

CHAPTER 4. ANIMALS AND FOWL¹

Article I. In General.

- § 4-1. Vicious dogs.
- § 4-2. Certain animals declared public nuisances; impound of certain animals.
- § 4-3. Authority of chief of police; animal control officers.
- § 4-4. Obstructing, resisting, etc., police officers.

Article II. Dogs.

- § 4-5. Definitions.
- § 4-6. Applicability of article.
- § 4-7. License--Required; fees; disposition of revenue.
- § 4-8. Same--Nontransferable.
- § 4-9. Same--Tags; duplicates.
- § 4-10. Same--Exhibiting to police officer; right of entry of police officers.
- § 4-11. Same--Counterfeiting.
- § 4-12. Duties of city clerk; certificate of vaccination.
- § 4-13. Impoundment of dogs found running at large; sale or destruction of impounded dogs generally.
- § 4-14. Redemption of impounded animals--Adoption of animals.
- § 4-15. Running at large prohibited.
- § 4-16. Procedure upon dog biting person.

Article III. Unnecessary Noise Creating a Public Nuisance.

- § 4-17. Disturbing the peace, unnecessary noise.

Article IV. Permissible Household Pets, Etc.

- § 4-18. Keeping domestic animals.
- § 4-18.1. Number of dogs or cats in dwelling.
- § 4-19. Pet health and sanitation.
- § 4-20. Fowls, birds, animals and reptiles prohibited at large.
- § 4-21. Animal care.
- § 4-22. Livestock control.
- § 4-23. Kennels.
- § 4-24. Wild animals.
- § 4-25. Exceptions: Fancy, racing and sporting pigeons.
- § 4-26. Breeder certificate: Exceptions and exemptions.
- §§ 4-27 to 4-29. Reserved for future legislation.

Article V. Abatement of Vicious Dogs.

- § 4-30. Purpose and intent.
- § 4-31. Scheduled hearing.
- § 4-32. Hearing.
- § 4-33. Findings: public nuisance.
- § 4-34. Cost of impoundment.
- § 4-35. Criminal sanctions.

Article I. In General.

Sec. 4-1. Vicious Dogs.

(a) It shall be unlawful for any person within the City of Oakdale who owns or is in charge of or controls or who possesses any dog or other animal, that is dangerous to the safety of any person or other animal, to not keep such animal muzzled and securely restrained.

Upon knowledge of the whereabouts of a vicious dog, the animal control officer shall immediately conduct an investigation of the matter for the purposes of verifying the report. If he finds that the dog has bitten or shows a propensity to attack, bite, scratch, or harass people or other animals without provocation, he shall notify the owner in writing and direct that henceforth the dog be kept within a secured enclosure (enclosure approved by the animal control officer). If the animal is outside the enclosure the dog shall be leashed and muzzled so as to prevent its biting or further attacking of any person or any other animals. Failure to comply shall constitute a misdemeanor and the owner of such animal may be subject to the provisions in section 4-1 (c) (2).

(b) It shall be unlawful for any person within the City of Oakdale to keep, harbor, or sell any venomous animal, reptile, or arthropod, excepting tarantulas and scorpions.

(c) Impoundment and destruction authorized.

(1) If upon receiving written notification, the owner fails to comply with the restrictions as ordered, the owner is in violation of this title and the animal control officer is empowered to seize, impound, and destroy such dog pending the provisions in section 4-1 (d).

(2) The animal control officer or police officer may destroy any dog found in the act of biting, attacking and constituting a threat or hazard to the safety of any other person or any other animal.

(d) Hearing authorized.

(1) When a dog has been impounded under the provisions of this section, the owner has five working days to contact the animal control officer and request a hearing to show cause why said dog should not be destroyed.

(2) If after five working days the owner has not contacted the animal control officer to request a hearing, the vicious dog may be destroyed without further delay.

(3) The hearing required pursuant to this section shall be conducted by the chief of police or by a designated employee who shall not be

directly involved in the subject action and;

(4) The hearing shall be scheduled under Article V of the abatement of vicious dogs sections 4-31, 4-32, 4-33 and 4-34.

(e) Change of ownership or residence. The owner of a vicious dog who sells or transfers ownership, custody or residence, shall notify the police department in writing of the intended transfer of residence and provide the name, address, and telephone of the new owner or custodian.

(f) Confinement of dogs. If a dog shall be impounded under section 4-16(a) of this chapter for biting a person, or if there is probable cause to believe a dog is dangerous, and the animal control officer so certifies, such officer or any police officer may enter upon private premises in order to seize any such dangerous dog whether running at large or not and shall confine said dog at the Oakdale Animal Shelter. The confinement shall continue pending the decision of the chief of police following a hearing provided for in section 4-31 of this article. The cost of said confinement shall be paid by the person owning or controlling the dog. The dog shall not be released until such costs have been paid in full. (Ord. No. 1000, § 1.)

Sec. 4-2. Certain animals declared public nuisances; impound of certain animals.

Any dog which is allowed to run at large in the city at any time, or any unconfined and unmuzzled vicious dog or other carnivorous animal, is hereby declared to be a public nuisance. It shall be the duty of every police officer of the city to abate such nuisance by taking such dogs or animals into custody and impounding the same at the city animal shelter. Any dog or animal impounded pursuant to the terms of this section shall not be released except with the written permission of the chief of police; provided, that any dog or animal which is impounded three times in any calendar year shall be destroyed. (Ord. No. 1000, § 1.)

Sec. 4-3. Authority of chief of police: animal control officers.

(a) It is hereby provided that the chief of police is given full power to carry out the provisions of this chapter and the provisions of all laws of the state relating to the impounding or destroying of dogs which are unlicensed or have no license tag attached to the collar, harness or other device, contrary to the provisions of this chapter, insofar as this chapter and sections of the Agricultural Code and state statutes are applicable.

(b) The chief of police may appoint an animal control officer. The animal control officer shall have the duty of enforcing this chapter. The animal control officer shall also enforce any law, statute or ordinance of the city or the State of California relating to the care, control or abuse of animals, and in furtherance of such enforcement, may arrest without warrant and issue written Notices to Appear, under the authority of California Penal Code § 836.6.

(c) Authority to pursue. In the performance of their duties, all police officers and each animal control officer shall have the authority, when in pursuit of an animal which is in violation of a provision of this Code, to go upon the property of the owner or a third person for the purpose of impounding the animal, provided that in the course of such pursuit he shall exercise reasonable care to avoid causing damage to the property.

(d) Authority to use tranquilizer gun. In the performance of their duties, each animal control officer shall have the authority to employ the use of the tranquilizer gun and all other animal control devices commonly used by other animal control agencies located within the State of California.

(e) Authority to carry firearms. Such animal control officers, such as the chief of police may specifically designate in writing are authorized to carry firearms when acting in the course and scope of their employment pursuant to Section 12031 of the Penal Code of California as effective November 11, 1969. (Ord. No. 1000, § 1.)

Sec. 4-4. Obstructing, resisting, etc., police officers.

(a) No persons shall willfully oppose, resist, delay or obstruct the animal control officer or police officers of the city in the discharge or attempt to discharge any act or duty authorized or prescribed by this chapter.

(b) Mandatory appearance. Any person who refuses to sign a written promise to appear in court is guilty of a misdemeanor. (Ord. No. 1000, § 1.)

Article II. Dogs.

Sec. 4-5. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal. Any live, vertebrate creature, domestic or wild.

Animal shelter. Any facility operated by humane society or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law.

At large. An animal off the premises of its owner and not under restraint by leash.

Auctions. Any place or facility where animals are regularly bought, sold, or traded except for those facilities defined in this ordinance.

Commercial animal establishment. Any pet, grooming shop, auction, riding school or stable, animal exhibition or kennel.

Dangerous dog. Any dog, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior, is presumed dangerous.

(a) An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully.

(b) An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully.

(c) An attack on another animal, livestock, or poultry which occurs on property other than that of the owner of the attacking dog.

(d) Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

For the purpose of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the dog when he or she is on such property in the performance of any duty imposed on such person by state or local law or by the laws of postage regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied.

(e) A history of three dog bites to human beings not members of the immediate family of the owner of the dog.

Dog license. A license tag required to be obtained annually for each individual dog.

Grooming shop. A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Impoundment. The taking up and confining of an animal by the direction in the manner consistent with recognized standards of humane treatment.

Kennel. A place where four or more dogs of four months of age or older are kept or any premises wherein any person or persons engage in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling of dogs or cats.

Livestock. Any domesticated cattle, goats, swine, sheep, and equine which are kept in captivity or under the control or ownership of any person for any purpose.

Owner. Any person who possesses, has title to or an interest in, harbors or has control, custody or possession of an animal and the verb forms of "to own" include all these shades of meanings. An animal shall be deemed to be harbored if it is fed or sheltered for five consecutive days or more.

Quarantine. The strict confinement of an animal upon the premises of the owner or the Oakdale City Animal Shelter or elsewhere as approved by the chief of police or animal control officer.

Pet shop. Any shop, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animals, reptiles or fish.

Public nuisance. Any animal or animals which:

- (a) Attacks any person, passing bicycle, motorcycle or vehicle.
- (b) Attacks other animals.
- (c) Trespasses on school grounds.
- (d) Is repeatedly at large.
- (e) Damages private or public property.
- (f) Barks, whines, or howls in an excessive or continuous manner.
- (g) Defecates on private property (other than the property of the animal owner), sidewalks, street, alleyway, or in any public park, or other public place.

Riding school or stable. Any place which has available for hire, boarding, and/or riding instructions, any horse, pony, mule or burro.

Tranquilizer or capture gun. Any rifle/pistol used to immobilize any animal, with a substance approved by the Federal Drug Administration.

Vaccination. The inoculation of an animal against rabies with vaccine approved by, and in the manner prescribed by, the State Department of Public Health.

Wild animal. Any of the following:

- (a) Following members of the Class Aves:
 - (1) Order Falconiformes (such as, but not limited to, hawks, eagles and vultures which are not kept pursuant to federal or state permit);
 - (2) Subdivision Ratitae (such as, but not limited to, ostriches, rheas, cassowaries, emus).
- (b) Following members of the Class Mammalia:
 - (1) Order Carnivora, expressly excepting the domestic dog (*canis familiaris*) and the domestic cat (*felis catus*), but including, but not limited to, the family Felidea (such as ocelots, margays, tigers, jaguars, leopards and cougars), the family canidae (such as wolves, wolf hybrids, dingos, coyotes and jackals); and
 - (2) Order Marsupialia (such as kangaroos and opossums), and
 - (3) Order Chiroptera (bats); and
 - (4) Order Edentata (such as sloths, anteaters and armadillos); and
 - (5) Order Proboscidea (elephants); and
 - (6) Order Primata (including, but not limited to, monkeys, chimpanzees and gorillas); and
 - (7) Order Ungulata (expressly excluding any animal which would be included within the definition of "domestic animal," camels and llamas), including, but not limited to, antelope, deer and bison.
- (c) Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings. (Ord. No. 1000, § 1.)

Sec. 4-6. Applicability of article.

The provisions of this article relating to licensing requirements shall not apply to any dog owned by or in charge of any person who is not a resident of the city and who is traveling through the city, or temporarily staying therein, for a period not to exceed thirty days, if the dog is not permitted to run at large; nor to any dog brought into the city and kept therein for not to exceed thirty days for the exclusive purpose of entering the dog in any dog show, dog exhibition, field trials or competition, if the dog is not permitted to run at large; nor to any dog brought or sent into the city from any point outside thereof for the exclusive purpose of receiving veterinary care in any dog hospital, if the dog is not permitted to run at large; nor to any dog trained to lead the blind and owned by a blind person, if the dog is not permitted to run at large. (Ord. No. 1000, § 1.)

Sec. 4-7. License--Required; fees; disposition of revenue.

(a) Dog license required. Every person who owns, controls, harbors, possesses or keeps in the city any dog, shall obtain a dog license with the director of finance. The City of Oakdale may provide for the issuance of serially numbered metallic dog licenses pursuant to this section. Said license fee shall be first due when the animal reaches four months of age and before it attains five months or within thirty days after the dog is acquired, and due on the anniversary date of the original purchase date each year thereafter. New residents shall have thirty days in which to acquire such license. Persons renewing their license shall have thirty days following their due date before being delinquent and having to pay a late penalty. The fee and penalties for such license shall be set forth in section 4-7(b) OCC.

(1) In addition to the authority provided in section (a), a license may be issued, as provided by this section, by the city council for a period not to exceed three years for dogs that have attained the age of twelve months, or older, and who have been vaccinated against rabies.

The person to whom the license is to be issued pursuant to this section may choose a license period as established by the city council of up to one, two or three years. However, when issuing a license pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination. The fee for such license shall be set forth from time to time by resolution of the city council.

A license shall be obtained, but no license fee shall be payable for the licensing of any dog which is trained for guide or hearing purposes by a resident of the city, or any dog currently being used by a local law enforcement agency for the purposes of crime prevention or control.

The fee paid for a dog license is not refundable.

(b) Fees and penalties. The annual license fee for keeping the dog within the city shall be set from time to time by resolution of the city council. Any dog owner who fails to procure such dog license shall, in addition to any other penalty provided in this Code be subject to a penalty of ten dollars and shall be collected herewith.

(c) Disposition of revenue. Funds collected for dog licenses under this chapter shall be available for the payment of expenditures in accordance with the provisions of Division 3, Chapter 3, Sections 1900 to 2000, of the California Health and Safety Code and Chapter 4, Subchapter 1, Sections 2604 and 2606.6, of the California Administrative Code, Title 17, Public Health. (Ord. No. 1000, § 1; Ord. No. 1045, § 2.)

Sec. 4-8. Same--Nontransferable.

No dog license issued under the provisions of this article shall be transferable. (Ord. No. 1000, § 1.)

Sec. 4-9. Same--Tags; duplicates.

The owner of a dog obtaining a dog license shall attach the license tag to the collar, harness or other device of the dog for which the license was obtained and keep the license on such dog at all times while such license is in force. In the event that any dog license shall have been lost or destroyed, the owner of such dog shall immediately apply for and procure, from the finance director of the city, a duplicate license for such dog. A fee as set from time to time by the Oakdale City Council shall be charged for such duplicate license. (Ord. No. 1000, § 1.)

Sec. 4-10. Same--Exhibiting to police officer; right of entry of police officers.

The owner of any dog kept or harbored in the city shall upon the request of any police officer of the city exhibit to him the license of such dog. The police officers are each authorized and directed, in order to carry out the provisions of this article and of the laws of this state insofar as they are applicable to such police officers, to enter upon any premises upon which any dog is kept or harbored or upon which the police officers have reason to believe any dog is kept or harbored, and to demand the exhibition to any such officer by the person owning, harboring, keeping or having charge or control of any such dog, of any dog license provided for by this article for the current year. (Ord. No. 1000, § 1.)

Sec. 4-11. Same--Counterfeiting.

It shall be unlawful for any person to imitate or counterfeit the dog license provided for in this article or to have in his possession in the city any imitation or counterfeit dog license. (Ord. No. 1000, § 1.)

Sec. 4-12. Duties of city clerk; certificate of vaccination.

(a) The city clerk is hereby authorized and directed to procure the necessary supplies required for the administration of the duties assigned to him by the provisions of this article and by the provisions of the Agricultural Code of the State of California, including application blanks, serially numbered dog licenses to be issued to the owner or owners of the dogs, and to issue the same to such owners in accordance with the provisions of this article and of sections of the Agricultural Code, upon the payment to him of the fees or penalties fixed by this article; provided, that before the city clerk shall issue any license, he shall require a certificate from a doctor of veterinary medicine, certifying that the dog for which a license is applied has been vaccinated with an approved rabies vaccine.

(b) Dog vaccination required. Every person owning or harboring a dog four months of age or older, for fifteen days or more, shall have such dog vaccinated against rabies by a licensed veterinarian with a vaccine approved by the California Department of Health, unless such dog is currently vaccinated. By obtaining an anti-rabies deferment from a licensed veterinarian, upon approval of the health officer, dogs that are ill may be given temporary deferment from rabies vaccination. Old age of the dog, however, shall not be a basis for such deferment. Such a deferred dog shall be vaccinated within fifteen days from the conclusion of the deferment period.

(c) Proof of vaccination. No person who owns or harbors any dog shall fail or refuse to exhibit his copy of the rabies vaccination form, anti-rabies inoculation deferment form, or health certificate upon demand by any person charged with the enforcement of this chapter. (Ord. No. 1000, § 1.)

Sec. 4-13. Impoundment of dogs found running at large; sale or destruction of impounded dogs generally.

It shall be the duty of all animal control officers and all police officers of the city to take up and impound any dog found running at large in the city in violation of the provisions of this article or sections of the Agricultural Code of the state.

If the owner of any dog so impounded is unknown, such dog will be cared for at the city animal shelter for a period of seventy-two hours, and shall upon the expiration of such time, if not claimed by its owner, the dog shall be humanely destroyed by the animal control department. If the owner of any such dog so impounded is known such dog shall not be destroyed until actual written notice shall have been given to such owner and such owner has failed or refused for five days thereafter, to pay all fees, penalties and charges due under the provisions of this article. The notice required by this section may be served either:

(a) By delivery of a copy to the owner of the dog personally;

(b) If he is absent from his usual place of residence or from his usual place of business, by leaving a copy with some person of suitable age and discretion at either place and sending a copy through the mail, addressed to the owner of the dog at his place of residence.

(c) If such place of residence or business cannot be ascertained, or a person of suitable age and discretion cannot be there found, then by sending a copy of the notice through the mail addressed to the owner of the dog at the last known address of the owner.

In lieu of destroying any dog, such dog may be adopted by any person other than the owner, or member of the owner's immediate household who will pay the director of finance a fee, to be set from time to time by resolution of the city council, plus the license fee or a license deposit. In the event a dog is adopted without rabies vaccination, a license will be issued upon receipt by the director of finance of the proper certificate of rabies vaccination. (Ord. No. 1000, § 1.)

Sec. 4-14. Redemption of impounded animals--Adoption of animals.

(a) Any animal taken up and impounded under the terms of this article may be redeemed by the owner thereof within the period specified in section 4-13, or while the dog is at the city animal shelter upon the payment of the license fees and penalty, if any, due under this article to the city, and upon the payment to the director of finance the following necessary costs of impounding and keeping the animal:

(1) For taking up and impounding the animal, a fee to be set from time to time by resolution of the city council;

(2) For care and feed for any such animal, a fee to be set from time to time by resolution of the city council.

(b) Any citizen adopting an animal from a city pound or animal shelter shall pay to the city a deposit guaranteeing that said animal will be spayed or neutered, and a further deposit to ensure said animal will receive a rabies vaccination. The deposit shall be refundable to the person making the deposit upon presentation to the city of satisfactory proof showing that the spaying/neutering or vaccinating has been completed. The fees shall be set from time to time by resolution of the city council. (Ord. No. 1000, § 1.)

Sec. 4-15. Running at large prohibited.

(a) It shall be unlawful for the owner or any person having charge, care, custody or control of any dog, whether licensed or unlicensed, to suffer, permit or allow the dog to run at large on any public street, alley, or place, or private property held open to the use of the public for parking purposes in the city at any time.

(b) Every person owning or having charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises; provided, that such dog may be off such premises if it is under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length.

(c) It shall be unlawful for the owner or any person having charge, care, custody or control of any dog, whether licensed or unlicensed, to allow said dog to remain upon the open bed or area of any truck, trailer or vehicle, without being restrained by a substantial chain or leash that prevents said dog from expending any part of its body past the edge of the bed or open area of such truck, trailer or vehicle. This requirement shall not apply if a dog is confined within the body or cab of a truck, trailer, or vehicle provided such dog cannot attack, bite, scratch or paw passersby.

(d) No owner or custodian of any dog shall maintain such dog on private property unless the property is fenced in such a manner as to restrain the dog or the dog is secured within a structure, or the dog is restrained by means of a leash.

(e) Each day a separate offense. Every person violating any provision of this title shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues.

(f) Female dogs in season to be confined. Every person owning or having charge of any female dog shall strictly confine such animal during its breeding season (i.e., while it is in heat) in a building or other enclosure adequate to keep such dog confined. (Ord. No. 1000, § 1.)

Sec. 4-16. Procedure upon dog biting person.

(a) In the event that any dog shall bite any person within the city, it shall be the duty of the owner of the dog to deliver such dog at once to the city animal shelter or some authorized veterinarian who shall keep and impound such dog for a period of ten days, and in the event that such dog shall be impounded at the city animal shelter, the finance director of the city shall be entitled to collect for keeping, feeding, and caring for such dog a fee, which shall be set from time to time by resolution of the city council.

(b) Duty to report. Any person having knowledge of the location of an animal suspected of having rabies, or of any person having been bitten or scratched by a warm-blooded mammal, or of any signs of disease or unusual behavior in any animal under quarantine, shall immediately report such facts to the health officer or director of animal control. (Ord. No. 1000, § 1.)

Article III. Unnecessary Noise Creating A Public Nuisance.

Sec. 4-17. Disturbing the peace, unnecessary noise.

(a) It shall be unlawful for any person owning, possession, controlling, harboring or keeping any dog, cat or other animal or fowl to allow such dog, cat, or other animal or fowl to disturb the peace and quiet of any citizen of the city. The chief of police may impound any dog, cat or other animal or fowl found to be disturbing the peace and quiet of any citizen of the city.

(b) It shall be unlawful to keep (b) It shall be unlawful to keep or harbor any dog, cat or other animal or fowl, which by habitual howling, yelping, whining, barking or other noise, disturbs or annoys any considerable number of persons or neighborhood, and such conduct on the part of any dog, cat or other animal or fowl is hereby declared to be a public nuisance, and each day shall constitute a separate offense. (Ord. No. 1000, § 1.)

Article IV. Permissible Household Pets, Etc.

Sec. 4-18. Keeping domestic animals.

(a) No person shall keep or maintain on any parcel any domestic animal as hereinafter specified except as follows:

(1) One horse, or one cow, or one sheep, or one goat on a parcel containing no less than one-half acre and one such animal for each additional one-half acre;

(2) Domesticated fowl (hens only) limited to a total of six birds;

(3) Four rabbits or hares; and

(4) Six chinchillas, hamsters, or white mice or similar animals (combined total); and

(5) Pigeons (of the order of Columbidae), when permanently confined in an aviary limited to a total of six birds. More than six pigeons when a permit has been obtained pursuant to section 4-25 of this Code.

(6) Small bird aviary totally no more than 12 birds.

(b) The keeping of domesticated animals shall be subject to the following:

(1) Stables or barns shall not be located within one hundred feet of a residential dwelling located on an adjacent property;

(2) Pens or other quarters for animals or fowl shall be kept or maintained only at a distance of fifteen feet from the rear property line and fifteen feet from the side property line.
(Ord. No. 1000, § 1; Ord. No. 1109A, § 1.)

Sec. 4-18.1 Number of dogs or cats in dwelling.

It is unlawful for any person to keep, harbor or maintain in or about any dwelling more than three dogs or three cats which are over the age of four months unless the owner has obtained a kennel license under the provisions of this Code. (Ord. No. 1109A, § 1; Ord. No. 1169.*)

*Editor's Note: Ordinance No. 1169 becomes operative July 1, 2009.

Sec. 4-19. Pet health and sanitation.

(a) Any animals or fowl within the city shall be kept in a clean, sanitary and healthful condition and confined to the owner's property, unless temporarily kept at a kennel, pet shop, animal clinic, veterinary hospital, animal grooming parlor or training school for animals or fowl. Manure, animal waste or fecal matter, feathers, fur, hair or other animal or fowl debris shall not be allowed to accumulate on any public or private property. Any such accumulation is hereby declared to be a public nuisance.

(b) Animal waste. The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas or private property. (Ord. No. 1000, § 1.)

Sec. 4-20. Fowls, birds, animals and reptiles prohibited at large.

It is hereby declared to be a nuisance and it shall be unlawful to allow or permit any fowls, birds, animals and reptiles to run at large upon or over any public street, alley, avenue or place, or to allow or permit the same to run at large or trespass upon or over any private property.

Sec. 4-21. Animal care.

(a) No owner shall fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) No owner of an animal shall abandon such animal.

(c) No person shall beat, cruelly ill-treat, torment, overwork or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and human beings.

(d) No person shall crop a dog's ears; except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person, except a licensed veterinarian, perform such an operation.

(e) Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or local humane society.

(f) No person shall expose any known poisonous substance, whether mixed food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed with vegetable substances. (Ord. No. 1000, § 1.)

Sec. 4-22. Livestock control.

(a) Staking or grazing. No person having or having charge, care, custody or control of any livestock shall cause or permit either willfully or through failure to exercise due care or control, any such animal to be placed, staked, or to graze or be upon the land of another without the written consent of the owner or other authorized person, or upon public lands or highways or to allow any such animal to run at large.

(b) Livestock hauling fee.

(1) When it is necessary for the impoundment of large quadruped domestic animals such as horses, donkeys, mules, burros, cattle, sheep, goats or swine to haul such animals with livestock hauling equipment, the owner of the animals shall be charged a livestock hauling fee.

(2) A schedule of fees for hauling livestock shall be established by resolution by the city council. Such schedule of fees shall reflect the approximate cost of impounding and hauling the livestock.

(c) Impoundment fees. The chief of police or animal control officer shall charge and collect fees for every impounded animal when claimed and before release. The amount of said fees shall be set time to time by resolution of the city council.

(d) Absence of liability. No liability shall be incurred for the disposition of any animal made pursuant to the provisions of this chapter.

(e) Relief from fees during natural calamities. Upon recommendation of the chief of police and with the approval of the city council, the fees provided for by this chapter may be waived when animals have been impounded because of civic disorganization, disruption or other conditions of devastation within the city due to fire, flood, earthquake, storm or other natural calamity.

(f) After one hundred and twenty hours, animals impounded under this section shall become the property of the city. Animals which become city property shall be disposed of in a humane economical manner. (Ord. No. 1000, § 1.)

Sec. 4-23. Kennels.

(a) Residential kennel. It shall be unlawful in any residential zone for any person to own or have custody of four or more unlicensed or licensed dogs over the age of four months, or four or more cats over the age of four months, for any purpose.

(b) Kennel permit required for commercial business.

(1) It shall be unlawful for any person, firm, or corporation, having custody or control of four or more unlicensed or licensed dogs or cats over the age of four months, to engage in, conduct, manage, or carry on any of the following businesses within the incorporated area of the City of Oakdale without first having obtained a kennel permit from the director of finance and without the approval of the building department and the animal control department.

a. Grooming parlor

b. Kennel

c. Pet shop

No kennel permit shall be required of any kennel, pet shop or grooming parlor doing business within the city as of the effective date of this ordinance, unless there is a change of ownership, location or should the business be conducted in a manner that could cause revocation of a permit as set forth in subsection (b) (3) of this section.

(2) Inspection. Every application or license shall permit the director of finance, chief of police or animal control officer access to any premises or vehicles used in the conducting of the licensed business at all reasonable times, and to any records required to be maintained by this article,

and the director of finance, chief of police or his designated animal control officer shall make such inspections thereof as he deems necessary from time to time.

(3) Revocation. When the director of finance has issued any license under the terms of this article, the same may be revoked at any time thereafter by the director of finance or chief of police if he becomes satisfied that the conduct of the licensed business does not or will not comport with the public welfare for any reason, or that the same has been conducted in an illegal, improper, or disorderly manner, or in a manner substantially different from that described in the application, or for any reason for which the license application could have been denied.

(4) Appeals. Any person who has had a permit denied or revoked may within ten days appeal the decision of the chief of police. The chief of police or his designated officer shall render a decision within fifteen days. Either party involved may appeal the decision to the city council. Said appeal shall be in writing and must be received by the city clerk within ten days of the action which is being appealed. (Ord. No. 1000, § 1.)

Sec. 4-24. Wild animals.

It shall be unlawful for any person to keep, harbor or sell any wild animal within the City of Oakdale. (Ord. No. 1000, § 1.)

Sec. 4-25. Exceptions: Fancy, racing, and sporting pigeons.

Notwithstanding anything else in this Code to the contrary, it shall be lawful to possess or own "racing pigeons," "fancy pigeons," and "sporting pigeons," as defined in this Code, in the City of Oakdale subject to the following requirements and permit.

(a) Definitions:

(1) "Pigeon" shall mean a member of the family Columbidae, and shall include "racing pigeons," "fancy pigeons," and "sporting pigeons" as defined in this Code.

(2) "Racing pigeons" shall mean a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc. or the International Federation of Racing Pigeons Fanciers. Also commonly known as racing homer, or carrier pigeons.

(3) "Fancy pigeons" shall mean a pigeon, which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: fantails, pouters, trumpeters.

(4) "Sporting pigeons" shall mean a pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner such as aerial acrobatics or endurance flying. Examples: rollers and tipplers.

(5) "Loft" shall mean the structure(s) for the keeping or housing of the pigeons permitted by this chapter.

(6) "Leg band" shall mean a permanent marker affixed to a pigeon's leg that is imprinted with the year of the pigeon's birth, club affiliation, and individual identification number.

(7) "Mature pigeon" shall mean a pigeon aged six months or older.

(8) "Owner" shall mean the owner of pigeons subject to this chapter.

(b) Conditions: The keeping, breeding, maintenance and flying of pigeons shall be permitted in any zoning district in the city subject to the following conditions:

(1) No person shall keep or maintain more than fifty (exercising) mature nor more than one hundred fifty total pigeons on any single lot.

(2) All pigeons shall be fitted with a leg band approved by the National Pigeon Association, the American Pigeon Club, the Rare Breeds Pigeon Club, or similar nationally recognized pigeon organization.

(3) The loft shall be of sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.

(4) There shall be at least one square foot of floor space in any loft for each mature pigeon kept therein.

(5) The construction and location of any loft shall not constitute a nuisance or be detrimental to the public safety, health, and welfare of the neighborhood and community. Furthermore, the loft shall be compatible in scale and design with adjacent structures, including those on adjoining properties. Any loft shall be constructed on the back one-half of the property and shall comply with the provisions of section 36-18.27 (Accessory Buildings, Structures and Uses) of this Code, provided however that no loft shall be located closer than fifteen feet from any building used for human habitation.

(6) All feed for the pigeons shall be stored in such containers to protect against intrusion by rodents and other vermin.

(7) The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations. The owner shall take any and all steps necessary to prevent fly breeding, fleas and rodents.

(8) Waste material shall not be a source of odor and shall be disposed of in an approved manner.

(9) No dead animals shall be buried on the premises.

(10) All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on buildings or fences, or other common or private property, including that of others.

(11) All pigeons shall be fed within the confines of the loft.

(12) No one shall release pigeons to fly for exercise, training or competition except in compliance with the following provisions:

a. The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, California State Racing Pigeon Organization, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

b. Pigeons will not be released for flying which have been fed within the previous four hours.

c. Pigeons shall be banded and registered with one of the national pigeon associations/registries.

(13) All lofts shall be periodically inspected for compliance with the provisions of this section and for compliance with the terms of any permit.

(c) Permit required: The keeping of pigeons may be authorized at the discretion of the chief of police, or designee(s). Any such permit shall be issued to the owner and shall remain in full force and effective unless suspended or revoked, or unless the use of the loft is discontinued for a period of one year.

(d) Permit application process: Application for a permit to keep pigeons shall be made by submitting a complete application form to the community development department for processing in accordance with the provisions herein. A fee shall be paid by the applicant to cover the costs of processing and administering the permit application by the city. Such fee shall be set by council resolution, and may be amended from time to time.

(e) Notice: Owners of residences adjoining the property for which the permit is requested shall be given notice of intent to permit pigeons pursuant to this section.

(f) Permit revocation: The chief of police, or designee(s) shall revoke any permit to keep pigeons if it has been determined that said pigeons have become a public nuisance. The keeping of pigeons on a particular property shall be deemed a public nuisance if two complaints of noise, odor, or failure to comply with the provisions of this Code are filed from separate households.
(Ord. No. 1109A, § 2)

Sec. 4-26. Breeder certificate: Exceptions and exemptions.

(a) The term "breeder certificate" shall mean a written authorization issued annually by the City of Oakdale giving its lawful holder permission to breed one litter per year per designated animal.

(b) Any holder of a breeder certificate who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the breeder certificate number in any such advertisement. Further, the breeder certificate holder must provide the certificate number to any person who purchases, adopts or receives any animal from the certificate holder and include the certificate number on any receipt of sale or transfer document.

(c) No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least seven weeks and has received its first immunization against common diseases.

(d) The following animals are exempt from breeder certificate requirements:

(1) Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;
(2) Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Sections 365.5(d), (e) and (f) and successor sections;

(3) Dogs and cats under the care of governmental animal control agencies, animal rescue organizations which have demonstrated to the City of Oakdale that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110, and successor sections;

(4) Dogs documented as enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200), Division 3 of the California Business and Professions Code; and

(5) When a veterinarian has determined that spay/neuter is inappropriate for the animal's age or health.

(e) When contacted by Oakdale Police Department Animal Control Officers or Police Officer, the owner of a pregnant or whelping dog or cat must either show proof of an impending spay/neuter appointment or agree to participate in a low-cost spay/neuter program, or purchase a breeder certificate.
(Ord. No. 1169.)

Secs. 4-27 to 4-29. Reserved for future legislation.

Article V. Abatement of Vicious Dogs.

Sec. 4-30. Purpose and intent.

Within the City of Oakdale there are dangerous dogs, which constitute public nuisances and which are hereby declared to be public nuisances by the city council. Such public nuisances should be abated. The provisions of this article provide an administrative procedure by which a dog found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This article is intended to supplement rather than supplant any other remedy available under state law or city ordinance. (Ord. No. 1000, § 1.)

Sec. 4-31. Scheduled hearing.

A hearing date shall be set not later than ten days from the date of certification. The chief of police shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons, including but not necessarily limited to, all properties within three hundred feet of the address of the owner or person controlling the dog, at least five days prior to the date set for hearing, a notice in substantially the following form:

"NOTICE OF HEARING REGARDING DANGEROUS DOG"

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Article 5 of Chapter 4 of the Code of the City of Oakdale, the Animal Control Officer has certified that there is probable cause to believe your dog _____ is dangerous.

FURTHER NOTICE IS HEREBY GIVEN that on _____ the _____ day of _____, 19____, at the hour of _____ o'clock in the office of the Chief of Police, 245 N. Second Avenue, Oakdale, California, the report of the Animal Control Officer will be considered by the Chief of Police or his designated subordinate with such other oral and documentary evidence bearing upon the question of whether your dog is dangerous. You may appear and may present evidence at the hearing.

In the event your dog is found to be dangerous, it will be ordered to be controlled, confined, destroyed, restricted or otherwise abated as a public nuisance and any

impoundment cost incurred shall be assessed against you.

DATED: _____

CHIEF OF POLICE - Oakdale" _____

(Ord. No. 1000, § 1.)

Sec. 4-32. Hearing.

At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is dangerous. (Ord. No. 1000, § 1.)

Sec. 4-33. Findings; public nuisance.

If, based upon the hearing, the chief of police or his designated subordinate finds that the dog is dangerous, he or she shall so specify in writing together with the reasons therefor. Any dog found to be dangerous is hereby deemed a public nuisance and shall be pursuant to the order of the chief of police or his designated subordinate, humanely destroyed or removed from the city, or the nuisance otherwise abated by appropriate order including, but not limited to, confinement, fencing, muzzling, or leashing. The decision of the chief of police or his designated subordinate shall be made within ten days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or otherwise delivered to the person owning or controlling the dog. (Ord. No. 1000, § 1.)

Sec. 4-34. Cost of impoundment.

If the chief of police or his designated subordinate finds that the dog is dangerous, the city incurred costs of impoundment including any abatement shall be paid by the owner or the person controlling the dog and shall become a lien against the real property, upon which the dog was kept and maintained until said assessment is paid. If the order includes the release of a dog found to be dangerous to the owner or person controlling it, the dog shall not be released until such costs have been paid in full. If such costs have not been paid within thirty days after the date of mailing or delivery of the order, the chief of police may dispose of the dog in any manner provided by law. (Ord. No. 1000, § 1.)

Sec. 4-35. Criminal sanctions.

The violation of any part of this article is an infraction, with the exception of sections 4-1, 4-4 and 4-12, which may be charged as a misdemeanor or infraction. Fine amounts for all sections listed in Chapter 4, articles I through V, will be established by resolution. (Ord. No. 1000, § 1; Ord. No. 1169.)

¹ Editor's Note: Prior ordinances codified herein include portions of Ordinance Nos. 268, 286, 326, 369, 391, 543, 570, 586, 599, 624, 634, 795, 817, 820, 823, 841 and 861.

As to health and sanitation generally, see ch. 14 of this Code.