

## **ORDINANCE NO. 423**

### **AN ORDINANCE OF THE CITY OF COLUSA REPEALING AND READOPTING CHAPTER 4 OF THE MUNICIPAL CODE PERTAINING TO ANIMALS**

The City Council of the City of Colusa does ordain as follows:

**SECTION 1:** Chapter 4 of the Municipal Code of the City of Colusa is hereby repealed and readopted to read in its entirety as follows:

#### **Article I. General**

- Sec. 4-1. Short Title
- Sec. 4-2. Authority
- Sec. 4-3. Interference with Enforcement
- Sec. 4-4. Consistency with Zoning Ordinance
- Sec. 4-5. Penalty

#### **Article II. Keeping of Animals; Limitations**

- Sec. 4-6. Keeping: Prohibitions
- Sec. 4-7. Number of Animals
- Sec. 4-8. Temporary Club Projects

#### **Article III. Treatment of Animals**

- Sec. 4-9. Cruelty to Animals
- Sec. 4-10. Neglect of Animals Prohibited
- Sec. 4-11. Permitting an Animal to Suffer
- Sec. 4-12. Premises
- Sec. 4-13. Tethering a Dog

#### **Article IV. Nuisances Prohibited**

- Sec. 4-14. Public Nuisances
- Sec. 4-15. Public Nuisances: Abatement

#### **Article V. Control of Animals**

- Sec. 4-16. Running at Large of Animals Prohibited
- Sec. 4-17. Leashes Required
- Sec. 4-18. Animal Waste
- Sec. 4-19. Vicious and Dangerous Dogs

#### **Article VI. Licensing**

- Sec. 4-20. Adoption of State Law Provisions for Licensing and Impounding of Dogs

- Sec. 4-21. Licenses: County License Required
- Sec. 4-22. Authority of County to Issue Licenses
- Sec. 4-23. Dogs Licensed by Other Cities or Counties
- Sec. 4-24. Restrictions on Use of Tags
- Sec. 4-25. Unlicensed Dogs or Dog Kennels
- Sec. 4-26. Unauthorized Removal of Tags

#### **Article VII. Impoundment**

- Sec. 4-27. Animals Subject to Impoundment
- Sec. 4-28. Biting Animals
- Sec. 4-29. Reporting Found Animals
- Sec. 4-30. Absence of Liability

#### **Article VIII. Vaccination; Spay/Neuter Requirements**

- Sec. 4-31. Vaccination of Dogs Required; Impounding of Unvaccinated Dogs
- Sec. 4-32. Cats: Spay/Neuter Requirements

#### **Article I. General**

##### **Sec. 4-1. Short Title.**

This Chapter shall be known as the Animal Control Ordinance.

##### **Sec. 4-2. Authority.**

The Chief of Police or his/her authorized and appointed designee(s), and the Sherriff or his/her authorized and appointed designee(s), and such other person(s) as the City Council may appoint in order to enforce this Animal Control Ordinance, shall be referred to herein as an "animal control officer," and shall have authority to enforce all of the provisions of this Chapter relating to the care, control and treatment of animals.

An animal control officer may go upon private property as necessary to enforce the provisions of this Chapter, including inspection of facilities provided for any animals, counting the number of animals kept, or collecting and impounding animals, with the voluntary consent of the owner or occupant of the premises, where there is no reasonable expectation of privacy, or pursuant to an inspection warrant in accordance with Sections 1822.50 to 1822.58 of the California Code of Civil Procedure. An inspection warrant shall be issued by a judge upon cause, unless some other provision of state or federal law makes another standard applicable, and shall be supported by an affidavit that particularly describes the premises to be inspected, the purpose of the inspection, and a statement that consent was sought and refused or facts reasonably justifying a failure to seek consent. Unless specifically authorized by the judge issuing the inspection warrant, an inspection may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the premises, or by forcible entry.

An animal control officer is hereby authorized to initiate criminal actions for violations within the City of this Chapter by field citation. Pursuant to Section 836.5 of the California Penal Code, the animal control officer acting within the scope of his/her authority may arrest a person without a warrant when the animal control officer has reasonable cause to believe that the person to be arrested has committed a violation of this Chapter in the presence of the animal control officer. If a person arrested pursuant to this Section does not demand to be taken before a magistrate, the animal control officer shall prepare a written notice to appear and release the person on his/her promise to appear in accordance with Section 853.5 of the California Penal Code.

Subject to state and federal laws and the limitations within this Chapter, including but not limited to Article VII of this Chapter, an animal control officer may seize, impound and dispose of, or cause the seizure, impoundment, and disposal of, any animal.

#### Sec. 4-3. Interference with Enforcement.

No person shall interfere with, oppose or resist an animal control officer in the performance of any act authorized by this Chapter, including the seizure and impoundment of any animal.

#### Sec. 4-4. Consistency with Zoning Ordinance.

In the event of any inconsistency between the provisions of this Chapter and the City of Colusa Zoning Ordinance, as amended from time to time, the provisions of the Zoning Ordinance shall prevail.

#### Sec. 4-5. Penalty.

Whenever any act is prohibited by this Chapter, or is made or declared to be unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, the first violation shall be treated as an infraction and punishable by a fine not exceeding one hundred dollars (\$100). Subsequent violations within one year may be treated as a misdemeanor and punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for a term not exceeding six months, or by both such fine and imprisonment for a term not exceeding six months; provided, nevertheless, that any such violation or offense may be deemed an infraction and charged as such in the discretion and at the election of the officer, in which event the punishment therefor shall not be imprisonment but a fine not to exceed the amounts specified by Government Code Section 36900 as then in effect. Every day any violation of any provision of this Chapter continues constitutes a separate offense.

### **Article II. Keeping of Animals; Limitations**

#### Sec. 4-6. Keeping: Prohibitions.

Except as provided for under the laws of the United States or the State of California, it is unlawful to keep or maintain any wild animal as defined in Section 2116 of the California Fish and Game Code, or to keep or maintain any vicious animal, or any animal reasonably likely of inflicting injury or endangering the health or safety of any person or property.

#### Sec. 4-7. Number of Animals.

It is unlawful for any person to keep, maintain, or have any combination of animals, fowl or livestock, which by their numbers or by the way in which they are maintained, interferes with the health, safety, comfort or convenience of the community. Such conduct is hereby declared a public nuisance.

No person shall keep more than five cats or five dogs over the age of four months and must show proof of Spay or Neutered. This excludes dogs that are used for breeding purposes as supported by AKC pedigree or other supporting breeding documentation. Cats that are not spayed or neutered are hereby declared to be a public nuisance

Notwithstanding the above provisions, it is unlawful for any person to have in their possession a crowing rooster. Crowing roosters are hereby declared to be a public nuisance.

#### Sec. 4-8. Temporary Club Projects.

Animals raised or kept for a temporary school or club project such as 4-H or Future Farmers of America (FFA) are hereby authorized, subject to the issuance of a permit by an animal control officer. Applications made for a permit to an animal control officer to raise or keep animals for a temporary school or club project such as 4-H or FFA shall not be subject to an application fee nor shall there be a requirement of a public hearing before an animal control officer can issue a permit for this use. An animal control officer may impose any conditions on the issuance of the permit that he/she deems reasonably necessary to protect the health, safety, comfort or convenience of the community. Appeals regarding the issuance of permit by any interested person may be made to the City Manager within ten (10) days of issuance. The decision of the City Manager regarding any appeals shall be final.

### **Article III. Treatment of Animals**

#### Sec. 4-9. Cruelty to Animals.

No person shall beat or abuse any animal, or permit the same, or encourage or induce any animals to fight.

#### Sec. 4-10. Neglect of Animals Prohibited.

It is unlawful for any person having control or custody of any animal to permit or allow such animal to go without food, water, shelter, shade, care and attention. It is further unlawful for any person to leave or confine an animal under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

#### Sec. 4-11. Permitting an Animal to Suffer.

It is unlawful for any person having custody or control of any animal to permit that animal to needlessly suffer.

#### Sec. 4-12. Premises.

Every person who keeps an animal confined and unattended in an enclosed area shall provide the animal with an adequate exercise area. Every person owning or occupying premises where any animal is kept shall keep the premises in a clean and sanitary condition.

#### Sec. 4-13. Tethering a Dog.

A dog may not be restrained for more than three (3) hours in a twenty-four (24) hour period. If a dog is to be restrained:

The tether or chain provided must be at least ten (10) feet in length, with swivels at both ends, and be properly attached to a pulley or trolley mounted on a cable so as not to interfere or become entangled with the animal or objects on the property;

No chain or tether shall weigh more than one-eighth (1/8<sup>th</sup>) of the dog's body weight;

Any chain or tether shall be attached to a properly fitting flat collar or harness worn by the dog. The use of choke chains or pinch collars is prohibited when tethering;

The chained or tethered dog must have constant access to necessary shelter and water.

### **Article IV. Nuisances Prohibited**

#### Sec. 4-14. Public Nuisances.

No person having an animal in her or his care, charge, control, custody or possession shall permit or allow:

any animal to obstruct or interfere with the reasonable and comfortable use of property in any neighborhood or community by running at large, chasing vehicles or pedestrians, threatening or intimidating people;

any animal to obstruct or interfere with the reasonable and comfortable use of property in any neighborhood or community by excessive barking, howling, crowing, screeching or making other noises. Noise is considered excessive when it is constant for 20 minutes or intermittent for 30 minutes or more, supported by witness testimony or audio/video recordings.

any animal to damage property, and

except for cats, to trespass on private property;

Any animal to be kept on the premises and unsanitary conditions to exist, which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or obstruct or interfere with the reasonable use of property within the neighborhood;

any animal to be kept or maintained in violation of state law, the City Zoning Code, or other City ordinances.

Feeding of feral cats or outdoor feeding of any cat, subject to authorization by Animal Control Officer.

A violation of any of the above provisions is hereby declared to be a public nuisance.

#### Sec. 4-15. Public Nuisances: Abatement.

Whenever an animal control officer has reasonable cause to believe that a public nuisance exists, he or she may conduct an investigation of the alleged nuisance. Additionally, whenever an animal control officer receives three (3) or more complaints or affirmations in writing from persons having separate residences in the same neighborhood or employed regularly in the same neighborhood that any animal is a habitual public nuisance by reason of trespassing, continual howling, barking or other noise, such as screeching or crowing, or by damage to property, by vicious action or propensity, or by any other means or conditions causing undue annoyance, the animal control officer shall investigate to determine if a public nuisance exists. If an animal control officer finds that a public nuisance does exist, as defined in this Chapter, the animal control officer shall serve written notice upon the owner or custodian of the animal that such nuisance shall be abated. The owner or custodian shall then promptly abate the nuisance, within the timeframe specified by the animal control officer, but in any event not exceeding forty-eight (48) hours. If the nuisance is not so abated, the animal control officer may issue a citation or seize and impound the animal in accordance with the procedures set forth in Article VII of this Chapter.

Notwithstanding the foregoing, no animal that is part of an agricultural operation, exempt from being or becoming a nuisance by Civil Code Section 3482.5, shall be deemed to be a public nuisance under this Section, provided such animal is owned and kept in compliance with this Chapter and State law.

### **Article V. Control of Animals**

#### Sec. 4-16. Running at Large of Animals Prohibited.

No person owning or having the custody or control or possession of any animal shall permit the animal to run at large within the City. "At large" or "stray" means any animal found outside the premises of its owner or caretaker and either not under the control and in the immediate presence of the owner or caretaker, and if the animal is a dog, not restrained by a leash or under the control and in the immediate presence of the owner or caretaker.

Any animal found running at large shall be deemed a stray animal and, if after a reasonable investigation under the circumstances the animal control officer is unable to locate the owner or person entitled to the possession of the animal to give that person the opportunity to recapture the animal, the animal may be immediately seized and impounded. This Section shall not apply to cats.

#### Sec. 4-17. Leashes Required.

It shall be unlawful for any person who owns or has the control, custody or possession of any dog to permit such dog in or upon any public street or other public place, or in or upon any property belonging to the City, unless such dog is on a leash no longer than 6 feet in length and is under the control of the person owning or at the time in possession of such dog.

The restraint requirements provided in this Section shall not apply to the following:

a service or assistance dog; a service dog is trained to perform a task directly related to a person's disability. This does not include emotional support or comfort dogs.

a dog participating in field or obedience trials;

animal exhibitions;

a dog assisting in law enforcement duties;

any area specifically designated as a dog park or off leash exercise area.

#### Sec. 4-18. Animal Waste.

No person who owns or has control, custody or possession of an animal, except a disabled person using an assistance dog, shall permit or allow any animal to do any of the following:

Defecate on any public street or other public property without immediately removing the excrement;

Defecate on any private property other than that of its owner without the consent of the owner, lessee or person in control of the private property.

#### Sec. 4-19. Vicious and Dangerous Dogs.

The owner of any dog or person having the custody, control or possession of a dog known to be diseased, vicious, or dangerous to the safety of any person or animal, shall keep such dog confined within a secure enclosure unless such dog is muzzled and leashed.

### **Article VI. Licensing**

#### Sec. 4-20. Adoption of State Law Provisions for Licensing and Impounding of Dogs.

Pursuant to Section 30501 of the California Food and Agricultural Code, the provisions of Sections 30801 to 30805, 30952, 31105 to 31108, 31152, 31153, 31251, 31252 and 31254 of the California Food and Agricultural Code, relating to the regulation and licensing of dogs, when adopted by the board of supervisors of any county, apply within the territorial limits of the county. The Board of Supervisors of Colusa County has adopted the provisions of such sections of the Food and Agricultural Code, and the City Council hereby requests the application of such provisions within the City.

Sec. 4-21. Licenses: County License Required.

It shall be unlawful for any person to own, harbor or keep any dog over the age of four (4) months unless such dog has securely attached to its collar a valid license tag issued for the current year by Colusa County. The license tag shall be worn by the dog at all times that the animal is in the City, except when the animal is confined in a permitted kennel, or veterinary facility, or it is being exhibited at a show, field trial or other competition. No person shall refuse to exhibit such license when so directed by an animal control officer.

Sec. 4-22. Authority of County to Issue Licenses.

Colusa County is hereby authorized and empowered to issue a license to the owners of dogs kept or harbored in the City, with the same force and effect as that provided by County Ordinance for the issuing of dog licenses for dogs harbored or kept in the unincorporated area of the County.

Sec. 4-23. Dogs Licensed By Other Cities or Counties.

Notwithstanding the foregoing, a person may bring into the City a dog for a period not exceeding twenty (20) days in any one (1) year which has been licensed by a city or county other than Colusa County; provided that such dog shall have a license, tag issued by the authority of such city or county attached to it.

Sec. 4-24. Restrictions on Use of Tags.

No person shall attach to or keep upon a dog, or cause or permit to be made, or to have in possession, any counterfeit or imitation of any county dog license tag. It is unlawful for any person to attach a license tag to the collar of any dog except the dog that is described in the application for such license tag.

Sec. 4-25. Unlicensed Dogs or Dog Kennels.

No person shall have, harbor, control or keep, or to cause or permit to be harbored or kept, any unlicensed dog in the City, or maintain, conduct or operate or to cause or permit to be maintained or operated, any unlicensed dog kennel in the City.

Sec. 4-26. Unauthorized Removal of Tags

No person shall, if unauthorized, remove from any dog, any collar or harness or other device to which a license tag is attached or remove such license tag therefrom.

**Article VII. Impoundment**

Sec. 4-27. Animals Subject to Impoundment.

Any animal control officer may seize and impound, or cause to be seized and impounded, an animal for a violation of any provision of this Chapter. Where the need for immediate seizure or impoundment is not present, the animal control officer shall provide the owner or keeper of the animal with an opportunity for a hearing prior to seizure or impoundment of the animal, in



accordance with the procedures set forth in Penal Code section 597.1 as then in effect. Where the animal control officer has reasonable cause to believe that the immediate seizure or impoundment of an animal is necessary in order to: (a) protect public safety and welfare; (b) protect an animal which is injured, sick or starving; (c) protect an animal from injury which has strayed onto public property or a public right of way; (d) protect a domestic animal from imminent risk of harm; or (e) safeguard an animal which is at large off its owner's property, then the animal control officer shall provide the owner or keeper of the animal with an opportunity for a post-seizure or impoundment hearing, in accordance with the procedures set forth in Penal Code section 597.1 as then in effect.

#### Sec. 4-28. Biting Animals.

The owner or other person in custody, control or possession of any animal that bites a human being, or otherwise exhibits any symptoms or acts that would lead a reasonable person to suspect that the animal has rabies, shall immediately notify the City Police Department and or County Animal Control, giving the name and address of the person bitten, if known to him/her, or the acts or symptoms of the animal, and shall obey any quarantine instructions given by the City Police Department and/or County Animal Control Officer. The animal control officer may, in his/her discretion, order the animal quarantined and may impose such reasonable conditions thereon as may be required.

If any person fails or refuses to obey any lawful order for the quarantine of an animal for observation of rabies, the animal control officer may impound or cause the impoundment of the animal.

#### Sec. 4-29. Reporting Found Animals.

Any person who apprehends or picks up a stray or apparently lost animal shall report the same to the Colusa County Animal Shelter within twenty-four (24) hours and shall release such animal to the owner or to the Colusa County Animal Shelter upon demand. The person shall provide the Colusa County Animal Shelter with a complete description of the animal, where it was found, current location of the animal, photographs of the animal and contact information for person keeping the animal.

#### Sec. 4-30. Absence of Liability.

No liability shall be incurred by the City or County for causing the impoundment, redemption or disposition of an animal pursuant to this Chapter.

### **Article VIII. Vaccination; Spay/Neuter Requirements**

#### Sec. 4-31. Vaccination of Dogs Required; Impounding of Unvaccinated Dogs.

Pursuant to Section 121690 of the California Health and Safety Code, every person owning, or in control, custody, or possession of any dog shall, within ten (10) days after the dog becomes four (4) months of age, procure the rabies vaccination of the dog by a licensed veterinarian, and shall continually procure the rabies vaccination of the dog by a licensed veterinarian at intervals of time not more than once a year, or as may be prescribed by the state department of public health.

**Sec. 4-32. Cats: Spay/Neuter Requirements.**

No person owning or in custody, control or possession or feeding of a cat over four (4) months of age shall cause, permit or allow such cat to be unconfined in or upon any public street, road, alley or other public or private place, including the exterior yards of the animal owner's property, unless such cat is spayed or neutered. An animal control officer may cite, seize or impound or cause to be seized or impounded every cat found in violation of this Section and shall require the owners or guardians of the cat to either spay or neuter the cat within thirty (30) days of such violation or produce a certificate of sterilization proving that the cat is already altered. Failure to comply may result in a citation, impoundment or seizure.

When a person is cited or cat is impounded under this Section, the owner of the cat, if known, shall be given ten (10) calendar days to request a hearing to determine if there is good cause for a waiver or deferment of the sterilization requirement. The hearing shall be held before an animal control officer, who may grant or deny the request, or impose any conditions on the granting of the request that he/she deems reasonably necessary to protect the health, safety, comfort or convenience of the community. Appeals regarding the decision of the animal control officer by any interested person may be made to the City Manager within ten (10) days of the decision. The decision of the City Manager regarding any appeals shall be final.

**SECTION 2. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Colusa hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

**SECTION 3. Effective Date.**

This ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Colusa, California, held on October 15, 2024, and was passed and adopted at a Special Meeting of the City Council held on October 29, 2024 by the following vote:

AYES: Markss, Ponciano, Conrado, Codorniz and Vaca.

NOES: None.

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DANIEL VACA, MAYOR

ATTEST:

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Shelly Kittle, City Clerk