shall have been given to the owner or possessor of any such registered or licensed animal. Any person who buys any such animal shall pay the Poundmaster the reasonable value thereof, together with the accrued pound fees and the required registration fee therefor. No dog, cat, rabbit, bird, or poultry shall be retained in the animal pound longer than one week, except when under quarantine or upon the written approval of the City Manager.~~

~~(63 Code, § 5-1.211)~~

~~—(B) It shall be the duty of the Poundmaster to issue and sign a death warrant for, and to order the destruction of, any animal lawfully taken into the custody of the city which is, in the opinion of the Poundmaster, by reason of old age, unfit for use or which is infected with any dangerous or communicable disease, in any incurably crippled condition, or adjudged by a written report of a licensed veterinarian to be inflicted with any painful, incurable disease.~~

~~(63 Code, § 5-1.214)~~

~~(Ord. 2823, passed 12-15-59)~~

~~§ 91.049 PROCEEDS FROM SALE.~~

~~—Upon the sale of any animal, other than dogs, cats, rabbits, birds, and poultry, any balance of the proceeds remaining after the payment of the accrued fees, charges, and demands shall be paid into the city treasury for the use of the owner of such animal if claimed within six months thereafter; if not so claimed, the same shall be credited to the general fund of the city.~~

~~(63 Code, § 5-1.212) (Ord. 2823, passed 12-15-59)~~

~~§ 91.050 IMPOUNDING FEES.~~

~~—The Animal Control Officer shall charge, receive and collect fees and charges for services and impounding animals as shall be established from time to time by resolution of the Council. All monies received therefor shall be paid into the city treasury to be credited to the general fund:~~

~~—Services——Fees~~

~~—(A) For picking up and impounding any dog——\$3.00~~

~~—(1) For the second offense——5.00~~

~~—(2) For the third offense——10.00~~

~~—Services——Fees~~

~~—(3) For the fourth and subsequent offenses——\$25.00~~

~~—(B) For picking up and impounding one or more cats 2.00~~

~~—from one address~~

~~—(C) For picking up and impounding any other animal, 5.00~~

~~—except rabbits, birds, or fowl~~

~~—(D) For picking up and impounding one or more~~

~~—rabbits, birds, or fowl at one address——1.00~~

~~—(E) For feeding and caring for animals:~~

~~—(1) For each dog, per day——3.00~~

~~—(2) For each cat, per day——.50~~

~~—(3) For horses, mares, colts, mules, jacks, jennies, calves, sheep, goats, hogs, rabbits, birds, fowl, or other animals not specified or set forth in this section, the reasonable cost of feeding and caring for the same; provided, however, no feeding or care charge shall be made for the day upon which any animal is impounded, but a full day's charge shall be made for the day on which such animal is redeemed or sold.~~

~~—(F) For giving notice of the sale of any impounded~~

~~—animal——1.00~~

~~—(G) For picking up and disposing of any dog at the~~

~~—request of the owner——1.50~~

~~—(H) For picking up and disposing of one or more~~

~~—cats at one address at the request of the owner——1.50~~

~~—(I) For picking up and disposing of any other small~~

~~—animal, rabbit, bird, or fowl at one address at~~

~~—the request of the owner——1.00~~

~~—(J) For picking up and disposing of dead animals~~

~~—from animal hospitals, for each animal——.50~~

~~(63 Code, § 5-1.213) (Ord. 2823, passed 12-15-59; Am. Ord. 290-C.S., passed 3-10-78; Am. Ord. 308-C.S., passed 3-20-79)~~

REGISTRATION OF DOGS AND KENNELS

~~§ 91.065 DEFINITIONS.~~

~~—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—KENNEL. Any lot, building, structure, enclosure, or premises wherein or whereon four or more dogs are kept for any purpose.~~

~~—OWNER. Any person keeping any dog for 15 consecutive days.~~

~~—UNLICENSED DOG. Any dog for which a registration fee has not been paid for the current year or to which a metal tag has not been attached as required by the provisions of this subchapter.~~

~~(‘63 Code, § 5-1.301) (Ord. 2823, passed 12-15-59)~~

~~§ 91.066 REGISTRATION REQUIRED: EXCEPTIONS.~~

~~—(A) It shall be unlawful for any person owning or having the custody or control of any dog over the age of four months to keep or possess such dog in the city unless such dog has been duly vaccinated for rabies, licensed, and registered in accordance with the provisions of this subchapter.~~

~~—(B) The provisions of division (A) of this section shall not be deemed or construed to apply:~~

~~—(1) To any dog owned by or in the custody or control of a nonresident of the city who is visiting or temporarily residing in the city for a period not exceeding 30 days; and~~

~~—(2) To any dog having an unexpired rabies vaccination certificate and an unexpired license or registration certificate issued by another city, county or city, or county in the state, and for a period of 30 days after the expiration of such certificates or until the expiration of the then current city dog registration period, whichever first occurs.~~

~~(‘63 Code, § 5-1.302) (Ord. 2823, passed 12-15-59; Am. Ord. 227 C.S., passed 4-5-74)~~

~~§ 91.067 REGISTRATION FEES.~~

~~—(A) An application for a dog license or kennel registration shall be made to the Finance Department, accompanied by the fee or charge as shall be established from time to time by resolution of the Council.~~

~~(‘63 Code, § 5-1.303)~~

~~—(B) Dogs which are duly licensed and registered pursuant to the provisions of this subchapter, or excepted therefrom, shall not be counted in computing the number of dogs in a kennel for the purposes of determining the kennel registration fee provided an affidavit is furnished with the~~

~~application for the registration of such kennel stating the number of licensed and registered or excepted dogs in the kennel and the license and registration number or description of each. The Director of Finance shall turn such affidavit over to the Poundmaster.~~

~~(63 Code, § 5-1.304)~~

~~—(C) No license or registration fee need be paid for any assistance dog while being kept in training as provided in § 91.066 of this subchapter or when owned by or in the custody of a disabled person. The owner or person having custody or control of any such assistance dog shall present to the Director of Finance satisfactory proof in the form of a certificate from a recognized assistance dog training school that such dog has been trained as an assistance dog, and the license bureau shall issue, without charge, a dog license, registration, and metal tag. In the event the ownership of any such assistance dog changes, the license and registration shall be transferred without charge upon the submission of satisfactory proof of such change of ownership to a disabled person. Such exemptions from the registration fee shall not be construed as exempting the owner or person having custody or control of any such dog from the other requirements of this subchapter.~~

~~(63 Code, § 5-1.305)~~

~~(Ord. 2823, passed 12-15-59; Am. Ord. 2843, passed 5-3-60; Am. Ord. 169-C.S., passed 7-2-71; Am. Ord. 227-C.S., passed 4-5-74; Am. Ord. 308-C.S., passed 3-20-79; Am. Ord. 688-C.S., passed 5-3-05)~~

~~§ 91.068 REGISTRATION PERIOD.~~

~~—All registrations provided for in this subchapter shall be valid for a period of 12 months and shall expire 12 months after issuance. The license and registration fees prescribed in this subchapter shall be paid in advance. Fees shall not be prorated, and the full amount thereof shall be paid regardless of the time the fee became due. All fees shall become delinquent if not paid within 30 days of the issuance of a valid certificate of canine anti rabies vaccination or within 60 days after the dog attains the age of four months. A penalty as shall be established from time to time by resolution of the Council shall be added to the fee which becomes delinquent. Such penalty, as well as the fee, shall be paid before the registration certificate is issued.~~

~~(63 Code, § 5-1.306) (Ord. 2823, passed 12-15-59; Am. Ord. 2837, passed 5-3-60; Am. Ord. 76-C.S., passed 6-18-66; Am. Ord. 169-C.S., passed 7-2-71; Am. Ord. 688-C.S., passed 5-3-05)~~

~~§ 91.069 VACCINATION; CERTIFICATE.~~

~~—(A) A dog license shall not be issued unless the applicant shows the license clerk a valid certificate of canine anti rabies vaccination, which certificate adequately describes the physical features of the dog and the date of vaccination and which bears the signature of the licensed veterinarian.~~



~~(63 Code, § 5-1.307)~~

~~—(B) The type of vaccine acceptable and the frequency of vaccination shall be determined by the Department of Public Health of the state.~~

~~(63 Code, § 5-1.308)~~

~~(Ord. 2823, passed 12-15-59)~~

~~§ 91.070 LICENSE TAGS.~~

~~—(A) Dog license tags. With each dog registration there shall be issued a license tag bearing an identification number and the date of expiration, together with the words “Eureka Dog License” plainly inscribed thereon. Such license tag shall be securely fixed to a collar, harness, or other device to be worn at all times by the dog for whom the registration is issued, except while such dog remains indoors or in an enclosed yard or pen.~~

~~—(B) Duplicate license tags. Whenever a license tag, as provided for in this section, issued for the current year, has been lost, taken, or stolen by party unknown to the owner or persons having control of the dog for which the same was issued, such owner or person having control of such dog may, upon the payment of the fee or charge as shall be established from time to time by resolution of the Council and upon making and subscribing to a declaration of such loss of such tag, receive from the Director of Finance a duplicate license tag for the remaining portion of the year for which the original license was issued.~~

~~(63 Code, § 5-1.309)~~

~~—(C) Unauthorized removal. It shall be unlawful for any unauthorized person to remove from any dog any collar, harness, or other device to which is attached a license tag for the current year or to remove such tag therefrom.~~

~~(63 Code, § 5-1.310)~~

~~(Ord. 2823, passed 12-15-59; Am. Ord. 2922, passed 9-18-62; Am. Ord. 308 C.S., passed 3-20-79)~~

~~§ 91.071 REGISTRATION RECORDS.~~

~~—(A) Each registration required by this subchapter shall state the name and residence address of the person to whom issued, the nature of the registration, the amount paid therefor, the date issued, and the date on which the registration shall expire. In the case of a dog registration, the registration shall also contain a description of the dog, the number of the metal tag accompanying the registration certificate, and the date of vaccination. In the case of a kennel registration, the registration shall also state the maximum number of dogs which may be kept in such kennel under~~

~~the authority of such registration. No such kennel registration shall be made or issued except on the approval of the Planning Commission.~~

~~(63 Code, § 5-1.311)~~

~~—(B) The city shall keep a record of the name and address of each person to whom a registration certificate or certificate and tag are issued pursuant to the provisions of this subchapter, the date of issuance thereof, the number of the metal tag, and a description of the dog or kennel for which issued. All moneys received for registrations or licenses under the provisions of this chapter shall be paid to the city treasury, to be credited to the general fund.~~

~~(63 Code, § 5-1.312)~~

~~(Ord. 2823, passed 12-15-59)~~

#### ~~RABIES CONTROL~~

##### ~~§ 91.085 RABID ANIMALS AT LARGE.~~

~~—It shall be unlawful for any person owning, having an interest in, harboring, or having the care, charge, control, custody, or possession of a dog or other animal, knowing that such dog or animal has rabies, to allow or permit such dog to go free and run at large within the city.~~

~~(63 Code, § 5-1.401) (Ord. 2823, passed 12-15-59) Penalty, see § 91.999~~

##### ~~§ 91.086 SUSPICION OF RABIES.~~

~~—(A) Whenever the owner or person having the custody or possession of any animal shall observe or learn that such animal has shown symptoms of rabies, or has acted in a manner which would lead a reasonable person to suspect that it might have rabies, such owner or person having the custody or possession of such animal shall immediately notify the Health Officer or his representative and shall permit the Health Officer to make an inspection or examination of such animal and to quarantine such animal until it shall be established to the satisfaction of the Health Officer that such animal does or does not have rabies.~~

~~(63 Code, § 5-1.402)~~

~~—(B) Whenever it shall appear to the Health Officer that there is reason to believe that any dog or other animal has rabies, or has been exposed to rabies, the Health Officer shall make an inspection and examination of such animal and shall quarantine such animal until it shall be established to the satisfaction of the Health Officer that such animal does or does not have rabies.~~

~~(63 Code, § 5-1.403)~~

~~(Ord. 2823, passed 12-15-59)~~

~~§ 91.087 QUARANTINE OF ANIMALS.~~

~~—(A) Whenever it is shown that any animal has bitten any person, the owner or person having custody or possession thereof shall isolate the animal as provided in Section 2606, Title 17 California Administrative Code.~~

~~—(B) Animals that have bitten a human shall be confined in a manner that will allow observation of the animal for the duration of the isolation period.~~

~~—(C) Isolation of a biting animal may be allowed on the owner's premises when, in the judgment of the Health Officer or Animal Control Officer, adequate facilities are provided to ensure adequate confinement and when the owner exhibits a responsible attitude that will ensure confinement during the isolation period. A securely fenced yard or caged area are considered adequate for home confinement.~~

~~—(D) When, in the judgment of the Health Officer or Animal Control Officer, adequate facilities for confinement may not exist or the owner may be unable or unwilling to properly supervise confinement of the animal, confinement shall occur at a veterinary hospital or a dog kennel, at the expense of the owner.~~

~~—(E) In cases where the owner does not desire to quarantine the biting animal, the owner may authorize euthanasia of the biting animal for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in the health department laboratory.~~

~~—(F) Unvaccinated animals subject to rabies, which have been bitten or have been in intimate contact with a known or suspected rabid animal, shall be quarantined for a period of six months or destroyed. Animals quarantined pursuant to this section shall be quarantined in double confinement to prevent escape or contact with other animal species subject to rabies.~~

~~(‘63 Code, § 5-1.404)~~

~~—(G) Whenever any animal shall be bitten by another animal having rabies, the owner or person having custody or possession of the animal so bitten shall, upon being informed thereof, quarantine it and keep it confined or tied for a period of six months, and the Health Officer shall have power, in his discretion, to kill or quarantine any animal so bitten in the event the owner or person having custody or possession thereof shall fail to do so immediately or in the event the owner or person having custody or possession thereof is not readily accessible.~~

~~(‘63 Code, § 5-1.405)~~

~~(Ord. 2823, passed 12-15-59; Am. Ord. 436-C.S., passed 1-2-86)~~

~~§ 91.088 DISPOSITION OF RABID DOGS.~~

~~—If it shall appear to the Health Officer or other official of the Board of Health, upon examination, that a dog or other animal has rabies, he shall, after a quarantine period as provided in this subchapter, kill it forthwith.~~

~~(‘63 Code, § 5-1.406) (Ord. 2823, passed 12-15-59)~~

~~§ 91.089 TRANSPORTING DOGS TO OR FROM RABIES AREA.~~

~~—(A) No person shall take a dog or permit or encourage a dog to go from a city or town in which rabies exists or has existed within six months previously, or from any place in the country within five miles of which rabies exists or has existed within six months previously, to any county in which rabies does not exist or has not been known to be present within six months.~~

~~(‘63 Code, § 5-1.407)~~

~~—(B) No person shall bring a dog into the city from a county in which rabies is present or has been known to be present within six months.~~

~~(‘63 Code, § 5-1.408)~~

~~(Ord. 2823, passed 12-15-59)~~

~~VICIOUS, POTENTIALLY DANGEROUS, AND PUBLIC NUISANCE DOGS~~

~~§ 91.100 FINDINGS AND DECLARATIONS.~~

~~—The City Council finds and declares all of the following:~~

~~—(A) Potentially dangerous and vicious dogs have become a serious threat to the safety and welfare of the citizens of the city and nuisance dogs present a threat to the peace and quiet of incorporated areas.~~

~~—(B) The number and severity of unprovoked attacks by potentially dangerous and vicious dogs have increased and have resulted in serious injuries to individuals, including injury and death to other domestic pets.~~

~~—(C) The failure of owners of such potentially dangerous and vicious dogs to properly confine and control their animals is the primary cause of the increased incidence of attacks upon persons and other animals and the disturbance of the peace and quiet of incorporated areas.~~

~~—(D) The necessity for the regulation and control of vicious, potentially dangerous and public nuisance dogs is a city wide problem, requiring city regulation, and existing city ordinances are~~

~~inadequate to deal with this threat to the public health and safety posed by vicious, potentially dangerous and public nuisance dogs.~~

~~(‘63 Code, § 5-1.601) (Ord. 543-C.S., passed 5-21-92)~~

~~Statutory reference:~~

~~—For similar provisions, see Cal. Food & Agric. Code, §§ 31601 et seq.~~

~~§ 91.101 DEFINITIONS.~~

~~—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—ENCLOSURE. A fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the dog within the enclosure. The enclosure shall be securely locked and have secure sides, top, and bottom sufficient to prevent the animal from escaping.~~

~~(‘63 Code, § 5-1.606)~~

~~—HEARING ENTITY/OFFICER. The Chief of Police or his or her designee.~~

~~(‘63 Code, § 5-1.608)~~

~~—OWNER OR KEEPER'S PROPERTY. For the purpose of defining potentially dangerous, vicious and public nuisance dogs, the owner or keeper's property includes that property over which the owner or keeper has the exclusive possession and use.~~

~~(‘63 Code, § 5-1.607)~~

~~—POTENTIALLY DANGEROUS DOG.~~

~~—(1) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.~~

~~—(2) Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in SEVERE INJURY below.~~

~~—(3) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.~~

~~(‘63 Code, § 5-1.603)~~

~~—PUBLIC NUISANCE DOG. Any dog which gives offense to human senses or substantially interferes with the rights of persons, other than its owner or keeper, to the enjoyment of life or property. The term shall include, but not be limited to, any dog which:~~

~~—(1) On three separate occasions within a 36-month period has been cited, or impounded for being off its owner's or keeper's property in violation of any state or local law prohibiting the running at large of dogs.~~

~~—(2) Causes damage to the property of anyone other than its owner or keeper.~~

~~—(3) Harasses or intimidates persons on public property or private property other than owned or under the control of its owner or keeper.~~

~~—(4) Repeatedly chases vehicles that are not on its owner's property.~~

~~—(5) Makes disturbing noises such as barking, howling, whining, or other utterances to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the dog is maintained.~~

~~—(6) Has been allowed by its owner or keeper to produce odors which annoy, disturb or cause discomfort to persons in the vicinity of the property where the dog is maintained.~~

~~—(7) Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner or keeper so as to be offensive to persons or dangerous to the public health, safety or welfare.~~

~~—(8) Has, when unprovoked, bitten any person who is lawfully on the owner's or keeper's property causing minor injury.~~

~~(‘63 Code, § 5-1.604)~~

~~—SEVERE INJURY. Any physical injury to a human being that results in muscle tears, broken bones, or disfiguring lacerations or requires multiple sutures or corrective cosmetic surgery.~~

~~(‘63 Code, § 5-1.605)~~

~~—VICIOUS DOG.~~

~~—(1) Any dog owned or harbored for the purpose of dog fighting.~~

~~—(2) Any dog seized under Cal. Penal Code, § 599aa and upon sustaining of a conviction of the owner or keeper under Cal. Penal Code, § 597.5, subdivision (a).~~

~~—(3) Any dog which, when unprovoked, in an aggressive manner inflicts severe injury or kills a human being.~~

~~—(4) Any dog previously determined to be a potentially dangerous dog which, after its owner or keeper has been notified of this determination continues the behavior described in the definition of POTENTIALLY DANGEROUS DOG, above, or is maintained in violation of this subchapter.~~

~~(‘63 Code, § 5-1.602)~~

~~(Ord. 543-C.S., passed 5-21-92)~~

~~§ 91.102 PROCEDURE FOR DECLARING A DOG POTENTIALLY DANGEROUS, VICIOUS OR A NUISANCE.~~

~~—If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous, vicious or a nuisance, the Animal Control Officer, or his or her designee, shall petition the Chief of Police, or his or her designee, for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous, vicious, or a nuisance. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the Animal Control Officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The chief officer of the Animal Control Department or head of the local law enforcement agency shall notify the owner or keeper of the dog that a hearing will be held by the hearing officer at which time he or she may present evidence as to why the dog should not be declared potentially dangerous, vicious, or a nuisance. Said evidence may be offered either written or oral by the owner of the dog or any interested citizen, including Animal Control Officers, humane officers, or peace officers, citizen, including Animal Control Officers, humane officers or peace officers, and shall be sworn to and/or signed under declaration of penalty of perjury.~~

~~(‘63 Code, § 5-1.609) (Ord. 543-C.S., passed 5-21-92)~~

~~§ 91.103 NOTICE OF HEARING, DETERMINATION.~~

~~—(A) The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first class mail with return receipt requested. The hearing shall be held promptly within no less than five working days nor more than ten working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public. The hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous, vicious, or a nuisance, and make other orders authorized by this subchapter.~~

~~(‘63 Code, § 5-1.610)~~

~~—(B) After the hearing conducted pursuant to division (A) of this section, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first class mail postage prepaid by the hearing officer. If a determination is made that the dog is potentially dangerous, vicious, or a nuisance, the owner or keeper shall comply with the provisions of this subchapter in accordance with a time schedule established by the chief officer of the Animal Control Department of the head of the local law enforcement agency, but in no case more than 30 days after the date of the determination or 35 days if notice of the determination is mailed to the owner or keeper of the dog.~~

~~(63 Code, § 5-1.611)~~

~~(Ord. 543 C.S., passed 5-21-92)~~

~~§ 91.104 APPEAL.~~

~~—(A) If the petitioner or the owner or keeper of the dog contests the determination of the hearing officer, he or she may, within five days of receipt of the notice of determination, appeal the decision of the hearing officer to a designated Appeal Committee. The Appeals Committee shall be comprised of three members: one selected by the hearing officer, one selected by the Animal Control Officer and one selected by the owner or keeper of the dog. The Appeals Committee shall be convened by the hearing officer within ten days of the receipt of notice of appeal. The party seeking the appeal shall serve personally or by first class mail, postage prepaid, notice of the appeal upon the other party within two days of the filing of the notice of appeal.~~

~~(63 Code, § 5-1.612)~~

~~—(B) The hearing officer of original jurisdiction or the Committee hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing.~~

~~(63 Code, § 5-1.613)~~

~~—(C) The determination of the Appeal Committee hearing the appeal shall be final and conclusive upon all parties.~~

~~(63 Code, § 5-1.614)~~

~~(Ord. 543 C.S., passed 5-21-92)~~

~~§ 91.105 SEIZURE AND IMMEDIATE IMPOUNDMENT.~~

~~—If upon investigation it is determined by the Animal Control Officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety the Animal Control Officer or law enforcement officer may seize and impound the dog pending~~



~~the hearing or determination provided for in §§ 91.102 and 91.103. The owner or keeper of the dog shall be liable to the city for the costs and expenses of keeping the dog if the dog is later determined to be potentially dangerous or vicious. If public safety is adequately assured, the Animal Control Officer of the city may permit the dog to be confined at the owner's expense in an approved kennel or veterinary facility or on the owner's premises.~~

~~(63 Code, § 5-1.615) (Ord. 543-C.S., passed 5-21-92)~~

~~§ 91.106 WHEN DOGS MAY NOT BE DECLARED POTENTIALLY DANGEROUS, VICIOUS OR PUBLIC NUISANCE.~~

~~—(A) No dog may be declared potentially dangerous, vicious, or a nuisance if any injury or damage is sustained by a person who, at the time of the injury or damage was sustained was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous, vicious or a nuisance if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous, vicious or a nuisance if any injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog.~~

~~—(B) No dog may be declared potentially dangerous, vicious or a nuisance if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.~~

~~(63 Code, § 5-1.616) (Ord. 513-C.S., passed 5-21-92)~~

~~§ 91.107 DISPOSITION OF POTENTIALLY DANGEROUS OR VICIOUS DOGS.~~

~~—(A) All dogs which had been determined by the hearing entity to be potentially dangerous dogs or vicious dogs shall be properly licensed and vaccinated. The status of the dog shall be included in the licensing records either after the owner or keeper has agreed to the designation or the hearing entity has determined the designation applies to the dog. An additional fee of twice the applicable license fee shall be charged for maintaining this additional information in the records.~~

~~—(B) A potentially dangerous or vicious dog while on the owners' property, shall, at all times, be kept indoors, or in an enclosure as defined in § 91.101. A potentially dangerous dog may be off the owner's property only if it is restrained by a substantial leash or within an enclosed vehicle. A vicious dog may be off the owner's property if the owner complies with division (E)(8) below.~~

~~—(C) The owner of a potentially dangerous or vicious dog shall notify the Animal Control Department, in writing, within two working days if the dog in question dies, is sold, transferred, or permanently removed from the city.~~

~~—(D) Owners of potentially dangerous or vicious dogs shall notify in writing any person to whom the dog is sold that the dog is potentially dangerous or vicious.~~

~~(63 Code, § 5-1.617)~~

~~—(E) In addition to the dispositions in divisions (A) through (D) above, upon a determination by the hearing entity that a dog is a vicious dog the following shall apply:~~

~~—(1) A dog which has been determined to be vicious pursuant to the provisions of §§ 91.101 through 91.103 shall not be licensed unless the owner or keeper of the vicious dog is 18 years of age or older and meets the following requirements:~~

~~—(2) Provide proof to the Animal Control Officer the owner or keeper has procured liability insurance in the amount of at least \$100,000 covering any damage or injury which may be caused by the vicious dog during the 12-month period for which the licensing is sought.~~

~~—(3) The owner or keeper shall, at his or her own expense, and within two working days of receipt of notice of determination that the dog is vicious shall provide the Animal Control Department with two current color photographs of the dog which shows the animal in a standing position.~~

~~—(4) The owner or keeper of a vicious dog shall certify under penalty of perjury to all of the following:~~

~~—(a) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dog prior to the expiration of that license.~~

~~—(b) The owner or keeper shall, on or before the effective date of the license for which application is being made, have an approved enclosure for the dog on all property where the vicious dog will be kept or maintained.~~

~~—(c) The owner or keeper shall notify the Animal Control Officer immediately upon discovery if the vicious dog is running at large, is unconfined, has attacked another domestic animal or has attacked a human being, has died, has been sold, or transferred, or has been permanently removed from the city. Immediately upon discovery shall mean as soon as practicable taking into consideration the circumstances, but in no event later than 24 hours after the occurrence or the next working day in which the animal control office is open.~~

~~—(d) If the vicious dog is sold, the owner or keeper shall provide the Animal Control Officer with the name, address, and telephone number of the new owner or keeper.~~

~~—(5) It shall be unlawful to sell or give away a dog previously determined to be vicious unless the owner or keeper of the dog advises the new owner or keeper of the status of the dog in writing.~~

~~—(6) All dogs determined to be vicious shall be confined in an enclosure as defined in § 91.101. It is unlawful for any owner or keeper to maintain a vicious dog upon any property which does not have an enclosure as described in § 91.101.~~

~~—(7) It is unlawful for any owner or keeper to allow any vicious dog to be outside of the enclosure unless it is inside the dwelling of the owner or keeper or it is necessary for the owner or keeper to obtain veterinary care for the dog, to sell or give away the dog, or to comply with any directive of the Animal Control Officer with respect to the dog.~~

~~—(8) In any case where a vicious dog is lawfully outside the enclosure, except in cases where it is inside the dwelling of the owner or keeper, the dog shall be securely muzzled and restrained, with a leash sufficient to restrain the dog, having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and the dog shall be under the direct control and supervision of its owner or keeper.~~

~~—(9) The hearing entity may impose any additional conditions upon the ownership of the dog that protect the public health, safety or welfare.~~

~~(‘63 Code, § 5-1.618)~~

~~(Ord. 543-C.S., passed 5-21-92)~~

#### ~~§ 91.108 PROCEDURE FOR DESTRUCTION OF VICIOUS DOGS.~~

~~—(A) A dog determined to be vicious may be destroyed by the Animal Control Officer when it is found, after proceedings conducted under §§ 91.102 and 91.103, that the release of the dog would create a significant threat to the public health, safety, or welfare.~~

~~—(B) An owner of a dog which has previously been determined to be a vicious dog violates the provisions of this subchapter relating to the keeping of vicious dogs.~~

~~—(C) A dog which has previously been determined to be a vicious dog, when unprovoked, attacks, wounds, bites, or otherwise injures or kills any person.~~

~~—(D) A dog shall not be destroyed pursuant to divisions (B) and (C) above without a hearing pursuant to §§ 91.102 and 91.103.~~

~~(‘63 Code, § 5-1.619) (Ord. 543-C.S., passed 5-21-92)~~

#### ~~§ 91.109 OWNERSHIP OF VICIOUS DOGS PROHIBITED.~~

~~—The owner of a dog determined to be a vicious dog may be prohibited by the Animal Control Officer from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted under §§ 91.102, and 91.103, that~~

~~ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.~~

~~(63 Code, § 5-1.620) (Ord. 543-C.S., passed 5-21-92)~~

~~§ 91.110 DISPOSITION OF PUBLIC NUISANCE DOGS.~~

~~—(A) No person shall keep or maintain any dog in such a manner as to cause or permit the dog to be a public nuisance dog.~~

~~—(B) No owner or keeper of a dog shall fail to abate a nuisance created by the keeping of such dog when ordered to do so by the Animal Control Officer or other peace officer employed by the county or a humane officer employed by the city.~~

~~—(C) The hearing entity may impose any reasonable conditions upon the ownership of the dog which shall correct the circumstances which created the nuisance.~~

~~—(D) Any dog having been declared to be a public nuisance dog pursuant to the provisions of §§ 91.101, 91.102 and 91.103 shall be delivered to the Animal Control Officer for impoundment until such time as the owner or keeper shall have satisfied the Animal Control Officer that they have taken steps to abate the nuisance created by the keeping of the dog. Failure to take such steps to the satisfaction of the Animal Control Officer within five working days following impoundment of the dog and notice of the conditions for release imposed by the Animal Control Officer, shall result in forfeiture of ownership of said dog.~~

~~—(E) No dog may be euthanized or otherwise disposed of if the owner or keeper of the dog has sought judicial review of the determination that the dog was a public nuisance dog until that review has been completed. The owner or keeper of the dog shall be liable for the cost of the care and feeding of the dog pending the outcome of the judicial review and shall deposit monthly in advance the cost of such care and feeding as determined by the Animal Control Officer. Failure to make such a deposit shall result in forfeiture of ownership of said dog after giving the owner or keeper of the dog five days written notice of their failing to make the required deposit in advance. In the event the judicial review is favorable to the owner or keeper of the dog, the amounts paid for the care and feeding of the dog pending the judicial review shall be refunded.~~

~~(63 Code, § 5-1.621) (Ord. 543-C.S., passed 5-21-92) Penalty, see § 91.999~~

~~§ 91.111 REMOVAL FROM LIST.~~

~~—If there are no additional instances of the behavior described in the definitions of POTENTIALLY DANGEROUS DOG and PUBLIC NUISANCE DOG in § 91.101, within a 36-month period from the date of designation as a potentially dangerous or public nuisance dog, the dog shall be removed from the list of potentially dangerous or public nuisance dog. The dog may, but is not required to be, removed from the list of potentially dangerous or public nuisance dog~~

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~~prior to the expiration of the 36-month period if the owner or keeper of the dog demonstrates to the Animal Control Officer that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety.~~

~~('63 Code, § 5-1.622) (Ord. 543-C.S., passed 5-21-92)~~

~~§ 91.999 PENALTY.~~

~~—(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the penalty contained in § 10.99.~~

~~—(B) Any violations of §§ 91.100 through 91.111 relating to vicious or potentially dangerous dogs shall be a misdemeanor as set forth in Cal. Food & Agric. Code, § 31662, \$1,000 in the case of vicious dogs and \$500 in the case of potentially dangerous dogs.~~

~~—(C) Any violation of §§ 91.100 through 91.111 relating to public nuisance dogs shall be an infraction, punishable as set forth in § 10.99 of this code of ordinances.~~

~~('63 Code, § 5-1.623) (Ord. 543-C.S., passed 5-21-92)~~

Section 2.

Title IX, Chapter 91, Sections 91.001 through 91.999, is hereby *added* as follows:

**CHAPTER 91—ANIMALS**

**I. GENERAL PROVISIONS**

**§ 91.100 PURPOSE.**

The purpose of this Chapter is to regulate the keeping and handling of animals and fowl within the City.

**§ 91.102 DEFINITIONS.**

For purposes of this Chapter, the following definitions apply, unless the context clearly indicates or requires a different meaning:

**ABANDON** means the act of leaving an Animal without Adequate Food, Adequate Water, or Adequate Care for 24 hours or more; or leaving an Animal in a situation where the conditions present an immediate, direct, and serious threat to the life, safety, or health of the Animal or to public safety. It also means to desert, forsake, or absolutely give up an Animal in a public place or on another's property without having secured another Owner or custodian for the Animal.

**ALTER** means to permanently render an Animal incapable of reproduction.

**ANIMAL** means and includes any members of the kingdom Animalia, except for Homo sapiens.

**ANIMAL CONTROL OFFICER** means any person who is appointed by the Chief of Police for the purpose of aiding in the enforcement of any ordinance or law relating to the welfare, licensing, control, quarantine, seizure, or impoundment of Animals. The Chief of Police or his/her designee will supervise the Animal Control Officer.

**AT LARGE** means any Domestic Animal away from the premises or property of its Owner, and not under physical restraint, such as a leash. A Domestic Animal will not be considered At Large when: (1) the Animal is assisting a peace officer who is engaged in law enforcement duties; or (2) the Animal is enrolled in and actually participating in a training or obedience course, exhibition, or competition conducted by an organization on private or public property with the permission of the owner or operator of the grounds or facilities.

**CARE** means the responsible practice of good Animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, exercise, and when necessary, euthanasia, that is appropriate for the age, species, condition, size, and type of Animal. It also refers to the provision of veterinary care when needed to prevent suffering or impairment of health.

**CARRIAGE** means any non-motorized vehicle with four wheels that carries people.

**CATTERY** means any enclosure, premises, building, structure, lot, or area in or on which four or more cats four months of age or older are kept, harbored, or maintained.

**DANGEROUS ANIMAL** means any animal, except a trained dog assisting a peace officer engaged in law enforcement duties, which because of its disposition, behavior, training or other characteristic constitutes a danger to person or Domestic Animal, as determined by the Animal Control Officer under the provisions of this Chapter. A dangerous animal includes all of the following:

- (1) An animal which, when Unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the animal and person are off of the Owner's property.
- (2) Any animal which, when Unprovoked, bites a person causing a less than Severe Injury;  
or
- (3) Any animal which, when Unprovoked, on two separate occasions within the prior 36-month period, has killed or severely injured a Domestic Animal off the Owner's property.

**DOMESTIC ANIMAL** means and includes dogs and cats, except feral Animals, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, llamas, camels, rabbits, and fowl commonly kept or raised as farm or livestock Animals.

**ESTRUS** means a regularly recurrent state of sexual receptivity during which the female of most mammals will accept the male and is capable of conceiving—often referred to as "heat" or "in season".

**EXERCISE** means the opportunity for an Animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the Animal.

**FEED** means food which is of sufficient quantity and nutritive value to maintain each Animal in good health; is accessible to each Animal; is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each Animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the Animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

**HEARING ENTITY/OFFICER.** The Chief of Police or the Chief of Police's designee.

**HOUSEHOLD PETS.** Includes cats, dogs, domesticated rodents, canaries, birds of the parrot or psittacinae family, and other kindred Animals and birds usually and ordinarily kept as household pets.

**IMPOUNDMENT** means and refers to the taking up and confining of an Animal by an Animal Control Officer or peace officer in accordance with the provisions of this Chapter or other applicable law or regulation.

**KENNEL** means any enclosure, premises, building, structure, lot, or area in or on which four or more dogs four months of age or older are kept, harbored, or maintained.

**NUISANCE ANIMAL** means any animal, which gives offense to human senses or substantially interferes with the rights of persons, other than its Owner, to the enjoyment of life or property. The term includes, but is not limited to, any animal that:

- (1) On three separate occasions within a 36-month period has been cited and/or impounded for being off its Owner's property in violation of any State or local law that prohibits running At Large.
- (2) Causes damage to the property of anyone other than its Owner.
- (3) Harasses or intimidates persons on public property or private property other than that owned by or under the control of its Owner.
- (4) Repeatedly chases vehicles that are not on its Owner's property.
- (5) Makes disturbing noises or other utterances to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the animal is maintained.
- (6) Has been allowed by its Owner to produce odors, which annoy, disturb, or cause discomfort to persons in the vicinity of the property where the animal is maintained.
- (7) Is one of a number of animals maintained on the property owned or controlled by its Owner so as to be offensive to persons or dangerous to the public health, safety, or welfare.
- (8) Has, when Unprovoked, bitten any person who is lawfully on the Owner's property causing less than severe injury.
- (9) Is unattended or at large while in Estrus.

**POULTRY.** Pigeons, chickens, ducks, geese, turkeys, and all other domesticated fowl other than Household Pets and Racing-Homing Pigeons.

**RACING-HOMING PIGEONS.** Those pigeons, identified by seamless leg bands, which are kept and maintained for the specific purpose of racing or message carrying. Pigeons kept or



raised for market or other commercial purposes are not Racing-Homing Pigeons for the purposes of this Chapter.

**OWNER** means the primary or responsible person who possesses, has title to or an interest in, harbors, or has control, custody, or possession of an Animal, or feeds the Animal for 14 or more consecutive days.

**SEVERE INJURY** means any physical injury that results in one or more of the following: one or more broken bones; one or more disfiguring-lacerations, avulsions, cuts, or puncture wounds requiring medical attention; two or more sutures or staples; permanent nerve damage; or transmittal of an infectious or contagious disease.

**SHELTER** means shelter that is suitable for the species, age, condition, size, and type of each Animal; provides adequate space for each Animal; is safe and protects each Animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each Animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner.

Under this Chapter, shelters with wire, grid, or slat floors that permit the Animal's feet to pass through the openings, sag under the Animal's weight, or otherwise do not protect the Animal's feet or toes from injury are not adequate Shelter. Materials not suitable for shelters include, but are not limited to:

- (1) Metal or plastic drums;
- (2) Abandoned or parked vehicles;
- (3) Uncovered porches or decks;
- (4) Lean-tos; or
- (5) Any other structure that fails to provide sufficient protection from the elements.

**UNLICENSED DOG** means any dog for which a registration fee has not been paid to the City of Eureka for the current year or to which a metal tag has not been attached as required by this Code.

**UNPROVOKED** means an aggressive act by an animal that is not prompted by torment, physical abuse, or injury to the animal. It will also refer to an aggressive act by an animal where the animal was not protecting itself, another Animal, its Owner, or another person from being assaulted. It will also refer to an aggressive act by an animal where the animal was not protecting real property belonging to its Owner from a crime being committed on the Owner's property at that time.

An incident will also be considered unprovoked if an animal injures law enforcement personnel while they are lawfully carrying out their duties.

**VICIOUS ANIMAL** means any animal which, when Unprovoked, inflicts severe injury, inflicts multiple bites, injures multiples parties in the same incident, kills a person, or any animal previously determined to be a Dangerous Animal which, after its Owner has been notified of this determination, continues or escalates the behavior of a Potentially Dangerous Animal or is involved in a subsequent incident, as determined by the Animal Control Officer in accordance with this Chapter.

**WATER** means clean, fresh, and potable water of a drinkable temperature, which is provided in a suitable manner, in sufficient volume, and at suitable intervals, appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size, and type of each Animal. Except as prescribed by a veterinarian Animals must have access to Water at all times. Water must be provided in clean and durable receptacles, which are accessible to each Animal and are placed so as to minimize contamination of the water by excrement and pests.

#### **§ 91.103 SCHEDULE OF FEES AND CHARGES.**

Fees and charges referred to in this chapter will be as set forth in a resolution adopted by the City Council and on file in the City Clerk's office.

#### **§ 91.104 VIOLATIONS AND PENALTIES**

Each violation of this Chapter constitutes a separate offense under Section 10.99 of the Eureka Municipal Code. A violation is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

#### **§ 91.105 INTERFERENCE WITH ANIMAL CONTROL OFFICER.**

It is unlawful to resist or interfere with the Animal Control Officer in the performance of their official duties, or to fail or refuse to exhibit the registration of any Animal required to be licensed by this Chapter when requested by the Animal Control Officer.

#### **§ 91.106 RIGHT OF ENTRY.**

In the administration and enforcement of the provisions of this Chapter the Animal Control Officer has authority to enter any premises upon which any Animal is kept for the purpose of picking up, seizing, or impounding any Animal found running At Large, or staked, herded, or grazing thereon, contrary to the provisions of this Chapter, or for the purpose of ascertaining whether such Animal is registered or licensed as provided in this Chapter, or for the purpose of

inspecting the premises to ascertain whether any law of the City or State relating to the care, treatment, or impounding of Animals or birds, or to the prevention of cruelty to Animals or birds, is being violated; provided, however, the right of entry will be exercised only during the hours of 8:00 a.m. and 6 p.m., and no building will be entered without the consent of the Owner or tenant, unless exigent circumstances exist.

If any owner or tenant objects to such entry into any building, the Animal Control Officer may secure a warrant authorizing entry to search the building and arrest any person there present violating, or attempting to violate, any law of the City or State relating to the care, treatment, or impounding of Animals or birds or to the prevention of cruelty to Animals or birds.

#### **§ 91.107 SEVERABILITY**

If any provision of this Chapter is held invalid it will not offset other provisions which can be given effect without the offending provision.

#### **§ 91.108. CONSTRUCTION OF CHAPTER**

Nothing in this Chapter is intended to authorize the keeping, maintaining, or handling of any animal that is otherwise prohibited or restricted by law, regulation, or permit requirement.

### **II. DUTIES OF ANIMAL OWNERSHIP**

#### **§ 91.201 ADEQUATE CARE.**

An Owner or Custodian of an Animal must provide that Animal with adequate Feed, Water, Shelter, Exercise, and veterinary care. No Owner or custodian of an Animal can keep or permit to be kept upon any premises any Animals in foul, offensive, obnoxious, filthy, or unsanitary conditions.

- (1) An Owner or Custodian must, when ordered to do so by an Animal Control Officer, provide care, feed, water, shelter, exercise, or veterinary care.
- (2) An Owner or Custodian must, when ordered to do so by an Animal Control Officer, clean or disinfect any stable, barn, stall, pen, coop, enclosure, building, or other place where any Animal is kept, and/or any box, bin, or receptacle used for the accumulation of manure or waste.
- (3) The provisions of this Section are applicable to every any place where Domestic Animals are kept, including animal shelters, pounds, dealers, pet shops, exhibitors, Kennels, Catteries, groomers, and boarding establishments. An Animal Control Officer or law enforcement officer may enter any of these facilities at any time during the hours

of 8:00 a.m. to 6:00 p.m. to inspect such facility for compliance with the provisions of this Chapter.

- (4) Violations of this section will be grounds for immediate impoundment by the Animal Control Officer.

#### **§ 91.202 PARENTAL LIABILITY.**

The parent or guardian of a minor is responsible for all actions required of an Owner under this Chapter. The parent or guardian, not the minor, will be liable for any violations of this Chapter.

#### **§91.203 ABANDONMENT OF ANIMALS.**

No person can abandon any Domestic Animal in any public place, including but not limited to the right-of-way of any public highway, road, or street, or on the property of another. Any violation of this sub-section is a misdemeanor.

#### **§91.204 SCOOP LAW.**

An Owner or Custodian is responsible for immediately removing and properly disposing of their Animals feces by placing it in a closed or sealed container or bag and depositing it in a garbage receptacle. This section does not apply to guide, service, or signal dogs as defined by California Civil Code Section 54.1. This section does not authorize any person to enter or allow their Animal to enter upon the private property of another.

#### **§91.205 ANIMALS AT LARGE.**

No Owner or Custodian may allow any Domestic Animal under their control to run at large on public property or the private property of another. This section does not apply to Domestic Cats.

#### **§91.206 EXCESSIVE NOISE.**

Owners and Custodians must not allow their Animals to habitually make excessive noise or act in such other manner as to constitute a public nuisance. For purposes of this section, the term “excessive noise” means noise that is unreasonably annoying, disturbing, offensive, or unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the Animals are kept. Factors that the Animal Control Officer may use to determine whether the noise is excessive includes: (i) the nature, frequency and volume of the noise; (ii) the tone and repetitiveness; (iii) the time of day or night; (iv) the distance from the complaining or affected party or parties; (v) the number of neighbors affected by or complaining about the noise; (vi) any other relevant evidence demonstrating that the noise is unduly disruptive; and (vii)

whether the Animal is provoked. The provisions of this Section do not apply to a licensed and permitted animal establishment.

**§91.206 PUBLIC NUISANCE.**

Every Owner or custodian of an Animal must provide Adequate Care and control of the Animal to prevent it from becoming a public nuisance. Excessive, continuous, or untimely noise, chasing vehicles, attacking other domestic Animals, being unattended while in Estrus, or trespassing upon school grounds or upon private or public property may be deemed a nuisance.

**§91.207 RESERVED.**

**§91.208 TETHERING.**

No person is allowed to tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object unless one of the following apply:

- (1) The dog is attached to a running line, pulley, or trolley system by means other than a choke collar or pinch collar.
- (2) The dog is tethered, fastened, chained, or tied pursuant to the requirements of a camping or recreation area.
- (3) The dog is tethered, fastened, chained, or tied no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period. In no event may this period be for more than 30 minutes.
- (4) The dog is tethered, fastened, chained, or tied while actively engaged in conduct that is directly related to shepherding livestock or other agricultural activity if the restraint is necessary to accomplish such conduct.

Violations of this chapter are enforced in accordance with California Health and Safety Code § 122335.

**§91.209 ANIMALS IN VEHICLES.**

- (1) No person is allowed to transport or carry, on any public highway or public roadway, any Animal in a motor vehicle unless the Animal is safely enclosed within the vehicle or protected by a cab or container, cage, or other device that will prevent the Animal from falling, being thrown, or jumping from the motor vehicle.
- (2) No person is allowed to leave an Animal in any unattended vehicle without adequate ventilation or in such a manner as to subject the Animal to extreme temperatures which adversely affect the Animal's health or welfare. If an Animal is left unattended in violation of this Subsection, any Animal Control Officer, firefighter, fire marshal, or

law enforcement officer is authorized to remove the Animal from the vehicle if they determine the Animal is being confined in a manner that is detrimental to its health and safety, and after making a reasonable attempt to contact the Owner.

- (3) The Animal will be impounded and taken to a veterinarian for any care needed and then placed at an animal shelter. A written notice will be left attached to the vehicle with the impounding officer's name, badge number, and contact information, as well as the time, date, and location where the Animal is being held.
- (4) Any person who violates this Subsection will be responsible for all costs and expenses incurred by the City resulting from the violation, including, but not limited to, Animal care and medical treatment, impound costs, and removal costs.

**§ 91.210 RESERVED.**

**III. IMPOUNDMENT**

**§ 91.301 AUTHORIZATION TO IMPOUND.**

An animal may be impounded at the discretion of the Animal Control Officer for good cause. Instances warranting impoundment include, but are not limited to, the following:

- (1) The owner or custodian of the animal consents to the impoundment.
- (2) The animal is at large.
- (3) The Animal Control Officer has reasonable grounds to believe that the Animal may be rabid.
- (4) The Animal Control Officer has reasonable grounds to believe that the Animal is a dangerous or vicious animal as defined in this Chapter.
- (5) To protect an animal which is injured, sick, starving or suffering from heat, cold or confinement which is in need of immediate care;
- (6) When the Animal Control Officer has reasonable grounds to believe that immediate impoundment to protect the public health or safety of any person or animal.
- (7) The impoundment is authorized by the Chief of Police.
- (8) Any other violation of the provisions of this Chapter warranting, in the discretion of the Animal Control Officer and for good cause.

**§ 91.302 NOTICE.**

The Animal Control Officer will serve a notice of impoundment within twenty-four hours of the impoundment, either in person or by attaching to the owner's door if the owner has been ascertained and located. The notice will state:

- (1) The date of impoundment and the place where the animal is impounded;
- (2) The grounds for impoundment; and
- (3) The action to be taken to retrieve the animal from impoundment, if any.

**§ 91.303 CARE OF IMPOUNDED ANIMALS.**

The Animal Control Officer or designee will ensure that all impounded animals receive suitable and adequate food, water and shelter. Designee in this case will include a veterinarian, the Humboldt County Animal Shelter, or any other responsible caretaker.

**§ 91.304 RECLAIMING IMPOUNDED ANIMALS.**

The Owner or person entitled to the custody of any Animal taken up, seized, or impounded at the Police Department may, redeem such Animal by paying to the Police Department the charges and fees, including registration fees, accruing up to the time of such redemption.

**§ 91.305 IMPOUND FEES.**

The Animal Control Officer may charge, receive, and collect fees and charges for services and impounding Animals as established from time to time by resolution of the City Council. All such monies will be paid into the City treasury to be credited to the general fund.

**§ 91.306 RESERVED.**

**IV. ANIMAL LICENSING AND PERMITS**

**§ 91.401 DOGS**

- (1) Every Owner of a dog over the age of four months must register the dog with the City and pay an annual dog license fee within 30 days of acquiring the dog.
- (2) Every Owner of a dog must thereafter pay an annual dog license fee to the City within 30 days of the anniversary of the dog's initial registration with the City.
- (3) The amounts of both the initial and subsequent dog license fees are established by resolution of the City Council.
- (4) The provisions of this Subsection do not apply to any dog owned by, or in the custody of, a nonresident of the City who is visiting or temporarily residing in the City for a period not exceeding 30 days.
- (5) A dog license will not be issued unless the applicant shows the license clerk a valid certificate of canine anti-rabies vaccination, which adequately describes the physical

features of the dog and the date of vaccination, and bears the signature of a licensed veterinarian.

- (6) With each dog registration, the City will issue a license tag bearing an identification number and the date of expiration, together with the words "Eureka Dog License" plainly inscribed thereon. Such license tag must be securely fixed to a collar, harness, or other device to be worn at all times by the dog for whom the registration is issued, except while such dog remains indoors or in an enclosed yard or pen.
- (7) A license tag or decal issued for one dog cannot be transferred or attached to any other dog.
- (8) If a license tag is lost or stolen, the Owner can apply for a replacement tag. The City will require a declaration regarding the circumstances and payment of a fee prior to issuing a replacement.
- (9) It is unlawful for an unauthorized person to remove a current license tag from any dog.
- (10) The cost of licensing is reduced for any dog that is Altered if the Owner provides a veterinary certificate as proof of surgical altering.

#### **§ 91.402 POTBELLY PIGS.**

The owner of a potbelly pig ("Pig") must obtain a license for said potbelly pig within 30 days of entry of any potbelly pig into the City. The Owner must pay a license fee in an amount established by resolution of the City Council. To obtain a license the Owner of must also present, to the satisfaction of the license clerk, the following:

- (1) Proof that the Pig is spayed or neutered;
- (2) Certification by a licensed veterinarian that the Pig has current vaccinations;
- (3) Certification by a licensed veterinarian of the weight of the pig, obtained within 30 days of the license application;
- (4) Certification by a licensed veterinarian that no tusk appears outside the mouth of the Pig when the mouth is closed, obtained within 30 days of the license application;
- (5) The address of the real property where the Pig will be kept; and a description of the physical location where the Pig will be kept.

No pig is allowed in the City if it is greater than 22 inches in height at the shoulder or more than 150 pounds in weight.

#### **§ 91.403 MINIATURE GOATS.**

Every Owner of a Miniature Goat ("Goat") must obtain a valid license from the City for each Goat within 30 days of acquiring the Goat. To obtain a license, the Owner must pay a license fee and present proof that the Goat is dehorned and that any male goat is neutered. The



requirements of this Section do not apply to nursing offspring born to a licensed Goat. However, the Owner of each offspring must obtain a valid license from the City upon the offspring being weaned.

**§ 91.404 EXCEPTIONS AND DISCOUNTS.**

- (1) A fee will not be levied for any dog license issued for a seeing-eye dog owned by a blind or partially blind person or for any dog duly trained and registered with a training agency to assist a disabled person when such dog is actively used for the purpose trained.
- (2) A fee will not be levied for any dog license issued to a licensed service-animal training organization or dog owner when such dog is currently enrolled in a service-animal training program with a licensed training organization.
- (3) Dogs that are certified in writing by a licensed veterinarian as not being suitable subjects for sterilizing due to health or age reasons will be assessed the Altered license fee for one year. If the dog, at a later date, is determined by the veterinarian to be suitable for sterilization, then the current standard license fee amount will apply.

**§ 91.405 REGISTRATION RECORDS.**

- (1) Each registration required by this Chapter will state the name and current residence address of the person to whom it is issued, the nature of the registration, the amount paid, the date issued, and the date on which the registration expires.
- (2) In the case of a dog registration, the registration will also contain a description of the dog, the number of the metal tag accompanying the registration certificate, and the date of rabies vaccination.
- (3) In the case of a Kennel registration, the registration will also state the maximum number of dogs which may be kept in the Kennel under the authority of the registration.
- (4) The City will keep a record of the name and address of each person to whom a registration certificate or certificate and tag are issued pursuant to the provisions of this Chapter, the date of issuance, the number of the metal tag, and a description of the animal or Kennel for which it is issued.
- (5) All moneys received for registrations or licenses under the provisions of this Chapter will be paid to the City treasury and credited to the general fund.
- (6) Every dog Owner will be required to provide proof of licensing upon the request of an Animal Control Officer or any other law enforcement officer.

**§ 91.406 PERMITS FOR PET DEALERS, GROOMING SALONS, AND PET SHOPS**

- (1) Any person operating a pet shop or grooming salon, operating as a dealer in Domestic Animals, including birds, fish, and reptiles, or offering for commercial sale any Domestic Animal (“Permittee”), is required to obtain a permit (“Permit”) from the Animal Control Officer no later than January 31st of each year.
- (2) An Animal Control Officer will inspect any such facility prior to Permit issuance. The Permit must be renewed each year thereafter on the anniversary of issuance, subject to the approval of the Animal Control Officer.
- (3) The amount of the fee to obtain an initial Permit and to renew any Permit will be established by resolution of the City Council.
- (4) Any Permittee will maintain records as specified by the City on an application form that has been approved by the City for Permit issuance.
- (5) Any Animal Control Officer or public health officer will be allowed to inspect any facility at which the Permittee is engaging in activities requiring a Permit during regular hours of operation without prior notice to the Permittee.
- (6) Any Permit must be conspicuously displayed in an area within public view of any place where the Permittee is engaging in activities requiring a Permit.
- (7) Applications to obtain and renew Permits may be denied by the Animal Control Officer if any Animal Control Officer determines an applicant or Permittee has demonstrated fraudulent practices, inhumane treatment of Animals, or violation of local, State, or federal laws.
- (8) An applicant may appeal any denial for a Permit or renewal to the City Manager or the City Manager’s designee.
- (9) A Permit may be revoked after investigation by the Animal Control Officer and hearing in accordance with Subchapter VIII.

**§ 91.407 KENNELS.**

- (1) Any person who seeks to own or control a Kennel within the City (“Licensee”) must first apply for a Kennel license (“License”) and pay an annual License fee in an amount prescribed by resolution of the City Council. No person who has been denied a License may keep more than three (3) dogs on any property for any reason.
- (2) Any License fee must be paid prior to beginning operations, and thereafter on or before the first day of July of every year. If a License fee is not paid on or before the 31st day of July, said Licensee will be required to pay an additional late fee as prescribed by resolution of the City Council.
- (3) If a License fee is not paid by August 31st, an Animal Control Officer may give the Licensee 30 days to remove any excess Animals from its property or bring their license status into compliance.

- (4) Any Animal Control Officer or peace officer will be authorized to seize any excess Animals at the end of the 30-day period. The Animals will be subject to regular impound procedures, and the Licensee may claim the Animals if it pays the required impound fees and shows proof it has paid all outstanding License fees.
- (5) An Animal Control Officer may at any time Monday through Friday during the hours of 8:00 a.m. to 6:00 p.m. enter onto the premises of any Kennel to inspect the Kennel's premises.
- (6) The purpose of such inspection will be to ensure that the Kennel's premises are being maintained in a sanitary and proper condition, and that said Kennel has not been permitted to become a nuisance or detriment to the community.
- (7) If the Animal Control Officer finds that the Kennel's premises are not maintained in a sanitary and proper manner, the Animal Control Officer may revoke the License for said Kennel. Once the License has been revoked, the Licensee will have 30 days to remove any excess Animals from the Kennel's premises or resolve the issue.

**§ 91.408 CATTERIES.**

- (1) Any person who seeks to own or control a Cattery within the City ("Licensee") must first apply for a Cattery license ("License") and pay an annual License fee in an amount prescribed by resolution of the City Council. No person who has been denied a License may keep more than three (3) cats on any property for any reason.
- (2) Any License fee must be paid prior to beginning operations, and thereafter on or before the first day of July of every year. If a License fee is not paid on or before the 31st day of July, said Licensee will be required to pay an additional late fee as prescribed by a Fee Schedule adopted by the City Council.
- (3) If a License fee is not paid by August 31st, an Animal Control Officer may give the Licensee 30 days to remove any excess Animals from its property or bring their license status into compliance. Any Animal Control Officer or peace officer will be authorized to seize any excess Animals at the end of the 30-day period. The Animals will be subject to regular impound procedures, and the Licensee may claim the Animals if it pays the required impound fees and shows proof it has paid all outstanding License fees.
- (4) An Animal Control Officer may at any time during the hours of 8:00 a.m. to 6:00 p.m. enter onto the premises of any Cattery to inspect the Cattery's premises. The purpose of such inspection will be to ensure that the Cattery's premises are being maintained in a sanitary and proper condition, and that said Cattery has not been permitted to become a nuisance or detriment to the community.
- (5) If the Animal Control Officer finds that the Cattery's premises are not maintained in a sanitary and proper manner, the Animal Control Officer may revoke the License for said Cattery.

- (6) Once the License has been revoked, the Licensee will have 30 days to remove any excess Animals from the Cattery's premises or resolve the issue.

#### **§ 91.409 POLICIES AND PROCEDURES.**

Licenses and permits under this Section will be issued in accordance with policies and procedures as approved by the Chief of Police or their designee.

### **V. RABIES CONTROL**

#### **§ 91.501 RABIES VACCINE FOR DOGS.**

It is unlawful for any person to own or harbor any dog over the age of four months which has not been vaccinated against rabies by a duly licensed veterinarian.

#### **§ 91.502 REPORTING ANIMAL BITES.**

Any person 18 years of age or older must report being bitten by any Animal to the local law enforcement agency. Any guardian or parent of a person under the age of 18 ("Minor") must report to the Animal Control Officer if the Minor is bitten by any Animal. Any person 18 years of age or older who owns an Animal will be required to report to the Animal Control Officer if the Animal has bitten any human being.

#### **§ 91.503 SUSPICION OF RABIES.**

- (1) Whenever the Owner or person having the custody or possession of any Animal observes or learns that such Animal has shown symptoms of rabies, or has acted in a manner which would lead a reasonable person to suspect that it might have rabies, such Owner or person having the custody or possession of such Animal must immediately notify an Animal Control Officer or Health Officer or his representative and must permit the Animal Control Officer or Health Officer to make an inspection or examination of such Animal.
- (2) Whenever it appears to an Animal Control Officer or Health Officer that there is reason to believe that any dog or other Animal has rabies, or has been exposed to rabies, the Animal Control Officer or Health Officer may quarantine such Animal until it can be established to the satisfaction of the Animal Control Officer or Health Officer that such Animal either does not have rabies, or that the Owner is capable of quarantining the Animal on the Owner's property.

#### **§ 91.504 QUARANTINE OF ANIMALS ON OWNERS PROPERTY.**

- (1) Isolation of a biting Animal may be allowed on the Owner's property when the Owner can provide proof that the Animal has been vaccinated against rabies, and in the judgment of

an Animal Control Officer or their designee adequate facilities are provided to ensure adequate confinement and the owner is able and willing to satisfy the requirements of this Subsection. The Animal Control Officer may revoke this determination at any time during the quarantine period.

- (2) When, in the judgment of an Animal Control Officer or Health Officer, adequate facilities for confinement do not exist or the Owner is unable or unwilling to properly supervise confinement of the Animal, confinement must occur at a veterinary hospital or a Kennel, at the expense of the Owner.
- (3) In cases where the Owner does not desire to quarantine the biting Animal, the Owner may authorize euthanasia of the biting Animal for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in the health department laboratory at the owner's expense.

#### **§ 91.505 DISPOSITION OF RABID ANIMALS.**

If it appears to any Animal Control Officer or any official of the Board of Health ("Health Officer"), upon examination, that an Animal has rabies, the Animal Control Officer or Health Officer may, after a quarantine period as provided in this Chapter, kill the Animal forthwith.

#### **§ 91.506 RESERVED.**

### **VI. POTENTIALLY DANGEROUS, VICIOUS, AND NUISANCE ANIMALS**

#### **§ 91.601 PROCEDURE.**

- (1) If an Animal Control Officer or other law enforcement officer ("Officer") has investigated and determined that there exists probable cause to believe that an animal is Potentially Dangerous, Vicious or a Nuisance, the Animal Control Officer, or his or her designee, may petition the Chief of Police, or his or her designee, for a hearing for the purpose of determining whether or not the animal in question should be declared a Potentially Dangerous, Vicious, or a Nuisance Animal.
- (2) Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the Officer to find probable cause must be sworn to and verified by the complainant and attached to the petition.
- (3) The Animal Control Officer will notify the Owner or keeper of the animal that a hearing will be held by the hearing officer at which time he or she may present evidence as to why the animal should not be declared a Potentially Dangerous, Vicious, or Nuisance Animal. Said evidence may be offered in either written or oral form by the Owner of the animal or any interested citizen, including Animal Control Officers, humane officers, or peace officers, and be sworn to under penalty of perjury.

**§ 91.602 NOISE COMPLAINTS.**

To initiate a Nuisance Animal hearing based on noise complaints, the Animal Control Office must receive a combination of either written complaints from three or more individual residences within a reasonable distance of the animals in question or three or more citations for excessive noise. Along with submitting the Complaint, each complainant must submit separate “noise” logs on which they have recorded dates and times of nuisance noise over a minimum five day period. Video or audio recording may also be submitted as evidence.

**§ 91.603 SEIZURE AND IMMEDIATE IMPOUNDMENT.**

- (1) If upon investigation it is determined by an Animal Control Officer or other law enforcement officer (“Officer”) that probable cause exists to believe the animal in question poses an immediate threat to public safety, the Officer may seize and impound the animal pending the hearing or determination provided for in Subchapter VIII.
- (2) The Owner or keeper of the animal is liable to the City for the costs and expenses of keeping the animal if the animal is later determined to be a Potentially Dangerous or Vicious Animal.
- (3) If public safety is adequately assured, the Officer may permit the animal to be confined at the Owner's expense in an approved Kennel or veterinary facility or on the Owner's premises.

**§ 91.604 LIMITATIONS.**

- (1) No animal may be declared a Potentially Dangerous, Vicious, or Nuisance Animal if any injury or damage is sustained by a person who, at the time of the injury or damage was sustained was committing a willful trespass or other tort upon premises occupied by the Owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime.
- (2) No animal may be declared a Potentially Dangerous, Vicious, or Nuisance animal if the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.
- (3) No animal may be declared a Potentially Dangerous, Vicious, or Nuisance Animal if any injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing or assaulting the animal.

**§ 91.605 REQUIREMENTS FOR OWNERSHIP OF A POTENTIALLY DANGEROUS ANIMAL.**

- (1) All animals which have been determined by the Hearing Officer to be Potentially Dangerous or Vicious must be properly licensed and vaccinated. The status of the animal will be included in the licensing records either after the Owner has agreed to the designation or the Hearing Officer has determined the designation applies to the animal. An additional fee of twice the applicable license fee will be charged for maintaining this additional information in the records.
- (2) A Potentially Dangerous or Vicious Animal must be kept indoors or in an Enclosure while on the Owner's property. A Potentially Dangerous or Vicious Animal may be off the Owner's property only if it is restrained by a substantial leash or within an enclosed vehicle.
- (3) The Owner of a Potentially Dangerous or Vicious Animal must notify the Animal Control Officer, in writing, within two working days if the animal dies, is sold, transferred, or permanently removed from the City. If the Animal is sold or transferred the Owner must provide the name, number, and address of the new Owner.
- (4) Owners of Potentially Dangerous or Vicious Animals must notify in writing any person to whom the animal is sold that the animal is Potentially Dangerous or Vicious.
- (5) The owner of a Potentially Dangerous or Vicious Animal will have 30 days from receipt of the determination to show proof that the animal has been altered by a licensed veterinarian, or a signed letter from the veterinarian describing the reason why altering is not possible.
- (6) The Hearing Officer may impose any additional conditions upon the ownership of a Potentially Dangerous or Vicious Animal that protects public health, safety, or welfare.

#### **§ 91.606 REQUIREMENTS FOR OWNERSHIP OF A VICIOUS ANIMAL**

- (1) The Owner of a Vicious Animal must be at least 18 years of age or older.
- (2) The Owner of a Vicious Animal must provide proof to the Animal Control Officer that the Owner has procured liability insurance in the amount of at least \$100,000 covering any damage or injury which may be caused by the Vicious Animal during the 12-month period for which the license is sought. Liability insurance must be maintained so long as the Owner keeps the Vicious Animal within City limits.
- (3) The Owner or keeper must, at his or her own expense, and within two working days of receipt of notice of determination that the dog is vicious, provide the Animal Control Officer with two current color photographs of the animal which show the animal in a standing position.
- (4) All animals determined to be vicious must be confined in an Enclosure. It is unlawful for any Owner or keeper to maintain a Vicious Animals upon any property which does not have an Enclosure.

- (5) In any case where a Vicious Animal is lawfully outside the Enclosure, except in cases where it is inside the dwelling of the Owner or keeper, the animal must be securely muzzled and/or restrained, with a lead sufficient to restrain the animal, and the animal must be under the direct control and supervision of its Owner or keeper.
- (6) The owner or keeper of a Vicious Animal will have 30 days from the date of the determination to provide the Animal Control Officer with proof from a veterinarian of the animal's sterilization and microchipping.

**§ 91.607 REQUIREMENTS FOR OWNERSHIP OF A PUBLIC NUISANCE ANIMAL.**

- (1) The Hearing Officer may impose any reasonable conditions upon the ownership of the dog which will correct the circumstances which create the nuisance.
- (2) The Owner or keeper of any Nuisance Animal must cause the animal to be spayed or neutered within 30 days of determination that the animal is a nuisance.
- (3) The owner or keeper of an animal determined to be a public nuisance will have 30 days from the date of the determination to provide the Animal Control Officer with proof from a veterinarian of the animal's sterilization and microchipping.

**§ 91.608 PROCEDURE FOR DESTRUCTION OF VICIOUS ANIMALS.**

- (1) An animal determined to be vicious may be humanely destroyed by any Animal Control Officer or peace officer when any of the following occur:
  - a. After hearing conducted pursuant to Subchapter VIII, it is determined that the release of the animal would create a significant threat to the public health, safety, or welfare.
  - b. An Owner of an animal which has previously been determined to be a Vicious Animal violates the provisions of this Subchapter relating to the keeping of vicious animals.
  - c. An animal which has previously been determined to be a Vicious Animal, when unprovoked, attacks, wounds, bites, or otherwise injures or kills any person.
- (2) An animal may not be destroyed pursuant to Subsections (B) and (C) herein without a hearing pursuant to Subchapter VIII.

**§ 91.609 REMOVAL FROM LIST.**

If there are no additional instances of the behaviors for vicious animal or nuisance animal in Section 91.102, within a 36-month period from the date of designation as a Potentially



Dangerous or Public Nuisance, the animal will be removed from the list of Potentially Dangerous or Public Nuisance Animals. The animal may, but is not required to be, removed from the list of Potentially Dangerous or Public Nuisance Animals prior to the expiration of the 36-month period if the Owner or keeper of the animal demonstrates to the Animal Control Officer that changes in circumstances or measures taken by the Owner or keeper, such as training of the animal, have mitigated the risk to the public safety.

**§ 91.610 PENALTY.**

- (1) Any violations relating to potentially dangerous animals will result in a minimum fine of fine of \$500; the maximum fine will be set by the Fee Schedule as amended from time to time.
- (2) Any violations relating to vicious animals will result in a fine of \$1,000; the maximum fine will be set by the Fee Schedule as amended from time to time.
- (3) Any violation relating to nuisance animals will be an infraction, punishable as set forth under Section 10.99 of this Eureka Municipal Code.

**VII. IRRESPONSIBLE OWNER.**

**§ 91.701 DETERMINATION**

Any Owner or keeper of an animal will be determined an irresponsible owner (“Irresponsible Owner”) when any of the following occurs:

- (1) The owner is administratively cited for violations of this Chapter on three separate occasions within a 36-month period.
- (2) The Owner’s animal(s) are impounded for being off its Owner’s Property in violation of any State or local law prohibiting the running At Large of animals on three separate occasions within a 36-month period.
- (3) The Owner’s animal harasses or intimidates persons on public property or private property that is not owned or controlled by its Owner or keeper.
- (4) The Owner’s animal is found At Large while in Estrus, on two separate occasions within a 36-month period.
- (5) When unprovoked, the Owner’s animal has bitten or caused less than severe injury to another animal off its Owner’s Property, on two separate occasions within the prior 36-month period.

- (6) When unprovoked, the Owner's animal has caused severe injury or death to another animal off its Owner's Property.
- (7) Two or more of the Owner's animals have been declared a Public Nuisance, Potentially Dangerous or Vicious in a 36-month period.

**§ 91.702 PENALTY**

An Irresponsible Owner will incur the following penalties:

- (1) A first offense will result in a fine of \$500; the maximum fine will be set by the Fee Schedule as amended from time to time.
- (2) A second offense will result in a fine of \$1,000; the maximum fine will be set by the Fee Schedule as amended from time to time.
- (3) A third offense will result in a fine of \$1,500, and the Irresponsible Owner being unable to obtain any City license or permit to own, harbor, or maintain any animal within the City for a period of 5 years; the maximum fine will be set by the Fee Schedule as amended from time to time.

**VIII. HEARINGS**

This Subchapter contains the requirements for all hearings called for in this Chapter.

**§ 91.801 NOTICE OF HEARING.**

- (1) The Owner, Licensee, or Permittee will be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested.
- (2) The hearing will be held promptly within no less than five working days nor more than ten working days after service of notice upon the Owner, Licensee, or Permittee.
- (3) The hearing will be open to the public.
- (4) The Hearing Officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses.

**§ 91.802 NOTICE OF DETERMINATION.**

After the hearing, the Hearing Officer will notify the Owner, Licensee, or Permittee in writing of the determination and orders issued, either personally or by first-class mail, postage prepaid. If the Hearing Officer finds against the Owner, Licensee, or Permittee, the Owner, Licensee, or Permittee must comply with the provisions of this Chapter in accordance with a time

schedule established by the Supervisor of the Animal Protection Unit, but in no case more than 30 days after the date of the determination or 35 days if notice of the determination is mailed.

**§ 91.803 APPEAL.**

If any Owner, Licensee, or Permittee disagrees with the determination of the hearing officer, they may appeal the decision to the Humboldt County Superior Court under Food and Agriculture Code section 31622.

**§ 91.804 RESERVED.**

**IX. LIMITATIONS ON ANIMAL OWNERSHIP**

**§ 91.901 TOTAL NUMBER AND TYPE OF ANIMALS ALLOWED.**

No person may keep, harbor, or maintain on any premises in the City more than 6 of any combination of the following types of Animals: dogs, cats, potbelly pigs, and Miniature Goats, unless that person has a valid variance from the City.

**§ 91.902 DOGS.**

No person may keep, harbor, or maintain on any premises in the City more than three dogs, each of which is over the age of four months, unless that person possesses a valid Kennel license from the City.

**§ 91.903 CATS.**

No person may keep, harbor, or maintain on any premises in the City more than three cats, each of which is over the age of four months, unless that person possesses a valid Cattery license from the City.

**§ 91.904 POTBELLY PIGS.**

No person may keep, harbor, or maintain on any premises in the City more than one potbelly pig over the age of four weeks, and only if that person has a valid license or permit from the City.

**§ 91.905 MINIATURE GOATS.**

No person will keep, harbor, or maintain upon any premises in the City more than two Miniature Goats, each which is over the age of four weeks, and only if that person has a valid license or permit from the City.

**§ 91.906 LIVESTOCK.**

Unless otherwise expressly permitted by this Chapter or by Variance in accordance with Section 91.910 of this Section, no person may keep, harbor, or maintain on any premises within the City any bovine Animal, swine, horse, pony, mule, burro, sheep, goat, turkey, goose, or other domestic livestock or poultry, excepting chickens, ducks, Miniature Goats, and potbelly pigs, or horses used in a horse drawn carriage business that is actively permitted in the city limits unless that person has a valid variance from the City.

**§ 91.907 ROOSTERS.**

No person may keep, harbor, or maintain on any premises within the City any rooster, unless that person has a valid variance from the City.

**§ 91.907 POULTRY.**

No person may keep, harbor, or maintain on any premises within the City any poultry other than chickens or ducks, unless that person has a valid variance from the City. Keepers of chickens or ducks within City limits must abide by the following provisions:

- (1) No chickens or ducks may be kept on property with a multifamily housing unit or complex.
- (2) No person may keep, harbor, or maintain more than 10 total chickens and/or ducks on any property within the City that is smaller than 5,000 square feet in size.
- (3) No person may keep, harbor, or maintain more than 20 birds on any property larger than 5,000 square feet in size.
- (4) All chickens and ducks must be provided a coop consisting of a covered, predator-proof shelter that is thoroughly ventilated, provides adequate protection from the elements, is designed to be easily cleaned, and provides a feeder and watering space sufficient for the number of birds being kept.
- (5) All coops must be maintained in orderly and working condition at all times and must be cleaned regularly so as to prevent odors from being perceptible from other properties. All feed must be stored and waste disposed of in a manner that prevents the attraction of rodents, flies, and other pests.
- (6) Coops must be kept at least 15 feet away from any property line and any dwelling unit.

**§ 91.908 RABBITS.**

No person may keep, harbor, or maintain more than 20 rabbits upon any property within the City that is smaller than 5,000 square feet. No person may keep, harbor, or maintain more than 30 rabbits on any property.

**§ 91.909 SMALL MAMMAL.**

No person may keep, harbor, or maintain upon any premises within the City more than 10 total domestic rodents, including, but not limited to, any hamsters, domestic mice, domestic rats, or Guinea pigs.

**§ 91.910 VARIANCES.**

In the event any person believes that unreasonable restrictions or unnecessary and extraordinary hardship or damage will be imposed upon them from the carrying out of the strict letter of any of the provisions of this Section, they may request a hearing therein before the City Manager or their designee, and if, after a public hearing thereon held upon notice to the claimant, the City Manager or their designee finds that unreasonable restrictions or unnecessary and extraordinary hardship or damage will be imposed upon them, any of the provisions or regulations hereby made may be modified in harmony with the general purposes and objectives hereof to the end that the public health, safety, and welfare of the people may be secured and substantial justice done.

**§ 91.911 VIOLATIONS.**

Any person found in violation of this Section will be provided 30 days to remove any excess Animals from the premises. At the end of the 30-day period, if any excess Animals are still present on the premises, a fine will be charged for each excess Animal, and any Animal Control Officer or peace officer will have authority to seize any excess Animals. Any seized Animal will be subject to regular impound procedures. The Owner of the Animal may claim the Animal if the Owner is able to pay the required impound fees and provide proof the Owner will no longer keep, harbor, or maintain any Animals in violation of this Section.

**X. DAIRIES**

**§ 91.1001 MAINTENANCE.**

The provisions of this Subchapter will not be retroactive so as to apply to dairies in actual operation on January 1, 1960. No extensions or additions will be permitted to be made to any such dairies except such alterations or repairs as may be required to be made therein to fulfill any requirements of the Animal Protection Unit, and in such event such alterations or repairs may be made only upon the express permission of the Planning Commission of the City, issued upon written approval of the Animal Protection Unit, stating the necessity therefor; and provided,

further, no enlargement of any existing dairy will be permitted by adding to the number of Animals kept upon any premises in the City in connection with such use without the approval of the Planning Commission and the Animal Protection Unit.

**§91.1002 ABANDONMENT.**

Any cessation of operations of existing dairies, coupled with a change in the use of the premises for other purposes, will be construed to be an abandonment of the premises for such original purpose.

**XI. HORSE DRAWN CARRIAGES**

**§ 91.1101 OPERATIONS.**

- (1) No person can operate a horse-drawn carriage in any manner that impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for safe operation or in compliance with law.
- (2) Whenever a horse-drawn carriage is not available for hire, said horse-drawn carriage must be stored at a place and in a manner as approved by the city.
- (3) There should be no operation along any street that is configured so as to force motor vehicles to cross a centerline or make any other unsafe maneuver in order to get around a slow-moving carriage.
- (4) Horse-and-carriage standing areas (while awaiting a fare) must be in a location which does not impede free flow of motor vehicles and/or access to designated parking stalls as approved by the city as a part of the permit application process.
- (5) An Animal Control Officer may at any time during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday enter onto the premises of any stable keeping carriage horses to inspect the stable's premises after first giving the business owner 24 hours written notice. The purpose of such inspection will be to ensure that the stable's premises are being maintained in a sanitary and proper condition and that said stable has not been permitted to become a nuisance or detriment to the community.
- (6) The driver of a carriage will not stop such vehicle upon any public street for the purpose of loading or unloading passengers other than at a designated horse-drawn carriage stand, other than in the case of an emergency, or by special permit issued pursuant to this chapter.
- (7) The City Manager is authorized to establish set hours of operation for horse-drawn carriages if in the determination of the City Manager such hours are reasonably necessary for the preservation of health, safety or property.

**§ 91.1102 HORSES.**

In addition to any other rules related to animal care and ownership under this Chapter, all horses used for the purpose of drawing a carriage must:

- (1) Be in good health; an Animal Control Officer may require that the driver provide a written statement from a licensed veterinarian stating that the horse is fit to work.
- (2) Be acclimatized to the conditions (i.e., sights, sounds, movement, etc.) inherent in the intended job.
- (3) Be properly shod.
- (4) Be properly cleaned, with no offensive odors or caked dirt or mud.
- (5) Be worked no more than six days per week.
- (6) Be kept in an approved location while not at work.

**§ 91.1103 CARRIAGES.**

- (1) Carriages must be kept in good working order and maintained in a clean and attractive manner.
- (2) All Carriages will have no less than one and one-fourth inch spoked wheels with a rubber covering thick enough to protect the streets from damage and to keep noise to a minimum.
- (3) Warning taillights must be mounted at the rear of the carriage and be operated in a flashing mode continuously while the carriage is in traffic and conform to all applicable requirements of the California Vehicle Code.
- (4) All carriages must be fitted with reflected decals on both shafts of the carriage at the shoulder of the horse.
- (5) All carriages must have the rated seating capacity posted on the vehicle.
- (6) Carriages may not ferry more people than the carriage was designed to hold.
- (7) No one other than the driver, a company employee or apprentice may sit in the driver's seat.
- (8) All carriages must be equipped with a horn or warning device which is in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 40 feet, but may not emit an unreasonably loud or harsh sound.
- (9) Carriages/animals must be able to immediately remove any and all horse droppings from the streets or public rights-of-way, or to prevent such droppings on the streets and public rights-of-way.
- (10) Carriages may not travel at a speed faster than a slow trot.
- (11) Each carriage must be equipped with hydraulic brakes capable of stopping the carriage and adjusted so as to provide equal braking to each wheel without locking.

- (12) It is unlawful for any person to molest, distract or interfere with any horse, driver, or carriage.
- (13) Violation of this subsection will result in a misdemeanor.

**§ 91.1104 OPERATORS AND DRIVERS.**

- (1) No person under the age of eighteen years may drive a horse-drawn carriage.
- (2) No person may operate a horse-drawn carriage while under the influence of alcoholic beverages or drugs.
- (3) Every person operating a horse-drawn carriage will be subject to all applicable laws, rules, and regulations of this code and the California Vehicle Code.
- (4) Each driver must demonstrate their ability to drive and care for the horse and equipment.
- (5) Each driver must have his or her valid driver's license in their possession while operating a carriage.
- (6) Drivers are prohibited from smoking, wearing headphones, or using cellphones while the carriage is in motion for optimum safety and control of the horse and carriage.
- (7) No driver may abandon their carriage, permit another to drive the carriage, except an apprentice, or permit any passenger to ride on the driver's seat.

**XII. MISCELLANEOUS PROVISION**

**§ 91.1201 ANIMALS AS PRIZES, PROMOTIONS, AND NOVELTIES.**

No person may sell, exchange, raffle, auction, give away, or offer to sell, exchange, raffle, auction, or give away any animal as a prize, an inducement to enter a place of amusement or a business establishment, or an inducement to participate in a charitable fund-raising event.

**§ 91.1202 SALE OF ANIMALS.**

No person may sell, exchange, barter, give away, or offer to sell, exchange, barter, or give away any Animal from any public property or any property to which the public has access that does not have a valid certificate of occupancy or business license allowing the sale of Animals on the property.

**§ 91.1203 ANIMAL WASTE: KEEPING; RECEPTACLES; CLEANING.**

- (1) Animal waste cannot be kept within 35 feet of any window or door of any inhabited structure or within 100 feet of any church, school, hospital, or place where food products are kept, stored, manufactured, or served to the public.



- (2) Every person owning or occupying premises where any manure from any horse, pony, mule, cow, or other Animal accumulates must provide for the removal of such manure daily.
- (3) Manure accumulated on any premises must be removed daily. Alternatively, boxes, bins, or receptacles of a design and construction acceptable to the Animal Control Officer must be provided by the owner or occupant of such premises, and such boxes, bins, or receptacles must be used only for the purpose of containing the accumulation of manure and be kept tightly closed at all times except when manure is placed or removed.
- (4) This Section does not apply to manure which is spread as fertilizer over or around cultivated plants, vines, vegetables, lawns, bushes, shrubs, or trees or to manure kept by any nursery for commercial fertilizer purposes unless such manure creates a nuisance, either from fly breeding or excessive, obnoxious odors.
- (5) Acceptable boxes, bins, or receptacles will be constructed of brick, stone, concrete, metal, or wood lined with metal or other sound materials and be proofed against by flies.
- (6) The contents of such boxes, bins, or receptacles must be removed at least once a week.

**§ 91.1204 BURIAL OF DECEASED ANIMALS.**

Any person with a deceased Animal on their premises, or the Owner or possessor of any Animal dying within the City, must bury the Animal at least one-foot underground either on their premises or in a designated area outside the inhabited portion of the City within 24 hours after the Animal has died. Alternatively, the deceased animal may be taken to a veterinarian for cremation within 24 hours of death.

**§91.1205 LIVE SNAKES.**

It is unlawful to carry or wear a live snake or reptile in public unless the snake or reptile is securely placed in an acceptable animal carrier so as to prevent escape or injury to the snake or reptile, another Animal, or a human being.

**§ 91.1206 FEEDING WILDLIFE.**

It is unlawful to feed any wildlife within City limits, except in areas designated for that purpose. This Section does not apply to bird feeders.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2019 by the following vote:

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS  
ABSTAIN: COUNCILMEMBERS

\_\_\_\_\_  
Kim Bergel, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019, AND HEREBY APPROVED.

\_\_\_\_\_  
Susan Seaman, Mayor

Approved as to Administration:

Approved as to Form:

\_\_\_\_\_  
Greg L. Sparks, City Manager

\_\_\_\_\_  
Autumn E. Luna, Assistant City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Pamela J. Powell, City Clerk