

## Appendix C

### Dog Codes and Ordinances of Other Jurisdictions

#### CITY OF SEASIDE-SELECT PROVISIONS

##### Chapter 6.04

#### ANIMAL CONTROL

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**6.04.010 Dogs-license and tag required.**

Every person owning, having charge, care, control or custody over any dog shall, after such dog attains the age of four months, annually secure from the city treasurer a license and tag for such dog as provided in this chapter. The tag shall be affixed to a collar or harness in conspicuous fashion, and shall remain so affixed for the entire term of such tag. (Ord. 511 § 3(part), 1978: prior code § 8-801(a)).

**6.04.020 Dogs-vaccination required.**

A. Every person owning, having charge, care, control, or custody over any dog shall, immediately after such dog attains the age of four months and at intervals no less frequently than every twenty-four months thereafter, provide for the vaccination of such dog by a veterinarian licensed to practice in the state with a canine antirabies vaccine of a type approved by the State Department of Public Health.

B. The city treasurer shall not issue a license or tag to any person for any dog until such person has submitted a certificate of vaccination approved by the county S.P.C.A. or a licensed veterinarian showing that the dog has been vaccinated in accordance with the provisions of this section. (Ord. 511 § 3(part), 1978: prior code § 8-801(b) and (d)).

**6.04.030 Dogs-confinement when under four months of age.**

All dogs under four months of age shall be confined to the premises of, or kept under physical restraint of, the person owning or having charge, care, control, or custody over such dog; providing, however, that this subsection shall not be construed to prevent the sale or transportation of such dog; and, provided further, that this subsection shall not be construed to prohibit any dog to be kept in or upon any motor vehicle owned or operated by any person owning or having charge, care, control, or custody over such dog. (Ord. 511 § 3(part), 1978: prior code § 8-801(c)).

**6.04.040 Dog license-due and delinquent when.**

All licenses issued under this chapter shall be due the first day of May of each year, and shall be declared delinquent the first day of June of each year, except as provided in this chapter. (Ord. 511 § 3(part), 1978: prior code § 8-802).

**6.04.050 Dog license-fees-exemptions.**

- A. Every person owning or having charge, care or control over any dog of the age of four months or over shall pay an annual license fee to be determined by resolution of the city council.
- B.
  - 1. All dogs maintained in a licensed kennel shall be licensed at one-half of the regular rate pursuant to all the provisions in this section.
  - 2. No fee shall be charged for the issuance of a license for a Seeing Eye dog.
- C. The following classes of dogs need not be licensed under this chapter:
  - 1. Dogs kept, harbored, or maintained by owners who are nonresidents of the city and are staying within the city for fifteen days or less, if such dogs are kept, harbored, or maintained only during such temporary sojourn of their owners;
  - 2. Dogs brought into the city for the purpose of participating in any dog show, exhibition, or competition. (Ord. 802 § 1, 2, 1991; Ord. 541 § 1, 1979; Ord. 511 § 3 (part), 1978: prior code § 8-803).

***6.04.060 Dog license-notice of issuance.***

The city treasurer shall notify the county S.P.C.A. of the issuance of each license issued pursuant to this chapter. (Ord. 511 § 3(part), 1978: prior code § 8-805).

***6.04.070 Dog license-register of tags.***

The city treasurer shall keep a register wherein there shall be kept the name and address of the owner to whom any tag under this chapter is issued, together with a description of the dog, the number of the tag issued, and the date of issuance. Such register shall be open to public inspection. (Ord. 511 § 3(part), 1978: prior code § 8-806).

***6.04.080 Dog license-loss and replacement, counterfeiting and transferability of tags.***

- A. In the event any tag issued under this chapter is lost, destroyed, or mutilated, the owner of the dog for whom it was issued may obtain a duplicate thereof for the payment of fifty cents.
- B. It is unlawful for any person to imitate or counterfeit the official tag provided for in this chapter, or knowingly to have in his/her possession any imitation or counterfeit of such tag.
- C. No tag issued under this chapter shall be transferable from one dog to another, and no refunds shall be made on any dog license fee because of the death of the dog, or because the owner of the dog leaves the city, or because the owner of the dog removes the dog from the city before the expiration of the license period. (Ord. 511 § 3 (part), 1978: prior code § 8-804).

**6.04.090 Impound and rabies fees.**

Fees and charges for impounding and rabies vaccination shall be determined by resolution of the city council. (Ord. 802 § 3, 1991).

**6.04.100 Permitting dogs in food stores or restaurants unlawful.**

It is unlawful for any person to bring into, or for any person to allow, suffer, or permit any dog to enter into any place of business in the city in which food is sold, prepared for sale, produced, manufactured, packed, stored or consumed, provided that this section shall not apply to Seeing Eye dogs. (Ord. 511 § 3(part), 1978: prior code § 8-808).

**6.04.110 Dogs or other animals running at large-prohibited.**

It is unlawful for the owner or the person having care, custody or control of any dog or other animal, whether licensed or unlicensed, to suffer, permit or allow such dog or other animal to run at large on any public street, alley, park, square or other public place, or on any vacant or unenclosed lots of land within the corporate limits of the city or on the private property of another person without first obtaining permission therefor from the owner or occupant of said private property. Any dogs or other animals shall be deemed to be running at large within the meaning of this section unless such dog or other animal is led or restrained by a chain, strap, cord or leash attached to its collar or harness, and actually held by some person or made fast to some stationary object. (Ord. 766 § 1, 1989: Ord. 511 § 3(part), 1978: prior code § 8-809).

**6.04.120 Dogs or other animals running at large-impoundment.**

It shall be the duty of the chief of police of the city, and such deputies as he/she may appoint for such purpose, or the agency designated to do so by a joint powers agreement entered into by the city under authority of the California Government Code, to seize and impound all dogs and other animals, whether licensed or unlicensed, found running at large within the meaning of Section 6.04.110. (Ord. 511 § 3(part), 1978: prior code § 8-810).

**6.04.130 Impoundment-notice to owner-redemption, destruction or sale of dog.**

A. No dog impounded under the provisions of Sections 6.04.110 and 6.04.120 shall be destroyed, sold, or placed in another home until and after written notice has been given by the city to the owner of such dog, if known, as provided in this section. The notice provided for in this section shall contain a description of the dog, including the sex and breed thereof, and the date such dog was impounded. The notice required by this section may be served either:

1. By delivering a copy to the owner of the dog personally; or

2. If such owner is absent from his/her residence or from his/her usual and regular place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy in the regular course of the mail addressed to the owner of such dog at his/her place of residence; or

3. If such place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found, then by sending a copy of such notice in the regular course of the mail addressed to the owner of such dog at the last known address of the owner.

B. If no person appears and redeems the dog within seventy-two hours from the giving of the notice as provided in this section, the person in charge of the impound facility may cause and direct the dog to be destroyed in a humane manner, or may cause and direct the dog to be sold, or may cause and direct the dog to be placed with a home deemed by such person to be suitable. (Ord. 511 § 3(part), 1978: prior code § 8-811).

#### ***6.04.140 Quarantine of biting dogs or other animals.***

A. Whenever it is shown that any dog or other animal has bitten any person, or whenever any dog or other animal shows symptoms of rabies, or acts in such a manner as to lead any animal control officer, peace officer, or veterinarian to believe that such dog or other animal may have rabies, the owner or person having charge, care, control, or custody of such dog or other animal, shall, upon order of such animal control officer, peace officer, or veterinarian, quarantine such dog or animal and keep it confined and securely tied for a period of ten days. Any animal control officer, peace officer, or veterinarian shall have the authority to make inspection or examination of such dog or other animal at any time during such period and, if not satisfied that this section has been fully complied with, may immediately impound the animal.

B. In lieu of the method of confinement set out in subsection A of this section, the owner or person having charge, care, control or custody of such dog or other animal may have the same confined in an establishment controlled and supervised by a veterinarian licensed under the laws of the state for a period of not less than five days, after which time such dog or other animal may be released from such establishment upon the certification of the veterinarian controlling or supervising such establishment that such dog or other animal displays no symptoms whatsoever of rabies, and upon vaccination and licensing under the provisions of this chapter. (Ord. 511 § 3(part), 1978: prior code § 8-814).

6.04.150 Abandonment of dogs or other animals unlawful.

It is unlawful for any person to wilfully abandon any dog or other animal within the city. Violation of this section shall be an infraction, punishable as provided in Section 1.16.030. (Ord. 623 § 2(part), 1982; Ord. 511 § 3(part), 1978: prior code § 8-816).

#### 6.04.160 Animals-creating disturbing noises or unsanitary conditions-destroying property.

A. It is unlawful to keep or harbor any dog, cat, or other animal or fowl, which by reason of its barking, howling, yelping or other noise, or which by reason of unsanitary conditions in connection with its keeping, habitually disturbs the peace of any person, is declared to be contrary to the public health, safety and welfare and to be a public nuisance. The nuisance may be abated by appropriate proceedings in any court of competent jurisdiction in the manner provided by law.

B. It is unlawful for any person owning or having charge, care, control, or custody of any dog, cat, or other animal or fowl, to permit such animal to trespass on private or public property so as to damage or destroy any property or any thing of value. (Ord. 560 § 1, 1980: Ord. 539 § 2, 1979; Ord. 511 § 3(part), 1978: prior code § 8-817).

#### **6.04.170 Vicious dogs.**

A. Any dog which has on one or more occasions bitten or otherwise injured any person other than his owner or a trespasser upon private property where such dog is kept, or any dog which has otherwise demonstrated on one or more occasion vicious, dangerous and/or fierce propensities such as, but not necessarily limited to, unprovoked threatening or molesting any person or causing substantial damage or injury to any public or private property, is declared a vicious dog. It is unlawful to keep, harbor or maintain a vicious dog.

B. Such vicious dog may be impounded, or may be ordered humanely destroyed, at the discretion of the chief of police.

C. Any animal control officer or peace officer of the city may, pursuant to lawful authority, enter upon private premises in order to seize any vicious dog. Any vicious dog, whether running at large or not, which cannot safely be taken up and impounded, may be killed by a peace officer.

D. No dog impounded under the provisions of this section shall be destroyed or otherwise disposed of until and after written notice is given by the city to the owner of such dog, if known, or to the person having charge, care, control, or custody over such dog, as provided in this section. Such notice shall contain a description of the dog impounded, including the sex and breed thereof and the date the dog was impounded, and the circumstances of such

impoundment. The notice required by this section may be served in the manner provided for the serving of notice set out in Section 6.04.130.

E. The keeping, harboring or maintaining of any vicious dog is declared to be contrary to the public health, welfare and safety, and to be a public nuisance. In addition to the foregoing methods of abatement of such nuisance, the same may be abated by appropriate proceedings in any court of competent jurisdiction.

F. Violation of subsection A of this section shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

G. Any animal destroyed pursuant to this section shall immediately be taken, by the officer, to a licensed veterinarian or to the Monterey County S.P.C.A. for a rabies determination pursuant to state law. (Ord. 816 § 1, 1992; Ord. 511 § 3(part), 1978: prior code § 8-818).

#### ***6.04.180 Curbing dogs.***

It is unlawful for any owner or person having charge, care, custody or control over any dog to permit, suffer, or allow such dog to defecate or urinate upon any public sidewalk or upon any improved private property, except that of the owner or person having charge, care, custody or control over such dog. It shall be the duty of the owner or person having charge, care, custody or control over a dog to curb such dog in order to carry out the intent of this section. (Ord. 511 § 3(part), 1978: prior code § 8-819).

#### ***6.04.190 Authority of animal control officer.***

A. Any animal control officer may issue citations for violations of provisions of this chapter or of state law relating to disease, care, treatment, impounding, or cruelty to dogs or other animals in the manner prescribed by the city.

B. In the performance of his/her duties for the control of dogs or other animals, any animal control officer shall have the authority to employ the use of any animal control devices in common use within the state.

C. All animal control officers shall be deemed to be public officers. (Ord. 589 § II(17)(b), 1981; Ord. 511 § 3(part), 1978: prior code § 8-815).

#### ***6.04.195 Prosecutions.***

In any prosecution under this chapter, the person who is shown to be in possession of the premises shall prima facie be deemed in possession and control of any animals thereon kept or maintained. (Ord. 709 § 1(part), 1986).

### **6.04.200 Violation-penalty.**

A. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person violating any provision or failing to comply with any requirement of this chapter shall be deemed guilty of an infraction unless otherwise specifically indicated. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of this chapter is committed, continued, or permitted by such person, and shall be punishable therefor as provided in this section.

B. Any person who violates any provision of this chapter, or any person who makes any false statement in making application for a license or who shall in any manner interfere or attempt to interfere with any duly authorized enforcement officer in the performance of any duty imposed by the provisions of this chapter, and every person who shall unlawfully take or attempt to take any dog or other animal seized pursuant to the provisions of this chapter from the custody of the duly authorized enforcement officer; and any person who shall remove or attempt to remove from the animal control vehicle and holding facilities any dog or other animal impounded therein without having first redeemed the same as provided in Section 6.04.130, or obtained the permission of an authorized enforcement officer to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars or by imprisonment for not exceeding six months, or by both such fine and imprisonment. (Ord. 649 § 1, 1983: Ord. 511 § 3(part), 1978: prior code § 8-820).

## **CITY OF SEASIDE – SELECT PROVISIONS**

### **Chapter 9.08**

#### **PARKS AND RECREATION AREAS**

Sections:

- 9.08.010 Definitions.
- 9.08.020 Jurisdiction.
- 9.08.030 Recreational buildings.
- 9.08.040 Permits.
- 9.08.050 Rules and regulations.
- 9.08.060 Prohibitions generally.
- 9.08.070 Enforcement.

### **9.08.010 Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. "Director" means the director of community services.
- B. "Caretaker" means the person or persons who are responsible for the care and maintenance of the city park areas or facilities.
- C. "Person" or "applicant" means any person, firm, partnership, association, corporation, company, league or organization of any kind who desires to use or uses any city park area or facility.
- D. "Park area" or "facility" means any public park, playground, recreational area, recreational facility or building, swimming pool, greenbelt, landscaped area around public building, or other area in the city owned or used by the city and devoted to active or passive recreation.
- E. "Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. "Vehicle" includes any trailer of any size, kind or description. An exception is made for vehicles in the services of the city. (Ord. 695 § 1 (part), 1986).

### 9.08.020 Jurisdiction.

All park areas and facilities shall be under the administrative jurisdiction of the department of community services. (Ord. 695 § 1(part), 1986).

### **9.08.030 Recreational buildings.**

Recreational buildings shall be used primarily for programs operated or sponsored by the city. The director may issue permits for group use of such buildings provided the use, number of persons and hours of use do not conflict or interfere with the primary use. (Ord. 695 § 1(part), 1986).

### **9.08.040 Permits.**

A permit shall be obtained from the director for the exclusive use of any park area, facility, or portion thereof. The director may impose reasonable conditions to granting such permits.

- A. Application. A person seeking issuance of a permit shall file an application with the director on a department form, not less than thirty days nor more than ninety days prior to the proposed use. The director may waive the thirty-day period if the applicant waives all appeal rights.

B. Standards for Issuance. The director shall issue a permit when it is found that:

1. The proposed activity or use will not unreasonably interfere with or detract from the general public enjoyment of the park area or facility;
2. The proposed activity or use will not interfere with or detract from the promotion of the public health, welfare, safety, and recreation;
3. The proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;
4. The proposed activity or use will not entail unusual, extraordinary, or burdensome expense or police operation by the city;
5. The facilities desired have not been reserved for other use on the day and hours required in the application;
6. The applicant agrees to provide a reasonable means of informing all the persons participating in the proposed activity or use of the terms and conditions of such permit;
7. The applicant is able to and agrees to provide insurance, if required, naming the city as additional insured, in an amount established by the director;
8. The proposed use is consistent with the city policies, rules, regulations and/or ordinances concerning the use of the requested park area or facility.

C. Issuance or Denial. Within ten working days after the receipt of an application, the director shall issue the permit or apprise an applicant in writing of the reasons for refusing a permit.

D. Appeal. An applicant shall have the right to appeal in writing any condition attached to a permit, or the denial of a permit, within five working days after receipt of the determination of the director. The applicant shall appeal to the parks and recreation commission under the standards set forth in subsection (B) above, and thereafter may appeal any adverse decision to the city council.

E. Effects of Permits. A permittee shall be bound by all park rules and regulations and all applicable laws fully as though the same were inserted in such permits.

F. Liability of Permittees. The person or persons to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permit shall have been issued.

G. Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule or law or upon good cause shown.

H. Fees and Deposits. Any fees or deposits required for the use of city personnel, equipment, park areas or facilities shall be submitted with the application for permit. Required fees shall be paid in full by the applicant within thirty days prior to the proposed use or as otherwise specified in the permit. If the fees are not paid within the time allowed for payment, the permit shall be null and void. (Ord. 695 § 1(part), 1986).

**9.08.050 Rules and regulations.**

The director may establish rules and regulations as may be necessary for the proper administration and regulation of park areas or facilities. Such rules and regulations shall be approved by the city council, upon recommendation of the director and the parks and recreation commission. All persons using the park areas or facilities shall comply therewith. (Ord. 695 § 1 (part), 1986).

**9.08.060 Prohibitions generally.**

A. Dogs and Animal. No person using a park shall allow, cause, or permit any dog or other animal under such person's control to enter or remain in any park area, except guide dogs for the blind and supervised dogs at Pacchetti off-leash dog park (*NOTE: Dog Park needs fence before off-leash opportunities are allowed, Seaside*).

B. Possession or Consumption of Alcoholic Beverages.

1. No person using a park shall consume or have in his/her possession an open container of any alcoholic beverage.

2. The consumption of alcoholic beverages shall be permitted at the Oldemeyer Use Center upon prior written approval of the director. Individuals or groups seeking such approval shall comply with and be subject to the provisions of Section 9.08.040.

3. A person organizing or sponsoring an event in conjunction with the city may apply for a one-day permit to operate a beer garden at Laguna Grande Park for the sale of beer and wine. An applicant seeking issuance of a permit shall file an application with the director on a department form, not less than sixty days prior to the proposed use. The parks and recreation commission shall issue the permit in accordance with the standards set forth in Section 9.08.040 (B) of this chapter, and except as otherwise provided, the applicant shall comply with and be subject to the provisions of Section 9.08.040.

C. Firearms, Fireworks and Fires. Unless prior written authorization is obtained from the director, no person using a park shall:

1. Have brought, or have in his or her possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets, or other fireworks explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto.
2. Make or kindle a fire for any purpose except at places provided for such purpose.

D. Park Property, Buildings, Trees, Animals. Except for authorized city maintenance, construction, or pest control activities, no person using a park shall:

1. Wilfully deface, disfigure, injure or remove any building, structure, equipment, park property, or portion thereof, either real or personal;
2. Dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof, growing in any park;
3. Hunt, molest, kill, tease or throw objects at any living creature.

E. Pollution, Refuse. No person using a park shall:

1. Place in any lake or stream, by any means, any substance which will or may result in the pollution of waters;
2. Dispose of any refuse or trash, except in proper receptacles. Where receptacles are not provided, refuse or trash shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

F. Model Airplanes, Boats, Crafts. No person using a park shall fly model airplanes or operate model boats or model automobiles or model crafts of any kind or description except in areas set aside for those specific activities or by authorized permit.

G. Swimming. No person using a park shall swim, bathe, or wade in the waters of any lake or stream.

H. Picnic Areas and Use. No person using a park shall:

1. Picnic, lunch or loiter in a place which interferes with the use of active recreation areas. City park caretakers or recreation personnel shall have the authority, to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this

end. Individual fireplaces, tables and benches shall be used on the basis of "first-come, first-served" unless reserved by permit.

2. Leave a picnic area before their fire is completely extinguished and before all trash and other refuse is placed in the disposal receptacles where provided.

I. Closing Hours. No person shall use, camp, sleep, remain, occupy, be present, or loiter in any park area or facility between dusk and dawn, except when participating in city-sponsored or city authorized activities or programs.

J. Traffic, Parking, Bicycles. No person using a park shall:

1. Fail to comply with all applicable provisions of the Vehicle Code of the state of California in regard to equipment and operation of vehicles;

2. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available;

3. Ride or drive any vehicle on any area except the paved or gravel park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the city;

4. Ride a bicycle on other than a vehicular road or trail designated for that purpose. (Ord. 767 § 1, 1989; Ord. 777 § 1, 1990; Ord. 695 § 1(part), 1986). (Ord. No. 987, § 2, 2-18-2010)

9.08.070 Enforcement.

The director of community services, the chief of police, and their duly authorized employees shall enforce the provisions of this chapter, and shall have the authority to eject from park areas and facilities any person acting in violation of these rules and regulations, and to confiscate any property being used in such a manner so as to endanger persons or property. (Ord. 695 § 1(part), 1986).

## MONTEREY COUNTY – SELECT PROVISIONS

### Title 8 - ANIMAL CONTROL

#### Chapter 8.04 - GENERAL PROVISIONS AND DEFINITIONS

##### *Section 8.04.010 - Definitions.*

"At-large" means off the premises of the person owning, or having possession, charge, custody, or control of the animal. All dogs shall be deemed to be running "at large," unless:

- A. Restrained by a chain, strap or cord attached to their collars or harness, of no more than six feet in length, actually held by some person capable of exercising physical restraint, or made fast to some stationary object, or confined within a cage or other dog tight enclosure such as an electric or electronic fence; or
- B. Accompanied by a person, the dog being sufficiently trained to be reliably responsive to the recall command and control of such person; or
- C. On the property of its owner, other than on roads, lanes, alleys, streets, or ways over which other persons have a right to pass; or
- D. Hunting with licensed hunters in a lawful manner.

"Chip implant" means an injectable electronic device placed subcutaneously between the shoulder blades of dogs and/or cats. This device can be scanned for and an identification number read to assist in the licensing and/or identification process.

"Dog" means any dog (*canis familiaris*) of either sex, altered or unaltered; or any other member

"Kennel" means any lot, building, structure, enclosure or premises in which dogs or cats are kept for the purpose of boarding, sale, letting for hire, training for a fee, breeding, or maintaining two (2) or more litters of such animals per calendar year. For the purpose of this Title, the term "kennel" shall not include any duly licensed veterinary hospital, premises operated by the Society for the Prevention of Cruelty to Animals (SPCA) of Monterey County, any public pound, or County Animal Shelter.

"License tag" means a piece of metal inscribed with a number which has been issued by the County of Monterey or other official animal licensing agency.

"Owner" means any person who is the legal owner, keeper, harbinger, possessor or the actual custodian of an animal. Ownership is also established by a person registering as the owner on a license or other legal document.

"Potentially dangerous dog" means any of the following:

- A. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six (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.
- B. Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in Section 31604 of the Food and Agriculture Code.
- C. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six (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.

"Vicious dog" means any of the following:

- A. Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under Subdivision (a) of Section 597.5 of the Penal Code.
- B. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.
- C. 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 Section 31602 of the Food and Agriculture Code or is maintained in violation of Section 31641, 31642, or 31643 of the Food and Agriculture Code.

## **Chapter 8.08 - VACCINATION, VACCINATION CERTIFICATE, AND LICENSE**

Sections:

### ***8.08.010 - Vaccination.***

Dogs and cats shall be considered properly vaccinated for the purposes of this Code when injected at four months of age or older by a licensed veterinarian with an approved animal rabies vaccine. Proper vaccination procedure is in accordance with the following conditions:

- A. **Primary Immunization.** This shall be defined as the initial inoculation of an approved rabies vaccine to dogs and cats between the ages of four and twelve (12) months.
- B. **Minimum Age For Rabies Vaccination.** Four months is the minimum age for which dogs and cats shall be accepted for purposes of owner compliance with requirements for licensing.

C. Revaccination Intervals. Dogs and cats shall be revaccinated one year after the primary immunization with an approved rabies vaccine and thereafter at least once every three years. Dogs and cats receiving their initial rabies vaccination over twelve (12) months of age shall be revaccinated at least once every three years thereafter.

**8.08.020 - Vaccination certificate.**

A. The veterinarian vaccinating the dog or cat shall issue the owner or person in possession of the said dog or cat, a rabies vaccination certificate which shall include:

1. The owner's name, address, and telephone number.
2. The animal's name, breed, color, age and sex (specify if animal has been spayed/neutered).
3. The date of immunization.
4. The manufacturer and type of rabies vaccine administered.
5. The lot number of the vaccine used, if one is issued.
6. The tag number if one is issued.

B. The veterinarian issuing rabies vaccination certificates for dogs shall maintain one copy of each vaccination certificate issued and shall provide to the Director of Health on a monthly basis a duplicate copy of each vaccination certificate so issued.

C. The veterinarian issuing rabies vaccination certificates for cats shall maintain one copy of each vaccination certificate issued and shall provide to the Director of Health no later than January 31st each year the number of cats vaccinated during the preceding calendar year, together with an estimate of the percentage of the veterinarian's feline clients that have been vaccinated for rabies as of December 31st of the preceding calendar year.

**8.08.030 - Licensing.**

Any person owning, keeping, harboring or having custody of any dog four months of age or over within the unincorporated area of the County shall obtain a license as provided in this Chapter and after paying such fees as the Board of Supervisors may establish by resolution. Any person owning, keeping, harboring, or having custody of any cat four months of age or over within the unincorporated area of the County may obtain a license as provided in this Chapter and after paying such fees as the Board of Supervisors may establish by resolution.

A. Written application for licenses, which shall include the name and address of applicant, description of the animal, sex, color and breed of the animal, the appropriate fee, and a current valid rabies vaccination certificate issued by a licensed veterinarian, shall be made to the Animal Control Officer. The vaccination certificate must not expire before the period for which the license is issued. The licensing authority shall not issue a license for a spayed female or neutered male without written evidence of the fact of spaying or neutering.

B. The person to whom the license is to be issued may choose a license period ranging from one to thirty-six (36) months. The license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

C. Application for a license must be made by the owner within thirty (30) days after a dog reaches four months of age or within thirty (30) days of obtaining a dog which is four months of age or over. This requirement does not apply to a nonresident keeping a dog within the unincorporated area of the County for not longer than thirty (30) days and does not apply to any dog brought to the County of Monterey exclusively for the purpose of entering the dog in a dog show or a dog exhibition provided such dogs are not permitted to run at large.

D. Any dog owned by a person moving into the unincorporated area of the County of Monterey that has been currently licensed by any one of the cities within the County while that person was a resident of one of the cities within the County shall be considered to have a valid license for the unincorporated area of the County provided a license tag is attached to the dog's collar or harness or the dog has an injectable chip and further provided the dog has been vaccinated with an anti-rabies vaccine of a type approved by the State Department of Health Services that will not expire before the license expires. Upon expiration of a license issued from a city within Monterey County, the legal owner shall have thirty (30) days to secure a license from Monterey County. Any dog owned or possessed by a person moving into an unincorporated area of the County of Monterey from any area outside the County of Monterey must license such dog with the County of Monterey within thirty (30) days after moving into such unincorporated area.

E. The owner of a certified seeing eye dog or hearing dog, or any other certified dog that is trained to assist the handicapped or police dogs used in the course and scope of their employment by peace officers whether owned by a governmental agency or an individual peace officer, shall not be required to pay any fee for license for such dog. Each such dog, however, must be licensed and vaccinated. The license fee exception shall not apply to guard dogs and sentry dogs not used by peace officers in the course and scope of their employment.

F. Upon acceptance of the license application and fee, if required, the Animal Control Officer shall issue a license tag stamped with an identifying number. Tags should be designed so

that they may be conveniently fastened to the dog or cat's collar or harness. A dog or cat must have a current rabies vaccination for a license to be valid. No license will be issued for any period not covered by a valid rabies vaccination.

G. The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times during normal working hours.

H. The maximum license period shall be determined by the date the current rabies vaccination expires. A license application may be made thirty (30) days prior to the expiration of a current license or a current rabies vaccination period, whichever comes first. A dog or cat owner may license such animal for up to thirty-six (36) months provided the rabies vaccination will be current for the entire period. Persons applying for a license shall pay the fee established at Section 8.52.010 of this Title. This license fee shall not be refundable or transferable. The license fee for spayed female animals and neutered male animals shall not exceed fifty (50) percent of the license fee otherwise imposed.

I. Owners who fail to obtain a license within time periods set forth herein or who fail to renew a license within thirty (30) days after the expiration of a prior license shall pay a late fee in an amount set forth at Section 8.52.010 of this Title.

J. An owner may obtain a duplicate license tag to replace one lost or mutilated upon the payment of such replacement fee as set forth at Section 8.52.010 of this Title.

K. No person shall attach or fasten any license tag to an animal other than the animal for which it was issued or otherwise represent that the license tag is for the animal other than the animal for which it was issued.

L. The Animal Control Officer shall keep a register wherein shall be kept the name and address of the owner to whom the tag was issued, a description of the dog or cat, the number of the tag issued and the date thereof.

***8.08.040 - License tag attached required.***

Dogs shall wear a license tag with or without a chip implant at all times. Licensed cats should wear a license tag or chip implant at all times. License tags must be secured from the Animal Control Officer or his or her designee. The tag shall be attached at all times to a collar, harness or other suitable device upon the dog for which the license tag was issued. Dogs or cats completely maintained in an enclosed kennel run or cage environment do not need to wear the tag, however, it shall be necessary that it be available for inspection, at all times.

## **Chapter 8.20 - DOGS RUNNING AT LARGE**

Sections:

### ***8.20.010 - Prohibited.***

A. It is unlawful for any person owning or having charge, care or control of any dog, whether licensed or not, to allow or permit any such dog to be at-large within the unincorporated territory of the County of Monterey. A violation of this Subsection shall be an infraction.

B. If a dog is at-large in violation of Subsection A and during that incident the offending dog enters upon any property whereon livestock are kept and are accessible to such dog is at-large, then such violation shall be a misdemeanor.

C. If a dog is at-large in violation of Subsection B and during that incident the offending dog injures or kills any livestock, then upon conviction of such offense, the court may order the person so convicted to make full restitution to the owner of the livestock in the amount of the loss proximately caused by the dog during such violation, in addition to any other punishment or fine imposed by the court.

### ***8.20.020 - Dogs under four months of age.***

All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the owner, keeper, or harbinger. Nothing in this Title shall be construed to prevent the sale or transportation of a puppy or kitten four months old or younger.

### ***8.20.030 - Female dogs and cats in season (estrus).***

Dog and cat owners shall securely confine their female dogs and cats while in season (estrus) within an appropriate enclosure so as to prevent their escape or access to them resulting in accidental breeding.

## **Chapter 8.24 - POTENTIALLY DANGEROUS AND VICIOUS DOGS**

Sections:

### ***8.24.010 - Legislative purpose and intent.***

The State of California has enacted comprehensive laws which are set forth in Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agriculture Code and which counties are authorized to incorporate in their local program to control potentially dangerous or vicious dogs.

Section 31621 of the Food and Agriculture Code authorizes counties to establish an administrative hearing procedure to hear and dispose of petitions filed pursuant to Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agriculture Code.

The County of Monterey hereby incorporates the provisions of Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agriculture Code in the County's program to control potentially dangerous or vicious dogs and establishes in this Chapter an administrative hearing procedure to hear and dispose of petitions filed pursuant to Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agriculture Code.

***8.24.020 - Administrative hearing.***

A. 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 chief officer of the animal control department or his or her immediate supervisor or the head of the local law enforcement agency, or his or her designee, shall petition Health Department for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious.

B. The Director of Health shall appoint a hearing officer to conduct an administrative hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious. The hearing officer may be appointed from an outside agency or from within the Health Department, if the hearing officer is not the same person who directed the seizure or impoundment of the dog and is senior to the person who directed the seizure or impoundment of the dog.

***8.24.030 - Conduct of hearing.***

Except as set forth in this Chapter, all requirements for the form and content of the petition and procedures for notice and conduct of the hearing set forth in Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agriculture Code shall be applicable to the administrative hearing conducted pursuant to this Chapter.

The hearing may be continued from time to time by mutual consent of the parties for not more than thirty (30) days from the date the original hearing was scheduled.

The hearing shall be open to the public.

Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. No finding or determination that a dog is potentially dangerous or vicious shall be based solely upon hearsay evidence.

If the hearing officer determines that the dog in question is potentially dangerous or vicious, the hearing officer shall also determine whether the release of the dog would create a significant threat to the public health, safety, and welfare.

The decision of the hearing officer shall be based upon a preponderance of evidence and shall set forth in writing the findings, conclusion, and determination of the hearing officer. In addition, the hearing officer may make such other orders that are authorized by Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agriculture Code and may impose such other conditions that are reasonable and necessary to protect the public health, safety, and welfare.

#### **8.24.040 - Costs.**

In the event that the hearing officer determines that the dog in question is potentially dangerous or vicious, the owner shall be liable for the following costs and expenses:

Costs of seizure and impoundment of the dog;

Costs of investigation;

Costs of the hearing and hearing officer;

Reasonable attorney's fees; and

Costs of monitoring compliance.

If the hearing officer determines that the dog in question is potentially dangerous or vicious but not subject to destruction, the dog shall not be released until the costs set forth in this Section have been paid in full. If such costs have not been paid within fourteen (14) days after the date of mailing or delivery of the hearing officer's decision, the Director of Health may order disposition of the animal in any manner provided by law.

If the hearing officer determines that the dog in question is not potentially dangerous or vicious, the owner shall not be liable for any of the costs set forth in this Section.

### **Chapter 8.28 - IMPOUNDMENT**

Sections:

#### **8.28.010 - Impoundment required for dogs running-at-large.**

It shall be the duty of the Animal Control Officer to, and any peace officer may, seize and impound any dog found at-large in violation of this Title within the unincorporated area of the County of Monterey. Any person may impound a stray dog provided such persons has

reasonable cause to believe that said dog's health, safety or well being is endangered and the person files a report about said animal with the Monterey County Animal Control Program within twenty-four (24) hours of said impoundment.

**8.28.020 - Citation when animal returns home.**

Notwithstanding the provisions of Section 8.28.010, the Animal Control Officer or any peace officer shall not seize or impound for an at-large dog that has strayed from, but has subsequently returned to the private property of its owner or the person who has right to control the dog, but in such case a citation may be issued; provided, however, that if in such situation the owner or person who has the right to control the dog is not at home, the dog may be impounded, but the Animal Control Officer or peace officer shall post a notice of such impounding on the front door of the living unit of the owner or person who has right to control the dog. Such notice shall state the following:

1. That the dog has been impounded;
2. Where the dog is being held;
3. The name, address, and telephone number of the agency or person to be contacted regarding release of the dog;
4. An indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has right to control the dog.

**Chapter 8.36 - NUISANCE AND NUISANCE ANIMALS**

Sections:

**8.36.010 - Unnecessary noise.**

It shall be unlawful for any person to keep, maintain, or permit on any lot or parcel of land, any dogs, cats, household pets, or any other animal which by any sound or cry shall disturb the peace and comfort of any neighborhood.

**8.36.030 - Dog feces.**

It shall be unlawful for the owner or person having custody of any dog, either willfully or through failure to exercise due care or control, to allow said dog to defecate and to allow the feces thereafter to remain on any public or private property not owned or possessed by the owner or the person who has custody, control, or possession of the dog.

## Chapter 14.12 - COUNTY PARKS

### Section 14.12.110 - Pets.

- A. The Parks Department shall refuse to admit into a County park any person who proposes to enter with a dog, unless such person can exhibit either a current license or a certificate of rabies inoculation of the dog. Upon presentation of either such license or such certificate, the Department is directed to register such dog and to collect a fee for its admission. Upon payment thereof, the Department shall give the dog owner or custodian a copy of the pet regulations established by this Chapter.
- B. The Department shall refuse to issue a camping permit when it appears that there will be more than two dogs per campsite.
- C. The Parks Department may refuse to admit to any County park any person who possesses:
1. A pet that appears to be dangerous; or
  2. More than two pets per vehicle; or
  3. A pet which, in the judgment of the Parks Department, is likely to disturb unreasonably other persons in such park.
- D. No person shall, within a County park:
1. Allow any dog or other pet in his or her custody to run unrestrained or upon a secure leash over seven feet long, or to be upon any beach, trail, or other public assembly area posted by the Parks Department;
  2. Allow any dog or other pet in his or her custody to molest or annoy any person;
  3. Allow any dog or other pet in his or her custody to be or remain tied up and left unattended outside of a tent, trailer, or vehicle in a camp area or day-use area during daylight hours;
  4. Allow any dog or other pet in his or her custody to be or remain tied up at night outside of a tent, trailer, or vehicle in a camp area;
  5. Abandon in the park any animal in his or her custody.

## DEL REY OAKS – SELECT PROVISIONS

### Chapter 6.08 - DOGS

#### **6.08.010 License-Vaccination Confinement required**

A. Every person owning or having charge, care or control over any dog shall, after his dog attains the age of four months, annually secure from the city clerk of the city, a license and tag for said dog. Said tag shall be attached to a collar or harness upon such dog and during the term of said license shall remain so attached.

B. Every person owning or having charge, care or control over any dog shall, immediately after his dog attains the age of four months and at intervals of not more than twenty-four (24) months thereafter secure the vaccination of said dog by a licensed veterinarian with a canine antirabies vaccine of a type approved by the State Department of Public Health.

C. All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the person owning or having charge, care or control of said dog; provided, however, that this subsection shall not be construed to prevent the sale or transportation of a puppy four months old or younger. (prior code § 8-301)

#### **6.08.020 License due dates**

All licenses shall be due on the first day of May of each year and delinquent on the first day of June of each year, except as hereinafter provided. Each application shall state the age, sex, color and breed of the dog for which the license is desired and the name and address of the Owner. (prior code§ 8-303)

#### **6.08.030 Licensing procedure.**

A. Any person owning, keeping, harboring or having custody of any dog four months of age or over within the city shall obtain a license as provided in this section and after paying such fees as the city council may establish by resolution.

B. Written application for licenses, which shall include the name and address of applicant, description of the animal, sex, color and breed of the animal, the appropriate fee and a current valid rabies vaccination certified issued by a licensed veterinarian, shall be made to animal control or designee. The vaccination certificate must not expire before the period for which the license is issued. The licensing authority shall not issue for a spayed female or neutered male without written evidence of the fact of spaying or neutering.

C. The person to whom the license is to be issued may choose a license period ranging from one to twenty-four (24) months. The license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

D. Application for a license must be made by the owner within thirty (30) days after a dog reaches four months of age or within thirty (30) days of obtaining a dog which is four months of age or over.

E. The maximum license period shall be determined by the date the current rabies vaccination expires. A license application may be made thirty (30) days prior to the expiration of a current license or a current rabies vaccination period, whichever comes first. A dog owner may license such animal for up to thirty-six (36) months provided the rabies vaccination will be current for the entire period. Persons applying for a license shall pay the fee established by resolution.

This license fee shall not be refundable or transferable. The license fee for spayed female animals and neutered male animals shall not exceed fifty (50) percent of the license fee otherwise imposed.

F. Owners who fail to obtain a license within time periods set forth herein or who fail to renew a license within thirty (30) days after the expiration of a prior license shall pay a late fee in an amount set forth by resolution. (Ord. 233 § 7, 1995; Ord. 229 § 1, 1994: prior code § 8-304)

#### **6.08.040 Lost tags.**

In the event any tag issued hereunder is lost, destroyed or mutilated, the owner of the dog for whom it was issued may obtain a duplicate thereof upon the payment of the fee set by the city council by resolution. (Ord. 229 § 2, 1994; prior code § 8-305)

### **MONTEREY PENINSULA REGIONAL PARK DISTRICT – SELECT PROVISIONS**

The Regional Park District manages the Frog Pond Wetland Reserve in Del Rey Oaks and other properties such as Garland Ranch Regional Park, Marina Dunes Preserve and Palo Corona Regional Park.

**Section 701. Dogs, Animals.** No person shall bring or allow any dog or other pet onto District lands unless said animal is on a leash not over seven (7) feet long, or under immediate voice command of a person, or confined in a vehicle. No person who brings a dog or other pet onto District lands shall allow said animal to molest or annoy any park user or other animal or wildlife on District lands.

**Section 702. Abandoned Animals.** No person shall abandon a dog, cat, fish, fowl, or other animal on District lands.