

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>DIVISION 1. - Humane Society of Santa Clara Valley Enforcement ARTICLE 1. - Titles and Definitions</p>		
<p>5.1 Short title.</p> <p>This chapter may be cited as the Animal Control Chapter of the City of Mountain View.</p>	<p>N/A</p>	<p>Short title deleted.</p>
<p>5.2 Definitions.</p> <p>The words and terms used in this chapter shall have the meaning indicated as follows unless the context clearly indicates otherwise:</p>	<p>5.1 Definitions.</p> <p>For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.</p> <p>“Abandoned animal” means an animal that is left without proper and necessary care for the animal’s well being for twenty-four (24) hours or an unreasonable period of time. “Abandoned animal” shall also mean any animal, lawfully impounded by the city, for which the owner has not paid fees, rates or charges relating to the detention of the animal.</p> <p>“Administrator” means the city manager or his/her designee.</p>	<p>Expanded list of terms. Modernizes terminology.</p>

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<p>a. Animal: shall include any mammal, bird or reptile.</p> <p>b. Animal control officer: any person or persons authorized to act in behalf of the director in the enforcement of the animal and rabies control program.</p> <p>c. Animal menagerie: shall mean any place where wild animals are kept or maintained for any commercial purpose, including places where wild animals are boarded, trained, or kept for hire.</p>	<p>“Animal” includes, but is not limited to, birds, cats, dogs, fishes, fowl, rabbits, reptiles and nonhuman mammals.</p> <p>“Animal control officer” means any person authorized by the administrator to enforce the provisions of this chapter, or any person authorized by the County health officer in the enforcement of rabies control laws and in the enforcement of state laws.</p> <p>“Animal menagerie” means any place where dangerous animals are kept or maintained for any purpose, including places where dangerous animals are boarded, exhibited, trained or kept for hire.</p> <p>“Animal shelter” means the service provider animal shelter, the Humane Society animal shelter, or any other facility designated by the service provider for the purpose of impounding and caring for all animals found in violation of this chapter, or surrendered to the city by their owners, and shall be a facility devoted to the welfare, protection and</p>	

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	<p>humane treatment of all animals.</p> <p>“Animal rescuer” means any person or organization that provides temporary housing and care for domestic animals with the purpose of placing those animals with a new and permanent owner in a new home and that provides evidence satisfactory to the administrator of a history of active placement or an affiliation with a recognized group with a history of active placement.</p> <p>“At large” means:</p> <p>(1) General. The presence of any animal when it is off the premises of its owner and not restrained by a six-foot (6’) leash under the control of a person physically capable of retaining control of the animal, or when the animal is on the premises of its owner and not restrained by a six-foot (6’) leash, fence or other adequate enclosure sufficient to prevent ingress and egress of the animal or not under the control and/or the immediate presence of its owner;</p>	

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<p>d. City manager: the city manager of the City of Mountain View, or any person or persons authorized or designated to act on his behalf, including, but not limited to, the building inspection supervisor.</p>	<p>(2) Animal in heat. For the purposes of this provision, “at large” shall also mean outside a house, vehicle or other enclosure adequate to prevent male dogs gaining access to the female dog.</p> <p>“Cat” means a domestic cat (<i>Felis catus</i>).</p> <p>“City council” means the city council for the City of Mountain View.</p> <p>“City manager” means the city manager for the City of Mountain View or his/her designee.</p> <p>“Commercial kennel” means any person or facility, as allowed under the current zoning code, engaged in, or used for, the keeping of dogs or cats, or both, for sale, individually or in litter lots, or in the boarding, training, sale or hire of dogs and/or cats for compensation, except that animal hospitals maintained by a veterinarian licensed by the state of California as part of the practice of veterinary medicine, animal shelters or private kennels shall not be considered commercial kennels.</p>	

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<p>e. Dangerous animal: any wild, exotic, venomous or other animal which because of its size, disposition or other characteristic would constitute a danger to persons or property.</p>	<p>“Dangerous animal” means any wild or exotic mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, constitutes a danger to human life, other animals or property.</p> <p>“Dangerous dog” means any dog, except a dog assisting a peace officer engaged in law enforcement duties, that:</p> <p>(1) Without provocation, has bitten a person or a domestic animal while on public or private property;</p> <p>(2) Without provocation, chases or approaches people or domestic animals on the streets, sidewalks or any public grounds in a threatening manner or apparent attitude of attack;</p> <p>(3) Has a known propensity, tendency or disposition for unprovoked attack, causing injury and threatening the safety of people or domestic animals;</p> <p>(4) Has been specifically trained to guard persons</p>	

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<p>f. Director: the police chief of the City of Mountain View or any other person(s) or agency authorized by the city to act on his/her behalf pursuant to this division.</p>	<p>and/or property;</p> <p>(5) Has inflicted severe injury on a person or domestic animal on public or private property; or</p> <p>(6) Any dog declared potentially dangerous, dangerous or vicious in another jurisdiction.</p> <p>[See “Administrator”]</p> <p>“Dog” means a domestic dog (<i>Canis familiaris</i>).</p> <p>“Domestic animal” includes dogs, cats and birds, rabbits and fowl commonly kept as pets.</p> <p>“Domestic bird” includes, but is not limited to, budgies, canaries, cardinals, cockatiels, cockatoos, finches, lories, lorikeets, lovebirds, macaws, parakeets, parrots, sparrows, toucans and weavers.</p> <p>“Euthanasia” means the humane destruction of an animal pursuant to the requirements of Sec. 5.60.</p> <p>“Exotic” means any animal not normally kept as a domestic or household pet, fowl or livestock and</p>	<p>[Veterinarian Responsibilities]</p>

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<p>g. Grooming parlor: shall mean any commercial place where animals are trimmed, bathed, or groomed.</p> <p>h. Kennel: shall mean any building, structure, enclosure or premises whereupon or within which four (4) or more dogs or cats are kept for any reason or purpose whatsoever. The term shall not include dogs or cats under one hundred twenty (120) days of age.</p>	<p>including, but not limited to, lions, tigers and monkeys.</p> <p>“Fowl” means any larger domestic bird such as a domesticated chicken, duck, goose, guinea fowl, peafowl, peacock, turkey, dove, pigeon, game bird or similar bird intended for human consumption or for the production of eggs for human consumption.</p> <p>“Grooming parlor” means any commercial place where animals are trimmed, bathed or groomed.</p> <p>[See “Private Kennel”]</p> <p>“Harbored” means the feeding or sheltering of an animal for three (3) or more consecutive days.</p> <p>“Health officer” means the director of public health of the County of Santa Clara or any person authorized to act on his/her behalf.</p> <p>“Hearing officer” means the service provider’s or the administrator’s designee.</p>	
<p>i. Livestock: shall include all domesticated bovine,</p>	<p>“Livestock” means all domesticated bovine,</p>	<p>Retained definition.</p>

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<p>equine, caprine, ovine, avian and rodent species.</p> <p>j. Owner: shall mean any person who owns an animal, or who harbors or keeps an animal for five (5) or more consecutive days.</p> <p>k. Person: shall include any person, firm, association, organization, partnership, business trust, corporation or company.</p>	<p>equine, caprine, ovine, avian and rodent species.</p> <p>“Lot” means a single parcel of land for which a legal description is filed of record or the boundaries of which are shown on a subdivision map or record of survey filed in the Office of the Santa Clara County Recorder.</p> <p>“Owner” means a natural person over the age of eighteen (18) who owns, possesses, harbors, controls or has custody of an animal. All adults residing at the same property address shall be rebuttably presumed to be the owner of any animal owned, possessed, harbored or controlled on the property.</p> <p>“Ownership” means any person keeping, harboring, controlling, having custody of or possessing one (1) or more animals for a period of not less than five (5) days.</p> <p>“Person” means any individual, domestic or foreign corporation, partnership, association of any kind, trust, fraternal society or cooperative.</p>	

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<p>l. Pet shop: shall mean an establishment operated by any person where any live animals are kept for sale, barter, or hire.</p> <p>m. Pound: shall include all places where impounded animals are to be confined, whether by the society or by other private person or persons under contract or agreement with the city.</p> <p>n. Poundmaster: means the animal regulation officer of the City of Mountain View, or any deputies, assistants, or duly authorized agents. For the purpose of this chapter, the poundmaster shall be the building inspection supervisor of the City of Mountain View.</p>	<p>“Pet” means any animal kept for pleasure rather than utility.</p> <p>“Pet shop” means a person or facility that obtains animals for sale, exchange, barter or hire to the general public as a principal or agent, or on consignment.</p> <p>[See “Service Provider”]</p> <p>[See “Service Provider”]</p> <p>“Physical control” means any animal confined or restrained by a leash or lead by a person of size and responsibility to adequately keep control of the animal or within the real property limits of its owner.</p> <p>“Premises” means any lot or parcel of land owned, leased or rented by a person.</p> <p>“Private kennel,” under this chapter only, means a person who maintains within or adjoining his or her private residence two</p>	

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	<p>(2) dogs over four (4) months of age, and/or two (2) cats over four (4) months of age, but no more than a combined total of four (4) dogs and cats; such animals to be for that person’s recreational use or for exhibition in conformation shows, field or obedience trials and where the sale of offspring is not the primary function of the kennel. The maintenance of more than two (2) male dogs or cats used for breeding purposes for which compensation is received, or the parturition and rearing of more than two (2) litters of dogs or cats in any one (1) calendar year from the total number of females owned or maintained by that person on the premises, shall establish a refutable presumption that such animals are owned or maintained for the purposes of commercial breeding; and the owner of the premises shall be subject to the permit requirements of a commercial kennel.</p> <p>“Provocation” means: (1) An act intended, or</p>	

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<p>o. Quarantine: isolation of an animal in a place and manner approved by the health officer.</p>	<p>which would be reasonably understood, to harass, menace, threaten or cause serious injury to a dog;</p> <p>(2) An act intended, or which would be reasonably understood, to cause bodily injury to the dog’s owner, owner’s family, owner’s property or domestic animals, in the presence of the dog; or</p> <p>(3) The entry into a private, fully enclosed area of the owner’s real property by an adult with the intent of committing a crime or injuring a person.</p> <p>“Public place” includes, but is not limited to, streets, highways, sidewalks, carnivals, shopping malls, flea markets and areas in front of commercial establishments.</p> <p>“Quarantine” means the isolation of any animal within a substantial enclosure to avoid its contact with other animals or unauthorized persons.</p> <p>“Sanitize” means to make physically clean, remove and destroy to a practical minimum agents injurious to health.</p>	

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<p>p. Small animal: shall mean common domestic songbirds and talking birds, small turtles, goldfish and small tropical fish commonly kept in aquariums and fish ponds, pigeons, rabbits, hamsters, guinea pigs, rats, mice, ducks, chickens, geese or other fowl.</p>	<p>“Service animal” means a dog specially trained to perform tasks for an individual with a disability, directly related to the individual’s disability, as defined by the Americans with Disabilities Act.</p> <p>“Service provider” means any city department, contract agency or joint powers authority designated by the city manager to provide animal control services for the city.</p> <p>“Severe injury” means any physical injury to a person that results in muscle tears or disfiguring lacerations, or requires sutures or corrective or cosmetic surgery.</p> <p>“Slaughter” means to kill an animal for food or butcher.</p> <p>“Small animals” means hares, rabbits, chickens, turkeys, geese, ducks, doves, pigeons, game birds or other fowl.</p>	

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<p>q. Society: the Humane Society of Santa Clara Valley.</p> <p>r. Vicious animal: any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behavior, is rebuttably presumed vicious:</p> <p>a) An attack, without provocation, which requires a defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peaceably and lawfully.</p> <p>b) An attack, without provocation, on another animal or livestock which occurs off the property of</p>	<p>N/A</p> <p>“Vaccination” means a protective inoculation against rabies with an antirabies vaccine recognized and approved by the Santa Clara County Health Department.</p> <p>“Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.</p> <p>[See “Dangerous Animal” and “Dangerous Dog”]</p>	

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<p>the owner of the attacking animal.</p> <p>c) An attack, without provocation, that results in an injury to a person in a place where such person is conducting himself peaceably and lawfully.</p> <p>d) Any behavior, without provocation, that constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself peaceably and lawfully.</p> <p>For the purposes of this section, a person is peaceably and lawfully upon the private property of the owner of an animal when he is on such property in the performance of any duty imposed upon him by the laws of this state or any city or county, or the laws or postal regulations of the United States, or when he is on such property upon invitation, express or implied.</p> <p>s. Wild animal: shall mean any wild, exotic, dangerous or venomous animals, including but not limited to mammals, fowl, fish, or reptiles.</p>	<p>[See "Exotic" and "Fowl"]</p>	

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<p>ARTICLE II. - General Provisions</p>		
<p>5.3 Chapter not to regulate use of land.</p> <p>This chapter is not intended to regulate the use of land. The Mountain View zoning ordinance regulates the number and types of animals which may be maintained in various zoning districts. Nothing in this chapter is intended to supersede the provisions of the Mountain View Zoning Ordinance.</p>	<p>N/A</p>	<p>Not needed.</p>
<p>5.4 Animals running at large.</p> <p>No person owning or having control of any animal shall permit such animal to stray or run at large upon any public street or other public place, or any unenclosed private lot or other unenclosed private place, or upon any private place or property without the consent of the owner or person in control thereof.</p>	<p>5.2 Animals running at large.</p> <p>No person owning or having control of any animal shall permit the animal to stray or run at large upon any public street or other public place, or upon any private place or property or common area of any planned development, cluster, townhouse or condominium project, without the consent of the property owner or person in control of the property.</p>	<p>Adds language including common areas of private property.</p>
<p>5.5 Conditions related only to seizures of dogs running at large.</p> <p>An animal control officer shall not seize or impound</p>	<p>5.4 Conditions related only to seizures of dogs running at large.</p> <p>An animal control officer shall not seize or impound</p>	<p>Substantially similar.</p>

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<p>a dog for running at large under the provisions of this chapter when the dog has not strayed from and is upon the private property of the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has a right to control the dog has a right of possession, nor shall the animal control officer seize or impound a dog which has strayed from but then returned to the private property of his owner or the person who has a right to control the dog; but, in such a case, a citation may be issued; provided, however, that if the owner or person who has a right to control the dog is not at home, the dog may be impounded, but the officer shall post a notice of such impoundment on the front door of the residence of the owner or person who has a right to control the dog. The notice shall state the following: that the dog has been impounded, where the dog is being held, the name, address, and telephone number of the agency or person to be contacted regarding release of the dog, and an</p>	<p>a dog for running at large in violation of Sec. 5.50 when the dog has not strayed from and is upon private property owned by the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has a right to control the dog has a right of possession.</p> <p>A dog that has strayed from but then returned to the private property of its owner or the person who has a right to control the dog shall not be seized or impounded merely for violation of Sec. 5.50, but in such a case, a citation for such violation may be issued; provided, however, that if in such a situation, the owner or the person who has a right to control the dog is not available at the premises, the dog may be impounded, but the officer shall post a notice of such impoundment on the front door of the living unit or other conspicuous place on the property of the owner or person who has a right to control the dog. This notice shall state the following: that the dog has been impounded, where</p>	

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<p>indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control the dog.</p>	<p>the dog is being held, the name, address and telephone number of the agency or person to be contacted regarding release of the dog, and an indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control the dog.</p> <p>This section shall not otherwise affect the authority of an animal control officer to seize or impound a dog or issue citations as a result of the violation of other sections of this chapter.</p>	
<p>5.6 Animal bites. Quarantine.</p> <p>Any person having knowledge that any animal has bitten any person shall immediately report that fact to the animal control officer or director with full information in regard to the incident.</p> <p>Upon receipt of a report that a person has been bitten by an animal capable of transmitting rabies, the animal control officer shall seize and quarantine such animal for a period of</p>	<p>5.5 Animal bites, quarantine, violation and examinations.</p> <p>Any person having knowledge that any animal is known to have or is suspected of having bitten any person shall immediately report that fact to an animal control officer or health officer with full information regarding the incident.</p> <p>Upon receipt of such a report, an animal control officer will seize and quarantine the animal for a</p>	<p>Updated terminology. Adds violation for failure to quarantine. Establishes fee for rabies vaccine.</p>

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<p>fourteen (14) days or such other period as may be prescribed by the State Department of Public Health. At the discretion of the director, quarantine may be upon the premises of the owner.</p>	<p>period of fourteen (14) days or such other period as may be prescribed by the State Department of Health. The animal control officer or health officer may order the owner to quarantine the animal on the owner’s premises.</p> <p>Any person who fails, refuses or neglects to quarantine any animal as ordered by the animal control officer, or who refuses to allow the animal control officer to inspect any private premises where the animal is kept is guilty of a misdemeanor. No animal shall be removed or released during the quarantine period without written permission of the animal control officer.</p> <p>The administrator may charge a fee, as set forth in a resolution adopted by the city council, to recoup the costs of quarantining animals and inspections for quarantine of animals. Any fee charged shall be paid by the owner of the animal. This fee shall be in addition to the actual costs of the animal control officer in housing, feeding and otherwise caring for a quarantined animal.</p>	

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	<p>The specimens from any animal that dies or is destroyed while under quarantine shall be submitted to the laboratory of the County Health Department for rabies examination.</p>	
<p>5.7 Diseased or vicious animals.</p> <p>a. A person owning or having charge of a vicious animal shall confine it within a building or secure enclosure, except that it may be permitted off the premises only when securely muzzled, leashed, and under the control of a person eighteen (18) years of age or older, and who is physically capable of restraining said animal.</p> <p>b. No person owning or having charge of any animal which he knows to be infected with any disease transmissible to man shall permit such animal to be or remain within the city other than at an approved veterinary hospital unless the health officer approves an alternative means of confinement.</p>	<p>5.6 Diseased animals 5.78 Permit for dangerous animals.</p> <p>5.6 (a) No person owning or having charge of any animal known to be infected with any disease transmittable to humans shall permit such animal to be or remain within the county other than at an approved veterinary hospital unless the health officer approves an alternative means of confinement.</p> <p>(b) The animal control officer shall seize any animal he or she reasonably believes to be infected with disease transmittable to humans. The animal control officer shall keep such animal in a safe place for a period sufficient to observe, examine and determine whether it is diseased or vicious so as to be a menace to public health or safety.</p>	<p>Separates categories of diseased and vicious/dangerous. Expands dangerous animals permit process.</p>

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<p>c. The animal control officer shall seize any animal he reasonably believes to be infected with disease transmissible to man, or to be vicious. He shall keep such animal in a safe place for a period sufficient to observe, examine, and determine whether it is diseased or vicious so as to be a menace to public health or safety.</p> <p>d. Diseased or vicious animals which are a danger to public health or safety shall be impounded and may be destroyed.</p>	<p>(c) Diseased or vicious animals which are a danger to public health or safety shall be impounded and may be destroyed.</p> <p>5.78</p> <p>(a) No person shall keep, have, maintain, sell, trade or let for hire a dangerous or exotic animal without first obtaining a permit from the administrator. The application for a permit, permit conditions, inspection, denial, revocation and appeal shall be the same as set forth in Sec. 5.67, 5.68 and 5.70 through 5.74.</p> <p>(b) No permit shall be required of any zoo, university, college, governmental research agency, duly incorporated Society for the Prevention of Cruelty to Animals (SPCA), humane society or animal control agency under the direction of the city, or other bona fide scientific institution, as determined by the administrator, engaging in scientific or public health research. For the purposes of this title, a zoo shall be considered any organization that exhibits</p>	

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	<p>animals to the general public at regular specified hours, equaling at least thirty (30) hours a week for thirty-six (36) weeks a year, and whose animals, whether maintained for exhibit purposes or not, are not for sale to private individuals.</p> <p>(c) The owner of a dangerous or exotic animal shall post the entrances to the property where the animal is kept with a legible sign at least twelve inches (12") square, warning persons of a dangerous animal.</p>	
<p>5.8 Dead animals.</p> <p>Upon the death of any animal the owner or person in charge thereof shall provide for the burial, incineration, or other disposition of the body of such animal. If the owner or person in charge of any dead animal is unable to provide for burial, incineration, or other disposition, he may request the animal control officer to dispose of the body of such animal.</p> <p>Upon learning that the body of a dead animal has</p>	<p>5.7 Dead animals.</p> <p>Upon the death of any animal, the owner shall provide for the burial, incineration or other disposition of the body of the animal. If the owner of any dead animal is unable to provide for burial or other disposition, the owner may request the animal control officer dispose of the body of the animal.</p> <p>Upon learning that the body of a dead animal has not been disposed of in a safe and sanitary manner,</p>	<p>Adds provision to notify owner. Allows no fee for owners 65 years old and older.</p>

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<p>not been disposed of in a safe and sanitary manner, or upon request of an owner or person in charge of the body of a dead animal, the animal control officer shall dispose of such body immediately; provided, that the animal control officer shall not be required to remove and dispose of bodies of dead animals on state highways or on state property. The director shall establish and collect a fee sufficient to defray the costs incident to removal and disposal of dead animals which shall be paid by the owner or person in charge thereof.</p>	<p>the animal control officer will remove the animal’s body immediately; provided, however, that the animal control officer shall not be required to remove and dispose of bodies of dead animals on state highways or on state property. Before disposing of the body of a dead animal, the animal control officer will give notice to the owner of the animal, if known, within seventy-two (72) hours of the time that the dead animal is removed.</p> <p>The administrator will collect a fee sufficient to recover costs associated with removal and disposal of dead animals which shall be paid by the owner, if known; but no fee shall be charged to the owner of a dead dog or cat if that person is sixty-five (65) years or older. The fee shall be set by resolution of the city council, or approved by the service provider’s board of directors, as applicable.</p>	
<p>5.9 Abandoned animals.</p> <p>It is unlawful to abandon any animal in the City of Mountain View.</p>	<p>5.8 Abandoned animals.</p> <p>No person shall abandon any animal in the City of Mountain View. The</p>	<p>Clarifies management of wild and domestic animals.</p>

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<p>5.10 Animals in city buildings.</p> <p>No person having the control or care of any animal or animals, with the exception of persons having defective eyesight who use a dog for guidance, shall suffer or permit such animal to enter or remain in city owned or managed buildings other than a building used for the purpose of care, detention, or treatment of animals or a building used for training classes, shows or exhibitions</p>	<p>management of wild and domestic animals shall be in compliance with this code, including Sec. 5.26, Animal traps, and Sec. 5.15, Feeding or release of animals on public property prohibited, and all state and federal laws.</p> <p>5.9 Animals on city property or in designated areas.</p> <p>(a) No person having the control or care of any animal shall permit such animal to enter or remain on city property and/or in city-owned or city-managed buildings other than a building used for the purpose of care, detention, control or treatment of animals, or areas designated as “dog parks,” “off-leash areas,” “off-leash training areas” or a building used for training classes, shows or exhibitions. City property, as used in this section, does not include public sidewalks, open areas or parks that are otherwise regulated in the city code.</p> <p>(b) Any permit or other authorization issued by the city for the operation of a festival or other special</p>	<p>Clarifies definition of city property and defines off-leash provisions.</p>

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	<p>event within city limits may include a condition prohibiting animals within the area of the festival or special event. If such a condition is included in the permit or other authorization for the festival or special event, it shall be unlawful for any person owning or having control of any animal to allow such animal within the area of the festival or special event.</p> <p>(c) This section does not apply to persons who have a service animal to accommodate a disability, or dogs used in law enforcement by a governmental agency, or persons expressly authorized by the administrator upon finding that the animal will not be disruptive to the operations of the city, or a hazard to persons or property.</p>	
<p>5.11 Authority of animal control officer.</p> <p>Each animal control officer in the performance of his duties may enter upon any property except by means of force when he has reason to believe that the</p>	<p>5.12 Authority of animal control officer.</p> <p>Each animal control officer shall have and is hereby vested with the authority of a peace officer. Each animal control officer may, in the performance of</p>	<p>Substantially similar.</p>

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<p>provisions of this chapter or any state law relating to disease, care, treatment, impounding or cruelty to animals are being violated or when such entry is necessary to seize an animal pursuant to the provisions of this chapter or state law. Each animal control officer may make arrests for the violation of the provisions of this chapter or of any state law relating to animals.</p>	<p>his/her duties, enter upon any property to ascertain if any of the provisions of the chapter or any state laws relating to disease, care, treatment, impounding or cruelty to animals are being violated. Each animal control officer may make arrests for the violation of the provisions of this chapter or any state laws in the manner provided by law.</p>	
<p>ARTICLE III. - Impoundment of Animals</p>		
<p>5.12 Summary seizure and postseizure hearing.</p> <p>a. Except as provided in <u>Sec. 5.5</u>, an animal control officer may seize and impound an animal for violation of any provision of this chapter or state law prior to a hearing in any of the following situations where the owner is not present and where the officer reasonably believes it is necessary: (1) to protect public health, safety and property; (2) to protect an animal which is injured, sick or starving and must be cared for; and (3) to protect an animal from injury which has strayed onto public property or a</p>	<p>5.33</p> <p>(a) Notwithstanding Sec. 5.4, an animal control officer may seize and impound an animal for violation of any provision of this chapter or state law prior to a hearing in any of the following situations where the owner is not present and where the officer reasonably believes it is necessary:</p> <p>(1) To protect public health, safety and property;</p> <p>(2) To protect an animal that is injured, sick or starving and must be cared for;</p>	<p>Substantially similar. Increases time to challenge impoundment to 5 days.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>public right-of-way.</p> <p>b. If the owner or person who has the right to control the animal wishes to challenge the impoundment, he shall personally deliver or mail a written request for a hearing, such that it is received by the director within seventy-two (72) hours of the seizure and impoundment.</p> <p>c. The director shall promptly set the time and place for the hearing before the city manager, who shall act as hearing officer, and shall cause notice of such hearing to be deposited in the mail to the party requesting the hearing at least five (5) days before the date of the hearing.</p> <p>d. The hearing shall be conducted as set forth in <u>Sec. 5.12.2</u></p>	<p>(3) To protect an animal from injury which has strayed onto public property or public right-of-way.</p> <p>(b) Even when the owner of any animal is present, an animal control officer may seize or impound any animal the officer reasonably believes to be infected with disease transmittable to humans or to be dangerous so as to be a threat to public health, safety or property. Such seizure or impoundment may be made even though the animal is at the time of seizure confined by the person owning or having charge of the animal if the animal control officer reasonably believes such seizure and impoundment is necessary to protect the public health or safety.</p> <p>(c) If the owner or person with the right to control the animal wishes to challenge the seizure or impoundment, he or she shall notify the administrator in writing, within five (5) business days after the seizure or impoundment.</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>(d) The administrator will promptly set the time and place for a hearing and will send notice of the hearing by first-class United States mail to the party requesting the hearing no later than five (5) business days before the hearing.</p> <p>(e) The hearing will be conducted as set forth in Sec. 5.35.</p>	
<p>5.12.1 Hearing prior to animal deprivation.</p> <p>a. Except as provided in <u>Sec. 5.5</u> and <u>5.12</u>, the director or animal control officer may not seize or impound any animal without the consent of the owner or person entitled to custody of the animal, unless an appeal hearing is held as set forth in <u>Sec. 5.12.2</u></p> <p>b. If the owner or person who has a right to control an animal refuses to consent to an impoundment of his animal, the animal control officer may issue a notice commanding the person to appear before the city manager at a set time. Failure of a person to</p>	<p>5.34 Hearing prior to animal deprivation.</p> <p>(a) Except as provided in Sec. 5.4 and 5.33, the administrator or animal control officer may not seize or impound any animal without the consent of the owner or person entitled to custody of the animal unless an appeal hearing is held as set forth in Sec. 5.35.</p> <p>(b) If the owner or person who has a right to control an animal refuses to consent to an impoundment of his/her animal, the animal control officer may issue a notice commanding the person to appear before the administrator at a set time. Failure of a person to</p>	<p>Substantially similar. Reduces penalty from a misdemeanor to infraction.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>appear at the hearing is a misdemeanor, and upon conviction thereof shall be punishable by imprisonment for a period not to exceed six (6) months, or by a fine not to exceed five hundred dollars (\$500), or by both fine and imprisonment, and, in addition, the animal control officer may immediately seize and impound the animal.</p>	<p>appear at the hearing is an infraction, and upon conviction thereof shall be punishable by a fine not to exceed five hundred dollars (\$500) and, in addition, the animal control officer may immediately seize and impound the animal.</p>	
<p>5.12.2 Appeal hearing.</p> <p>At the appeal hearing, petitioner and the director may be represented by counsel, may present oral and written evidence, and may cross-examine witnesses. Strict rules of evidence need not apply. Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. The decision of the city manager shall be supported by the weight of the evidence and shall be final. The petitioner shall be given written notice of the decision within fifteen</p>	<p>5.35 Post seizure appeal hearing. 5.64 Restrictions of dogs designated as “dangerous”.</p> <p>5.35 (a) At the hearing, petitioner and the animal control officer may be represented by counsel, may present oral and written evidence, and may cross-examine witnesses. Technical rules of evidence shall not apply. Any relevant evidence may be admitted as determined by the hearing officer. The decision of the hearing officer shall be supported by the weight of the evidence and shall be final.</p> <p>(b) After submission of all the evidence, and not more than fifteen (15) days after</p>	<p>Process conforms to current practice. Terminology changes.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>(15) days of the hearing. The city manager, according to this chapter, may decide that the owner of the animal will lose all rights of ownership and control of the animal; and may order that the animal will be destroyed after the animal has bitten or injured a person once. He may declare an animal to be vicious or dangerous as defined in this chapter. He may require the owner before the animal is released to his custody to obtain a permit under <u>Sec. 5.32</u> and sign an agreement which contains conditions, such as, but not limited to, the following: The owner agrees as a condition of the animal's release to him: (1) to keep the animal confined on his premises in an enclosure approved by the administrator; (2) to keep the animal securely muzzled, leashed and under the control of a person eighteen (18) years of age or older, and who is physically capable of restraining the animal when the animal is off his property; (3) a violation of this agreement will result in the animal being impounded and destroyed;</p>	<p>the hearing, the hearing officer shall notify the petitioner in writing of his/her decision. The hearing officer may order the animal released without conditions, may designate the animal dangerous and order release with conditions, may order the animal destroyed or may make other orders as the hearing officer determines appropriately fulfills the needs of the animal and the safety of the public based on the weight of the evidence and consistent with this Chapter. The decision of the hearing officer shall be final. Any release conditions imposed by the hearing officer, which may include but shall not be limited to spaying and neutering, shall be solely in the interest of protecting public health, safety and property.</p> <p>5.64 Restrictions of dogs designated as “dangerous.”</p> <p>(a) The owner or person with the right to control a dangerous dog shall be required to comply with all of the following requirements:</p>	<p>Substantially similar, includes updated restrictions consistent with current practice.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>(4) to prove financial responsibility by posting a bond or certificate of insurance in the amount of ten thousand dollars (\$10,000) or more; and (5) to inform, along with animal control, any city, county, postmaster, utility company meter readers, and anyone else that comes on the property with implied consent or peaceably and lawfully of the animal's viciousness if the animal is moved into an area. Any violations of this agreement or this section is a misdemeanor, which may result in the prosecution of the person by the district attorney or city attorney.</p>	<p>(1) Keep the dog under his/her own physical restraint when in the front of the publicly accessible area of the owner's property and when off of the owner's property by complying with all of the following:</p> <ul style="list-style-type: none"> (a) Use of a nonretractable leash not to exceed three feet (3') in length; (b) Capable of restraining four (4) times the weight of the dog; (c) Attached to an escape-proof, commercial-quality walking harness that fastens securely across the shoulders and midchest, encompassing the rib area and upper abdomen of the dog; (d) No neck collar of any type or material will be sufficient; (e) The dog shall not be leashed or tethered at any time to inanimate objects such as trees, posts or buildings, except when the dog is inside a securely enclosed, escape-proof locked kennel or 	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>pen;</p> <p>(f) The dog shall be securely muzzled with a device constructed to allow normal respiration but impossible for the dog to remove without human assistance; and</p> <p>(g) The dog shall be under the direct physical control of a person who is a least eighteen (18) years old and who is physically capable of restraining the dog.</p> <p>(2) The administrator may require the use of specially marked or colored leash and collar or harness for identification of dangerous dogs.</p> <p>(3) The dog shall be spayed or neutered.</p> <p>(4) The dog shall have a valid and registered passive integrated transponder or other implanted radio frequency identification device (“microchip”) for identification purposes.</p> <p>(5) The owner of such animal shall immediately keep such animal in a securely enclosed, escape-</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>proof, locked kennel or pen, the location and placement of which shall be determined by the hearing officer. Such kennel, pen or structure must have secure sides and a secure top attached. The kennel or pen must be constructed in a manner and of such materials so that it cannot be broken down by any action of the confined dog. All structures used for confinement of dangerous dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material of sufficient depth to prevent the dog from digging free. Sides of the structure shall be embedded not less than two feet (2') into the ground behind a solid fence not less than six feet (6') in height. The supporting posts of the structure shall be set in concrete or other material not less than two feet (2') into the ground and no further than six feet (6') apart.</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>The sides and ends of the structure shall be constructed of solid boards or chain-link material not less than six feet (6') in height and securely fastened to the top and bottom of the structure. The structure shall not be constructed or maintained in any front or required side yard and shall be maintained in a sanitary condition at all times. The dog(s) confined therein shall be afforded adequate protection from the elements and kept in a humane manner.</p> <p>(6) The dog must be confined by means of a house, apartment, building or similar structure wherein the windows and doors are secured to prevent the dog from exiting without the assistance of the owner or person having a right to control such dog.</p> <p>(7) Any owner or person having a right to control the dog shall seek preapproval from the administrator for a dog obedience class and attend the dog obedience class with the dog that</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>exhibited behavior that led to this designation.</p> <p>(8) The owner must post a sign advising of the presence of a dangerous dog at the entrance to every place wherein any such dog is confined. The sign must be capable of being understood by a child with the normal reading skills of a second grader.</p> <p>(9) No person shall transport a dangerous dog except in a locked animal carrier equivalent in construction quality to those used by commercial air carriers.</p> <p>(10) No person shall leave a dangerous dog unconfined or unattended in or about any motor vehicle.</p> <p>It is understood that the provision of subsection (a)(5) of this section shall not apply to the owner or person with the right to control a dangerous dog living in an apartment or condominium.</p> <p>(b) This Sec. 5.64 shall not apply to the following:</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>(1) Service animals;</p> <p>(2) Dogs participating in field or obedience trials or conformation exhibitions;</p> <p>(3) Dogs assisting their owner/handler in legal hunting activities or in the herding of livestock;</p> <p>(4) Dogs assisting a private patrol operator properly registered in accordance with MVCC Sec. 20.2, or assisting a peace officer engaged in law enforcement activities; or</p> <p>(5) Dogs being trained for any of the above-described purposes on private property with the permission of the landowner, so long as these dogs are under the direct control of individuals who assure they do not violate any other provision of law.</p>	
<p>5.12.3 Failure to appeal impoundment.</p> <p>Any person who fails to appeal any seizure or</p>	<p>5.36 Failure to appeal impoundment.</p> <p>Any person who fails to appeal any seizure or</p>	<p>Substantially similar. Increases time to appeal to</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>impoundment by the animal control officer under this chapter within seventy-two (72) hours from impoundment as specified in <u>Sec. 5.16</u> will forfeit all rights of ownership and control of the animal. All rights of ownership and control shall be transferred to the Humane Society of Santa Clara Valley. Final disposition of the animal shall be determined by that agency in accordance with the provisions of this chapter and state law.</p>	<p>impoundment by the animal control officer under this article within five (5) business days from impoundment shall forfeit all rights of ownership and control of the animal. Final disposition of the animal shall be determined in accordance with the provisions of this article and other applicable law.</p>	<p>5 days. Removes transfer of ownership to Humane Society.</p>
<p>5.13 Fees for impounding and keeping.</p> <p>An impoundment fee shall be charged to the owner of each animal impounded. The impoundment fee shall be established by council resolution.</p> <p>In addition, there shall be charged a per day boarding fee. The boarding fees shall be established by council resolution.</p> <p>A fee shall be charged for each unwanted dog or cat voluntarily impounded by their owner. The voluntarily impoundment fee shall be established by</p>	<p>5.28 Fees for impounding and keeping.</p> <p>(a) An impoundment fee shall be charged to the owner of an animal impounded to defray the costs of impoundment, in an amount fixed by resolution of the city council, or approved by the service provider’s board of directors, as applicable.</p> <p>(b) In addition, a fee for keeping an impounded animal shall be charged in an amount sufficient to defray the actual costs of keeping and caring for the animal, as determined by the administrator.</p>	<p>Substantially similar.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
council resolution.		
<p>5.14 Redemption of impounded animals.</p> <p>The owner or other person entitled to custody of any impounded animal may redeem such animal by paying the fees for impounding and keeping, except that no dog may be redeemed without compliance with the licensing provisions of this chapter.</p>	<p>5.29 Redemption of impounded animals.</p> <p>The administrator or animal control officer may permit an owner or other person entitled to custody of an impounded animal to redeem the animal. No animal may be redeemed without payment of the fees for impounding and keeping the animal, and without compliance with the licensing provision of this title.</p>	<p>Substantially similar.</p>
<p>5.15 Notification of impoundment.</p> <p>The animal control officer shall give notice of impoundment to the owner of every animal impounded, if he is known.</p>	<p>5.30 Notification of impoundment.</p> <p>The animal control officer will give notice of impoundment to the owner of every animal impounded, if known, by either posting a written notice of the impound in a conspicuous place at the owner’s residence, or personally delivering the notice to the owner on the day of the impound. The notice shall advise the owner that the animal may be forfeited unless the owner contacts the administrator within five (5) business days. The notice shall set forth a telephone number to</p>	<p>Adds details for owner notification.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	contact the administrator.	
<p>5.16 Disposition of impounded animals.</p> <p>a. No animal may be disposed of until seventy-two (72) hours have elapsed from the time of impoundment, exclusive of the day of impoundment and the days that the impounding facility is closed to the public.</p> <p>b. Notwithstanding anything to the contrary, an animal which has been determined by a veterinarian licensed by the State of California or by other authorized personnel to be diseased or injured to the extent that emergency veterinary care will not alleviate intense suffering, shall be destroyed in accordance with all state humane laws as soon as possible.</p>	<p>5.31 Disposition of impounded animals.</p> <p>(a) No animal may be disposed of until seventy-two (72) hours have elapsed from the time of impoundment, exclusive of the day of impoundment and the days that the impounding facility is closed to the public.</p> <p>(b) Notwithstanding anything to the contrary, an animal which has been determined by a veterinarian licensed by the State of California or by other authorized personnel to be diseased or injured to the extent that emergency veterinary care will not alleviate suffering will be destroyed in accordance with all state and county humane laws as soon as possible.</p>	<p>Substantially similar.</p>
<p>5.17 Care of impounded animals.</p> <p>The director shall assure that all impounded animals receive suitable and adequate food, water and shelter.</p>	<p>5.32 Care of impounded animals.</p> <p>The animal control officer shall ensure that all impounded animals receive suitable and adequate food, water and shelter.</p>	<p>Substantially similar.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>ARTICLE IV. - Dogs</p> <p>5.18 Restraint of dogs.</p> <p>The owner, harborer or keeper of every dog shall keep such dog confined to his own premises or premises under his control or shall keep such dog under physical restraint by means of a leash not to exceed six (6) feet in length. However, an owner, harborer, or keeper may train a dog under his control without a leash in designated areas of specific city parks, all as determined by the director of parks and recreation, if a permit for such activity has been obtained in accordance with <u>Chapter 38</u> of this City Code.</p>	<p>5.50 Restraint of dogs 5.61 Dogs in posted off-leash areas.</p> <p>5.50 The owner of any dog shall keep and maintain such dog under their own physical restraint by use of a leash not to exceed six feet (6') in length, or shall keep such dog sufficiently confined behind a fence of reasonable height. This section shall not apply to the following:</p> <p>(a) Service animals while performing their duties;</p> <p>(b) Dogs participating in field or obedience trials or exhibitions;</p> <p>(c) Dogs assisting their owner/handler in legal hunting or in the herding of livestock;</p> <p>(d) Dogs assisting a private patrol operator properly registered in accordance with MVCC Sec. 20.2 and as amended, or assisting a peace officer engaged in law enforcement activities;</p> <p>(e) Dogs being trained for</p>	<p>No change in length of leash, some terminology differences, provides for exemptions and conditions for having dogs off-leash.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure they do not violate any other provision of law.</p> <p>5.61 The exemption from the requirements for the restraint of dogs as set forth in Sec. 5.50 shall apply only if all of the following conditions are met:</p> <p>(a) No dog shall be in a posted off-leash area except when in the charge, care, custody, or control of a person at least thirteen (13) years of age.</p> <p>(b) No animals other than dogs shall be in any posted off-leash area. Dogs are only permitted in the posted off-leash area during posted hours of operation.</p> <p>(c) No person shall have more than two (2) dogs in a posted off-leash area at any one time.</p> <p>(d) Any dog in a posted off-leash area must be at least four (4) months of age,</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>vaccinated for rabies, and currently licensed by the city’s animal services division or other jurisdiction. All persons entering the posted off-leash area are responsible for ensuring their dog is not sick, in heat, injured, less than four (4) months of age, or displaying aggressive behavior toward other dogs or humans in the posted off-leash area.</p> <p>(e) Any person having charge, care, custody or control of a dog in a posted off-leash area shall:</p> <p>(1) Carry at all times a suitable container or other suitable instrument for the removal and disposal of dog feces;</p> <p>(2) Promptly remove and properly dispose of any waste deposited by the dog;</p> <p>(3) Quiet or remove the dog if it disrupts or disturbs the reasonable and comfortable use of the area;</p> <p>(4) Have in his/her possession a leash for such dog that shall be worn by the dog, and physically</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>held by the owner, at all times the dog is not in the posted off-leash area; and</p> <p>(5) Comply with all other applicable state and local laws, including without limitation those that govern the health, safety and maintenance of dogs.</p> <p>Compliance with this section shall not relieve any person of liability for damages arising out of his/her use of a posted off-leash area.</p>	
<p>5.19 Maximum number of dogs or cats.</p> <p>a. No more than two (2) female dogs or two (2) female cats, four (4) months of age or older, or one (1) female dog and one (1) female cat four (4) months of age or older, together shall be kept on any parcel of land. A spayed female dog or cat shall not be considered a female for the purposes of this section.</p> <p>b. No person shall keep or harbor four (4) or more dogs and/or cats, four (4) months of age or older, upon any premises without first obtaining a kennel permit from the city</p>	<p>5.51 Maximum number of dogs, cats, or litters.</p> <p>(a) No person shall keep or maintain more than a total of four (4) adult dogs and/or cats (any combination) over four (4) months of age, at any street address.</p> <p>(b) No person shall keep or maintain more than one (1) unspayed female dog or one (1) unspayed female cat, at any street address.</p> <p>(c) A female dog or cat shall be rebuttably presumed to be unspayed, unless the owner provides evidence of spaying. Written certification from a</p>	<p>Retains total maximum number of dogs and cats. Adds restrictions on litters. Allows exemption from spaying by veterinarian certification. Exempts a pet shop, commercial kennel, private kennel, animal shelter or animal menagerie that holds a valid permit from the administrator.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>manager. c. The provisions of this section shall not apply to any duly licensed veterinarian or kennel operator.</p>	<p>licensed veterinarian that an animal cannot be spayed for health reasons or is incapable of breeding shall be deemed a satisfactory substitution for a certificate showing an animal is spayed.</p> <p>(d) No person shall allow the parturition and rearing of more than one (1) litter (dogs or cats) in any one (1) calendar year from females owned by him/her or maintained on his/her premises.</p> <p>(e) The provisions of this section shall not apply to a bona fide veterinarian licensed by the State of California for the practice of veterinary medicine, or a pet shop, commercial kennel, private kennel, animal shelter or animal menagerie that holds a valid permit from the administrator.</p>	
<p>5.20 Vaccination of dogs.</p> <p>Every owner of a dog over four (4) months of age shall cause such dog to be vaccinated with an antirabies vaccine approved by the State Department of Public Health. Revaccination shall</p>	<p>5.52 Vaccination of dogs.</p> <p>Every owner of a dog over four (4) months of age shall cause such dog to be vaccinated with an antirabies vaccine approved by the State Department of Public Health. Revaccination shall</p>	<p>Substantially similar.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>be made at such intervals of time as may be prescribed by the State Department of Public Health. Compliance with the provisions of this section shall be a condition to the issuance or renewal of dog licenses.</p>	<p>be made at such intervals of time as may be prescribed by the state Department of Public Health. Compliance with the provisions of this section shall be a condition to the issuance or renewal of dog licenses.</p>	
<p>5.20.1 Veterinarian responsibilities.</p> <p>Every veterinarian who vaccinates or causes or directs to be vaccinated in the city any dog with antirabies vaccine shall use a form provided by the licensing authority to certify that such animal has been vaccinated.</p>	<p>5.60 Veterinarian responsibilities.</p> <p>(a) Every veterinarian who vaccinates or causes or directs to be vaccinated in the city any dog with an antirabies vaccine shall use a form provided by the administrator to certify that such animal has been vaccinated.</p> <p>(b) Every veterinarian shall provide to the animal owner a copy of the antirabies vaccination form for use in obtaining a license for the animal.</p> <p>(c) Every veterinarian shall submit to the administrator a copy of the county-approved antirabies vaccination form, within ten (10) days of the beginning of each month, for any dog which he or she vaccinates or directs to be vaccinated with antirabies vaccine during</p>	<p>Expands responsibilities beyond vaccination, such as owner notification and humane destruction.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>the previous month.</p> <p>(d) Every veterinarian operating a business within the city shall conspicuously display a sign to notify dog owners that their animals must be licensed.</p> <p>(e) The humane destruction of an animal must be accomplished by a person who has completed a training curriculum of at least eight (8) hours, provided by a veterinarian, a registered veterinary technician, or an individual who has been certified by the California Animal Control Directors Association and the State Humane Association of California to train persons in the humane use of sodium pentobarbital. The curriculum shall include humane animal restraint techniques, sodium pentobarbital injection methods and procedures, verification of death training, safety training and stress management for personnel, and record keeping and regulation compliance for sodium pentobarbital. At least five (5) hours of the curriculum shall consist of hands-on training. The trained</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>person may only use sodium pentobarbital to perform the humane destruction, per 16 California Code of Regulations Sec. 2039 and as may be amended.</p>	
<p>5.21 License required.</p> <p>No person shall have, harbor, or keep any dog four (4) months of age or older which has not been licensed pursuant to the provisions of this article, except:</p> <p>a. A city license shall not be required for a nonresident of the city which is to be kept in the city for a period not longer than thirty (30) days.</p> <p>b. A city license shall not be required for dogs temporarily brought into the city for entry into an event, show, or exhibition scheduled not more than ten (10) days thereafter.</p>	<p>5.53 License required.</p> <p>(a) No person shall maintain or board any dog four (4) months of age or older that has not been licensed pursuant to the provisions of this chapter, except:</p> <p>(1) A license shall not be required for dogs owned or under the control of a nonresident of the city that is to be kept in the city for less than thirty (30) days in any twelve (12) month period.</p> <p>(2) A license shall not be required for dogs temporarily brought into the city for entry into an event, show or exhibition scheduled not more than ten (10) days thereafter.</p> <p>(b) A license shall not be required for cats, but an owner may voluntarily license or register a cat.</p>	<p>Substantially similar. Combines language for voluntary cat licensing and retains cat registration.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>5.22 License fees.</p> <p>A dog license fee shall be paid for each dog within the city. The fee for a spayed female or neutered male shall be one-half (1/2) the fee otherwise charged. The license fee shall be established by council resolution. Dog license fees shall not be refundable in whole or in part.</p> <p>The director may require the submission of a certificate of a licensed veterinarian stating that a dog has been spayed or neutered, or cannot be spayed or neutered for health reasons, and is incapable of breeding, prior to issuance of a license at the lesser fee.</p> <p>An additional fee shall be paid for a license purchased more than sixty (60) days after expiration of a previously issued license or sixty (60) days after notice to the owner to obtain a license. The additional late fee shall be established by council resolution.</p> <p>Dog owners who have attained the age of sixty-five (65) and own only one</p>	<p>5.54 License fees.</p> <p>(a) Mandatory dog and voluntary cat license fees, including reduced fees for spayed females or neutered males, for each dog or cat within the city shall be those set by resolution of the city council or approved by the service provider board of directors, as applicable. Dog and cat license fees shall not be refundable in whole or in part.</p> <p>(b) The administrator may require the submission of a certificate of a licensed veterinarian stating that a dog or cat has been spayed or neutered, or cannot be spayed or neutered for health reasons and is incapable of breeding, or is incapable of breeding, prior to issuance of a license at a lesser fee.</p> <p>(c) An additional fee, in an amount determined by the city council or approved by the service provider’s board of directors as applicable, shall be paid for a license purchased more than sixty (60) days after expiration of a previously issued license or sixty (60) days after</p>	<p>Substantially similar. Adds language for voluntary cat licensing.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>(1) dog shall not be required to pay annual renewal license fees for the one (1) dog provided the dog is spayed or neutered or a veterinarian certifies that the dog cannot be spayed or neutered for health reasons.</p> <p>Licenses and tags for dogs used principally for the purpose of guiding persons who are blind or deaf and for dogs used in law enforcement by any governmental agencies shall be issued upon request without charge.</p>	<p>notice to the owner to obtain a license.</p> <p>(d) Licenses and tags for service animals and for dogs used in law enforcement by any governmental agencies shall be issued upon request without charge.</p> <p>(e) The administrator may waive the license fee for only one (1) spayed or neutered dog or cat kept in a household where the owner of the dog or cat is over the age of sixty-five (65) years, provided such owner presents or qualifies for a state Medi-Cal card.</p>	
<p>5.23 License issue.</p> <p>Upon payment of the license fee and presentation of a certificate of vaccination by a duly licensed doctor of veterinary medicine, the director shall issue a license stating the name and residence of the person to whom the license is issued, the amount paid, the date of issuance and the expiration thereof, the date of expiration of the vaccination and a description of the dog for which such license is</p>	<p>5.55 Issuance of license.</p> <p>Upon payment of the license fee and, if required, the presentation of a valid certificate of vaccination by a duly licensed doctor of veterinary medicine, the administrator shall issue a license stating the name and residence of the person to whom the license is issued, the amount paid, the date of issuance and expiration thereof, the date of expiration of the vaccination, and a description of the dog or cat for which such license is</p>	<p>Substantially similar. Adds language for voluntary cat license. Adds option of microchip for cat license.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>issued, together with the number of the metallic tag accompanying the same.</p>	<p>issued, together with the number of the metallic tag or passive integrated transponder or other implanted radio frequency identification device (“microchip”), as applicable, accompanying the same.</p>	
<p>5.24 Metal tags.</p> <p>With each dog license, the director shall issue a metal tag bearing an identifying number and the words and letters "City of Mountain View Dog Lic." Each dog shall wear the metal tag issued for it at all times, except when being shown at a dog show, exhibition or event. In the event it is necessary to issue a duplicate tag to reflect a change in ownership or for any other reason, a fee shall be charged to the owner. The additional fee shall be established by council resolution.</p> <p>It shall be unlawful for any person to attach a metal tag issued pursuant to this section to any dog other than the dog for which it was issued.</p>	<p>5.56 Metal tags and passive integrated transponders.</p> <p>(a) With each dog or cat license, the administrator shall issue a metal tag bearing an identifying number and the words and letters “DOG/CAT LICENSE.” Each dog shall wear the metal tag issued for it at all times except when being shown at a dog show, exhibition or event. In the event it is necessary to issue a duplicate tag, a fee, established by city council resolution or approved by the service provider’s board of directors, as applicable, shall be charged to the owner. A valid and registered passive integrated transponder or other implanted radio frequency identification device may be used in place of the metal tag for licensed or registered cats.</p>	<p>Substantially similar. Adds language for voluntary cat license or registration with microchip. Allows fees to be set by board of service provider.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>(b) It shall be unlawful for any person to attach a metal tag issued pursuant to this section to any dog or cat other than the dog or cat for which it was issued.</p>	
<p>5.25 License period.</p> <p>Dog licenses shall expire on the first day of the twelfth month after purchase. Dog licenses shall be renewed upon expiration, and the license period for dogs licensed for the first time may commence at any time during the year.</p> <p>When a license is renewed after the expiration date, the new license period shall begin on the expiration date of the previous period.</p>	<p>5.57 License period.</p> <p>(a) The term of any dog license issued hereunder shall commence on the date of the issuance of the license and shall terminate twelve (12), twenty-four (24), or thirty-six (36) months from the date of issue, depending on the expiration of the dog's rabies vaccination.</p> <p>(b) The term of any voluntary cat license issued hereunder shall commence on the date of the issuance of the license and shall terminate sixty (60) months from the date of issue.</p> <p>(c) Dog licenses may be renewed upon expiration, upon proof of a new rabies vaccination. Cat licenses and registrations may be renewed voluntarily by the owner. When a license is renewed after the expiration date, the new license period shall begin on the expiration date of the previous period.</p>	<p>Expands licensing period from 12 months to up to 3 years for dogs. Adds language for voluntary cat licensing and registration.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>5.26 Record of licenses.</p> <p>The director shall keep a record of all licenses issued by him together with a description of the dog for which such license is issued.</p>	<p>5.58 Record of licenses and registrations.</p> <p>The administrator shall keep a record of all licenses and registrations issued, together with a description of the dog or cat for which such license or registration is issued.</p>	<p>Substantially similar. Adds language for voluntary cat licensing and registration.</p>
<p>5.27 Exhibit of dog on demand.</p> <p>Upon demand by an animal control officer or any peace officer any person owning or controlling any dog shall exhibit such dog and its license.</p>	<p>5.59 Presentation of license on request.</p> <p>Upon request of any authorized animal control employee or any peace officer, the owner or person having control of a dog or cat shall present the license.</p>	<p>Substantially similar.</p>
<p>ARTICLE V. - Cat registration</p>		
<p>5.28 Certificates.</p> <p>The director shall make registration certificates available to the owners of cats. Upon the payment of a fee, a registration certificate shall be issued stating the name and address of the person to whom the certificate is issued, the date of issuance, a description of the cat for which the certificate is issued, and the number of the metal tag</p>	<p>5.53 Licenses. 5.58 Records of licenses and registrations.</p> <p>See above.</p>	<p>Combined with dog licensing section.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>accompanying the certificate. The cat registration certificate fee shall be established by council resolution.</p>		
<p>5.29 Metal tags.</p> <p>With each registration certificate, the director shall issue a metal tag bearing an identifying number and the words and letters "City of Mountain View Cat Reg." In the event it is necessary to issue a duplicate tag to reflect a transfer of ownership or for any other reason, a fee shall be charged to the owner. The replacement tag fee shall be established by council resolution.</p>	<p>5.56 Metal tags and passive integrated transponders.</p> <p>See above.</p>	<p>Combined with dog licensing section. Allows use of microchips in lieu of tags for cats.</p>
<p>5.30 Registration period.</p> <p>A registration certificate issued pursuant to this article shall be valid for a period of five (5) years from the date of issue.</p>	<p>5.57 License period.</p> <p>See above.</p>	<p>Combined with dog licensing section.</p>
<p>5.31 Certificate registry.</p> <p>The director shall maintain a registry of all cat registration certificates together with a description</p>	<p>5.58 Record of licenses and registrations.</p> <p>See above.</p>	<p>Combined with dog licensing section.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>of the cat for which each certificate is issued.</p>		
<p>ARTICLE VI. - Dangerous and/or vicious animals</p>		
<p>5.32 Permit for dangerous and/or vicious animal.</p> <p>No person shall have, keep, maintain, sell, trade, or let for hire a dangerous and/or vicious animal without first obtaining a permit from the director. No permit shall be required of any zoo, university, college, governmental research agency, or other bona fide scientific institution, as determined by the administrator, engaging in scientific or public health research. For the purpose of this section, a zoo shall be considered any organization which exhibits animals to the general public at regular specified hours, equaling at least thirty (30) hours a week for thirty-six (36) weeks a year, and whose animals, whether maintained for exhibit purposes or not, are not for sale to private individuals. The owner of a vicious</p>	<p>5.65 Registration of dangerous dogs. 5.78 Permit for dangerous animals.</p> <p>5.65 (a) Every owner of a dangerous dog over four (4) months of age shall be required to register the dog with the administrator. Such registration shall be renewed on an annual basis. A registration fee, and a fee to be charged for multiple inspections of required confinement facilities for such dogs, shall be set by resolution of the city council or approved by the service provider’s board of directors, as applicable.</p> <p>(b) Every owner of a dangerous dog over four (4) months of age shall be required to obtain a public liability insurance policy from an insurer licensed to practice in the state of California for a single-incident amount of not less than one hundred</p>	<p>Separates provisions for dogs and other dangerous exotic animals. Expands and substantially conforms process for both.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>and/or dangerous animal shall post the entrances to the property where the animal is kept with a legible sign of at least twelve inches (12") square warning persons of a vicious and/or dangerous animal.</p>	<p>thousand dollars (\$100,000), or provide another surety that would provide for similar financial compensation to anyone whose person or property is injured by the dog, in a form and amount satisfactory to the administrator. Such owner shall give written notice to the administrator of any cancellation or material change in such policy or surety at least thirty (30) days prior to the date of such cancellation or material change.</p> <p>(c) The owner or keeper shall notify the service provider within twenty-four (24) hours if a dangerous dog is on the loose, is unconfined, has attacked another animal, has attacked a human being or has died.</p> <p>(d) The owner or person having a right to control the dog may not move the place of residence of the dog within the city, sell, trade, give away or otherwise transfer ownership and/or the right to control the dog to a person residing within the city, unless the administrator has</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>approved the dangerous dog registration for the new location or approved the new person assuming ownership and/or right to control the dog.</p> <p>(e) If the dog owner or person having a right to control the dog decides to sell, trade, give away or otherwise transfer ownership and/or the right to control the dog to a location outside of the city and/or to another person residing outside the city, the person transferring ownership or control shall:</p> <p>(1) Notify the service provider at least five (5) business days prior to the physical transfer of the dog; and</p> <p>(2) Provide the service provider with the name, address and telephone number of the new owner or new person having a right to control the dog.</p> <p>(f) An animal control officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any such officer is</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>hereby empowered to seize and impound any dangerous dog whose owner fails to comply with the provisions hereof.</p> <p>(g) Owners of dangerous dogs unable to meet the requirements directed by the administrator shall be required to surrender the dogs to the service provider for humane destruction or other disposition, at the discretion of the administrator, unless the administrator determines the dog no longer presents any threat to persons or property in the city.</p> <p>5.78</p> <p>(a) No person shall keep, have, maintain, sell, trade or let for hire a dangerous or exotic animal without first obtaining a permit from the administrator. The application for a permit, permit conditions, inspection, denial, revocation and appeal shall be the same as set forth in Sec. 5.67, 5.68 and 5.70 through 5.74.</p> <p>(b) No permit shall be required of any zoo, university, college, governmental research</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>agency, duly incorporated Society for the Prevention of Cruelty to Animals (SPCA), humane society or animal control agency under the direction of the city, or other bona fide scientific institution, as determined by the administrator, engaging in scientific or public health research. For the purposes of this title, a zoo shall be considered any organization that exhibits animals to the general public at regular specified hours, equaling at least thirty (30) hours a week for thirty-six (36) weeks a year, and whose animals, whether maintained for exhibit purposes or not, are not for sale to private individuals.</p> <p>(c) The owner of a dangerous or exotic animal shall post the entrances to the property where the animal is kept with a legible sign at least twelve inches (12") square, warning persons of a dangerous animal.</p>	
<p>5.33 Permit denial.</p>	<p>5.63 Hearing regarding classification as dangerous. 5.79 Permit denial.</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>Notwithstanding anything to the contrary, the director may deny or revoke a permit to keep or maintain any dangerous and/or vicious animal when, in his opinion: (1) any such animal may not be kept or maintained without endangering the safety of any person(s) or property; or (2) the keeping of the animal would constitute a public nuisance; or (3) the animal would be subject to suffering, neglect, cruelty or abuse.</p> <p>The director in his discretion may require any such animal to be properly caged, tethered, or restrained in zoo-type facilities that meet or are in addition to, or are more restrictive than, state guidelines issued under the provisions of Sec. 671 of Title 14 of the California Administrative Code and federal standards issued under <u>Chapter 1 of Title 9</u> of the Code of Federal Regulations. Nothing in this section shall be construed to permit the keeping of dangerous animals where zoning provisions or state law would prohibit such keeping.</p>	<p>5.63</p> <p>(a) Any dog which exhibits any behavior described in Sec. 5.1, "Dangerous dog," may be determined to be a dangerous dog. The status shall be established after a hearing as hereinafter provided. Proceedings may be instituted by:</p> <p>(1) Observation by the animal control officer;</p> <p>(2) A complaint sworn by a person or persons who observed the behavior complained of.</p> <p>(b) Hearings for classification as dangerous shall be conducted as follows:</p> <p>(1) The owner shall be given written notice, by first-class mail with return receipt requested or personal service, of the date, time and place of the hearing at least five (5) business days in advance of the hearing date, as well as the facts which are the basis of the complaint. The owner shall be notified of the restrictions which will apply to the animal if it is classified as a dangerous animal. Written notice of</p>	<p>Separates provisions for dogs and other dangerous and exotic animals. Expands hearing process for dogs, to include due process. Substantially similar permit denial for other dangerous and exotic animals.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>date, time, place and reason for the hearing shall also be mailed by first-class United States mail to all residential parcels located within one hundred feet (100') of the boundaries of the owner's property at least five (5) business days in advance of the hearing date.</p> <p>(2) The owner may waive his/her right to a hearing by filing a written waiver with the service provider, whereupon the service provider shall make the findings and apply the sanctions provided in this title.</p> <p>(3) If the owner fails to appear at the hearing, the hearing shall nevertheless proceed, and an appropriate order shall be issued.</p> <p>(4) The hearing shall be conducted before a hearing officer. The appointment of the hearing officer shall be by the administrator. Any person designated to serve as a hearing officer is subject to disqualification for bias, prejudice, interest or for any other reason for which a judge may be disqualified in a court of law.</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>(5) The hearing officer may continue hearings, based on good cause, as established by one (1) of the parties to the hearing or if the hearing officer independently determines that due process has not been adequately afforded.</p> <p>(6) The hearing officer shall consider all relevant evidence presented at the hearing. The formal rules of evidence shall not apply. The hearing officer shall also consider circumstances of mitigation, as well as the owner’s and animal’s history. If the hearing is held as a result of a sworn complaint, at least one (1) of the complainants shall appear and testify at the hearing or the complaint shall be dismissed.</p> <p>(7) After the hearing, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first-class return receipt mail. The hearing officer shall make a written determination within fifteen (15) calendar days after the hearing is concluded, unless the animal has been seized, in</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>which case the determination shall be made within seven (7) calendar days of the hearing.</p> <p>(8) The hearing officer may also prohibit the owner from owning, possessing, controlling or having custody of any dog for up to three (3) years, if it is determined, after a dangerous dog hearing, that ownership or possession of a dog by that person would create a significant threat to the public health, safety and welfare. Thereafter, such person must demonstrate to the administrator that he or she is capable of directly restraining the dog he or she seeks to own, possess, control or have custody of.</p> <p>(9) If the owner or keeper of the animal contests the dangerous dog determination, he/she may, within five (5) business days of receipt of the notice of determination, appeal the decision of the hearing officer to the superior court. The owner or keeper of the animal shall serve notice of the appeal to the administrator either personally or by</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>first-class mail, return receipt requested.</p> <p>(10) The determination of the court hearing the appeal shall be final and conclusive upon all parties.</p> <p>(11) The owner shall comply with all conditions imposed by the animal control officer pending the hearing.</p> <p>(12) The city council may establish a filing fee by resolution or such fee may be approved by the service provider’s board of directors, as applicable, for requests for hearings under this section.</p> <p>5.79</p> <p>(a) Notwithstanding anything to the contrary, the administrator may deny or revoke a permit to keep or maintain any dangerous or exotic animal when, in his or her opinion:</p> <p>(1) Any such animal may not be kept or maintained without endangering the safety of any person(s) or property;</p> <p>(2) The keeping of the animal would constitute a public nuisance; or</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>(3) The animal would be subject to suffering, neglect, cruelty or abuse.</p> <p>(b) The administrator, in his/her discretion, may require any such animal to be properly caged, tethered or restrained in zoo-type facilities that meet or are in addition to, or more restrictive than, state guidelines issued under the provisions of Sec. 671.3 of Title 14 of the California Code of Regulations and federal standards issued under Chapter 1 of Title 9 of the Code of Federal Regulations and as amended. Nothing in this chapter shall be construed to permit the keeping of dangerous or exotic animals where zoning provisions or state law would prohibit such keeping.</p>	
<p>5.34 Permit period and fee.</p> <p>A dangerous and/or vicious animal permit fee shall be charged to keep or maintain one (1) dangerous and/or vicious animal. An additional permit fee will be charged for each</p>	<p>5.63 Hearing regarding classification as dangerous.</p> <p>5.80 Permit period and fee.</p> <p>5.63 – See above.</p> <p>5.80 The fee for a permit to keep or maintain one (1) or more dangerous or exotic animals shall be set by</p>	<p>Separates provisions for dogs and other dangerous and exotic animals. Substantially similar.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>additional dangerous and/or vicious animal. The permit fee shall be established by council resolution.</p> <p>Said permit shall expire twelve (12) months from the date of issuance, and the procedure for the renewal of a permit shall be the same as for an original permit.</p> <p>Upon failure to make application for the renewal of a permit within thirty (30) days of the expiration of a permit, or prior thereto, the applicant shall pay, in addition to the permit fee, a late renewal fee. The late renewal fee shall be established by council resolution.</p>	<p>resolution of the city council or by the service provider’s board of directors, as applicable, and shall be valid for a twelve (12) month term. The permit shall expire and be renewable as set forth in Sec. 5.69.</p>	
<p>5.35 Inspection.</p> <p>Prior to the issuance of any permit pursuant to the provisions of this article, the director shall inspect the premises upon which the animal for which the permit is to be issued shall be kept or maintained.</p>	<p>5.78 Permit for dangerous animals.</p> <p>See above.</p>	<p>Separates provisions for dogs and other dangerous and exotic animals. Expands and substantially conforms process for both.</p>
<p>DIVISION 2. - Municipal Enforcement ARTICLE I. - Animal</p>		

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
Establishments		
<p>5.36 Permit required.</p> <p>No person shall conduct, operate, or keep any pet shop, commercial kennel, private kennel, pet grooming parlor, animal menagerie, animal shelter or horse establishment without first obtaining an appropriate permit from the city manager. The annual permit fee for a pet shop, commercial kennel, pet grooming parlor, animal menagerie, animal shelter or horse establishment shall be established by council resolution. The annual permit fee for a private kennel shall be established by council resolution.</p>	<p>5.66 Permit required.</p> <p>The applicant shall obtain any applicable zoning permit prior to requesting a permit under this article.</p> <p>No person shall conduct, operate or keep any pet shop, commercial kennel, private kennel, pet grooming parlor, animal menagerie, animal shelter or horse establishment without first obtaining an appropriate permit from the administrator. The annual permit fee for the above animal facilities shall be set by resolution of the city council or approved by the service provider’s board of directors, as applicable.</p>	<p>Specifies zoning permit requirement.</p>
<p>5.37 Application for permit.</p> <p>An application for a permit to operate and keep a kennel, pet shop, pet grooming parlor, animal menagerie, or guard dog rental service shall be made in writing to the city manager.</p>	<p>5.67 Application for permit.</p> <p>(a) An application for a permit to operate and keep a pet shop, commercial kennel, private kennel, pet grooming parlor, animal menagerie, animal shelter, horse establishment or dangerous animal shall be in writing on a form approved by the administrator. The applicant shall furnish a list</p>	<p>Expands process requirements and ability to regulate.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>of the types of animals to be maintained or used for any purpose, together with the approximate number of animals of each type.</p> <p>(b) The administrator may establish regulations and standards relating to:</p> <p>(1) The maximum number and species of animals to be kept or maintained on the premises;</p> <p>(2) The construction, sanitation and maintenance of facilities; and</p> <p>(3) Any other regulations and standards in conformity with and for the purpose of carrying out the intent of this chapter.</p> <p>Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any permit provided pursuant to this chapter.</p> <p>(c) Permittee shall maintain a record of the names and addresses of persons from whom animals are received and to whom the animals are sold, traded or given. This shall be available to the</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>administrator upon request.</p>	
<p>5.38 Regulations relating to animal establishments.</p> <p>Every person who owns, conducts, manages or operates any animal establishment for which a permit is required shall comply with each of the following conditions:</p> <p>a. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals.</p> <p>b. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.</p> <p>c. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require.</p> <p>d. Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals.</p>	<p>5.68 Conditions relating to animal facilities.</p> <p>Every person who owns, conducts, manages or operates any commercial kennel, private kennel, pet shop, pet grooming parlor, animal menagerie, animal shelter or horse establishment shall comply with each of the following conditions:</p> <p>(a) Housing.</p> <p>(1) Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals or the escape of animals so contained therein.</p> <p>(2) Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors; heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals.</p>	<p>Conditions more specifically defined.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>e. All reasonable precautions shall be taken to protect the public from the animals and animals from the public.</p> <p>f. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required according to the physical needs of the animals.</p> <p>g. All animal rooms, cages and runs shall be of sufficient size to provide adequate and proper housing for animals kept therein.</p> <p>h. All dog runs shall be of concrete or other impervious material and provided with adequate drainage into an approved sewage disposal installation.</p> <p>i. All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the city manager.</p> <p>j. Every violation of applicable regulations shall be corrected within a</p>	<p>(3) All animal rooms, cages, kennels, runs, stalls and corrals shall be of sufficient size to provide adequate and proper accommodation and protection from the weather for the animals kept therein.</p> <p>(4) All animal facilities shall be constructed and operated in a manner that reasonably protects public health and safety and safety of the animals.</p> <p>(b) Sanitation.</p> <p>(1) All animal facilities shall be maintained and operated at all times in a clean and sanitary condition, and in a manner that avoids causing odors or attraction of flies and vermin, and excessive noise.</p> <p>(c) Care of animals.</p> <p>(1) All animals shall be supplied with a quantity of wholesome food suitable for the species and age of the respective animals, as often as the feeding habits of such animals require, sufficient to maintain a reasonable level of</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>reasonable time to be specified by the city manager.</p> <p>Failure of an applicant for a permit to comply with any one of the foregoing conditions shall be deemed just cause for the denial of any permit, whether original or renewal.</p>	<p>nutrition. All animals shall have available to them sufficient potable water. Food and water shall be served in separate, clean receptacles.</p> <p>(2) No animal, except animal(s) in a pasture provided with adequate feed and water, shall be without attention for more than twenty-four (24) consecutive hours. The name, address and telephone number of a person responsible for the animal shall be posted in a conspicuous place, visible from outside the facility or at the main gate of a pasture where animals are kept, unless the owner or attendant of the animal(s) is immediately available on the premises.</p> <p>(3) All sick, diseased or injured animals shall be isolated from healthy animals at all times and shall be given proper medical treatment. The administrator may order the operator of the facility to immediately seek licensed veterinary treatment for any animal.</p> <p>(4) All animals shall be treated in a humane</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>manner.</p> <p>(d) Compliance.</p> <p>(1) The administrator shall have the authority to enter the animal facility when he/she has reason to believe the provisions of the permit, this chapter or applicable state laws are being violated. The failure of the operator to consent to the entry shall be deemed just cause for the revocation of the permit.</p> <p>(2) Failure of an applicant or a permit holder to comply with any of the provisions of the permit, this chapter or applicable state law, shall be deemed just cause for the denial of any permit, either original or renewal, or for revocation of a permit.</p>	
<p>5.39 Expiration and renewal of permit.</p> <p>Any permit issued under this article shall expire at the end of the calendar year in which the permit is issued. The procedure for the renewal of a permit shall be the same as for an original permit.</p>	<p>5.69 Expiration and renewal of permit.</p> <p>(a) Any permit issued under this article shall expire twelve (12) months from the date of issuance. The procedure for the renewal of a permit shall be the same as for an original permit.</p> <p>(b) Upon failure to make</p>	<p>Changes period from calendar year to 12-month period. Provides for a late fee.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>application for the renewal of a permit within thirty (30) days of the expiration of a permit, the applicant shall pay an additional monetary penalty for late renewal in accordance with the city or service provider’s fee schedule as applicable.</p>	
<p>5.40 Inspection.</p> <p>As a condition to the issuance or renewal of a permit under this article, the city manager shall be permitted to inspect at any reasonable time any area of premises in which an animal establishment is located.</p>	<p>5.70 Inspection.</p> <p>As a condition to the issuance or renewal of a permit under this article, the administrator shall have the authority to inspect, at any reasonable time, the animal facility.</p>	<p>Substantially similar.</p>
<p>5.41 Revocation of permit.</p> <p>The city manager may revoke any permit issued pursuant to this article whenever he shall determine by inspection that any animal establishment fails to meet all the conditions set forth in <u>Sec. 5.38</u>. Any revocation of a permit shall be effective until all conditions of <u>Sec. 5.38</u> have been</p>	<p>5.71 Denial or revocation of permit. 5.72 Appeal from denial or revocation of permit. 5.73 No new permit after denial or revocation.</p> <p>5.71 The administrator may deny or revoke any permit issued pursuant to this article in the following situations:</p> <p>(a) Whenever determined by inspection that any animal facility fails to meet any of the conditions of the permit, this chapter or</p>	<p>Expands provisions for denial and revocation. Expands process to include due process.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>complied with to the satisfaction of the city manager and written notice of this fact has been given to the permit holder. Upon receipt of such notice the permit shall be deemed in full force and effect for the remainder of the original term for which issued.</p>	<p>applicable state law.</p> <p>(b) Whenever there is reason to believe the applicant or permit holder has willfully withheld or falsified any information required for a permit.</p> <p>(c) If the applicant or permit holder has been convicted by a court of law of more than two (2) violations of this chapter in a twelve (12) month period, of state laws relating to animals or public nuisance caused by animals, or has been convicted of cruelty to animals in this or any other state within the previous five (5) years. For the purposes of this section, bail forfeiture shall be deemed to be a conviction of the offense charged.</p> <p>5.72 In case of denial, suspension or revocation of a permit issued under this section, the applicant or holder of the permit may appeal the decision by filing a written request for an appeal hearing to the administrator within ten (10) days of receipt or constructive receipt of the decision. The administrator shall appoint</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>a hearing officer for the purpose of the permit appeal. Until the ruling of the hearing officer, the denial, suspension or revocation shall remain in full force and effect.</p> <p>The hearing officer shall provide notice to the appellant and a date for the hearing within twenty (20) days of receipt of the appeal. The hearing shall be set within twenty (20) days, unless the applicant or holder requests a reasonable continuance. At the hearing, both the applicant or holder and staff shall have the right to appear and be represented by counsel and to present evidence and arguments which are relevant to the grounds for the appeal, limited to the grounds for appeal stated in the filing of the appeal. The applicant or holder may appear in person or by submitting written material. A nonappearance shall result in a vacation of the appeal.</p> <p>Within ten (10) days of the hearing, the hearing officer shall issue a written decision which states whether the initial denial,</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>suspension or revocation of the permit will be upheld, modified or reversed. The decision shall be served on the holder or applicant by mail and the decision of the hearing officer shall be final.</p> <p>5.73 If a permit has been denied or revoked, the administrator will not accept a new permit application from the same person for the same activity at the same location less than six (6) months after such denial or revocation, unless the applicant shows, and the administrator finds, by inspection and/or investigation, that the grounds upon which the first application was denied or the permit revoked no longer exist.</p>	
<p>5.42 Permit not transferable.</p> <p>Permits issued pursuant to the provisions of this article shall not be transferable.</p>	<p>5.74 Permit not transferrable.</p> <p>Permits issued pursuant to the provisions of this chapter shall not be transferable.</p>	<p>Substantially similar.</p>
<p>ARTICLE II. - Miscellaneous Regulations.</p> <p>5.43 - 5.45 Deleted/repealed.</p>		

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>5.46 Animals near residences.</p> <p>It shall be unlawful for any person to pen, enclose, or otherwise confine, any chicken, duck, pigeon, or any other bird or fowl, within twenty-five (25) feet of an inhabited residence without the written consent of the occupant of such residence. It shall be unlawful for any person to stake, tie, or similarly confine, any animal, except a dog, within two hundred (200) feet of an inhabited residence, without the written consent of the occupant of such residence.</p>	<p>5.39 Nearness to dwelling.</p> <p>(a) All structures for housing animals shall be compliant with applicable zoning regulations. No person shall keep any live hare, rabbit, chicken, turkey, goose, duck, pigeon, game bird or other fowl or exotic animal in any structure within the ten-foot (10') setback from the property line of the owner of such animal or fowl, without a permit.</p> <p>(b) The permit mentioned in subsection (a) of this section shall be issued by the administrator, and only when he/she finds that each such animal may be maintained at such location without injury to its health and the health and safety of any person. If the administrator does not so find and is not satisfied that the animal may be so maintained without injury to its health and the health and safety of any person, no such permit shall be issued.</p> <p>(c) The permit shall be issued by the administrator only after he/she is assured</p>	<p>Significantly expands provisions for conditions in the permit process, including due process provisions. Reduces distance from 25 feet from residence to 10 feet from property line. All structures must be compliant with zoning regulations.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>to his/her satisfaction that each such animal will be maintained at such location in compliance with the following conditions:</p> <p>(1) Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury.</p> <p>(2) Sanitary condition of all animals and all animal buildings or enclosures shall comply with Sec. 5.41.</p> <p>(3) Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals and to provide appropriate protection from the elements.</p> <p>(4) All animal buildings, cages and runs shall be of sufficient size to provide adequate and proper housing for animals kept therein.</p> <p>(5) Each animal shall be maintained in a good, healthy condition in a manner not causing injury to the health of any animal or the health and safety of any person.</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>(d) Said permit shall set forth whatever conditions the administrator may deem necessary to assure compliance with the provisions of this chapter.</p> <p>(e) Each permit is subject to suspension and revocation whenever an animal is maintained in such a manner that any of the conditions of subsection (c) of this section is violated.</p> <p>(f) In case of denial, suspension or revocation of a permit issued under this section, the applicant or holder of the permit may appeal the decision by filing a written request for an appeal hearing to the administrator within ten (10) days of receipt or constructive receipt of the decision. The administrator shall appoint a hearing officer for the purpose of the permit appeal. Until the ruling of the hearing officer, the denial, suspension or revocation shall remain in full force and effect.</p> <p>The hearing officer shall provide notice to the appellant and a date for the</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>hearing within twenty (20) days of receipt of the appeal. The hearing shall be set within twenty (20) days, unless the applicant or holder requests a continuance. At the hearing, both the applicant or holder and staff shall have the right to appear and be represented by counsel and to present evidence and arguments which are relevant to the grounds for the appeal, limited to the grounds for appeal stated in the filing of the appeal. The applicant or holder may appear in person or by submitting written material. A nonappearance shall result in a vacation of the appeal.</p> <p>Within ten (10) days of the hearing, the hearing officer shall issue a written decision which states whether the initial denial, suspension or revocation of the permit will be upheld, modified or reversed. The decision shall be served on the holder or applicant by mail and the decision of the hearing officer shall be final.</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>5.47 Small animals. Permit to keep.</p> <p>No person shall keep, harbor or maintain more than four (4) small animals as defined hereinbefore without first applying for and receiving, a permit therefor from the poundmaster, except that no permit of any kind shall be required for the keeping of songbirds, talking birds, turtles or goldfish or tropical fish in an aquarium or fish pond.</p>	<p>5.43 Quantity of animals.</p> <p>(a) Not more than four (4) animals, in all, including hares, rabbits, guinea pigs, feline, bovine, sheep, hogs, goats, chickens, turkeys, geese, ducks, game birds, or other fowl or any combination thereof shall be kept on any premises within the city, unless the premises involved are operating on a commercial basis in conformance with existing zoning regulations and state statutes governing their operations. This section shall not apply to fish.</p>	<p>Establishes provisions to limit number of animals, excluding fish.</p>
<p>5.48 Small animals. Permit to keep. Application.</p> <p>Any person required to obtain a permit by <u>Sec. 5.47</u> shall apply for a permit from the poundmaster. The application must be in writing and must give the following facts:</p> <ul style="list-style-type: none"> a. Name of applicant. b. Address of applicant. c. Description of and number of the above animals kept or proposed to be kept by applicant. 	<p>5.43 Quantity of animals.</p> <p>(b) The administrator may allow more than four (4) animals, but now more than twenty-five (25) animals, upon finding that the animals will be maintained in a healthy and sanitary condition, and will not be foreseeably injurious to the health, or indecent or offensive to the senses, so as to unreasonably interfere with the comfortable enjoyment of neighboring properties. In making this</p>	<p>See above. Permit process, including due process provision. Provides for neighbor notification.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>d. A plot plan of the property upon which said animals are to be kept, together with the proposed location of any house, coop, runway, enclosure or structure designed for keeping said animals, indicating the distances to all property lines and buildings within forty (40) feet thereof.</p>	<p>determination, the administrator shall consider:</p> <p>(1) The lot size of the premises on which the animals will be kept;</p> <p>(2) Whether or not the animals will be located or housed in a manner that will eliminate views, noise or odors to the adjoining properties;</p> <p>(3) The animals can be cared for in a manner that produces no noticeable noise or odor beyond the premises on which they will be kept;</p> <p>(4) The animals are restricted to a portion of the premises that is not proximate to any adjoining residences;</p> <p>(5) Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury;</p> <p>(6) Sanitary condition of all animals and all animal buildings or enclosure shall comply with Sec. 5.16;</p> <p>(7) Animal buildings and</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>enclosures shall be so constructed and maintained as to prevent the escape of animals and to provide appropriate protection from the elements;</p> <p>(8) All animal buildings, cages and runs shall be of sufficient size to provide adequate and proper housing for animals kept therein;</p> <p>(9) Each animal shall be maintained in a good, healthy condition in a manner not causing injury to the health of any animals or the health and safety of any person;</p> <p>(10) All structures for housing animals shall be compliant with applicable zoning regulations; and</p> <p>(11) Said permit shall set forth whatever conditions the administrator may deem necessary to assure compliance with the provisions of this chapter.</p> <p>(c) At least ten (10) days before making a decision on whether or not to allow more than four (4) animals, the administrator shall mail a notice by first-class</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>United States mail addressed to the addresses of all residential parcels located within fifty feet (50') of the property boundaries of the premises where the animals would be kept. The notice shall describe the nature of the exception being requested and the street address of the property boundaries where the animals would be kept. The notice shall further advise the recipients they must contact the administrator within ten (10) days from the date the notice was mailed with any concerns they may have about the requested exception in writing or by telephone at an address and telephone number provided in the notice.</p> <p>(d) At the end of the ten (10) day period, and no later than thirty (30) days after receipt of the request for more than four (4) animals, the administrator shall render his or her decision, which shall be final.</p> <p>(e) Any exception granted pursuant to this section may be revoked by the administrator upon finding</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>that the additional animals are not being maintained in a healthy or sanitary condition, or are creating a condition that constitutes a public nuisance. At least ten (10) days prior to revoking any approval for more than four (4) animals, the administrator shall notify the owner of the animals, by first-class United States mail, of his/her intention to consider revocation of the approval, and the basis for that revocation. The notice shall also set forth an address and telephone number at which the owner can contact the administrator and shall advise the owner that if the owner opposes the revocation, the owner must contact the administrator within ten (10) days from the date the letter was mailed. The administrator's decision on the revocation shall be final.</p>	
<p>5.49 Issuance of small animal permit.</p> <p>The poundmaster shall have authority to issue a permit for the keeping of</p>	<p>5.43 Quantity of animals.</p> <p>(b) The administrator may allow more than four (4) animals, but no more than</p>	<p>Substantially similar with list of detailed factors for consideration for permit.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>said animals upon a finding that:</p> <p>a. All such animals are confined, or will be confined in a suitable enclosure with enclosed runway, and that none of such animals will be permitted to run at large.</p> <p>b. Such house or other enclosure is maintained in a clean and sanitary condition free from offensive odors.</p> <p>c. No part of such house or other enclosure is located less than twenty (20) feet from the side or rear lot lines of the property on which it is situated.</p> <p>d. The keeping of said animals will not otherwise be detrimental to the neighborhood where such animals are proposed to be kept, nor inimical to the public health, safety and welfare of persons residing in the neighborhood.</p>	<p>twenty-five (25) animals, upon finding that the animals will be maintained in a healthy and sanitary condition, and will not be foreseeably injurious to the health, or indecent or offensive to the senses so as to unreasonably interfere with the comfortable enjoyment of neighboring properties. In making this determination, the administrator shall consider:</p> <p>(1) The lot size of the premises on which the animals will be kept;</p> <p>(2) Whether or not the animals will be located or housed in a manner that will eliminate views, noise or odors to the adjoining properties;</p> <p>(3) The animals can be cared for in a manner that produces no noticeable noise or odor beyond the premises on which they will be kept;</p> <p>(4) The animals are restricted to a portion of the premises that is not proximate to any adjoining residences;</p> <p>(5) Housing facilities for</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>animals shall be structurally sound and shall be maintained in good repair to protect animals from injury;</p> <p>(6) Sanitary condition of all animals and all animal buildings or enclosure shall comply with Sec. 5.16;</p> <p>(7) Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals and to provide appropriate protection from the elements;</p> <p>(8) All animal buildings, cages and runs shall be of sufficient size to provide adequate and proper housing for animals kept therein;</p> <p>(9) Each animal shall be maintained in a good, healthy condition in a manner not causing injury to the health of any animals or the health and safety of any person;</p> <p>(10) All structures for housing animals shall be compliant with applicable zoning regulations; and</p> <p>(11) Said permit shall set</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>forth whatever conditions the administrator may deem necessary to assure compliance with the provisions of this chapter.</p>	
<p>5.50 Livestock. Permit to keep.</p> <p>No person shall keep, harbor or maintain, or have in his possession or control, any livestock as defined hereinbefore without first applying for, and receiving a permit from the poundmaster. The provisions of <u>Sec. 5.51</u> through <u>5.53</u> of this article shall not apply to horses kept, harbored or maintained at or by a commercially operated riding or boarding stable.</p>	<p>5.38 Keeping of certain animals and fowl- Generally.</p> <p>(a) No person shall keep any livestock in any R district.</p> <p>(b) It shall be unlawful for any person to keep or maintain any equine animal, any bovine animal, any sheep, hog or goat, any live hare, rabbit, chicken, duck, turkey, goose, pigeon or other fowl except as provided in this article.</p> <p>(c) Any person maintaining any such animal or fowl within the city shall keep the premises upon which such is kept fenced, or if such animal is staked, so as to keep the animal or fowl from leaving the premises upon which such is kept, and shall not permit such animal or fowl to run at large upon the street or upon the property of any other person.</p>	<p>Prohibits livestock in any R district.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>5.51 Livestock. Permit. Application.</p> <p>The application must be in writing and must give the following facts:</p> <ul style="list-style-type: none"> a. Name of applicant. b. Address of applicant. c. Name and description of each of the livestock proposed to be kept. d. A plot plan showing: (1) the property upon which said livestock are to be kept, including a statement by the applicant of the total area of said property, together with the location of all houses, runways, enclosures or structures on said property, including those designed or intended for the keeping of said livestock; and (2) an accurate indication of neighboring property, including structures thereon, to a distance of one hundred (100) feet from the subject property. e. Any other information bearing upon the maintenance, control or keeping of said livestock as the poundmaster may require. 	<p>[See 5.39]</p>	<p>Permitting for any animal must comply with applicable zoning regulations and permit requirements of 5.39. See above.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>5.52 Livestock. Permit. Issuance.</p> <p>The poundmaster shall have authority to issue said permit upon a finding that:</p> <p>a. All such livestock are confined, and will be sheltered in a suitable enclosure with enclosed runway, and that none of said livestock are or will be permitted to run at large.</p> <p>b. Said enclosure and the remainder of said premises on which said livestock are kept will be maintained in a clean and sanitary condition free from offensive odors.</p> <p>c. The property upon which said livestock are to be kept consists of at least one (1) contiguous acre for the first two (2) livestock animals, and an additional one-half (½) contiguous acre for each additional livestock animal over two (2) in number. For purposes of this subsection, "livestock animal" shall exclude such animals under the age of six (6) months who have been delivered of female animals</p>	<p>[See 5.39]</p>	<p>See above.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>legally maintained on the property pursuant to the provisions of this article.</p> <p>d. A plot plan has been submitted which includes: (1) the property upon which said livestock are to be kept, including a statement by the applicant of the total area of said property, together with the location of all houses, runways, enclosures or structures on said property, including those designed or intended for the keeping of said livestock; and (2) an accurate indication of neighboring property, including structures thereon, to a distance of one hundred (100) feet from the subject property.</p> <p>e. Any fence or other structure used for the purpose of confining said livestock on said premises shall be of a character to adequately confine said livestock and eliminate nuisance or damage to adjoining property.</p>		
<p>5.53 Roosters.</p> <p>No person shall possess, keep, maintain or control a rooster anywhere in the city except upon a poultry</p>	<p>5.40 Roosters.</p> <p>No rooster over four (4) months old shall be kept on any premises within the city, unless the premises</p>	<p>Changes prohibition from any rooster to roosters over 4 months. Modernizes zoning terminology.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>farm in the A or F district as designated in Chapter 36 of the City Code.</p>	<p>involved are operating on a commercial basis in conformance with existing zoning regulations and state statutes governing their operations.</p>	
<p>5.54 Selling dyed fowl or rabbits as pets or novelties prohibited.</p> <p>No person shall sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings, or other fowl as pets or novelties which are colored, or otherwise artificially treated. This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by pet shops or by dealers, hatcheries or stores, if such pet shops, dealers, hatcheries or stores are engaged in the business of selling the same to be raised for food purposes only.</p>	<p>N/A</p>	<p>Not specifically covered in proposed ordinance.</p>
<p>5.55 Animals. Food poisoning.</p> <p>No person shall place, leave or expose in any place accessible to birds, fowl, dogs, cats or any domestic animal with the</p>	<p>5.10 Poisoning and abusing dogs, cats or other domestic animals.</p> <p>In addition to California Penal Code Sec. 596 and as amended, it is unlawful for any person to willfully administer poison to any</p>	<p>Expands abuse terminology.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>intent to kill or harm such birds, fowl, or animals, any poisonous substance or ingredient, or any edible or other substance or ingredient which has in any manner been treated or prepared with any poisonous substance or ingredient.</p>	<p>dog, cat or other domestic animal, or to willfully place, expose or leave poisonous or harmful substances of any kind in any place with intent to injure or kill any dog, cat or other domestic animal. Further, it is unlawful for any person to maliciously kill, maim, wound, mutilate, torment, torture or physically abuse any animal.</p>	
<p>5.56 Animals on certain premises prohibited; exception.</p> <p>It shall be unlawful for any person to take any animal into or permit any animal to enter or remain in any place of business in the city where food for human consumption is sold or offered for sale. This section shall not apply to any seeing eye dog, when such dog is actually assisting a blind person about the premises.</p>	<p>5.3 Animals in sale of food establishments.</p> <p>It shall be unlawful for any person to take any animal into or permit any animal to enter or remain in any place of business in the city where food for human consumption is sold or offered for sale. This section will not apply to persons who have a service dog which is used for guidance or to accommodate a disability.</p>	<p>Retained, consistent with the Americans with Disabilities Act (ADA).</p>
<p>5.56A Prohibition of animals within the area of city-approved festivals or special events.</p> <p>Any permit or other authorization issued by the city for the operation of a</p>	<p>5.9 Animals on city property.</p> <p>(b) Any permit or other authorization issued by the city for the operation of a</p>	<p>Retained, consistent with the ADA.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>festival or other special event within city limits may include a condition prohibiting animals within the area of the festival or special event. If such a condition is included in the permit or other authorization for the festival or special event, it shall be unlawful for any person owning or having control of any animal to allow such animal within the area of the festival or special event. This prohibition shall not apply to guide dogs or other service animals which are assisting disabled persons at the festival or special event, or on-duty police dogs with handlers.</p>	<p>festival or other special event within city limits may include a condition prohibiting animals within the area of the festival or special event. If such a condition is included in the permit or other authorization for the festival or special event, it shall be unlawful for any person owning or having control of any animal to allow such animal within the area of the festival or special event.</p> <p>(c) At least ten (10) days before making a decision on whether or not to allow more than four (4) animals, the administrator shall mail a notice by first-class United States mail addressed to the addresses of all residential parcels located within fifty feet (50') of the property boundaries of the premises where the animals would be kept. The notice shall describe the nature of the exception being requested and the street address of the property boundaries where the animals would be kept. The notice shall further advise the recipients they must contact the administrator within ten (10) days from</p>	<p>Retained. Provides conditions to prohibit animals in areas of festivals and special events.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>the date the notice was mailed with any concerns they may have about the requested exception in writing or by telephone at an address and telephone number provided in the notice.</p>	
<p>5.57 Breeding animals in public view prohibited.</p> <p>It shall be unlawful for the owner of any animal to breed, or to permit the breeding of, any animals, except fowls, within the city limits unless the same is to be done within an enclosure so constructed that such animals are not in view of persons outside such enclosure. The doing or maintaining of any of the things prohibited by this section shall constitute a nuisance.</p>	<p>N/A</p>	<p>Eliminated from the code.</p>
<p>5.57A Animals in vehicles.</p> <p>a. No person, other than an individual then actually in the process of working a dog or other animal for ranching purposes, shall transport or carry the animal in a motor vehicle on any public highway or public roadway, unless the animal is safely enclosed</p>	<p>5.13 Animals and vehicles.</p> <p>(a) No person shall transport or carry any animals in or on a motor vehicle on any public highway, street or roadway located within the city limits unless the animal is safely enclosed within the vehicle or otherwise safely attached or secured to the</p>	<p>Retained. Added authority to remove endangered animal from a vehicle.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>within the vehicle either by the vehicle itself or by means of a container, cage or other device which will prevent the animal from falling from, jumping from, or being thrown from the motor vehicle.</p> <p>b. No person shall leave any dog or other animal in an unattended motor vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which may adversely affect the health or well-being of the animal.</p>	<p>vehicle by means of a container, cage or other device which will prevent the animal from falling from, jumping from or being thrown from the vehicle while the vehicle is in motion.</p> <p>(b) No person shall leave any animal in an unattended motor vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures that may adversely affect the health or well-being of the animal.</p> <p>(c) An animal control officer, police officer or safety officer is authorized to use reasonable force to remove an animal from a vehicle when it appears that the animal’s health, safety or welfare is or will be endangered.</p>	
<p>5.58 Unsanitary conditions.</p>	<p>5.42 Sanitary conditions. 5.11 Public nuisance. 5.41 Cleaning and maintenance of corrals, barns, stables, stalls, apartments and structures. 5.16 Animal maintenance and duties of owners.</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>(1) The presence of an unusual number of flies in the vicinity of any enclosure or premises where fowls and animals are kept shall be evidence of the lack of sanitary maintenance of the premises.</p>	<p>5.42 No person shall, at any time, maintain any lot or other premises, or any portion thereof in the city, upon which any animal is kept, in an unsanitary condition. No person shall maintain any such lot or other premises, or portion thereof, upon which any animal is kept, in such condition as to cause the same to be infested with flies or insects or increase any noxious or offensive odors.</p> <p>5.11 (a) No person owning or having control of any animal shall permit the animal to do any of the following:</p> <p>(4) Permit unsanitary conditions to exist on the premises where the animal is kept that would cause odors, attract flies or vermin, or otherwise be injurious to public health and safety, or be indecent, or offensive to the senses, or be such an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by other persons;</p>	<p>Expands provisions for unsanitary conditions, as stated in various subsections. Allows for private civil remedy.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>(2) Any unnecessary accumulation of debris, refuse, manure, droppings or other removable materials upon any surface within such enclosed area or premises, or within structures used or intended to be used for the housing of such animals or fowls shall be evidence of the lack of sanitary maintenance of the premises.</p>	<p>5.41 Every owner, lessee or tenant of any corral, barn, stable, stall, apartment or other structure in which any horse, cow or other animal is or shall be kept or of any place in which manure or any liquid discharge of any such horse, cow or other animal shall collect or accumulate, shall cause such manure or liquid to be removed and shall, at least once in every fifteen (15) days, cause such corral, barn, stable, stall, apartment or structure to be thoroughly cleaned and disinfected and shall at all times keep the same in a clean and wholesome condition.</p>	
<p>(3) The presence of any obnoxious odors arising from any condition existing within the enclosure, premises or structures housing such animals or fowls shall be evidence of the lack of sanitary maintenance of the premises.</p>	<p>5.16 (b) The owner of every animal shall have the duty to keep and maintain such animal in a healthy and sanitary condition, and shall have the duty to supply such animal with food, water and suitable shelter. All animal enclosures and shelters shall be kept in a clean and sanitary condition, and free from all noxious odors or substances. The keeping of any animal in such a</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>(4) The unnecessary existence of dust within the enclosures or structures housing such animals shall be evidence of the lack of sanitary maintenance of the premises.</p> <p>(5) No owner of a dog, or any other person who has the possession or control of a dog shall knowingly, carelessly, or negligently, permit the dog to defecate upon the private property of another or upon public property without immediately removing the fecal matter from such property; provided, however, that nothing herein contained authorizes said person to enter upon the private property of another without permission.</p> <p>The existence of any of the conditions hereinabove enumerated are hereby declared to be nuisances and may be abated and otherwise dealt with in the manner and form authorized by law, and the</p>	<p>manner as to create unhealthy or unsanitary conditions is hereby prohibited and declared to be a public nuisance.</p> <p>N/A - Generally covered by various sections, above.</p> <p>5.11</p> <p>(a) No person owning or having control of any animal shall permit the animal to do any of the following:</p> <p>(1) Defecate or urinate on private property (other than that of the owner or person having control of the animal);</p> <p>(2) Defecate on public property without immediately removing the excrement to a proper receptacle;</p> <p>(c) A violation of this section is hereby declared to be a public nuisance.</p> <p>(d) Any private person may maintain an action under California Civil</p>	<p>Substantially similar.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>person maintaining or causing the same to be maintained is subject to the penalties herein provided for violation of this chapter.</p>	<p>Code Sec. 3493, and as may be amended, for enforcement of this section declaring certain acts a public nuisance, if such acts are specifically injurious to that person.</p>	
<p>5.59 Unnecessary noise.</p> <p>a. No person shall keep upon any premises any animal or fowl 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.</p> <p>b. No person shall own, possess, harbor, or keep upon any premises any animal, fowl or household pet which howls, barks, meows, squawks, or makes other noise continuously and/or incessantly for a period of ten (10) minutes or intermittently for one-half hour or more which creates a noise disturbance across a residential or commercial real property line. For the purpose of this chapter, the animal, fowl or household pet noise shall not be deemed a</p>	<p>5.11 Public nuisance. 5.62 Barking dogs.</p> <p>5.11 (a) No person owning or having control of any animal shall permit the animal to do any of the following:</p> <p>(3) Obstruct or interfere with the reasonable and comfortable use of property by chasing vehicles, molesting passersby, barking, howling, baying or making any other noise;</p> <p>5.62 It shall be unlawful for any person to harbor, keep or maintain any dog in the city which disturbs the peace and quiet of one (1) or more persons in the immediate neighborhood by loud barking or making unusual noises. "Loud barking" means barking, howling or baying by day or night continuously and/or incessantly for a period of ten (10) minutes or intermittently for one-</p>	<p>Retains current language for barking dogs.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>disturbance if a person is trespassing or threatening to trespass upon private property in or upon which the animal, fowl or household pet is situated nor shall such noise be deemed a disturbance if it is the result of any other legitimate cause which teased or provoked the animal, fowl or household pet.</p> <p>c. Violations of this section shall be punishable by the issuance of a citation. Citations shall be issued at the discretion of the animal control officer or representative of the City of Mountain View. The citation shall carry with it a twenty-five dollar (\$25) fine. Nothing in this section shall require or prevent the utilization of nuisance abatement procedures for abatement of the nuisance created by such animal, fowl or household pet.</p>	<p>half (1/2) hour or more which creates a noise disturbance across a residential or commercial real property line. "Loud barking" does not mean barking where a dog is in the act of protecting or resisting trespassers upon its premises. The burden of proof of such an act of protection or resistance to trespassers by a dog is upon the person owning, harboring, controlling, maintaining, possessing or having charge of the dog.</p>	
<p>DIVISION 3. - Penalties and Exemption</p>		
<p>5.60 Penalties.</p>	<p>5.85 Enforcement of MVCC Chapter 5 - Payment of funds to account.</p>	

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment in the county jail for a period not to exceed six (6) months, or by a fine not to exceed five hundred (500) dollars, or by both such fine and imprisonment.</p>	<p>Except when more specific provisions contained in this chapter are intended to supersede the provisions of MVCC Chapter 1, the following shall apply.</p> <p>(a) The remedies provided in this division are cumulative and in addition to any other remedies available at law or in equity, including enforcement pursuant to Chapter 1 of this Code. Any violation of this division may be remedied by an enforcement action brought by the city, including, but not limited to, administrative or traditional nuisance abatement proceedings, civil or criminal code enforcement proceedings and suits for injunctive relief.</p> <p>(b) Enforcement authority. The following designated employee positions may enforce the provisions of this title by issuance of citations. Peace officers and persons employed in such positions are authorized to exercise the authority provided in California Penal Code Sec. 836.5 and as amended, and are authorized to issue</p>	<p>Modernizes language</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	<p>citations for violations of this title. The designated employee positions are the administrator or his/her duly authorized agents and representatives and the animal control officers of the service provider.</p> <p>(c) Funds collected pursuant to civil or administrative enforcement of this chapter shall be paid to the service provider.</p>	
<p>5.61 Violations a nuisance. Abatement.</p> <p>In addition to any other remedy provided by law or ordinance of the city, any animal owned, controlled or maintained contrary to the provisions of this chapter, or any animal permitted to run at large or to do any act contrary to the provisions of this chapter shall be, and the same hereby is, declared to be unlawful and a public nuisance, and the city attorney of city may or upon order of the city council shall commence action or proceedings for the abatement and enjoinder of said violation in the manner</p>	<p>5.85 Enforcement of MVCC Chapter 5 - Payment of funds to account.</p> <p>(a) The remedies provided in this division are cumulative and in addition to any other remedies available at law or in equity, including enforcement pursuant to Chapter 1 of this Code. Any violation of this division may be remedied by an enforcement action brought by the city, including, but not limited to, administrative or traditional nuisance abatement proceedings, civil or criminal code enforcement proceedings and suits for injunctive relief.</p>	<p>Modernizes language.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
<p>provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and enjoin such violation.</p>		
<p>5.62 Municipal exemption.</p> <p>Nothing in this chapter shall be deemed to in any way restrict, regulate or prohibit the City of Mountain View, or public entities authorized by the city from maintaining, constructing or operating stables, riding trails, children's zoos, or similar activities for public usage.</p>	<p>5.85 Enforcement of MVCC Chapter 5 - Payment of funds to account.</p> <p>(d) Nothing in this chapter shall be deemed to in any way restrict, regulate or prohibit the City of Mountain View, or public entities authorized by the city from maintaining, constructing or operating stables, riding trails, children's zoos or similar activities for public usage."</p>	<p>Retains current language.</p>
<p>NEW SECTIONS</p>	<p>Refer to Attachment 1 for language.</p>	
	<p>5.14 Interference with police dogs/horses.</p>	<p>Prohibits interfering with a police dog or horse.</p>
	<p>5.15 Feeding or release of animals on public property prohibited.</p>	<p>Prevents the feeding and/or release of animals on public property.</p>
	<p>5.17 Shelter requirements.</p>	<p>Requires animals have adequate shelter.</p>
	<p>5.18 Water requirements.</p>	<p>Requires animals have sufficient water.</p>
	<p>5.19 Feeding requirements.</p>	<p>Requires animals have sufficient food.</p>

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	5.20 Confinement requirements.	Establishes minimum space for dogs in pens, and sufficient space for standing and normal movements for all animals. Sets forth tethering requirements for dogs.
	5.21 Adequate exercise.	Requires animals receive sufficient exercise.
	5.22 Chain collar prohibited.	Outlaws chain collars unless in training.
	5.23 Ventilation and light requirements.	Defines conditions for air flow and lighting.
	5.24 Veterinary treatment.	Veterinarian care when needed from a licensed provider.
	5.25 Unnecessary suffering.	Protects animals from unnecessary suffering or cruelty.
	5.26 Animal traps.	Prohibits use of certain traps. Defines humane conditions for when traps are used.
	5.27 Slaughtering.	Makes slaughtering unlawful.
	5.37 Mandatory sterilization for multiple impoundments.	Requires sterilization of dogs or cats impounded two or more times.
	5.44-5.49 Beekeeping.	Retains recently adopted beekeeping provisions.
	5.75 Animal rescuer registration.	Requires person, or organization, who functions as an animal rescuer to register with SVACA.

<u>Current Ordinance</u>	<u>Proposed Ordinance</u>	<u>Summary</u>
	5.76 Maintenance of animal rescuer registration.	Establishes conditions for an animal rescuer to maintain valid registration.
	5.77 Adoption of animals.	Provides conditions for the adoption of animals.
	5.81 Sale of cats or dogs.	Provides conditions for the sale of dogs and cats.
	5.82 Immunization.	Requires dogs and cats be immunized before sale.
	5.83 Return of dog or cat.	Allows a buyer to return a dog or cat with contagious or infectious disease, or serious congenital defects, not disclosed, to the seller.
	5.84 Location of sale.	Defines where an animal may be sold, exchanged, or given away.