

CHAPTER 4-11
ANIMAL CONTROL

Sections:

ARTICLE 1. DEFINITIONS

4-11-100 DEFINITION OF TERMS.

ARTICLE 2. DOG LICENSE

**4-11-200 ANIMAL CONTROL—DOG
LICENSING.**

4-11-205 EXEMPTIONS.

4-11-210 TERM OF LICENSE.

4-11-215 LICENSE APPLICATION.

**4-11-220 ANTI-RABIES
VACCINATION REQUIRED.**

**4-11-225 ISSUANCE OF TAGS AND
CERTIFICATES.**

**4-11-230 OWNER MUST ATTACH
LICENSE.**

4-11-235 TAG MUST BE SHOWN.

**4-11-240 REMOVAL OF
REGISTRATION TAGS
PROHIBITED.**

**4-11-245 LOST AND DESTROYED
TAGS TO BE REPLACED
IMMEDIATELY.**

**4-11-250 COUNTERFEIT AND
IMITATION TAGS.**

**ARTICLE 3. ANIMALS RUNNING AT
LARGE—BITING ANIMALS**

**4-11-300 RUNNING AT LARGE
PROHIBITED.**

**4-11-305 BITING ANIMALS TO BE
QUARANTINED.**

**4-11-310 ANIMALS DYING WHILE
UNDER ISOLATION.**

**4-11-315 KNOWLEDGE OF BITE—
DUTY TO REPORT.**

**4-11-320 POLICE DOGS—
INTERFERENCE WITH—
MISTREATMENT OF.**

**4-11-325 CANINE DEFECATION—
REMOVAL THEREOF.**

ARTICLE 4. IMPOUNDING OF ANIMALS

4-11-400 IMPOUNDING OF ANIMALS.

4-11-405 STRAY ANIMALS.

4-11-410 NOTIFICATION TO OWNER.

**4-11-415 REDEMPTION OF
IMPOUNDED ANIMALS.**

**4-11-420 RECLAIMING LICENSED
ANIMALS.**

**4-11-425 RECLAIMING OF
UNREDEEMED ANIMAL BY
OWNER.**

**4-11-430 DESTRUCTION OF
IMPOUNDED ANIMALS
UNFIT FOR USE BY REASON
OF AGE, DISEASE, OR
OTHER CAUSE.**

4-11-435 NUISANCES BY ANIMALS.

ARTICLE 5. FEES

4-11-500 LICENSE FEE.

**4-11-505 LICENSE FEE—NEUTERED
OR SPAYED DOG.**

4-11-510 LICENSE FEE PENALTY.

**4-11-515 EXCEPTION—“SEEING
EYE” DOGS.**

**4-11-520 EXCEPTION—“POLICE”
DOGS.**

4-11-525 DUPLICATE TAGS.

**4-11-530 CHARGES UPON
IMPOUNDED ANIMALS.**

**4-11-535 CHARGES FOR SPECIAL
SERVICES.**

ARTICLE 6. DANGEROUS DOGS

4-11-600 PURPOSE.

4-11-605 PROHIBITIONS.

4-11-610 DETERMINATION OF DANGEROUS DOG.
 4-11-615 EXCEPTION FOR ANIMALS THAT ARE PROVOKED.
 4-11-620 CONDUCT OF HEARING.
 4-11-625 AUTOMATIC DETERMINATION/RIGHT TO CONTEST.
 4-11-630 IDENTIFICATION OF DANGEROUS DOG.
 4-11-635 CHANGE IN STATUS.
 4-11-640 HUMANE CONFINEMENT.
 4-11-645 NOTICE OF A DANGEROUS DOG.
 4-11-650 MUZZLE REQUIRED.
 4-11-655 INSURANCE REQUIRED.
 4-11-660 DESTRUCTION OF DANGEROUS DOGS.
 4-11-665 IMPOSITION OF ADDITIONAL OR ALTERNATIVE CONDITIONS.
 4-11-670 SEIZURE OF DANGEROUS DOGS.
 4-11-675 CIVIL FINES.
 4-11-680 CRIMINAL PENALTIES.

ARTICLE 7. POT-BELLIED PIGS

4-11-700 POT-BELLIED PIG LICENSE REQUIRED.
 4-11-705 LICENSE FEE.
 4-11-710 TERM OF LICENSE.
 4-11-715 CERTIFICATE OF SPAY OR NEUTER.
 4-11-720 EXEMPTIONS.
 4-11-725 LICENSE APPLICATION.
 4-11-730 IDENTIFICATION TAG.
 4-11-735 LICENSE NOT TRANSFERABLE.
 4-11-740 RUNNING AT LARGE PROHIBITED.

ARTICLE 8. ANIMAL CONTROL ATTENDANTS

4-11-800 ANIMAL CONTROL ATTENDANT.
 4-11-805 DUTIES.
 4-11-810 ARREST POWER.

ARTICLE 9. ANIMAL WASTE

4-11-900 ANIMAL WASTE.

ARTICLE 10. PENALTIES

4-11-1000 VIOLATIONS.

ARTICLE 11. GENERAL

4-11-1100 CERTAIN USES PROHIBITED.
 4-11-1105 EXISTING USES.
 4-11-1110 HOUSING AND CARE REQUIREMENTS FOR ALL ANIMALS.

ARTICLE 12. CHICKENS

4-11-1200 LIMITATION ON NUMBER.
 4-11-1205 KEEPING OF CHICKENS.

ARTICLE 13. ANIMAL PERMIT

4-11-1305 PERMIT REQUIRED.

ARTICLE 14. BEEKEEPING

4-11-1400 BEEKEEPING PERMIT.
 4-11-1405 INSPECTION AND CONDITIONS OF BEEKEEPING PERMIT.

ARTICLE 15. MISCELLANEOUS

4-11-1500 APPEALS.
 4-11-1505 RULES AND REGULATIONS.
 4-11-1510 INSPECTIONS.

ARTICLE 1. DEFINITIONS

4-11-100 DEFINITION OF TERMS.

For the purpose of this Chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

(a) **ANIMAL.** “Animal” shall mean any mammal, including but not limited to, horse, cow, goat, sheep, dog, or cat.

(b) **ANIMAL CONTROL OFFICER.** “Animal Control Officer” shall be the Chief of Police or his/her designee.

(c) **AREA.** “Area” shall mean the incorporated area of the City of San Leandro.

(d) **AT LARGE.** “At large” shall mean a dog off the premises or its owner and not under restraint by leash, or chain or not otherwise controlled by a competent person.

(e) **DANGEROUS DOG.** “Dangerous dog” shall mean any dog which, according to the records of the Animal Control Officer, has without provocation inflicted severe injury on a human being while on public or private property, or a dog determined to

be dangerous in accordance with the provisions of Article 6 of this Chapter

(f) **DIRECTOR.** "Director" shall mean the Animal Control Shelter providing contract services to the City or his authorized deputy or representative.

(g) **DOG.** "Dog" shall mean any member of the canine family and shall include female as well as male dogs.

(h) **HEALTH OFFICER.** "Health Officer" shall mean the Alameda County Health Officer.

(i) **HORSE.** "Horse" shall include mule, burro, pony, jack, hinny or jenny.

(j) **LICENSING AUTHORITY.** "Licensing authority" shall mean the City Finance Director or his designated representative.

(k) **OWNER.** "Owner" shall mean any person, firm or corporation owning, having an interest in, or having control or custody or possession of any animal.

(l) **POT-BELLIED PIG.** A pot-bellied pig shall mean any swine that does not exceed two hundred fifty (250) pounds.

(m) **PERSON.** "Person" shall include any person, partnership, corporation, trust, and association of persons.

(n) **SEVERE INJURY.** "Severe injury" shall mean any physical injury that results in major muscle or nerve trauma, broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(o) **SHELTER.** "Shelter" shall mean facility designated by Director for impoundment of animals.

(p) **WILD ANIMAL.** "Wild animal" shall mean any animal not ordinarily and customarily domesticated, including, but not limited to skunk, raccoon, opossum, squirrel, and fox, but under human control.

(Legislative History: Ordinance No. 87-019, 11/2/87; Ordinance No. 87-024, 12/21/87; Ordinance No. 98-01, 2/17/98 (Section 4-11-100))

ARTICLE 2. DOG LICENSE

4-11-200 ANIMAL CONTROL—DOG LICENSING.

(a) Every person within the area owning, possessing, controlling, harboring, or keeping any dog over four (4) months of age shall procure from the Licensing Authority dog license tag for each dog, as long as ownership of the dog continues, or within ten (10) days after acquiring or bringing into the area any dog over the age of four (4) months, and annually or triennially thereafter, so long as the ownership of the dog continues.

(b) Every person authorized by State law to administer an anti-rabies vaccination who offers that service within the area shall supply to the Licensing Authority on a weekly basis the name and address of the owner of each dog so vaccinated within the preceding week, the vaccination date and the expiration date of the certificate.

(Legislative History: Ordinance No. 88-021, 9/6/88)

4-11-205 EXEMPTIONS.

This article does not apply to dogs found within the area under any of the following conditions:

(a) When the dog is owned by, or in the care of, any person who is a non-resident or who is traveling through the area, or who is temporarily sojourning therein for a period of not exceeding thirty (30) days, if the dog is not permitted to run at large.

(b) When the dog is brought into the area and kept therein for a period not exceeding thirty (30) days, for the exclusive purpose of entering the dog in any bench show, dog exhibition, field trials, or competition, if the dog is not permitted to run at large.

(c) When the dog is brought or sent into the area for the exclusive purpose of receiving veterinary care in any dog hospital, if the dog is not permitted to run at large.

(d) When the dog has a valid license from either the County of Alameda or a City within the County

of Alameda, it shall not be subject to the license requirement of this Article.

4-11-210 TERM OF LICENSE.

The license period of each dog license shall be either one (1) or three (3) years commencing on the first day of the month following the month of issuance of an anti-rabies vaccination certificate. The license fee shall be either one-twelfth (1/12) the annual license fee chargeable times the number of months remaining in the annual license period, or one-thirty-sixth (1/36) the triennial license fee chargeable times the number of months remaining in such license period.

4-11-215 LICENSE APPLICATION.

The owner shall state at the time application is made, and upon standard printed form of application provided for such purpose, his name, address, telephone and the name, breed, and sex of the dog.

4-11-220 ANTI-RABIES VACCINATION REQUIRED.

As a condition for the issuance of a license all applicants for such license shall procure and deliver to the Licensing Authority a certificate issued by a duly licensed Veterinarian certifying that the dog to be licensed has been administered an anti-rabies vaccination within thirty (30) days prior to the issuance of said license, or has received anti-rabies vaccination sufficient to immunize said dog against rabies for the current license period.

4-11-225 ISSUANCE OF TAGS AND CERTIFICATES.

A metallic tag and license certificate with corresponding number shall be furnished by the Licensing Authority, upon payment of the appropriate fee prescribed in Article 5 of this Chapter.

4-11-230 OWNER MUST ATTACH LICENSE.

The said Licensing Authority shall keep a record of the name of such owner or person making payment of said license fee and to whom a certificate

and tag shall have been issued, and the number and date of such certificate and such tag. Such metal tag issued 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.

4-11-235 TAG MUST BE SHOWN.

No person shall fail or refuse to show to Director, Animal Control Attendant, Deputy Sheriffs or any Police Officer of the City of San Leandro the license certificate and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under his immediate control.

4-11-240 REMOVAL OF REGISTRATION TAGS PROHIBITED.

No unauthorized person shall remove from any dog any collar, harness, or other device to which is attached a registration tag for the current year, or to remove such tag therefrom.

4-11-245 LOST AND DESTROYED TAGS TO BE REPLACED IMMEDIATELY.

If the dog license tag is lost or destroyed, the owner shall immediately procure a new duplicate license tag from the licensing authority.

4-11-250 COUNTERFEIT AND IMITATION TAGS.

No person shall imitate or counterfeit the tags prescribed by this Article, or have in his possession any imitation or counterfeit tags.

(Legislative History: Ordinance No. 82-086, 11/15/82; Ordinance No. 87-024, 12/21/87)

ARTICLE 3. ANIMALS RUNNING AT LARGE—BITING ANIMALS

4-11-300 RUNNING AT LARGE PROHIBITED.

No owner or keeper of a dog shall allow or per-

mit such dog, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, or in or upon any private place or premises other than those of said owner or keeper except with the consent of the person in charge of said private place or premises, unless such dog is securely restrained by a substantial leash not to exceed six (6) feet in length and is in charge and control of a person competent to keep such dog under effective charge and control; provided, however, nothing in this section shall prevent a dog from being used without leash to hunt wild birds or game or to herd, guard, gather, or otherwise work domestic animals or fowls in or upon a public place or premises so long as such dog is under the charge and control of a person competent to keep such dog under effective charge and control and so long as such dog does not wrongfully harm or damage or threaten to harm or damage any person or public or private property. For purposes of this section, any dog in or upon any vehicle shall be deemed to be on the premises of the operator thereof.

4-11-305 BITING ANIMALS TO BE QUARANTINED.

Whenever it is shown that any dog or other animal has bitten any person or animals, or exhibits evidence of rabies, no owner or person having custody or possession thereof, upon order of the Health Officer, shall fail, refuse, or neglect to quarantine such animal and keep it tied up or confined for a period of ten (10) days, or shall fail, refuse, or neglect to allow the Health Officer or his deputies to make an inspection or examination thereof at any time during said period. No such dog or animals shall be removed or released during the quarantine period without written permission of the Health Officer or his deputies. Unless otherwise specified by the Health Officer, such animals shall be confined in a shelter or veterinary hospital at the owner's expense.

4-11-310 ANIMALS DYING WHILE UNDER ISOLATION.

The head of an animal dying while under isolation shall be submitted to the laboratory of the Alameda County Health Department for examination for rabies.

tion shall be submitted to the laboratory of the Alameda County Health Department for examination for rabies.

4-11-315 KNOWLEDGE OF BITE—DUTY TO REPORT.

Whenever any person having charge, care, control, custody, or possession of any animal has knowledge that such animal has bitten any person or animal, or has been bitten by another animal, the person having charge, care, control, custody or possession of such animal shall report said fact forthwith to the San Leandro Police Department. The report shall state the name and address of the person bitten, and description of the animal bitten, if any, and the time and place where such person or animal was bitten, and any other information as requested by the San Leandro Police Department. A copy of the report shall be forwarded by the San Leandro Police Department to the Health Officer within forty-eight (48) hours.

4-11-320 POLICE DOGS—INTERFERENCE WITH—MISTREATMENT OF.

No person shall wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the County Sheriff or Police Department in the performance of the functions or duties of such department, or interfere with or meddle with any such dog while being used by said department or any member thereof in the performance of any of the functions or duties of said department of such officer or member.

4-11-325 CANINE DEFECATION—REMOVAL THEREOF.

(a) Any person having the custody or control of any dog shall have the duty to remove immediately any feces left by such animal on any public place and to dispose of such feces in a sanitary manner.

(b) Any person having the custody or control of any dog in or on a public place shall have in such person's immediate possession a device or equipment for the picking up and removal of animal

feces. For purposes of this section, such device or equipment shall be deemed to be in a person's immediate possession if such device or equipment is in a person's hand or is on the person, such as within a pocket.

(c) No person shall fail or refuse to show to any Police or Animal Control Officer or other designated representative of the City Manager, such device or equipment if the device or equipment is not visible.

(d) The provisions of subsections (b) and (c) above shall not apply to any disabled person when the person's disability requires a dog to accompany the person nor to a person using a dog in emergency or rescue activities.

(Legislative History: Ordinance No. 89-020, 11/6/89 (Section 4-11-325))

ARTICLE 4. IMPOUNDING OF ANIMALS

4-11-400 IMPOUNDING OF ANIMALS.

It shall be the duty of the Director to impound and safely keep any of the animals enumerated in this ordinance and found running at large, staked, tied, or being herded or pastured in any street, lane, alley, court, square, park, or other place belonging to or under the control of the City of San Leandro, or upon any private property, contrary to the provisions of this ordinance when such animals have been delivered to him by the City of San Leandro.

4-11-405 STRAY ANIMALS.

Every person taking up any stray animal or such animal which is running at large contrary to the provisions of this ordinance shall within eight (8) hours thereafter give notice to the San Leandro Police Department of:

(a) The fact that he has such animal in his possession.

(b) The complete description of such animal.

(c) The license number of such animal, if any, and by what county or municipal corporation issued. If such animal has no license, such person shall so state.

(d) The place where such animal is confined.

Every such person and any person in whose custody such animal may, in the meantime, be placed may deliver such animal to the shelter without fee or charge; and the Director shall thereupon hold and dispose of such animal in the same manner as though such animal had been found at large and brought to him the City of San Leandro pursuant to Section 4-11-400.

4-11-410 NOTIFICATION TO OWNER.

The Director shall immediately upon impoundment of dogs or other animals make every reasonable effort to notify the owner of such dogs or other animals impounded, and inform such owners of the conditions whereby they may regain custody of such animals. If the dog has a valid license, the owner shall be notified. Such notice shall be either personal or by deposit in the mails properly addressed and postage prepaid.

4-11-415 REDEMPTION OF IMPOUNDED ANIMALS.

All animals impounded at the shelter shall be provided with proper and sufficient food and water by the Director. Unless such unlicensed animals shall have been redeemed within five (5) days after being impounded, or licensed animals seven (7) days after notification provided for in Section 4-11-410, they may be sold by the Director to the person offering to pay a cash amount set by the Director, but not less than Ten Dollars (\$10) therefore, provided that the purchaser shall not be given possession of any dog or dogs until he shall have paid to the Licensing Authority the license fee or fees prescribed for such dog or dogs. If any dog or other animal impounded by the Director shall not have been redeemed within said period and cannot be sold within a reasonable time thereafter, it may be destroyed by the Director in a humane manner. In lieu of destruction, the Director may release without charge animals to any humane organization that provides an adoption service. The San Leandro Police Department and the Director shall each maintain a file describing each animal impounded therein, for at least the prescribed period beginning on

the day any such animal is taken or delivered into the possession of the shelter. The owner must, within five (5) days, show proof of a current, valid anti-rabies vaccination.

4-11-420 RECLAIMING LICENSED ANIMALS.

The owner of any licensed impounded animal shall have the right to reclaim the same at any time prior to the lawful disposition thereof upon payment to the Director of the costs and charges hereinafter provided in this ordinance for the impounding and keeping of said animals.

4-11-425 RECLAIMING OF UNREDEEMED ANIMAL BY OWNER.

The owner of any impounded animal may, at any time, within thirty (30) days after sale by Director, redeem from the purchaser by paying him the amount of the purchase price paid by him to the Director, and any license fee paid in addition thereto the sum equal to rates established in Section 4-11-530 per day for the number of days from the date of sale to and including the date of such redemption.

4-11-430 DESTRUCTION OF IMPOUNDED ANIMALS UNFIT FOR USE BY REASON OF AGE, DISEASE, OR OTHER CAUSE.

It shall be the duty of the Director, and he is hereby authorized to forthwith destroy any animal lawfully impounded which is by reason of age, disease, or other cause unfit for adoption, or is dangerous to keep impounded.

4-11-435 NUISANCES BY ANIMALS.

It shall be unlawful and a nuisance for:

(a) Any person owning, keeping or having in his care or custody any animal to knowingly permit or suffer such animal, by any barking or other noise or sound, to disturb any other person's peace and quiet. This section shall not be construed to prohibit the

keeping of any watchdog, provided the keeper thereof takes immediate steps to quiet such dog whenever it barks, and provided such keeper never leaves such dog unattended on the premises in a place where its barking, if prolonged or if repeated an undue number of times, disturbs any other person's peace and quiet.

(b) Any person owning, keeping or having in his care or custody any animal to allow, permit or suffer such animal to damage or destroy the property of another person or public property, or to repeatedly deposit its body waste fluid or matter upon such property.

(c) Any person owning, keeping or having in his care or custody any animal to allow, permit or suffer such animal to cause unsanitary, dangerous or offensive conditions due to inadequate care or facilities, or due to the size, type of number of animals maintained at a single location.

(d) Any person owning, keeping or having in his care or custody any animal to allow, permit or suffer such animal to molest, attack or otherwise interfere with the freedom of lawful movement of persons or to chase vehicles or to attack other domestic animals or in any other way, create a nuisance.

No person, after being informed orally or in writing by the Animal Control Officer that his animal has violated this section, shall fail, refuse or neglect to take whatever steps or use whatever means are necessary to assure that such animal or condition does not continue to be a nuisance.

(Legislative History: Ordinance No. 87-019, 11/2/87)

ARTICLE 5. FEES

4-11-500 LICENSE FEE.

The annual dog license fee shall be that amount established by resolution of the Council and shall be paid within forty-five (45) days of the date such license is required to be obtained.

4-11-505 LICENSE FEE—NEUTERED OR SPAYED DOG.

The license fee prescribed in Section 4-11-500 shall be reduced by one-half for a neutered or spayed dog. In order to qualify for the reduced fee provided for by this Section, an applicant for a license shall exhibit to the Licensing Authority a certificate issued by a duly licensed veterinarian or an affidavit executed by applicant under penalty of perjury certifying that the dog to be licensed has been neutered or spayed.

4-11-510 LICENSE FEE PENALTY.

Any person who fails to obtain a license and pay the appropriate fee within the time limit prescribed in Section 4-11-500, in addition to any other penalty prescribed by this Chapter, shall pay together with the license see a penalty in the amount established by resolution of the City Council.

4-11-515 EXCEPTION—“SEEING EYE” DOGS.

“Seeing Eye” dogs owned and actually used by a blind person shall be exempt from a license fee as specified in this Article.

4-11-520 EXCEPTION—“POLICE” DOGS.

Any dog owned by the County of Alameda or the City of San Leandro and used by the Sheriff or Police Department in the performance of the functions or duties of such department shall be exempt from a license fee as specified in this Article.

4-11-525 DUPLICATE TAGS.

The fee for replacement of a current tag which has been lost or stolen shall be established by the City Council by resolution.

4-11-530 CHARGES UPON IMPOUNDED ANIMALS.

The City Manager shall, by administrative rule, establish and the Director shall charge, receive and collect in accordance therewith, charges for impounded animals and for the care and feeding thereof.

4-11-535 CHARGES FOR SPECIAL SERVICES.

The City Manager shall, by administrative rule, establish and the Licensing Authority shall charge, receive and collect in accordance therewith, charges for special services pertaining to animal control other than those provided for in Section 4-11-530.

(Legislative History: Ordinance No. 82-086, 11/15/82; Ordinance No. 82-032, 5/24/82; Ordinance No. 87-024, 12/21/87)

ARTICLE 6. DANGEROUS DOGS

4-11-600 PURPOSE.

The provisions of this Article are supplementary to any other provision of law governing the same and are intended to afford the protection to the public consistent with reasonable and ascertainable standards of conduct.

4-11-605 PROHIBITIONS.

No person shall possess any dog in the City that is or has been determined to be a dangerous dog except in conformance to the provisions of this Article.

4-11-610 DETERMINATION OF DANGEROUS DOG.

A dog may be determined to be dangerous when any of the following requirements are met:

(a) Any dog which, according to the record of the Animal Control Officer, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal without provocation while off the dog owner's property;

(b) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;

(c) Any dog which without provocation chases or approaches beings on the streets, sidewalks, public grounds or property other than that of the owner of the dog, in a threatening and menacing manner or with apparent attitude of attack, or whose behavior requires a defensive action by any human being

to prevent bodily injury when the human being and the dog are off the property of the owner of the dog;

(d) Any dog not owned by a governmental entity or law enforcement agency and used exclusively to guard public or private property;

(e) Any dog which, when unprovoked, in an aggressive manner, bites a human being, causing a less severe injury than as defined in Section 4-11-100(e).

4-11-615 EXCEPTION FOR ANIMALS THAT ARE PROVOKED.

No dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

4-11-620 CONDUCT OF HEARING.

(a) A determination hearing shall be conducted by the Animal Control Officer whenever there is reasonable cause to believe that a dog may be a "dangerous dog" as defined in Section 4-11-610. Said hearing shall be conducted no less than five (5) working days nor more than ten (10) working days after serving notice to the owner by certified mail.

(b) Pending the outcome of such a hearing and unless otherwise impounded, the dog must be securely confined in a humane manner either on the premises of the owner or with a licensed veterinarian.

(c) The Animal Control Officer shall determine whether to declare the animal to be a "dangerous dog" based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such a determination, Health Department personnel, Animal Control personnel, police or any other person possessing relevant information.

(d) The Animal Control Officer shall issue written findings within five (5) working days after the determination hearing. The owner or possessor of the animal found to be dangerous by this hearing has the right to appeal the decision to the City Manager within five (5) days of receiving such decision.

(e) The Animal Control Officer may decide all issues for or against the owner of the dog even if the owner fails to appear at the hearing.

4-11-625 AUTOMATIC DETERMINATION/RIGHT TO CONTEST.

No prior hearing shall be required in those circumstances defined in Section 4-11-100(e) where a dog has, without provocation, inflicted severe injury on a human being. Provided, however, the owner of such a dog shall have the right to contest such designation in the manner provided in Section 4-11-620. Such right shall be afforded only to an owner reporting knowledge of a bite pursuant to Section 4-11-315 and if made within five (5) days of such bite.

4-11-630 IDENTIFICATION OF DANGEROUS DOG.

The owner or a dangerous dog shall, at his own expense, have the license number assigned to such dog, or other such numbers the City shall determine, tattooed upon such dangerous dog by a licensed veterinarian or person trained as a tattooist and authorized as such by the State or Police Department. The Animal Control Officer may, in his sole and exclusive discretion, designate the particular location of said tattoo. The Animal Control Officer may also determine any alternative means of identifying a dangerous dog which, in his sole and exclusive discretion, will provide sufficient notice to the public.

4-11-635 CHANGE IN STATUS.

The owner of a dangerous dog shall notify the Animal Control Officer within twenty-four (24) hours if a dangerous dog is loose, unconfined, has

attacked another animal, has attacked a human being, has died or has been sold or given away. If the dog has been sold or given away the owner or keeper shall provide the Animal Control Officer with the name, address and telephone number of the new owner, who, if a resident of the City, must comply with the requirements of this Chapter.

4-11-640 HUMANE CONFINEMENT.

While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the dog. The Animal Control Officer may, in his sole and exclusive discretion, establish additional or alternative standards to adequately protect the public.

4-11-645 NOTICE OF A DANGEROUS DOG.

The owner shall display a sign on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous dog.

4-11-650 MUZZLE REQUIRED.

A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal. The Animal Control Officer may, in his sole and exclusive discretion, establish addi-

tional or alternative standards to adequately protect the public.

4-11-655 INSURANCE REQUIRED.

The owner or keeper of a dangerous dog shall present to the Animal Control Officer proof that the owner or keeper has procured liability insurance coverage in an amount specified by the Finance Director of the City. This policy shall contain a provision requiring the City of San Leandro to be named as an additional insured.

4-11-660 DESTRUCTION OF DANGEROUS DOGS.

A dog declared dangerous may be destroyed by order of the Animal Control Officer when it is found, after proceedings conducted pursuant to Section 4-11-6-20 or Section 4-11-625 that the release of the dog would create a significant threat to the public health, safety and welfare.

4-11-665 IMPOSITION OF ADDITIONAL OR ALTERNATIVE CONDITIONS.

Notwithstanding the provisions of Sections 4-11-630 through 4-11-655, the Animal Control Officer may impose any additional or alternative conditions upon the release of a dangerous dog he deems necessary or appropriate for the protection of the public health, safety, and welfare.

4-11-670 SEIZURE OF DANGEROUS DOGS.

The Animal Control Officer may seize and impound an animal for violation of any provision of this Chapter or State law prior to hearing where the owner is not present and where the officer reasonably believes it is necessary:

- (a) To protect public health, safety and property; or
- (b) To protect an animal which is injured, sick, or starving.

When the person owning or having the right to control any dog is present, the Animal Control Officer may, prior to a hearing, seize or impound

any such dog he reasonably believes to be infected with disease transmittable to humans or to be a dangerous dog and a threat to public health, safety or property. Such seizure or impoundment may be made even though the animal is confined at the time or the seizure or impoundment.

If the owner or person with the right to control the animal wishes to challenge the seizure or impoundment, he or she shall so advise the Animal Control Officer, in writing, within five (5) days after the seizure or impoundment.

The Animal Control Officer shall promptly set the time and place for the hearing before him and shall cause notice of such hearing to be mailed to the requesting party no later than five (5) days before the hearing.

4-11-675 CIVIL FINES.

Notwithstanding the provisions of Section 4-11-415 to the contrary, any dog impounded pursuant to the provisions of Section 4-11-660 may be redeemed only upon satisfying the requirements of Section 4-11-415 and upon the payment of a civil penalty of Two Hundred Fifty Dollars (\$250) for the first violation, Five Hundred Dollars (\$500) for the second violation and One Thousand Dollars (\$1,000) for the third violation.

4-11-680 CRIMINAL PENALTIES.

In addition to the penalties prescribed by Section 4-11-665, any person violating the provisions of this Article shall be guilty of a misdemeanor and shall be fined or imprisoned as provided in Section 1-12-200 of this Code.

(Legislative History: Ordinance No. 87-019, 11/2/87; Ordinance No. 94-07A, 5/20/94 (Sections 4-11-610, 4-11-620, 4-11-630, 4-11-660, 4-11-665, 4-11-670, 4-11-675, 4-11-680); Ordinance No. 2002-032, 12/9/02 (Section 4-11-680))

ARTICLE 7. POT-BELLIED PIGS

4-11-700 POT-BELLIED PIG LICENSE REQUIRED.

Every person within the area owning, possessing, controlling, harboring, or keeping any pot-bellied pig as permitted by Section 3-5-100 over four (4) months of age shall procure from the Licensing Authority a pot-bellied pig license tag for each potbellied pig, as long as ownership of the pot-bellied pig continues, or within ten (10) days after acquiring or bringing into the area any pot-bellied pig over the age of four (4) months, and annually thereafter, so long as the ownership of the pot-bellied pig continues.

4-11-705 LICENSE FEE.

A license fee in the same amount as established by resolution of the City Council for licenses for dogs that have not been neutered or spayed shall be paid within forty-five (45) days of the date the license is required to be obtained. A person who acquires ownership, custody or control of any pot-bellied pig not currently licensed pursuant to provisions of this Chapter shall be immediately liable for the payment of the license fee.

4-11-710 TERM OF LICENSE.

The license period is one year.

4-11-715 CERTIFICATE OF SPAY OR NEUTER.

A pot-bellied pig license shall not be issued unless and until the owner presents to the Licensing Authority a valid certificate of neutering or spaying.

4-11-720 EXEMPTIONS.

This licensing requirement shall not apply to pot-bellied pigs found within the area under any of the following conditions:

(a) When the pot-bellied pig is owned by, or in the care of, any person who is a nonresident or who is traveling through the area, or who is temporarily sojourning therein for a period not to exceed thirty (30) days, if the pot-bellied pig is not permitted to run at large.

(b) When the pot-bellied pig is brought or set into the area for the exclusive purpose of receiving veterinary care in any animal hospital, if the pot-bellied pig is not permitted to run at large.

4-11-725 LICENSE APPLICATION.

The person owning or having control of the pot-bellied pig shall furnish to the Licensing Authority a description of the pot-bellied pig sufficient for identification, which description shall be entered in a record kept by the Licensing Authority for that purpose. A metallic or plastic identification tag having a number corresponding with the registration of the pot-bellied pig shall be issued to the owner of the pot-bellied pig. Upon such registration, a permit to keep a pot-bellied pig shall be issued to the applicant.

4-11-730 IDENTIFICATION TAG.

Every pot-bellied pig shall be provided by the owner with a suitable collar or other device to which the pot-bellied pig license tag shall be attached. If the pot-bellied pig license tag is lost or destroyed, the owner shall immediately procure a new duplicate license tag from the Licensing Authority.

4-11-735 LICENSE NOT TRANSFERABLE.

It shall be unlawful for any person to use any license tag for any other pot-bellied pig than for the one for which it was originally issued. The owner of a licensed pot-bellied pig shall preserve the license permit upon the premises where the registered pot-bellied pig is kept and shall, upon demand of the Licensing Authority, or any health officer, or a police officer of the city, show to such officer the license tag and permit to keep such pot-bellied pig. No person shall imitate or counterfeit the tags prescribed by this Article, or have in his or her possession any imitation or counterfeit tags.

4-11-740 RUNNING AT LARGE PROHIBITED.

No owner or keeper of a pot-bellied pig shall allow or permit such pot-bellied pig, whether licensed or unlicensed, to be or run at large in or upon any public

place or premises, or in or upon any private place or premises other than those of said owner or keeper except with the consent of the person in charge of said private place or premises, unless such pot-bellied pig is securely restrained by a substantial leash not to exceed six (6) feet in length and is in charge and control of a person competent to keep such pot-bellied pig under effective charge and control. For purposes of this section, any pot-bellied pig in or upon any vehicle shall be deemed to be on the premises of the operator thereof.

(Legislative History: Ordinance No. 98-01, 2/17/98 (Sections 4-11-700 — 4-11-740))

ARTICLE 8. ANIMAL CONTROL ATTENDANTS

4-11-800 ANIMAL CONTROL ATTENDANT.

The position of animal control attendant is hereby established and the Chief of Police is authorized to designate persons to staff it from the employment classification of maintenance worker.

4-11-805 DUTIES.

Animal control attendants shall enforce the provisions of this Chapter and other laws pertaining to the control and protection of animals.

4-11-810 ARREST POWER.

Pursuant to the provisions of California Penal Code Section 836.5, persons designated as animal control attendants are authorized to arrest persons without warrant or to issue citations whenever they have reasonable cause to believe that the person to be arrested or cited has committed in their presence a misdemeanor which is a violation of a statute or ordinance which, under Section 4-11-705, the animal control attendant has the duty to enforce.

(Legislative History: Adopted by Ordinance No. 68-45, amended by Ordinance Nos. 73-40, 73-53, 74-46, 75-23, 78-5, 78-54, 82-021; Ordinance No. 98-01, 2/17/98 (Sections 4-11-800 — 4-11-810))

ARTICLE 9. ANIMAL WASTE

4-11-900 ANIMAL WASTE.

No owner shall permit to remain any waste animal matter on any property, other than that of the owner, or on any public right of way, public park or public grounds.

(Legislative History: Ordinance No. 82-021, 4/19/82; Ordinance No. 98-001, 2/17/98 (Section 4-11-900))

ARTICLE 10. PENALTIES

4-11-1000 VIOLATIONS.

Any violation of the provisions of this Chapter may be abated in the manner provided in Chapter 1-12. For the purposes of enforcement pursuant to Section 1-12-200 of this Code, any violation of this Chapter except Article 6 shall constitute an infraction.

(Legislative History: Ordinance No. 87-019, 11/2/87; Ordinance No. 98-001, 2/17/98 (Sections 4-11-1000); Ordinance No. 2002-032, 12/9/02 (Section 4-11-1000); Ordinance No. 2013-007, 9/16/13 (Section 4-11-1000))

ARTICLE 11. GENERAL

4-11-1100 CERTAIN USES PROHIBITED.

(a) Except for household pets, the maintenance, feeding, or keeping of exotic animals, horses, cows, sheep, goats, or other animals of any kind is prohibited. Household pets include cats, caged birds, not over two (2) spayed or neutered pot-bellied pigs licensed in accordance with this Chapter, fish, mice, rats, hamsters, guinea pigs, not more than two (2) dogs, and similar domesticated pet animals, all of the aforesaid kept as household pets. Special regulations shall apply to the keeping of chickens, as described in Article 12.

(b) Notwithstanding the foregoing, the provisions of this Chapter are not applicable to the following:

(1) Owners who use animals for diagnostic purposes or research, and who have a valid permit issued by a governmental agency, and whose animals are kept on the premises specified in the permit.

(2) Owners who use animals for teaching purposes in recognized educational institutions and whose animals are kept on the premises of the institution or other authorized place.

(3) Owners of establishments that treat or board animals on the premises, and that are owned or operated by a veterinarian licensed by the state.

(4) Owners who are engaged in animal husbandry as a permitted use pursuant to the zoning ordinance as described in Section 4-11-1105.

(5) Owners of horse-riding academies and public and private horse stables and premises on which they are operated, as a conditional use pursuant to the zoning ordinance.

(6) Owners of licensed pet shops.

(7) Other circumstances when specifically authorized by the Animal Control Director after a determination that such authorization would be consistent with the intent of this Chapter.

4-11-1105 EXISTING USES.

Any person raising or keeping chickens, or other animals in the RO (Residential Outer) Zoning District at the time this Chapter takes effect or afterwards may continue to do so if they are in compliance with the Zoning Code related to the RO District and Animal Husbandry and any other applicable regulations. However, such persons must demonstrate compliance with the housing and care requirements listed in Section 4-11-1110 below.

4-11-1110 HOUSING AND CARE REQUIREMENTS FOR ALL ANIMALS.

Animal owners must be able to demonstrate compliance with the following:

(a) **Feeding and Watering.** Feeding and watering shall be done daily in sufficient quantity and nutritional value to meet the normal daily requirements for the conditions and size of the animal(s) except in

such cases where hibernation, the nature of the animal, or its feeding habits dictate otherwise.

(b) Treatment and Sanitation.

(1) All animals shall be handled in a humane manner and kept free from parasites, sickness and disease. When they are afflicted and/or become unsightly, they shall be given immediate medical attention and treatment by a licensed veterinarian at the owner or keeper's expense.

(2) If any animals are in need of medical treatment, and the owner has failed to provide such treatment, the animals will be treated by a veterinarian upon order of the Animal Control Officer in accordance with Section 597f of the California Penal Code.

(3) All cages or other enclosures shall be cleaned regularly and their surroundings shall be kept in a sanitary condition and free from offensive odor.

(4) The storage of animal feces shall be in a fly-proof container to be properly disposed of a minimum of once weekly.

(5) If animal manure is composted on-site, it shall not create odor issues or attract vermin or insects.

(6) Adequate and effective vector control shall be maintained at all times.

(7) Where the natural climate of the species of the animal differs from the climate of San Leandro, provisions must be made to adjust housing and treatment of the animal to the natural habitat.

(c) Cages and Enclosures.

(1) Household pets are not required to be maintained in cages or enclosures.

(2) When cages, enclosures, or housing facilities for animals are used, the cages shall be of such strength and type of construction that the animal cannot escape, ample space for exercise is provided, the animal is adequately protected from predators, and overcrowding is avoided.

(3) In the case of animals kept outdoors, sufficient shade shall be provided to prevent overheating or discomfort from sun exposure. Animals kept outdoors shall also be provided with access to shelter to allow them to remain dry during inclement weather.

(4) Animals with a propensity to fight, or that are otherwise incompatible, shall be kept separated.

(5) Cages shall have tops to prevent escape by climbing or jumping.

(6) Shelter, cages and enclosures shall be kept in good repair with no protrusions or devices on which the animal could injure itself.

(7) No cage or structure shall be permitted in any front yard area of the property.

(Legislative History: Ordinance No. 2013-007, 9/16/13 (Sections 4-11-1100—4-11-1110))

ARTICLE 12. CHICKENS

4-11-1200 LIMITATION ON NUMBER.

Up to four (4) chickens may be kept on parcels with an area of four thousand five hundred (4,500) square feet or larger. Chickens may be kept on parcels of less than four thousand five hundred (4,500) square feet with an Animal Permit. Up to ten (10) chickens may be kept on a parcel with an Animal Permit, but in no case may more than ten (10) chickens be kept on any single parcel. No roosters are to be kept on the property.

4-11-1205 KEEPING OF CHICKENS.

Chickens shall be kept outside in the rear yard, in a fenced area, and must be provided with a coop. They may not roam in any area outside the fenced rear yard. The total area of all chicken coops on a lot may not exceed sixty (60) square feet. No single coop, or combination of coops, shall exceed seven (7) feet in height. No coop shall be located less than five (5) feet from any side or rear lot line on which the primary use is residential and twenty (20) feet from an adjacent dwelling. Cages shall remain stationary in the back yard. Chicken coops must comply with all other applicable cage and enclosure requirements of Section 4-11-1110.

(Legislative History: Ordinance No. 2013-007, 9/16/13 (Sections 4-11-1200, 4-11-1205))

ARTICLE 13. ANIMAL PERMIT

4-11-1305 PERMIT REQUIRED.

(a) **Permit Required.** An Animal Permit is required for the keeping of chickens on parcels smaller than four thousand five hundred (4,500) square feet, and for the keeping of any animals in a manner that would otherwise exceed the limits or regulations set forth in the Municipal Code. Applicants for an Animal Permit shall provide a complete application form and a fee as set forth in the City's fee schedule for the required review and inspection. The permit will specify animals covered and number of animals permitted. Permit holders will be entitled to keep up to the number of animals permitted.

(b) **Inspection.** Prior to issuance of an Animal Permit, Animal Control Services shall conduct an inspection of the premises at any reasonable hour for inspection in order to make the following determinations, to the extent they are applicable to the particular animal:

(1) All applicable housing and care requirements set forth in Section 4-11-1110 are met.

(2) Adequate Fencing Exists. Depending on the animals and the specific features of the lot, additional fencing can be mandated as a prerequisite to Animal Permit approval in order to ensure the safety of both the animals and the public.

(c) **Required Findings.** In order to grant the Animal Permit, the following additional findings must be made:

(1) The keeping of the animals at the location specified in the application will not violate any ordinance or other City or State regulations.

(2) The keeping and maintenance of the animal will not endanger the peace, health or safety of persons in the immediate vicinity or in the City as a whole and will not constitute a nuisance.

(3) The premises and housing where the animal(s) will be kept are in clean and sanitary condition, and the animal(s) will not be subject to suffering, neglect, cruelty or abuse.

(d) **Mediation.** Upon receipt of a nuisance complaint regarding the holder of an Animal Permit, Animal Control Services may require the complain-

ant(s) to mediate with the Animal Permit holder as a precondition of investigation, citation and abatement of the nuisance. Such cases may be referred to the Alameda County Mediation Program. If the Animal Control Director determines mediation is appropriate and the complainants agree to mediate but the alleged violator refuses, the Animal Control Director may proceed with investigation and any appropriate enforcement.

(e) **Renewal of Permit.** Every two (2) years a renewal permit shall be obtained by a holder of an Animal Permit. The fee for the issuance of a permit and each renewal permit shall be established by City Council resolution, and the renewal permit fee is due and payable each year on the anniversary of the date of the issuance of the initial permit. The renewal fee shall become delinquent thirty (30) days after it becomes due and payable, and upon delinquency, an additional delinquent fee established by resolution of the City Council may be added to the succeeding year's renewal fee.

(f) **Inspection of Permit.** Animal Permits issued pursuant to the provisions of this Chapter shall be surrendered for inspection by the permit holder upon the request of the Animal Control Director or an Animal Control Officer.

(g) **Additional Inspections.** The premises on which an animal is maintained pursuant to an Animal Permit may be open at any reasonable hour for inspection by the Animal Control Director or his or her designee.

(Legislative History: Ordinance No. 2013-007, 9/16/13 (Section 4-11-1305))

ARTICLE 14. BEEKEEPING

4-11-1400 BEEKEEPING PERMIT.

A beekeeping permit is required for the keeping of any number of hives on any lot or parcel of land within the City.

4-11-1405 INSPECTION AND CONDITIONS OF BEEKEEPING PERMIT.

(a) **Inspection.** Prior to issuance of a beekeeping permit, Animal Control Services shall conduct an inspection of the premises.

(b) **Conditions.** The beekeeping permit applicant must be able to demonstrate compliance with the following conditions:

(1) No hive shall be kept or maintained on any parcel of less than six thousand (6,000) square feet.

(2) No more than three (3) hives shall be maintained on any property or parcel of land.

(3) The owner's name, address, and location of all such hives shall be registered with Animal Control Services.

(4) Hives shall be located in the rear of the property of the applicant and no less than five (5) feet from any side or rear lot lines. No hives shall be located in any front yard area of the property.

(5) Hives must be situated more than fifty (50) feet from any existing dwelling or any proposed dwelling for which a building permit has been issued.

(6) All hives shall be oriented so that their entrances face a house or building on the premises and shall be surrounded by a solid fence, located no farther than thirty (30) feet from such hives, that is not less than six (6) feet in height and no more than the height specifically approved with the beekeeping permit application to comply with zoning regulations. Said fence may be open on the side facing a house or building on the premises.

(7) A reliable water supply adequate to serve the needs of the hives located on the premises shall be maintained at all times on such premises. Running water is ideal; however, a pond or fountain, or similar, meet the requirements of the code.

(c) **Required Finding.** The Animal Control Officer reviewing the permit application shall find that the hives will not cause unreasonable disturbance to the health or safety of residents occupying properties adjoining the property or parcel before permit issuance.

(d) **Personal Permit.** Beekeeping permits shall be personal to the applicant and shall not run with the land.

(e) **Renewal Permit.** Every two (2) years, a renewal permit shall be obtained by a holder of a beekeeping permit. The fee for the issuance of a permit and a renewal permit shall be established by City Council resolution, and the renewal permit fee is due and payable each year on the second anniversary of the date of the issuance of the initial permit. The renewal fee shall become delinquent thirty (30) days after it becomes due and payable, and upon delinquency, an additional delinquent fee established by resolution of the City Council may be added to the succeeding year's renewal fee.

(f) **Inspection of Permit.** Beekeeping permits issued pursuant to the provisions of this Chapter shall be surrendered for inspection by the permit holder upon the request of the Animal Control Director or an Animal Control Officer.

(g) **Additional Inspections.** The premises on which bees are maintained pursuant to a beekeeping permit may be open at any reasonable hour for inspection by the Animal Control Director or his or her designee.

(Legislative History: Ordinance No. 2013-007, 9/16/13 (Sections 4-11-1400, 4-11-1405))

ARTICLE 15. MISCELLANEOUS

4-11-1500 APPEALS.

Persons aggrieved by determinations of Animal Control Officers or the Animal Control Director made pursuant to this Chapter may appeal such determination to the City Manager within fifteen (15) days from the date of such determination. Decisions of the City Manager, or his/her designee for these purposes, shall be final.

4-11-1505 RULES AND REGULATIONS.

The Animal Control Director may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of this Chapter. Compliance with such rules and regulations shall be a pre-

requisite to the issuance and continued validity of any permit provided for in this Chapter.

4-11-1510 INSPECTIONS.

Upon reasonable suspicion of a violation of this Chapter, the Animal Control Director shall be permitted to obtain an inspection warrant and enter onto the property.

(Legislative History: Ordinance No. 2013-007, 9/16/13 (Sections 4-11-1500—4-11-1510))