

ORDINANCE NO. 1895

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
REPEALING AND RE-ENACTING LODI MUNICIPAL CODE TITLE 6 –  
ANIMALS – IN ITS ENTIRETY

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 6 – Animals – is hereby repealed and re-enacted in its entirety to read as follows:

Title 6 - ANIMALS

Chapters:

- Chapter 6.04 - IMPOUNDMENT
- Chapter 6.08 - PROHIBITED ANIMALS
- Chapter 6.12 - DOGS AND CATS
- Chapter 6.14 - KEEPING AND SANITATION
- Chapter 6.15 – VICIOUS/POTENTIALLY DANGEROUS DOGS
- Chapter 6.16 - PET SHOPS
- Chapter 6.18 - ENFORCEMENT
- Chapter 6.20 - FEES

Chapter 6.04 - IMPOUNDMENT

Sections:

- 6.04.010 - Animal Shelter.
- 6.04.020 - Minimum time of impoundment.
- 6.04.030 - Redemption of impounded animals.
- 6.04.040 - Register—Disposal.
- 6.04.050 - Advertisement for sale—Procedure—Sale.
- 6.04.060 - Advertisement for sale—Costs if redeemed.
- 6.04.070 - Sale or redemption record.
- 6.04.080 - Disposal upon request.

6.04.010 – Animal Shelter.

A public animal shelter shall be maintained at such place as is provided from time to time by the city council.

6.04.020 - Minimum time of impoundment.

- A. Licensed Animals. Any animal wearing a valid city license tag issued pursuant to this title shall be provided with food and water and shall not be sold, given away or destroyed until the following:
1. The owner has been personally notified and has failed to redeem the animal within four business days, not including the day of impoundment, Sundays and holidays; or
  2. The owner has given written authorization for release; or
  3. The owner has failed to claim the animal within five business days, exclusive of Sundays and holidays, of the date a certified letter of notification, return receipt

requested was deposited within the U.S. Postal Service by the animal control officer addressed to the owner's last known address, or by the Animal Control Officer posting a *Notice of Impoundment at the owner's last known address.*

- B. Unlicensed Animals. All unlicensed animals impounded will be provided with food and water and held for a period of not less than four business days, not including the day of impoundment, Sundays and holidays. All unlicensed animals not redeemed by the owner or person having custody or control of the animal within the holding period may be euthanized or otherwise disposed of.

#### 6.04.030 - Redemption of impounded animals.

- A. Licensed Animals. The owner or person having custody or control of an animal licensed pursuant to this title that is impounded may redeem said animal upon payment of a redemption fee and any other applicable fees or charges as may be established from time to time by resolution of the city council.
- B. Unlicensed Animals. The owner or persons having custody or control of any unlicensed animal, not otherwise prohibited by this title, that is impounded may redeem said animal upon payment of the annual license fee, the redemption fee, any other applicable fees or charges and by obtaining any necessary anti-rabies vaccinations. The annual license fee, redemption fee and other fees or charges shall be established from time to time by resolution of the city council.
- C. Out-of-Town Animals. The owner or persons having custody of an out-of-town animal taken up and impounded may redeem within four business days, not including the day of impoundment, Sundays or holidays upon payment of a redemption fee and any other applicable fees or charges in such amounts established from time to time by resolution of the city council.
- D. If the owner or person having custody or control of an animal impounded pursuant to this title contests any fee charged pursuant to this chapter, such person may redeem the animal only by paying the applicable fee or fees. After redemption of said animal, the person protesting the fees imposed may appeal the imposition of said fees by letter to the chief of police. The decision of the chief of police shall be final.

#### 6.04.040 - Register.

The animal control officer shall keep a register, which shall be delivered to his or her successor in office, in which shall be entered, in numerical order, a full description of such animals impounded and disposed, with all natural and artificial marks and brands, with the time when, and the place where found prior to impoundment..

#### 6.04.050 - Advertisement for sale—Procedure—Sale.

- A. Any animal, other than dogs or cats, whose value in the opinion of the animal control officer, will exceed the expense for which the animal may be liable, may be advertised for sale. The advertisement shall be published for not less than two days in the official newspaper, and shall contain a complete description of the animal to be sold. Advertisement shall give notice that the sale is to be at public auction to be conducted by the animal control officer; shall give the location, time and date of said sale; and shall set forth that the animal will be sold to pay the charges that have, or will have accrued against

it, together with advertising costs. The date set for the conduct of the sale shall be not less than two nor more than ten days from the date of the first publication of the advertisement.

- B. If the animal has not been redeemed prior to the sale, the animal control officer shall sell the animal for cash to the highest bidder, and upon the payment of the purchase money, he shall deliver the animal, together with a bill of sale thereof, to the purchaser.

#### 6.04.060 - Advertisement for sale—Costs if redeemed.

Any owner redeeming an animal after advertisement for sale has begun shall be required to pay the advertising costs which have accrued in addition to any other applicable fees as fixed by resolution of the city council.

#### 6.04.070 - Sale or redemption record.

Whenever any animal other than a dog or cat, has been sold or redeemed, the animal control officer shall enter in the register, under the same number as its description, the date it was sold or redeemed, the name and address of the party buying or redeeming the animal, the total cost and expense incurred, specifying each item, and the sale price or any applicable fees received. This register may be examined and copied, free of charge, during business hours of the Animal Shelter.

#### 6.04.080 - Disposal upon request.

The animal control officer shall, upon request of any person within the city, receive, remove and/or dispose of any living or dead animal owned by or in the possession of such person subject to any fees which may be established from time to time by resolution of the city council.

### Chapter 6.08 - PROHIBITED ANIMALS

#### Sections:

- 6.08.010 - Definitions.
- 6.08.020 - Livestock prohibited.
- 6.08.030 - Wild animals prohibited.
- 6.08.040 - Domesticated animals—Number permitted.
- 6.08.050 - Determination of age of animal.

#### 6.08.010 - Definitions.

- A. "Domesticated animals" means those nonferal animals commonly kept as household pets and includes:
  - 1. Dogs (*canis familiaris*);
  - 2. Cats (*felis catus*);
  - 3. Reptiles such as lizards or nonpoisonous snakes under six feet in length; and
  - 4. Rabbits.
- B. "Livestock" means those animals commonly kept for commercial purposes, including, but not limited to:

1. Horses, mules, burros or jacks;
  2. Chickens, turkeys, guinea hens, peacocks, *ducks*, *roosters* or similar fowl;
  3. Bulls, cows, hogs, pigs, goats, sheep and llamas.
- C. "Wild animals" means those feral animals, not commonly kept as household pets, including but not limited to:
1. The following members of the class mammalian:
    - a. Order Carnivora, except the domestic dog (*canis familiaris*) and the domestic cat (*felis catus*), but including, but not limited to, the family Felidea (such as ocelots, margays and cougars) and family Canidae (such as wolves, wolf hybrids, coyotes and jackals), and
    - b. Order Columbidae (such as doves and pigeons) unless registered with a homing pigeon club-California Government Code Section 65852.6, and
    - c. Order Marsupialia (such as kangaroos and opossums), and
    - d. Order Chiroptera (bats), and
    - e. Order Primata (such as monkeys, chimpanzees and gorillas); and
  2. Reptiles that are poisonous or in excess of six feet in length or thirty pounds in weight; and
  3. Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to themselves, to human beings or to the property of human beings.

6.08.020 - Livestock prohibited.

Except as permitted in Title 17 of this code, it is unlawful to harbor, keep or have within the city any livestock.

6.08.030 - Wild animals prohibited.

It is unlawful to harbor, keep or have within the city any wild animal.

6.08.040 - Domesticated animals—Number permitted.

- A. It is unlawful to harbor, keep or have within a single household within the city more than five domesticated animals in excess of four months of age in any combination thereof, except in a licensed business, where permitted in a particular district as provided by Title 17 of this code.
- B. It is unlawful to harbor, keep or have within a single household within the city more than one litter of puppies or kittens during any twelve-month period, except in a licensed business, where permitted in a particular district as provided by Title 17 of this code.

6.08.050 - Determination of age of animal.

If there is any dispute as to the age of any domesticated animal, in the absence of any affidavit or sworn testimony from a person who has personal knowledge of the date of birth, a determination made by the animal control officer is conclusively presumed to be correct.

Chapter 6.12 - DOGS AND CATS

Sections:

- 6.12.010 - License—Required.
- 6.12.020 - License—Fee—Information—Transferability.
- 6.12.030 - License—Renewal—Delinquency.
- 6.12.040 - Identification tag—Required—Replacement.
- 6.12.050 - Guide or Service dogs.
- 6.12.060 - Vaccination—Required—Certificate—Exceptions.
- 6.12.070 - Business of breeding or raising.
- 6.12.080 - Removal of collar or tag.
- 6.12.090 - Dogs and cats in food establishments.
- 6.12.100 - Police dog mistreatment.
- 6.12.110 - Animal noise.
- 6.12.120 - Animals at large.
- 6.12.130 - Rabies danger.
- 6.12.140 - Bites.
- 6.12.010 - License—Required.

- A. It is unlawful for any person to harbor, keep or have any dog or cat in excess of four months of age within the city unless the person owning or having custody or control of the dog or cat shall have secured a license to keep the dog or cat, obtained by licensing the dog or cat pursuant to this chapter.
- B. For the purposes of this chapter, a dog or cat is not licensed until all applicable fees are paid, all required vaccinations are obtained and the license is issued to the owner or person having custody or control of such dog or cat.
- C. Notwithstanding any other provision of this code, no impounded dog or cat may be adopted until such dog or cat has been licensed pursuant to this chapter.

6.12.020 - License—Fee Information—Transferability.

- A. The license required by Section 6.12.010 of this code shall be obtained in the following manner:
  - 1. The owner or person having custody or control of a dog or cat as described in Section 6.12.010 shall pay to the Animal Shelter a license fee as may be fixed and set by resolution of the city council;
  - 2. The owner or person having custody or control of a dog or cat as described in Section 6.12.010 shall furnish to the Animal Shelter a description of the dog or cat sufficient for identification, which description shall be entered in a record kept by the Animal Shelter for that purpose;
  - 3. The owner or person having custody or control over the dog or cat shall have complied with Section 6.12.060 of this code.

- B. Once the owner or person having custody of a dog or cat as described in Section 6.12.010 has complied with subsection A of this section, the Animal Shelter shall then issue to that person a license to keep a dog or cat and an identification tag having a number corresponding with the license number of the dog or cat. The owner or person having custody of the licensed dog or cat shall preserve said license and shall, upon demand of the animal control officer, an assistant animal control officer or a police officer, show such license.
- C. The license to keep a dog or cat shall not be transferable from one dog or cat to another nor on change of ownership.
- D. The owner or person having custody or control of a dog or cat shall notify the Animal Shelter within 30 days of a change in address for the license when a dog or cat has been moved to a different address.

6.12.030 - License—Renewal—Delinquency.

- A. All dogs and cats in excess of four months of age must be licensed within thirty days of the date such dog or cat came into the custody of a person residing in the city. Failure to so obtain a license shall be a violation of this chapter.
- B. Dog license issuance is accomplished by paying the applicable license fee and by obtaining any vaccinations required by Section 6.12.060 of this code. Upon tendering said fee and a valid vaccination certificate as required by Section 6.12.060 of this code, the city shall issue the license. Said license shall expire one year following its date of issuance. Said license may be renewed in the same manner as it was issued.
- C. Cat license issuance is accomplished by paying the applicable license fee. Cat licenses are issued on an annual basis and expire one year following the date of issuance. Said license may be renewed in the same manner as it was issued.
- D. Notwithstanding any other provision of this chapter, the expiration date of a license obtained pursuant to this chapter may be extended for up to three years, in increments of one year, from its date of issuance. The expiration date extension is accomplished by tendering the license fee for the desired additional years at the time of issuance of the standard license and a valid vaccination certificate as required by Section 6.12.060 of this code.
- E. Dog and cat licenses must be renewed on or before the date of expiration. Failure to timely renew any dog or cat license shall constitute a violation of this chapter.
- F. The failure to timely renew any license required by this title shall cause any applicable license fees to become delinquent, and a charge in an amount to be fixed by resolution of the city council shall be added to the regular license fee. The regular license fee and all accrued charges must be paid before the license may be issued. This section is intended to supplement rather than supplant any other remedy available either under state law or this code.

6.12.040 - Identification tag—Required—Replacement.

- A. Every licensed dog and cat shall be maintained by the owner or person having custody or control with a suitable collar or other device to which shall be attached the identification tag

issued by the Animal Shelter. Every dog and cat not licensed or not maintained with such collar or other device and identification tag found upon any streets, alleys, lanes, courts or other public places in the city, or upon private property, whether leashed or unleashed, whether or not it is in any manner under the control of any person may be taken into custody by the animal control officer or a police officer and lodged in the Animal Shelter and a citation for violation of this chapter may be issued to the owner or person having custody of said dog or cat.

- B. Lost identification tags may be replaced by surrendering to the Animal Shelter the license to keep a dog or cat issued at the time the lost identification tag was procured, and by paying to the Animal Shelter a fee as may be fixed by resolution of the city council. After complying with the provisions of this section, the Animal Shelter will again license the dog or cat, issue a new license to keep a dog or cat, and new identification tag. The Animal Shelter shall attach the surrendered license to the city's copy of the new license, to substantiate the fee collected and verify the transaction.
- C. It is unlawful for any person to use any identification tag on any dog or cat other than that for which it was specifically issued.

#### 6.12.050 - Guide or Service dogs.

Guide or service dogs are those dogs which have been specially trained to lead and aid persons with disabilities recognized within the State of California. Any disabled or impaired person having custody of such a dog may keep and harbor the dog within the city by obtaining a license to keep a dog, and may lawfully take the dog into any food establishment within the city. There will be no fee charged for such dogs upon proof of anti-rabies vaccination.

#### 6.12.060 - Vaccination—Required—Certificate—Exceptions.

- A. The person owning or having custody or control of a dog or cat over the age of four months shall at such intervals of time as may be prescribed by the State Department of Public Health, procure its vaccination by a licensed veterinarian with the anti-rabies vaccine approved by and in a manner prescribed by the State Department of Public Health.
- B. No license to keep a dog or cat shall be issued for any dog or cat, which has attained the age of four months or over, unless a valid, official certificate of vaccination with anti-rabies vaccine is presented with the specified license fee. Such certificate of vaccination, signed by a licensed veterinarian, shall indicate the date of vaccination and the type of vaccine used. The certificate shall be accepted as valid if the certificate does not expire within the first six month period for which the license is to be issued.
- C. The provisions of Section 6.12.060 (A) and (B) shall not apply when the person owning or having custody or control of the dog or cat presents to the Animal Shelter a certificate from a licensed veterinarian certifying that the dog or cat cannot be vaccinated as required by this code without causing physical injury or the death of the dog or cat.

#### 6.12.070 - Business of breeding or raising.

- A. Any person who is engaged in the business of breeding or raising dogs or cats that produce offspring for sale or transfer ("Breeder") shall obtain a business tax certificate and pay a tax as set by resolution of the city council, subject to the requirements and exemptions set forth in Title 3 Revenue & Tax of the Lodi Municipal Code.

- B. Any Breeder shall be allowed the whelping of up to two litters for each breeding animal (dog or cat) within any twelve month period. A litter is the offspring produced at one birth of a dog or cat from the same mother.
- C. At no time shall the Breeder be allowed to maintain more than four breeding animals of any variety (dogs or cats) within any business or household.
- D. No puppies or kittens may be sold, adopted, bartered, gifted or otherwise transferred, until it has reached the age of at least eight weeks, unless the transfer of a puppy or kitten less than eight weeks old is authorized in writing by a licensed California veterinarian in accordance with State law.
- E. The Breeder selling or otherwise transferring a dog or cat, shall maintain written records for each dog or cat for a period of three years including a bill of sale with the name, address and telephone number of the animal's new owner.
- F. Breeders are subject to reasonable inspections of the premises to ensure that state health or safety laws and city ordinances relating to the keeping and care of animals are met.

#### 6.12.080 - Removal of collar or tag.

It is unlawful for any unauthorized person to remove from any dog or cat any collar, harness or other device to which is attached an identification tag for the current year or to remove such tag therefrom.

#### 6.12.090 - Dogs and cats in food establishments.

No person shall allow, permit or take any dog or cat, whether loose, on leash or in arms, into any restaurant, grocery store, meat market, convenience store, fruit store or food establishment of any kind in the city, except guide or service dogs, as defined in this chapter.

#### 6.12.100 - Police dog mistreatment.

No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department or parks and recreation department of the city in the performance of the functions of such departments, or interfere or meddle with any such dog while being used by such departments or any member thereof in the performance of any of the functions or duties of such departments or of such officers or members. A violation of this section constitutes a misdemeanor.

#### 6.12.110 - Animal noise.

No person shall keep or permit to remain in any premises within the city any animal which continuously and incessantly produces noise at any time during the day or night to the disturbance of any other person. "Continuous and incessant noise" means producing noise for an aggregate period of ten minutes or more duration during any one-hour period which disturbs the peace of another person, including barking, howling, crying, baying, squealing or making any other noise, provided that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner or person in custody or control of the animal, or the animal was not being teased or provoked in any manner.

#### 6.12.120 - Animals at large.

- A. No person owning any dog or other domesticated animal as defined herein or having the care, custody, control or possession of any such animal shall, except as provided in Section 12.12.020(B) of this code, suffer, allow or permit such animal to run, be or remain at large on any public street, road, alley, park, square or other public place, or upon any private property other than the property of the owner or custodian of such animal without the consent of the owner of such property within the corporate limits of the city. Except as provided in subsection C of this section, all animals are "running at large" within the meaning of this section unless tied, restrained by chain, strap or cord not exceeding six feet in length attached to their collars and actually held by some person or tied or restrained in an automobile or other vehicle, or unless staked or fastened or kept securely in an enclosure upon the property of the owner or person in control of said dog. A dog is not "kept securely in an enclosure" within the meaning of this section when said dog has exhibited the ability to escape from that enclosure.
- B. No person shall permit a female dog or cat during the period when the dog or cat is in heat or breeding condition, to be outside a house, garage, building, closed structure or secure enclosure except for purpose of exercising and while under strict control of the owner.
- C. No person owning or having the care, custody, control or possession of any cat shall suffer, allow or permit such cat to run at large beyond the boundaries of the property upon or within which such cat is kept.
- D. When not in an enclosed area, any dog, cat or other domesticated animal must be in the immediate presence, control or supervision of the person owning, or having the care, custody or possession of said animal or be restrained.

#### 6.12.130 - Rabies danger.

Whenever any cases of rabies exist in the city or in the vicinity of the city, the chief of police is authorized to publish an order requiring every person owning or having possession of any dog or cat to keep it confined upon private premises or else keep it effectively muzzled to prevent biting. When the period of danger from rabies has terminated, in the opinion of the chief of police, he or she shall publish a notice terminating the order. During the period between the published notice and the termination of such order, it is unlawful for any person owning or having possession of any dog or cat to allow it to be so unconfined or unmuzzled, and every unmuzzled dog or cat not so confined during such period shall be taken by the animal control officer and impounded in the Animal Shelter. The notices referred to in this section shall be published by posting in at least three public places in the city and by one or more publications in a newspaper published and circulated within the city.

#### 6.12.140 - Bites.

In the event that any dog or cat is impounded upon complaint of any person asserting that such dog or cat has bitten some person, the animal control officer may impound and keep such dog or cat safely segregated during a period of at least ten days for observation for rabies, and following such period of observation, if it is found that the dog or cat does not have rabies, and if it is licensed and otherwise eligible to be returned, it shall be returned to the owner upon payment of impound fees and feeding charges. If the dog or cat is found to have rabies, it shall be forthwith destroyed by the animal control officer. In the event of any statute taking precedence over the provisions of this title with respect to the impounding or regulating of dogs or cats suspected of having rabies or otherwise regulating dogs or animals, then to the extent that such statutes conflict with the provisions of this title, the provisions of this title shall be suspended during such period of conflict.

## Chapter 6.14 - KEEPING AND SANITATION

### Sections:

6.14.010 - Property damage—Personal injury.

6.14.020 - Sanitation of premises.

6.14.030 - Removal of animal waste.

6.14.040 - Dead animals.

6.14.010 - Property damage—Personal injury.

- A. Every animal which has injured any person, other than a trespasser or the person owning or having the possession thereof, and every animal which has damaged the property of any person other than the person owning or having the possession of such animal, may be taken by the animal control officer and impounded provided the violation took place in the presence of said animal control officer or any regular member of the city police department.
- B. Before any animal may be picked up and impounded by the animal control officer for a violation of this section which has been committed outside of the presence of the animal control officer or of a regular member of the city police department, the person complaining against such violation shall be required to file a written complaint, setting forth the details with respect to the injury or damage asserted to have been committed and identifying the animal which has committed the injury or damage. In the event that the facts and circumstances of any case warrant, in the opinion of the chief of police, an arrest of the person owning or having possession of the animal, then the person complaining may also be required to sign a complaint to cause the arrest.

6.14.020 - Sanitation of premises.

- A. It is unlawful for any person, at any time, to maintain any lot or other premises, or any portion thereof in the city, upon which an animal is kept, in an unsanitary condition. No person shall maintain any such lot or premises, or portion thereof upon which an animal is kept, in such condition as to be infested with flies or insects or to create any noxious or offensive odors.
- B. It is unlawful for any person owning or having charge, care, control or custody of any animal to allow animal waste or fecal matter produced by said animal to accumulate or remain on the ground or about the premises or property for more than three calendar days without said animal waste or fecal matter being placed in an airtight bag or other container and removed from the property within seven calendar days.
- C. Notwithstanding the above, any person owning or having charge, care, control or custody of any animal shall at all times prevent urine and/or feces odors of said animal's waste from hindering, hampering, impeding, interfering with, infringing upon, or detracting from another person's enjoyment of their real or personal property.

6.14.030 - Removal of animal waste.

- A. It is unlawful for the owner or any person having custody of any dog, cat or other domesticated animal, referred to as "animal" in this section, to fail to immediately remove and dispose of any feces deposited by the animal on either public property or on private property not under the control of such person. Disposal shall be by placing the feces in a closed or sealed container and depositing the container in a trash receptacle.

- B. Persons having custody or control of such animals in a public place or private property not under such person's control shall have in their possession a suitable wrapper, bag or container for the purpose of complying with this section's requirements. Failure to have the wrapper, bag or container while with the animal in such designated places shall constitute a violation of this section.
- C. This section shall not apply to a physically disabled person who has custody or control of a guide or service dog.
- D. A violation of this section is an infraction.

6.14.040 - Dead animals.

The animal control officer shall remove and dispose of all dead dogs, cats and other animals found on any street or other public place.

Chapter 6.15 – VICIOUS / POTENTIALLY DANGEROUS DOGS

- 6.15.010 - Definitions
- 6.15.020 - Vicious behavior prohibited.
- 6.15.030 - Vicious dog abatement hearing procedure.
- 6.15.040 - Time limit to meet requirements
- 6.15.050 - Insurance requirements for vicious or potentially dangerous dogs
- 6.15.060 - Unlawful to own, harbor or keep a dog determined to be vicious or potentially dangerous
- 6.15.070 - Muzzling a vicious or potentially dangerous dog.
- 6.15.080 - Civil penalties for violations of provisions regulating vicious or potentially dangerous dogs
- 6.15.090 - Notice of escape or disposal of vicious or potentially dangerous dogs
- 6.15.100 - Sterilization requirement and microchip for vicious or potentially dangerous dogs
- 6.15.110 - Penalties for willful violation of regulations for vicious and potentially dangerous dogs
- 6.15.120 - Exemption for police dogs

6.15.010 - Definitions

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

“Animal section” means that section of the Lodi Police Department designated by the Chief of Police as being responsible for animal control and/or services within the City.

“Enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous dog or vicious dog. The enclosure shall be securely locked, shall have secure sides and bottom sufficient to prevent the dog from escaping, and shall be of sufficient size to provide the dog with an adequate exercise area. A top may be required for the enclosure if necessary to assure the dog’s containment.

“Impoundment” means the taking into custody of an animal by a Police Officer or an Animal Services Officer.

"Muzzle" means a device that is placed over the snout of an animal to keep it from biting. A muzzle is primarily solid with air holes to allow the animal to breathe and drink usually made in leather, wire, plastic, nylon or similar materials.

"Potentially dangerous dog" means:

1. Any dog which, when unprovoked, on two (2) separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog; or

2. Any dog when unprovoked, bites a person causing a less severe injury defined by State law as any physical injury that results in muscle tears, disfiguring, lacerations, or requires multiple sutures, corrective or cosmetic surgery; or

3. Any dog when unprovoked on two (2) separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury while attacking a domestic animal off the property of the owner or keeper of the dog.

"Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

"Unprovoked" means without being intentionally incited to aggressive action.

"Vicious dog" means:

1. Any dog which has been trained to fight or which is owned or maintained for this purpose; or
2. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being; or
3. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in the definition of potentially dangerous dog or is maintained in violation of the requirements of a potentially dangerous dog.

#### 6.15.020 - Vicious behavior prohibited.

- A. It is unlawful for any person owning, possessing, controlling, harboring or keeping any dog or puppy to cause or permit said animal to exhibit or engage in vicious behavior as defined in this Chapter.
- B. This Chapter shall not apply to any dog assisting a peace officer or park ranger engaged in law enforcement duties.

#### 6.15.030 - Vicious dog abatement hearing procedure.

Purpose and Intent. Within the city there are vicious dogs which constitute a public nuisance which should be abated. The provisions of this section provide an administrative procedure by which dogs found to be a nuisance may be abated following a hearing at which

oral and documentary evidence is considered. This section is intended to supplement rather than supplant any other remedy available either under state law or this code.

- A. Vicious Dog Defined. Any dog, except one assisting a peace officer or park ranger engaged in law enforcement duties, which demonstrates any of the behavior as described in Sections 6.15.010 or 6.15.020 as set forth herein, is presumed vicious.-:
- B. Investigation. Any incident reported to the Lodi police department concerning a vicious dog may be investigated by the police chief, or designee. The investigation may consist of the observations and/or reports of officers made at the time of the incident, or follow-up reports. If, based on the investigation, the police chief or designee, concludes that there is probable cause to believe that the dog is vicious, he shall so certify in writing within ten business days following completion of the investigation to the person owning or controlling the dog. Thereafter a hearing may be held pursuant to subsections D, E and F of this section.
- C. Confinement of Dog. If the police chief or designee, certifies that there is probable cause to believe that a dog is vicious and a risk to public safety, the police chief or designee may direct any animal control officer, police officer or other authorized employee of the city to enter the yard of any private residence or business in order to seize any such dog, whether running at large or not, and confine the dog at an appropriate animal shelter pending the decision of the city manager or designee, following the hearing provided for in subsections D, E and F of this section. The cost of said confinement shall be paid by the person owning or controlling such dog. The dog shall not be released until such costs have been paid in full.
- D. Hearing—Schedule. A hearing date shall be set not later than fifteen business days from the date of certification. The city manager, or the appointed hearing officer, shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons, which may include but is not necessarily limited to, properties within three hundred feet of the address of the owner or person controlling the dog, at least five business days prior to the date set for hearing, a notice in substantially the following form:

NOTICE OF HEARING REGARDING VICIOUS DOG

TO: (name);  
(address) .

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 6.15.030 of the Lodi Municipal Code, the Police Chief has certified that there is probable cause to believe a dog owned or controlled by you, a (breed) , is vicious.

FURTHER NOTICE IS HEREBY GIVEN that on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, in the offices of the City Manager, City Hall, 221 West Pine Street, Lodi, California, the report of the Police Chief or designee, will be considered by the City Manager or an appointed hearing officer with such other oral and documentary evidence bearing upon the question of whether your dog is vicious. You may appear and may present evidence at the hearing. You may also be represented by an attorney. If you fail to appear without giving notice to the City Manager, the matter may proceed in your absence and such absence may be further considered a waiver of your right to present evidence and object to any decision made.

In the event your dog is found to be vicious, 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.

A copy of this notice has been sent to property owners within three hundred (300) feet of your address.

Dated: \_\_\_\_\_

\_\_\_\_\_  
City Manager

- E. Hearing—Procedure. 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 vicious. Any owner who fails to appear after notice as provided herein was given, without obtaining a continuance from the city manager or an appointed hearing officer, may be deemed to have waived any right to introduce evidence or object to an order made by the city manager. If the hearing is conducted by a hearing officer other than the city manager, the hearing officer shall submit a report to the city manager summarizing the evidence and making a recommendation as to disposition.
- F. Hearing—Findings—Public Nuisance. If, based upon the hearing, and the report of the hearing officer, if any, the city manager upholds the findings of the police chief or designee, that the dog is vicious, the city manager shall so specify in writing together with the reasons therefore. Any dog found to be vicious is deemed a public nuisance and shall be, pursuant to the order of the city manager, humanely destroyed, be removed from the city, or the nuisance otherwise abated by appropriate order of the city manager. The decision of the city manager shall be made within ten business days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or personally served upon the person owning or controlling the dog.
- G. Cost of Impoundment. If the city manager finds the dog is vicious, the costs of impoundment incurred by the city, including any abatement period, shall be paid by the owner or the person controlling the dog and may become a lien against the real property upon which the dog was kept and maintained until said lien is paid. If the order includes the release of a dog found to be vicious 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 calendar days after the date of mailing or delivery of the order, the city manager may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The total amount of the impoundment charges may be entered on the next fiscal year tax roll as a lien against the property upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the city, or an action may be brought in the name of the city to recover the costs of impoundment.
- H. Criminal Sanctions. Any violation of this Chapter 6.15 is a misdemeanor.

#### 6.15.040 – Time Limit to Meet Requirements

All requirements for owners of a dog determined vicious or potentially dangerous must be satisfied within thirty (30) calendar days of notice of determination. Proof of compliance must

be provided to Animal Services. If all the requirements are not satisfied within thirty (30) calendar days, or the animal owner is unable or unwilling to comply, the dog shall be humanely euthanized either by an Animal Services Officer or by a licensed veterinarian. Proof of euthanasia shall be provided to Animal Services within two (2) business days.

**6.15.050 – Insurance Requirements for Vicious or Potentially Dangerous Dogs.**

The owner or keeper of any dog determined to be vicious or potentially dangerous under this Chapter or a Court of competent jurisdiction shall present to Animal Services proof that the owner or keeper has procured liability insurance in the amount of at least \$100,000.00. The liability insurance shall cover any damage or injury which may be caused by the vicious or potentially dangerous dog. The liability insurance coverage shall be evidenced by a certificate issued by the insurer. Liability insurance shall not be cancelled unless the owner or keeper ceases to keep the dog prior to expiration of that license. City to receive notice of the annual renewal and all cancellations of the required liability insurance.

**6.15.060 – Unlawful to Own, Harbor or Keep a Dog Found by Another Jurisdiction to be Vicious or Potentially Dangerous.**

No dog, which has been determined to be vicious or potentially dangerous following an administrative hearing or court proceeding by another jurisdiction, will be allowed to be kept, owned or harbored in the City. A notice by Animal Services to remove any dog owned, harbored or maintained in violation of this section may be appealed to the City Manager or designee by filing a written statement for the appeal within five business days of the receipt of said notice. Decision of the City Manager or designee is final and not subject to an administrative appeal.

**6.15.070 - Muzzling of a Vicious or Potentially Dangerous Dog.**

In any case where a dog determined to be vicious pursuant to this chapter is outside an enclosure, except in cases where it is inside the dwelling of its owner or keeper, which dwelling is sufficient to contain the dog, or in custody of a veterinarian, the dog shall be securely and humanely muzzled and restrained with a harness and nylon leash sufficient to restrain the dog, having a minimum tensile strength of 300 pounds and not exceeding two (2) feet in length, and shall be under the direct charge and control of its owner or keeper. For the purposes of this section, a dog which is humanely muzzled shall be able to drink, breathe and pant freely.

**6.15.080 - Civil penalties for violations of provisions regulating vicious or potentially dangerous dogs.**

Any violation of this chapter involving a vicious or potentially dangerous dog shall be punishable as a misdemeanor per Chapter 1.08 of the Lodi Municipal Code. Such fine may be assessed by City Manager or designee after hearing conducted or by a court of competent jurisdiction and shall be paid to the City to defray the cost of implementation of this Chapter.

**6.15.090 - Notice of Escape or Disposal of Vicious or Potentially Dangerous Dogs.**

- A. The owner or keeper of any dog found to be vicious or potentially dangerous shall notify Animal Services immediately if the dog has attacked another animal, has bitten a human being, has escaped the custody and control of the owner or keeper, or has died.

If the dog is sold, transferred, or permanently removed from the city where the owner or keeper resides, the owner shall notify the Animal Control of the changed condition and new location within two (2) business days.

6.15.100 - Sterilization requirement and microchip for vicious or potentially dangerous dogs.

The owner or keeper of any dog found to be vicious or potentially dangerous pursuant to this chapter shall, at their expense, have a microchip, assigned by Animal Services, inserted into the dog for identification purposes. The identifying information listed on the microchip shall be noted in the City licensing files for that dog. A dog that has been found to be potentially dangerous or vicious pursuant to this chapter shall be sterilized at the owner's expense.

6.15.110 Penalties for willful violation of provisions regulating vicious and potentially dangerous dogs.

It is a misdemeanor for any owner or keeper of a determined vicious or potentially dangerous dog to intentionally fail to comply with Sections 6.15.090 (Notice of escape or disposal of vicious or potentially dangerous dogs), 6.15.050 (Insurance requirements for vicious or potentially dangerous dogs), 6.15.100 (Sterilization requirement and microchip for vicious or potentially dangerous dogs), and 6.15.070 (Muzzling of a vicious or potentially dangerous dog). Conviction for a violation of this chapter shall be punished by a fine of not more than \$1,000.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Upon conviction of a misdemeanor under this chapter, the court shall order the vicious or potentially dangerous dog to be seized and humanely destroyed. Any person convicted of a violation of this chapter shall be prohibited from owning or keeping any dog within the City for a minimum of 3 years.

6.15.120 - Exemption for police dogs.

This chapter does not apply to any dog owned by a government agency, when the dog is used in the performance of law enforcement duties.

## Chapter 6.16 - PET SHOPS

### Sections:

- 6.16.010 - Permit required.
- 6.16.020 - Exemptions—Animal shelters.
- 6.16.030 - Permit—Issuance conditions.
- 6.16.040 - Annual permit fee—Renewal—Delinquency.

6.16.010 - Permit required.

- A. It is unlawful for any person to erect, establish or maintain any pet shop without first obtaining a permit from the City's Community Development Director.
- B. For purposes of this chapter a "pet shop" means a commercial establishment where live animals are sold or kept for sale or hire.
- C. The permit required by this title is a separate requirement exclusive of any other licenses or permits required by any other provision of this code.

#### 6.16.020 - Exemptions—Animal shelters.

The provisions of this chapter requiring the payment of an annual license fee shall not apply to an animal shelter maintained and operated by a society for the prevention of cruelty to animals duly incorporated under Title 1, Division 2, part 4 of the California Corporations Code or to the Animal Shelter.

#### 6.16.030 - Permit—Issuance conditions.

The granting of the permit required by Section 6.16.010 shall be in the discretion of the Community Development Director, who shall take into consideration the type of construction to be employed as it relates to sanitation and the manner in which animals are to be housed, and such zoning regulations as may be in effect or adopted from time to time, provided that:

- A. No permit shall be granted for a pet shop that is not in compliance with the zoning ordinance or other federal, state or local law; and
- B. The application for a permit shall show that odor, noise, dust and drainage from the pet shop shall not constitute a nuisance or hazard to the public.

#### 6.16.040 - Annual permit fee—Renewal—Delinquency.

- A. Upon approval of the Community Development Director and subject to the payment of the annual permit fee as set by resolution of the city council, the Community Development Director shall issue to the applicant a permit in such form as he or she may prescribe, and deliver a copy thereof to the applicant.
- B. All permits issued pursuant to this Chapter are issued on a year to year basis and expires on January 31st of the year following the year of issuance. All such permits must be renewed on or before the date of expiration. Permit renewal is accomplished by paying the applicable annual permit fee. Failure to timely renew any permit required under this chapter shall constitute a violation of this chapter.
- C. The failure to timely renew any permit required by this chapter shall cause any applicable permit fees to become delinquent, and a charge in an amount fixed by resolution of the city council shall be added to the regular annual permit fee. The regular annual permit fee and all accrued charges must be paid before the permit may be issued. This section is intended to supplement rather than supplant any other remedy available under state law or this code.

### Chapter 6.18 - ENFORCEMENT

#### Sections:

- 6.18.010 - Powers of animal control officer.
- 6.18.020 - Resisting or obstructing animal control officer.
- 6.18.030 - Violation—Infraction.

#### 6.18.010 - Powers of animal control officer.

The animal control officer shall have the powers of enforcement of the provisions of this title and such state laws and local ordinances as relate to the care and treatment of animals and for the prevention of cruelty thereto. For the purpose of discharging these duties, the animal control officer is authorized and directed, when it is lawful to do so, to enter upon any premises for the inspection or examination thereof or for the performance of any other of his or her official duties thereon; to take up and impound any animal or fowl which may be in the city contrary to any

provision of this title; to destroy any animal lawfully impounded, which is by reason of age, disease or other cause, unfit for further use, or is dangerous to keep impounded.

6.18.020 - Resisting or obstructing animal control officer.

It is unlawful for any person to resist or obstruct the animal control officer in any way in the performance of his duties under this title. A violation of this section constitutes a misdemeanor.

6.18.030 - Violation—Infraction.

Except where specifically stated, any violation of this title is an infraction unless the defendant has been convicted of three or more violations of a particular section within the twelve-month period immediately preceding the commission of the offense, and then the violations of this title constitute a misdemeanor.

Chapter 6.20 – FEES

6.20.010- Fees.

The City Council shall establish by Resolution, and from time to time may amend, the fees charged by the Lodi Animal Shelter for the administration of Lodi Municipal Code Title 6 – Animals.

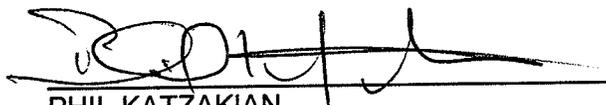
SECTION 2. No Mandatory Duty Of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Non-Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall invalidate the entire ordinance. To this end, the provisions of this ordinance are not severable. The City Council hereby declares that it would not have adopted this ordinance if any portion thereof is determined to be invalid.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

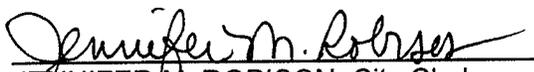
SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 6<sup>th</sup> day of August, 2014



PHIL KATZAKIAN  
Mayor

Attest:



JENNIFER M. ROBISON, City Clerk  
State of California

County of San Joaquin, ss.

I, Jennifer M. Robison, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1895 was introduced at a regular meeting of the City Council of the City of Lodi held July 16, 2014, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held August 6, 2014, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, Nakanishi, and Mayor Katzakian

NOES: COUNCIL MEMBERS – None

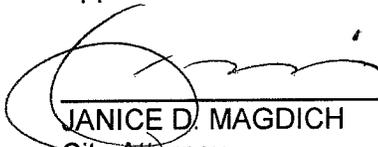
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1895 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
JENNIFER M. ROBISON  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
JANICE D. MAGDICH  
City Attorney