

# TABLE OF CONTENTS

<b>TABLE OF CONTENTS.....</b>	<b>1</b>
<b>TITLE 8 ANIMAL CONTROL.....</b>	<b>3</b>
<b>CHAPTER 8.01 HUMANE ANIMAL CONTROL .....</b>	<b>3</b>
8.01.010 Purpose.....	3
8.01.020 Definitions.....	3
8.01.030 Responsibility of the Animal Control Officer.....	4
8.01.040 Officer's Status, Arrests, and Citations.....	5
8.01.050 Entry of Premises.....	5
8.01.060 Authority to Carry Firearms.....	5
8.01.070 Authority to Use Tranquilizer Gun.....	5
8.01.080 Impoundment.....	5
8.01.090 Period of Impoundment.....	5
8.01.100 Animals Not Redeemed.....	5
8.01.110 Redemption of Impounded Animals.....	5
8.01.120 Voluntary Surrender of Animals.....	6
8.01.130 Adoption or Destruction Authority.....	6
8.01.140 Adoption of Animals.....	6
8.01.150 Records of Impounded or Voluntarily Surrendered Animals.....	6
8.01.160 Deposit Fees and Potentially Dangerous Dog Fees.....	6
8.01.170 Fees.....	7
8.01.180 Vaccination Required.....	7
8.01.190 Licensing of Dogs Required.....	7
8.01.200 Exemptions to Dog License Requirements.....	7
8.01.210 Licensing Term.....	8
8.01.220 Late Penalties.....	8
8.01.230 License Application.....	8
8.01.240 Issuance of Tags and License Certificate.....	8
8.01.250 Lost Tags.....	8
8.01.260 Transfer of License.....	8
8.01.270 Maintaining Records of Dog Licenses.....	8
8.01.280 Display of Metallic License Tag Required.....	8
8.01.290 Display of License.....	8
8.01.300 Removal of License Tag.....	8
8.01.310 Unlawful Use of Rabies or License Tag.....	9
8.01.320 Kennel License Required.....	9
8.01.330 Kennel License Term.....	9
8.01.340 Applications for and Processing of Kennel Licenses.....	9
8.01.350 Issuance or Denial of a Kennel License.....	9
8.01.360 Kennel License Renewal.....	9
8.01.370 Kennel Standards.....	9
8.01.380 Revocation of Kennel License.....	9
8.01.390 Resisting an Animal Control Officer.....	9

8.01.400	Unlawful Removal of Animals. ....	9
8.01.410	Animals Prohibited from Food Establishments. ....	10
8.01.420	Animals Running at Large Prohibited. ....	10
8.01.430	Dogs Running at Large on Farm Prohibited. ....	10
8.01.440	Dogs Pursuing Livestock, Protected Animals or Game Animals. ....	10
8.01.450	Female Dog in Heat -- Running at Large/Accessibility Prohibited. ....	10
8.01.460	Nuisances by Animals. ....	10
8.01.470	Vicious or Dangerous Animal. ....	11
8.01.480	Authority to Declare Animals Vicious or Dangerous. ....	11
8.01.490	Potentially Dangerous or Vicious Dog. ....	11
8.01.500	Wild, Exotic, or Non-Domestic Animals. ....	12
8.01.510	Animal Abandonment Prohibited. ....	13
8.01.520	Dead Animals and Fowl. ....	13
8.01.530	Authority to Capture or Kill Dogs Pursuing Livestock, Game Animals or Fully Protected, Rare or Endangered Animals. ....	13
8.01.540	Holding of Animals. ....	13
8.01.550	Isolation of Rabid Animals or Clinically Suspected Rabid Animals. ....	13
8.01.560	Isolation (Quarantine) Of Biting Animals. ....	13
8.01.570	Animal Contacts. ....	14
8.01.580	Appeals. ....	14
8.01.590	Absence of Liability. ....	14
8.01.600	Penalties for Violations of Provisions of this Ordinance. ....	14
 <b>Chapter 8.02 Retail Sale of Dogs and Cats in Pet Stores</b> .....		<b>16</b>
8.02.010	Definitions .....	16
8.02.020	Retail Sale of Dogs and Cats in Pet Stores Prohibited. ....	16

# TITLE 8 ANIMAL CONTROL

## CHAPTER 8.01 HUMANE ANIMAL CONTROL

### 8.01.010 Purpose

The purpose of this Chapter is as follows:

- (a) To provide methods of controlling stray animals and provide for the humane treatment of such animals.
- (b) To provide methods necessary for the control of animals owned or maintained by residents and nonresidents in the Town.

### 8.01.020 Definitions

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

- (a) "Animal" means any domesticated animal, captivated wild animal, or any domesticated or wild fowl, or any dead body of such animal.
- (b) "Animal Control" means that division or department of the Town or a contract agency, which is specifically charged with the enforcement of laws and ordinances dealing with animals.
- (c) "Animal Control Officer" means the person duly appointed by the Town Manager, or any employee of a contract agency, authorized by the Town Council to act in the enforcement of the Animal Control Program.
- (d) "Animals of Husbandry" means domestic animals normally associated with farming.
- (e) "Animal Shelter" means the facilities provided by the Town for the impounding of animals.
- (f) "At Large" means an animal off the premises of its owner and not under the control of the owner by visual and voice control or by means of a leash, chain, tether, or adequate fence.
- (g) "Contract Agency" means any entity which has entered into a contract or agreement with the Town Council for the enforcement of laws and regulations relating to animal control.
- (h) "Dog" means all domesticated canines.
- (i) "Guide Dog" means a dog that physically assists a person who has a physical disability.
- (j) "Health Department" means the Nevada County Health Department.
- (k) "Health Officer" means the Nevada County Health Officer, or any other person that the Health Officer has authorized to act in his behalf.
- (l) "Hunting Dog" means a dog that assists man in the hunting of animals and game birds for which there is an established season for the taking of such animals or game birds.
- (m) "Kennel, Commercial" means any kennel maintained for the purpose of boarding dogs or cats for a fee, or any kennel where more than four dogs or cats are kept, harbored, or maintained for the purpose of breeding, raising or training for a fee or for sale, or any kennel that advertises as a kennel in any magazine, newspaper, or other public media.
- (n) "Kennel, Private" means any kennel where more than four dogs and cats, over the age of six months, are kept, harbored or maintained for the use and enjoyment of the occupant for non-commercial purposes.
- (o) "Impoundment" means the taking up and confining of an animal.
- (p) "Livestock" means domestic animals customarily kept, used, maintained or raised on a farm or ranch, including but not limited to horses, ponies, burros, mules, donkeys, cows, steers, sheep, goats, swine, rabbits, fowl and other hoofed animals.
- (q) "Owner" means a person who has title to or an interest in, harbors, or has control, custody, or possession of an animal, and the verb form of "to own" includes all these shades of meaning.
- (r) "Person" means any person, firm, association, organization, partnership, business, trust, corporation, or company.
- (s) "Premises" means the property or vehicle owned or controlled by a person.
- (t) "Vaccination" means an inoculation of an animal with a vaccine approved by and in the manner prescribed by the Department of Public Health of the State of California.

- (u) "Veterinarian" means a person licensed by the State of California to practice veterinary medicine.
- (v) "Potentially Dangerous Dog" means:
  1. Any dog which, when unprovoked, on two 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.
  2. Any dog which, when unprovoked, bites a person, causing an injury less severe than a muscle tear or a disfiguring laceration or less than requiring multiple sutures or corrective or cosmetic surgery.
  3. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.
- (w) "Vicious Dog" means:
  1. Any dog which, when unprovoked, in an aggressive manner, inflicts any injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery, or who kills a human being; or
  2. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of the determination, continues the behavior described as potentially dangerous dog in Section 8.01.020(v), or who is maintained in violation of Section 8.01.490(a)(b)(c).

(Ord 2017-01, 02/28/2017)
- (x) "Vicious or Dangerous Animal" means any animal other than a dog which shows a propensity to attack, bite, or otherwise injury or harass people or other animals without being provoked.
- (y) "Working Animal" means animals under the control of humans, and used for the movement of livestock, fowl, tracking, obedience, show, or animals used by law enforcement agencies while in the performance of their official duties.
- (z) "Wild, Exotic or Non-Domestic Animals" means animals such as, but not limited to, deer, antelope, cougars, lions, wolves, coyotes, opossums, anteaters, armadillos, boas, pythons, racers, alligators, crocodiles, ferrets or any species of animals which are dangerous to human beings or other animals.

### **8.01.030 Responsibility of the Animal Control Officer**

The Animal Control Officer is responsible for the administration and enforcement of the Town's Animal Control Program, whose duties shall include, but are not limited to the following:

- (a) To direct the animal control staff;
- (b) To administer any animal shelter acquired or coming under the control of the Town.
- (c) To keep such records as may be required by the Town Council and such records necessary for submitting required reports to State agencies, and any other such records as may be deemed necessary.
- (d) To administer the enforcement of this Title and State laws relating to care, treatment and control of animals.
- (e) To prepare and disseminate information to the public relating to the care, treatment and control of animals.
- (f) To follow the directions and carry out the policies of the Town Council for Animal Control.
- (g) To prepare the budget for Animal Control.
- (h) To administer licensing programs if designated as the licensing authority.
- (i) To quarantine animals when required by law, and to cooperate with County Health Officer.
- (j) To administer any contract that the Town may enter into for the regulation and control of animals.
- (k) To remove and dispose of the carcass of any animal found on any Town maintained road or any public place that is reasonably accessible and is under the control of the Town.
- (l) To maintain records regarding all potentially dangerous and vicious dogs within the Town.

#### **8.01.040 Officer's Status, Arrests, and Citations**

The Animal Control Officer and all other duly authorized animal control officers are authorized to enforce the provisions of this Title, or other laws relating to the care, treatment and control of animals; furthermore, such officers have the power to make arrests, issue citations, issue warning notices, quarantine animals, impound animals, or initiate civil action for violations of this Title or other laws. Animal Control officers cannot, and shall not, exercise peace officer or other general law enforcement authority.

#### **8.01.050 Entry of Premises**

All duly authorized animal control officers shall be authorized to enter upon any premises where an animal is kept for the purpose of seizing and impounding any animal which has been mistreated or kept in violation of the laws of the State or the provisions of this Title. A search warrant or inspection warrant shall be obtained whenever required by law.

#### **8.01.060 Authority to Carry Firearms**

The Animal Control Officer and such Animal Control Officers as may be designated by the Town Manager are authorized to carry firearms when acting in the course and scope of their duties pursuant to Section 12031 of the Penal Code of the State of California.

#### **8.01.070 Authority to Use Tranquilizer Gun**

The Animal Control Officer and such Animal Control Officers as may be designated by the Town Manager are authorized to employ the use of the tranquilizer gun. No officer shall employ use of the tranquilizer gun until such officer has received proper training on the care and use of the tranquilizer gun.

#### **8.01.080 Impoundment**

Any animal which is to the knowledge of an animal control officer, engaged in activity or existing in a condition prohibited by This Title or State Laws, shall be taken up and impounded at the animal shelter or at such place as may be approved by the Animal Control Officer. After impoundment of any animal, the Animal Control Officer shall notify the owner, if known, of such impoundment.

#### **8.01.090 Period of Impoundment**

Periods of impoundment are as follows:

- (a) Any impounded animal wearing a tag or having a microchip adequately identifying the owner shall be held for a period of not less than five (5) days unless redeemed by the owner within such period.
- (b) Any impounded animal found not wearing a tag or having a microchip adequately identifying the owner shall be held for a period of not less than seventy-two (72) hours unless redeemed by the owner within such period.
- (c) For the purpose of this section, any time the Animal Shelter is closed (such as a holiday), such time shall not be counted against the minimum holding periods for animals.
- (d) The minimum hold times described in subsections (a), (b), and (e) shall not apply to animals which are severely injured or seriously ill, or to newborn animals unable to feed themselves, for which there shall be no minimum hold time.
- (e) An animal impounded due to the arrest or hospitalization of its owner shall be held and handled in the same manner as an impounded animal whose owner is known, pursuant to subsection (a).

(ORD 2023-08, 08/22/2023)

#### **8.01.100 Animals Not Redeemed**

Any impounded animal, except any bovine animal, horse, mule or burro, which is not redeemed within the applicable holding period as specified in Section 8.01.090 shall become property of the Town.

Any bovine animal, horse, mule or burro, not redeemed within the applicable holding period shall be turned over to the Director of Agriculture pursuant to Section 17003 of the Food and Agriculture Code of California.

#### **8.01.110 Redemption of Impounded Animals**

The owner of any impounded animal may redeem such animal by paying all applicable deposits or fees pursuant to Section 8.01.160 or 8.01.170 of this Title and any amount spent for veterinary services. The

Animal Control Officer shall have the authority to waive the impounding fee for good cause.

#### **8.01.120 Voluntary Surrender of Animals**

When an animal is voluntarily surrendered to the Animal Control Officer by the owner or agent of the owner, such animal shall immediately become property of the Town; furthermore, such animal shall not be deemed impounded and need not be kept for any minimum period of time.

#### **8.01.130 Adoption or Destruction Authority**

The Animal Control Officer, or any designated employee of the Town Manager is authorized to put an animal up for adoption or to destroy any animal that becomes property of the Town.

The Animal Control Officer, or any Animal Control employee, is authorized to kill any animal that poses an imminent threat to any person or neighborhood, when such animal cannot be safely captured.

#### **8.01.140 Adoption of Animals**

- (a) Animals subject to disposition by the Town may be adopted provided such adoption is not contrary to law, or to the public interest.
- (b) Dogs or cats may not be sold or adopted for purposes other than keeping as pets.
- (c) Dogs may not be adopted without first having been spayed or neutered, unless, as determined by the Animal Control Officer, the dog is a pure-bred or a fee having been deposited.
- (d) Dogs over four (4) months of age may not be adopted without first having been licensed or a fee therefore having been paid.
- (e) Cats may not be adopted without first having been spayed, neutered or a fee thereof having been deposited.
- (f) Other animals may be adopted by payment of any applicable fees and/or deposits.
- (g) When an animal is adopted, the receipt issued by the Animal Control Officer shall be valid title to the person adopting the animal.

If, within sixty (60) days of an adoption of any livestock animal, a person proves he was the owner of such livestock animal, the Town Council may allow a claim in favor of such person, payable out of the General Fund, for the amount paid into the treasury on account of such animal, less costs incurred.

#### **8.01.150 Records of Impounded or Voluntarily Surrendered Animals**

The Animal Control Officer shall keep a record of all animals impounded or voluntarily surrendered. Such record shall show the date an animal was impounded or voluntarily surrendered, an accurate description of such animal, license or rabies tag number, if any, and its final disposition and the date thereof.

#### **8.01.160 Deposit Fees and Potentially Dangerous Dog Fees**

- (a) Deposit fees shall be set by the Animal Control Officer.
- (b) Deposit fees for the spaying or neutering of dogs or cats under six (6) months of age shall be forfeited if the animal is not spayed or neutered within six (6) months of the date of adoption. Deposit fees for dogs or cats over the age of six (6) months at the time of adoption shall be forfeited if the animal is not spayed or neutered within sixty (60) days of the date of adoption.  
(ORD 96-02 4-18-96)
- (c) Deposit fees for dog licenses shall be forfeited if a valid rabies certificate is not presented within ten (10) days of the date of deposit.
- (d) Forfeited deposit fees shall be deposited by the Animal Control Officer with the Treasurer for allocation to a fund set up for:
  - 1. A program to spay or neuter dogs or cats;
  - 2. A public education program to prevent overpopulation of dogs and cats;
  - 3. A public education program to teach pet owner responsibility;
  - 4. Any educational material for (1) through (3) above.
- (e) Potentially dangerous dog fees shall be set by the Animal Control Officer.

### **8.01.170 Fees**

- (a) The Town Council shall, by resolution, set the amount of fees; such fees may include but are not limited to the following:
1. Impounding fees;
  2. Boarding fees;
  3. Licensing fees;
  4. Animal turn-in fee;
  5. Quarantine fee;
  6. Euthanasia fees;
  7. Adoption fee.
- (b) The refusal or failure of the owner of any animal to pay the fee or charges after due notification shall be held to be abandonment of the animal by the owner.

### **8.01.180 Vaccination Required**

Every dog over four (4) months of age shall have a medically current vaccination with a canine anti-rabies vaccine approved by the Health Department of the State of California. Such vaccination shall be administered by a licensed veterinarian.

Every person who owns or comes to own an unvaccinated dog shall have ten (10) days in which to comply with the provisions of this Section.

Notwithstanding any provisions to the contrary herein, no dog need be vaccinated for rabies where:

- (a) A licensed veterinarian has examined such dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and
- (b) Such certificate is presented to the Health Officer within five (5) days of such examination; and
- (c) The Health Officer concurs in the opinion of the veterinarian, contained in such certificate, and endorses approval on such certificate. Such certificate must bear the date of issuance and must be renewed each year.

### **8.01.190 Licensing of Dogs Required**

Every person who lives in the incorporated areas of the Town owning, possessing, controlling, harboring or keeping any dog over four (4) months of age shall procure a dog license for each dog from the licensing authority, as long as ownership of the dog continues, or within thirty (30) days after acquiring or bringing into the Town any dog over the age of four (4) months, and shall continue to procure such license as required herein, so long as the ownership of the dog continues.

No license shall be issued unless a valid certificate of rabies vaccination is presented, and such vaccination meets the requirements pursuant to Section 8.01.180, and is sufficient to immunize such dog against rabies for the current licensing term. In any case, if a dog is already licensed by another city or county within the State, proof of such licensing and proof of rabies vaccination is required herein, shall be submitted to the licensing authority of the Town, and a dog license shall be issued to the owner for the current licensing term without charge.

### **8.01.200 Exemptions to Dog License Requirements**

The requirements of Section 8.01.190 shall not apply to dogs found within the Town under the following conditions:

- (a) When a dog is owned by a nonresident who is traveling through the Town or who is temporarily visiting for a period not exceeding thirty (30) days in any calendar year.
- (b) When a dog is brought into the Town and kept therein for a period not exceeding thirty (30) days, in any calendar year for the purpose of entering the dog in competition, exhibition, field trials, show, or hunting.
- (c) When a dog is in a commercial kennel and such kennel has a current kennel license.

**8.01.210 Licensing Term**

The Town Council shall, by resolution, designate the licensing authority and set the licensing term for dog license.

**8.01.220 Late Penalties**

In addition to the regular license fee as required, a late penalty as set by resolution of the Town Council shall be assessed under any of the following conditions:

- (a) When a dog license is not renewed within thirty (30) days of its expiration date.
- (b) When a dog license is not obtained within thirty (30) days after a dog comes of age.
- (c) When a dog license is not obtained within thirty (30) days after a dog over four (4) months of age, is acquired or brought into the Town.

**8.01.230 License Application**

The owner shall state at the time application is made, and upon forms provided for such purpose, the owner's name, address, and telephone number and the name, breed, color, age, and sex of each dog for which application is made.

**8.01.240 Issuance of Tags and License Certificate**

A metallic tab and a license certificate with corresponding number shall be furnished by the licensing authority, upon payment of fees and any penalty which may be applicable.

**8.01.250 Lost Tags**

In the event a license tax issued to a dog is lost or destroyed, the owner shall, within ten (10) days thereafter, procure a new duplicate license tag.

**8.01.260 Transfer of License**

A valid license may be transferred from one owner to another, for the same, with no charge but only upon notification to and recordation by the licensing authority of such change of ownership.

**8.01.270 Maintaining Records of Dog Licenses**

The licensing authority shall maintain a record of all dog licensees issued including the corresponding identifying metallic tag numbers, the owners to whom they are issued, and the dogs for which they are issued.

**8.01.280 Display of Metallic License Tag Required**

The metallic license tag, issued to the dog owner, shall be fixed securely to a collar, harness, or other device and shall be worn at all times by the dog for which such license tag was issued for.

The requirements of this Section shall not apply in the following circumstances:

- (a) When a dog is securely confined to the owner's premises;
- (b) When a dog is engaged in an activity that customarily prohibits such dog from wearing a device to which a tag may be attached, such as hunting, show, or work.

**8.01.290 Display of License**

The holder of a dog license certificate shall preserve the license upon the premises where the dog is kept, and shall, upon request of any Animal Control Officer or Health Official or Police Officer, show to such official the license certificate for such dog.

**8.01.300 Removal of License Tag**

No unauthorized person shall remove from any dog collar, harness, or other device to which a license tag may be attached, except in cases of emergency.

### **8.01.310 Unlawful Use of Rabies or License Tag**

It is unlawful for any person to attach or allow to be attached to any dog a rabies or license tag that was not specifically issued for such dog.

### **8.01.320 Kennel License Required**

It is unlawful for any person to operate or maintain any kennel, as defined herein, without a valid kennel license from the licensing authority.

### **8.01.330 Kennel License Term**

The kennel licensing term shall be for one-year commencing July 1st and ending June 30th of the following year.

### **8.01.340 Applications for and Processing of Kennel Licenses**

Applications for a kennel license shall be obtained from the licensing authority.

The applicant shall submit the completed application to the licensing authority; in addition, the applicant shall submit copies of such application to the Community Development Department, Health Department, and the Animal Control Officer for an investigation as to the conformity with laws and regulations enforced by them.

Such departments may require additional information such as plot plans, construction plans, proposed methods for sewage disposal, water supply, or other information necessary for their investigation; furthermore, such departments may charge any applicable fees required by such departments.

After receiving a kennel license application, and all other necessary information, such departments shall process and notify the licensing authority as to their approval, or denial, of an application.

### **8.01.350 Issuance or Denial of a Kennel License**

The licensing authority, after receiving approval from all departments, shall collect a kennel license fee, and shall then issue a license to the applicant.

The licensing authority shall not issue a kennel license if any of the aforementioned departments deny the applicant's kennel license application.

### **8.01.360 Kennel License Renewal**

The licensing authority may renew kennel licenses upon receipt of renewal application, proof of current "Certificate of Operation" from the Health Department, and payment of applicable fees.

### **8.01.370 Kennel Standards**

Every person within the Town who owns, conducts, manages, or operates a licensed kennel shall comply with all of the requirements of the Community Development Department, Health Department, Animal Control Officer, and all applicable provisions of State law and this Title.

### **8.01.380 Revocation of Kennel License**

The licensing authority shall revoke any kennel license issued, upon notification from a Town department that, an investigation has been made and violations have been found. Notification of revocation may be by personal delivery or by certified mail.

### **8.01.390 Resisting an Animal Control Officer**

Any person who willfully opposes, resists, or interferes with any Animal Control Officer lawfully performing a duty shall be deemed guilty of a misdemeanor.

### **8.01.400 Unlawful Removal of Animals**

It is unlawful for any person to remove any animal from the custody of any animal control officer, animal control vehicle or animal control shelter without permission or without payment of any applicable fees. Violation of this Section is a misdemeanor.

#### **8.01.410 Animals Prohibited from Food Establishments**

It is unlawful for any person to allow or permit any animal in, or take any animal, whether loose, on a leash, or in arms, into any food establishment, such as a restaurant, grocery store, meat market or into any place where alcoholic beverages are sold, except guide dogs or dogs being trained as guide dogs.

#### **8.01.420 Animals Running at Large Prohibited**

It is unlawful for any person owning or having possession, charge, custody, or control of any animal to cause, permit or allow the animal to stray, run or in any other manner to be at large in or upon any public street, sidewalk, park, school ground, or other public place, or upon any private place or property without consent of the owner or person in control of such private place or property. (ORD 96-02 04-18-96)

The provisions of this Section shall not apply to:

- (a) Any hunting dog during such time it is being used for the purpose of lawful hunting or during such time it is being trained to be a hunting dog, provided such hunting or training is on land or premises to which the person hunting or training such dog has a legal right to be upon.
- (b) Working dogs during those periods when the dog is working other animals.
- (c) Animals in the immediate presence and under direct control of the owner and the owner can demonstrate effective control of the animal.
- (d) No person shall bring or allow any dog or other animal in any area or portion of the Truckee River Regional Park unless such animal at all times is kept on a leash and under full control of its owner from May 1 to October 31 of the year. At all other times of the year, dogs or other animals in the Truckee River Regional Park, the boundaries of which are described in (Exhibit "A"), shall be in the immediate presence and under the direct and effective control of the owner as set forth in Section (c) above.

(Ordinance 2002-02, 2/02)

#### **8.01.430 Dogs Running at Large on Farm Prohibited**

It is unlawful for any person to permit any dog which is owned, harbored or controlled by such person to run at large or any farm on which livestock or domestic fowls are kept, without the consent of the owner of the farm.

Violation of this Section shall be a misdemeanor.

#### **8.01.440 Dogs Pursuing Livestock, Protected Animals or Game Animals**

It is unlawful for any person to permit any dog which is owned, harbored, or controlled by such person to pursue, wound, or kill any of the following:

- (a) Livestock, on land or premises which are not owned or possessed by the owner of the dog;
- (b) Fully protected, rare, or endangered animals at any time;
- (c) Game animals, during the closed hunting season of such animals.
- (d) Violation of this Section shall be a misdemeanor.

#### **8.01.450 Female Dog in Heat -- Running at Large/Accessibility Prohibited**

It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by such person to run at large at any time during the period when the dog is in heat or breeding condition or to allow such female to remain accessible to other dogs while such female is in heat or breeding condition.

#### **8.01.460 Nuisances by Animals**

It is unlawful and a nuisance, for any person owning or having control of any animal, to allow or permit any animal to do any of the following:

- (a) To disturb the peace and quiet of a neighborhood by means of barking, howling, or any other noise or sounds;
- (b) To damage or destroy the property of another person or public property, or to repeatedly deposit its

- body waste fluid or matter upon such property;
- (c) To cause unsanitary, dangerous or offensive conditions due to inadequate care of facilities, or due to the size, type or number of animals maintained at a single location.
  - (d) To interfere with the freedom of lawful movement of persons, or to chase vehicles, or to create a nuisance in any other way.

All complaints regarding nuisance animals shall be in writing. The Animal Control Officer, after receiving such complaint, shall initiate an investigation to determine if in fact a nuisance condition exists. If it is found that a nuisance condition does exist, an order to conform, issue a citation, or both, may be issued.

#### **8.01.470 Vicious or Dangerous Animal**

It is unlawful for any person owning, having possession, charge, or control of any vicious or dangerous animal other than a dog, as defined or declared, to allow or permit such animal to run at large; furthermore, every person shall confine such animal on the premises in such a manner to protect persons that are on or near such premises peacefully and lawfully.

Violation of this Section shall be a misdemeanor.

#### **8.01.480 Authority to Declare Animals Vicious or Dangerous**

The Animal Control Officer, or Police Officers, may declare an animal, other than a dog, vicious or dangerous, if such animal shows a propensity to attack, bite, scratch, or harass people or other animals without being provoked, in such officer's presence.

The Animal Control Officer may declare an animal vicious or dangerous based on the number of or circumstances of a bite, or for any other reason that deemed appropriate for the protection of public health.

The Animal Control Officer, after receiving in writing one or more complaints accusing an animal of being vicious or dangerous, may initiate an investigation to determine if such animal is vicious or dangerous. Based on the facts of the investigation, such animal may be declared vicious or dangerous.

In any case where an animal is declared vicious or dangerous, the owner shall be notified in writing of such declaration and the reasons for such declaration.

#### **8.01.490 Potentially Dangerous or Vicious Dog**

Every person owning, having possession, charge or control of a potentially dangerous dog as defined by Section 8.01.020(v) or a vicious dog as defined by Section 8.01.020(w) shall comply with the following provisions which are designed to reduce injury or death to human and animal life:

- (a) **Licensing and Vaccination of Potentially Dangerous Dogs:** All potentially dangerous dogs shall be properly licensed and vaccinated. The licensing authority shall include the "potentially dangerous" designation in the registration records of the dog, either after the owner or keeper of the dog has agreed to the designation or the court or hearing entity has determined the designation applies to the dog. The Town may charge a "potentially dangerous dog" fee, in addition to the regular licensing fee, to provide for the increased costs of monitoring the records of the dog.
- (b) **Confinement of a Potentially Dangerous Dog:** A potentially dangerous dog, while on the owner's property, shall, at all times, be kept indoors or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner's premises only if it is restrained by a muzzle and a substantial leash of appropriate length and if it is under the control of a responsible adult.
- (c) **Procedure for sale or transfer of a Potentially Dangerous Dog:** If the dog in question dies or is sold, transferred or permanently removed from the Town, the owner of a potentially dangerous dog shall notify the Animal Control Department, in writing, of the changed condition and new location of the dog within two (2) working days.
- (d) **Removal from List of Potentially Dangerous Dogs:** If there are no additional instances of the behavior described in Section 8.01.020(w) within a 36-month period from the date of designation as a

"potentially dangerous dog", the dog shall be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 36-months period if the owner or keeper of the dog demonstrates to the Animal Control Department that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety.

- (e) If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Animal Control Officer or immediate supervisor or the head of the local law enforcement agency, or designee, shall schedule an administrative hearing to determine whether or not the dog in question should be declared potentially dangerous or vicious pursuant to the procedures set forth in Food and Agricultural Code Sections 31621 et seq. or any successor there to.

(ORD 2003-05 11-20-03)

(f) Seizure and Impoundment of Dog:

1. If, upon investigation, it is determined by the Animal Control Officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer or law enforcement officer may seize and impound the dog pending the hearing pursuant to Food and Agricultural Code Sections 31621, et seq. The owner or keeper of the dog shall be liable to the Town for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous or vicious.
2. When a dog has been impounded pursuant to subsection (f)(1) and it is not contrary to public safety, the Animal Control Officer, shall permit the animal to be confined at the owner's expense in a Department approved kennel or veterinary facility.

(g) Procedure for Destruction of Vicious Dog:

1. A dog determined to be a vicious dog may be destroyed by the Animal Control Officer when it is found, after proceedings conducted pursuant to subsection (e) that the release of the dog would create a significant threat to the public health, safety and welfare.
2. If it is determined that a dog found to be vicious shall not be destroyed, the judicial authority shall impose conditions upon the ownership of the dog that protect the public health, safety and welfare.
3. Any enclosure that is required pursuant to subdivision (g)(2) shall be a fence or structure suitable to prevent the entry of young children and which is suitable to confine a vicious dog in conjunction with other measures, which may be taken by the owner or keeper of the dog. The enclosure shall be designed in order to prevent the animal from escaping.

(h) Violation of this Section shall be a misdemeanor.

### **8.01.500 Wild, Exotic, or Non-Domestic Animals**

It is unlawful for any person to have, keep or maintain, any wild, exotic or non-domestic animal without first applying to and receiving special authorization from the Animal Control Officer.

The Animal Control Officer may authorize the keeping or maintenance of any wild, exotic, or non-domestic animal when any such animal may be kept or maintained without endangering the safety of any person, neighborhood, or property. The Animal Control Officer may require any such animal to be properly caged, tethered or restrained, or set additional requirements that may be necessary and proper under the circumstances. The Animal Control Officer may revoke such authorization when the safety of any person, neighborhood, or property is endangered by the keeping of any such animal, or for violations of any conditions established for keeping such animal.

The Animal Control Officer shall not issue any such authorization for any wild animal, which requires a permit from the State Department of Fish and Game until such permit is issued by said Department.

Violation of this Section shall be a misdemeanor.

#### **8.01.510 Animal Abandonment Prohibited**

It is unlawful for any person to abandon any animal in the Town. Violation of this Section shall be a misdemeanor.

#### **8.01.520 Dead Animals and Fowl**

It is unlawful for any person owning or having under such person's control at the time of death to permit the carcass of any dead animal to remain unburied for a period in excess of twenty-four (24) hours.

In any case where the owner or person having control of any animal at the time of its death fails to dispose of such dead animal within the prescribed period, the Town shall be entitled to dispose of such animal. In addition to any penalty imposed, such costs of removal and burial shall be a charge against the owner or person in control of the animal immediately prior to its death.

#### **8.01.530 Authority to Capture or Kill Dogs Pursuing Livestock, Game Animals or Fully Protected, Rare or Endangered Animals**

The Animal Control Officer may capture or kill:

- (a) Any dog found in the act of persistently pursuing, worrying, wounding or killing livestock or fowl on land or premises, which are not owned or possessed by the owner of the dog;
- (b) Any dog found in the act of pursuing, wounding or killing any game animal during the closed hunting season on such game animal;
- (c) Any dog found in the act of pursuing, wounding or killing any fully protected, rare, or endangered animal.

#### **8.01.540 Holding of Animals**

Any person may take up and hold any stray animal or animal trespassing on such person's property; however, such person shall notify the Animal Control Officer within twenty-four (24) hours of the following:

- (a) The fact that such an animal is in that person's possession;
- (b) A complete description of the animal;
- (c) The license tag number, rabies tag number, or any other identification tag that may be attached to such animal. If the animal has no source of identification, the person shall so state;
- (d) The place where such animal is confined;
- (e) If the owner of such animal is unknown or cannot be contacted within seventy-two (72) hours, or upon request from an animal control officer, such animal shall be immediately surrendered to the Animal Control Officer for impoundment.

#### **8.01.550 Isolation of Rabid Animals or Clinically Suspected Rabid Animals**

Any rabid animal or clinically suspected rabid animal shall be isolated in strict confinement under proper care and under the observation of a licensed veterinarian, in an animal shelter, veterinary hospital or other adequate facility in a manner approved by the Health officer, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies, with the exception that such animals may be sacrificed with permission of the Health Officer for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in an approved public laboratory.

#### **8.01.560 Isolation (Quarantine) Of Biting Animals**

The Animal Control Officer shall quarantine any animal, of a species subject to rabies, that has bitten or otherwise possibly exposed a person to rabies. Such quarantine shall be in conformance with the Health Officer's policies on quarantine of biting animals. The quarantine period shall be fourteen (14) days (dogs and cats for ten (10) days) from the infliction of the bite.

In any case where the animal is permitted to be quarantined at home, the owner, or person in custody or control of such animal shall enter into a quarantine agreement with the Animal Control Officer.

It is unlawful for the owner or person in custody or control of an animal, to violate any of the conditions of quarantine prescribed by the Health Officer, or the Animal Control Officer. Violation of this Section shall be

a misdemeanor.

### **8.01.570 Animal Contacts**

Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined in a place and manner approved by the Health Officer for a period of six (6) months or destroyed, with the exception that the following alternatives are permitted in the case of dogs and cats:

- (a) If a dog over one year of age has been vaccinated against rabies within thirty-six (36) months but not less than thirty (30) days with a rabies vaccine of a type approved by the State Department of Health Services for a maximum immunity duration of at least thirty-six (36) months, the dog may be revaccinated immediately (within forty-eight (48) hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Health Officer for a period of thirty (30) days.
- (b) If a dog under one year of age has been vaccinated against rabies within twelve (12) months but not less than thirty (30) days with a rabies vaccine of a type approved by the State Department of Health Services, the dog may be revaccinated immediately (within forty-eight (48) hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the health Officer for a period of thirty (30) days.
- (c) If a cat has been vaccinated within one year but not less than thirty (30) days with an annual type feline rabies vaccine or if a cat has been vaccinated under one year of age with a 36-month type of feline rabies vaccine within twelve (12) months but not less than thirty (30) days, the cat may be revaccinated immediately (within forty-eight (48) hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Health officer for a period of thirty (30) days following revaccination.
- (d) If a cat over one year of age has been vaccinated against rabies and has been vaccinated within thirty-six (36) months and more than thirty (30) days with a 36-month type feline rabies vaccine, the cat may be revaccinated immediately (within forty-eight (48) hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Health Officer for a thirty (30) day period following revaccination.

### **8.01.580 Appeals**

Any person aggrieved by any decision or action resulting from the application of this Title may appeal such decision or action within to the Town Council as provided in Chapter 2.04 of the Truckee Municipal Code.

### **8.01.590 Absence of Liability**

No liability shall be incurred by the Town of Truckee or its agents for the disposition or non-disposition of any animal made pursuant to the provisions of this Chapter.

### **8.01.600 Penalties for Violations of Provisions of this Ordinance**

- (a) Any person violating any provision of this Chapter except as otherwise expressly set forth herein is guilty of an infraction. Upon conviction of the infraction there shall be a fine imposed as follows:
  - 1. For a first violation, a fine not exceeding One Hundred (\$100) Dollars.
  - 2. For a second violation of the same ordinance section within a 12-month period, a fine not exceeding Two Hundred (\$200) Dollars.
  - 3. For a third or subsequent violation of the same ordinance section within a 12-month period, a fine not exceeding Five Hundred (\$500) Dollars.

Violations for the State statutes shall carry the penalties and other consequences of their respective codes.

- (b) The Chief of Animal Control shall be designated as the Animal Control Enforcement Officer and shall be responsible for the enforcement of this Article. The Enforcement Officer may deputize one or more employees of the Department to carry out the duties of the Enforcement Officer.

(ORD 94-04 02-03-94)

- (c) With regard to violation of Sections 8.01.180 (vaccinations required) and Section 8.01.190 (licensing of dogs required) in lieu of a fine on a first offense, the Animal Control Officer may at his/her discretion, order that a vaccination be obtained or a license acquired. The signed citation shall be retained by the Animal Control Enforcement Officer for ten (10) days. If proof of compliance with such order is timely submitted to the Animal Control Enforcement Officer, any citation showing a violation of those sections shall be voided. If no proof of compliance is received in ten (10) days, the Animal Control Enforcement officer shall forward the citation to the Municipal Court for normal procession as a standard violation.

(ORD 95-19 11-02-95)

## **Chapter 8.02 -- Retail Sale of Dogs and Cats in Pet Stores**

### **8.02.010 Definitions**

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

- (a) “Cat” shall mean all domesticated felines.
- (b) “Dog” shall mean all domesticated canines.
- (c) “Pet Store” shall mean a retail establishment open to the public and selling or offering for sale animals, including, but not limited to, animals for use as pets or animals intended as food for other animals. A person who sells, exchanges, or otherwise transfers only animals that were bred or raised, or both, by the person, or sells or otherwise transfers only animals kept primarily for reproduction, shall be considered a breeder and not a pet store.
- (d) “Pet Store Operator” shall mean a person who owns and/or operates a pet store.

### **8.02.020 Retail Sale of Dogs and Cats in Pet Stores Prohibited**

No pet store operator or pet store shall display, sell, deliver, offer for sale or adoption except in conjunction with an established tax-exempt animal rescue group, barter, auction, give away, or otherwise dispose of cats or dogs in the Town of Truckee.

(ORD 2016-01 01-09-2016)