

**ORDINANCE NO. 669**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
AMENDING TITLE 7 (ANIMALS) OF THE MORRO BAY MUNICIPAL CODE TO  
ADOPT AND INCORPORATE BY REFERENCE SAN LUIS OBISPO COUNTY CODE  
TITLE 9 (ANIMALS) AND TO RETAIN CERTAIN CITY REQUIREMENTS REGARDING  
ANIMALS AND FINDING THE ACTION NOT SUBJECT TO CEQA**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City of Morro Bay, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

**WHEREAS**, Title 7 of the Morro Bay Municipal Code currently sets forth the animal control regulations applicable within the City; and

**WHEREAS**, the Division of Animal Services (“Division”) for the County of San Luis Obispo (“County”) was established to provide animal care and control functions relating to the care, keeping, and management of animals within the County; and

**WHEREAS**, the City contracts with the Division for the provision of animal control services within the City and the Division works in conjunction with the City’s Police Department and other City personnel to administer such services within the City’s boundaries; and

**WHEREAS**, in 2024, the County updated Title 9 of its Municipal Code to enhance animal control regulations, including amendments to licensing requirements, public safety standards, and enforcement measures; and

**WHEREAS**, the City has reviewed these updates and now seeks to amend Title 7 of the Morro Bay Municipal Code to substantially incorporate Title 9 of the San Luis Obispo County Code to ensure alignment with regional animal control standards and maintain the Division’s jurisdiction for services within the City while tailoring certain provisions to address the specific needs of the City, as set forth in the proposed Ordinance attached hereto as Exhibit “A”; and

**WHEREAS**, any and all other legal prerequisites relating to adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA FINDS AND ORDAINS AS FOLLOWS:**

**SECTION 1. Recitals.** The City Council hereby finds that the foregoing recitals set forth above are all true and correct and are incorporated herein by this reference.

**SECTION 2. Municipal Code Amendments.** The City Council desires to adopt the proposed Ordinance, attached hereto as Exhibit “A” and incorporated herein by this reference, amending Title 7 (Animal) of the Morro Bay Municipal Code in its entirety.

**SECTION 3. Compliance with the California Environmental Quality Act (CEQA).** This interim ordinance is not subject to CEQA (Public Resources Code Section 21000 et seq.) pursuant to CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) Section

15060(c)(2) [activity will not result in a direct or reasonably foreseeable indirect physical change in the environment]. Additionally or alternatively, this interim ordinance is exempt from CEQA under CEQA Guidelines Sections 15061(b)(3) [it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment], 15307 [Class 7, categorical exemption for regulatory activity to assure the protection of natural resources], and 15308 [Class 8, categorical exemption for regulatory activity to assure the protection of natural resources]. Further, this interim ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) because it prevents a clear and imminent danger that requires immediate action to prevent or mitigate the loss of, or damage to, life, health, property, and essential public services.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 5. Effective Date.** This ordinance shall be in full force and effect thirty (30) days after its passage.

**SECTION 6. Certification.** The City Clerk shall certify as to the passage and adoption of this ordinance, and the City Clerk shall cause the same to be posted and codified in the manner required by law.

**INTRODUCED** at a regular meeting of the City Council held on the 11<sup>th</sup> day of February 2025, by motion of Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**PASSED AND ADOPTED** on the \_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:

\_\_\_\_\_  
CARLA WIXOM, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT W. SCHULTZ, Interim City Attorney

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO )  
CITY OF MORRO BAY )

I, Dana Swanson, CITY CLERK FOR THE CITY OF MORRO BAY, HEREBY CERTIFY the foregoing Ordinance Number 669 was duly adopted by the City Council of the City Council of the City Morro Bay at a regular meeting of said Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2025 and that it was so adopted on by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
DANA SWANSON, City Clerk

# EXHIBIT "A"

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## Title 7 ANIMALS\*

### Chapters:

### Chapter 7.04 GENERAL PROVISIONS

### Sections:

#### 7.04.010 Adoption and incorporation of San Luis Obispo County Animal Control Code (Title 9).

The provisions of San Luis Obispo County Animal Control Code, Title 9, as amended from time to time, are adopted by reference and incorporated in their entirety as equivalent provisions of the Morro Bay Municipal Code. To the extent any provision or provisions of the San Luis Obispo County Animal Control Code, Title 9, as adopted, conflict with any other provision or provisions of the Morro Bay City Municipal Code, the other provision or provisions of the Morro Bay Municipal Code shall take precedence.

#### ~~7.04.010 Establishment of a public pound.~~

~~A public pound is authorized and established at such place in San Luis Obispo County as shall be fixed from time to time by the board of supervisors. The public pound, or any authorized branches thereof, shall provide living animals with necessary and prompt veterinary care, nutrition, shelter, and humane treatment. Failure to perform these duties may result in the pound being liable for civil damages as provided by law.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### 7.04.015 Policy of adoption.

- A. It is the policy of the city that no adoptable animal should be euthanized if it can be adopted into a suitable home. Adoptable animals include only those animals eight weeks of age or older that, at, or subsequent to the time the animal is impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury, or congenital or hereditary conditions that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future.
- B. It is the policy of the city that no treatable animal should be euthanized. A treatable animal shall include any animal that is not adoptable but that could become adoptable with reasonable efforts. This subdivision, by itself, shall not be the basis of liability for damages regarding euthanasia.
- C. Animals that are irremediably suffering from a serious illness or severe injury shall not be held for owner redemption or adoption. Newborn animals that need maternal care and have been impounded without their mother may be euthanized without being held for owner redemption or adoption.

(Ord. 480 (part), 2000)

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**7.04.020 Animal control officer—Duties. 7.04.020 Enforcement of Animal Control provisions within City**

The provisions of this Title are enforceable within the jurisdictional boundaries of the City of Morro Bay by the San Luis Obispo County Division of Animal Services and County of San Luis Obispo Animal Control Officer, or designee, pursuant to and in accordance with the terms of a contract for animal care and control services entered into between the City and the County, and by City Code Enforcement and the City Police Department.

~~There shall be in this county, a chief animal control officer subject to the direction and supervisory control of the county sheriff. The division of animal services shall function as a division of the sheriff's office. It shall be the duty of the chief animal control officer and any duly authorized staff and employees to carry out the provisions of this title, and all applicable statutes of the state and to be in charge of the public pound hereby authorized and established.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

**7.04.030 Animal control officer—Citation authority—Authorized to carry weapons.**

~~A. —The chief animal control officer and any duly authorized officers shall have the power to issue citations pursuant to Section 7.04.020 of this code.~~

~~B. —Animal control officers, when acting in the course and scope of their duties, may, at the discretion of the sheriff, be authorized to carry on their person, or in county vehicles, loaded firearms or weapons of the type approved by the sheriff. Each officer shall qualify under California Penal Code Section 832 in the use of firearms.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

**7.04.040 Badges/Uniforms—Impersonating animal control officer.**

~~A. —The sheriff shall authorize a distinctive, identifying badge and uniform for the chief animal control officer and any duly appointed animal control officers to wear while they are engaged in the performance of their duties pursuant to this title.~~

~~B. —Any person who falsely represents himself or herself to be an employee of the division of animal services or falsely attempts to perform an act as an animal control officer shall be guilty of a misdemeanor.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

**7.04.050 Records of division.**

~~A. —The division shall keep a record of the number, description and disposition of all dogs, cats and household pets impounded, showing in detail in the case of each, the date of receipt, the date and manner of disposal, the name of the person reclaiming, redeeming or receiving such dogs, cats or household pets, the reason for destruction and any such additional records as the city council may from time to time feel necessary.~~

~~B. —The chief animal control officer shall forward a quarterly report to the chief of police of actions, transactions and operations taken by the division within the city.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

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#### **7.04.065 Fees.**

- A. ~~Whenever fees are to be charged by the division of animal services these fees shall be set annually by ordinance of the county board of supervisors.~~
- B. ~~The division shall charge a fee at the time an impounded animal is redeemed by its owner or person having custody or may charge these fees at such time that an unclaimed animal is adopted.~~
- C. ~~A fee, including a penalty fee, may be waived at the discretion of the sheriff. Such waiver shall be based upon a determination of the sheriff that it is in the interests of justice or that payments will impose an undue financial hardship upon the owner.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### **7.04.070 Unnecessary noise—Unsanitary conditions.**

~~It is unlawful for any person to keep, maintain, or permit on any lot or parcel of land, any dogs, cats, poultry, fowl or household pets, which by any sound or cry shall disturb the peace and comfort of any neighborhood, nor shall any person keep upon any lot or parcel of land, any animal(s), poultry, fowl, or household pets, in a foul, obnoxious, filthy or unsanitary condition.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### **7.04.080 Noise/nuisance abatement.**

~~Whenever it shall be affirmed in writing by three or more persons living in separate dwelling units in the neighborhood that any dog, cat, animal, poultry, fowl, or household pet is an habitual nuisance by reason of frequent, persistent, or long continued howling, barking, or other noise, or is in any other manner causing undue annoyance, by reason of chronic leash law violations or unsanitary conditions, that shall constitute a public nuisance, the division, through an investigation including, but not limited to, observation of the animal, interviews with the animal's owner, the complainants, neighbors and other interested parties make a determination whether a public nuisance exists. If the division finds such public nuisance to exist, it shall serve written notice upon the owner or custodian of the animal(s) that the public nuisance shall be abated or the owner or custodian of the animal(s) may contest the abatement order in writing or in person within ten days of receipt of the abatement order by requesting a hearing on the allegations.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### **7.04.085 Nuisance abatement hearing—Procedures and findings.**

- A. Upon receipt of a request for a hearing from the owner of an animal(s) referred to under a ~~n~~ nuisance abatement order issued ~~pursuant to Section 7.04.080, by the San Luis Obispo County Division of Animal Services, ("division")~~ the division shall appoint a hearing officer from within the division with the exception that the employee appointed as the hearing officer is not the same person who conducted the original nuisance abatement investigation that resulted in the issuance of the abatement order and is not junior in rank to that person. At the discretion of the division, the services of a hearing officer from outside the division may also be appointed by the chief animal control officer.
- B. The hearing officer shall then schedule a hearing and serve notice of the hearing, with at least ten days notice, upon the owner of the animal(s). The hearing notice shall be in writing and contain the date, time and location of the hearing and be served upon the owner of the animal(s), the complainants and to any other

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interested parties who request such a notice. The notice shall be served by personal delivery or by depositing a copy in the United States mail, addressed to the person to be served. The notice shall also include a copy of the original complaint, the original abatement order and a copy of this section.

- C. In conducting the hearing, the hearing officer shall not be bound by the strict rules of evidence as applied in judicial proceedings, however, the hearing officer shall observe the substance of those rules to insure that reasonably competent and reliable evidence is presented upon which a decision can be based concerning the existence or nonexistence of the public nuisance. The hearing officer shall accept oral and documentary evidence to issues in the public nuisance abatement offered by any interested person.
- D. Within ten days upon completion of the hearing, the hearing officer shall make written findings upholding or dismissing the original abatement order. The San Luis Obispo County Division of Animal Services (“division”) shall promptly serve the owner of the animal(s) with the findings of the hearing officer by personal delivery or by depositing a copy in the United States mail. If the hearing officer determines that the public nuisance exists, the division shall issue an order setting forth what actions are reasonably necessary in order to abate the public nuisance and shall require the affected owner to take all steps required to comply with the order.
- E. An order issued by the San Luis Obispo County Division of Animal Services (“division”) pursuant to the findings of the hearing officer shall be final and conclusive. The division shall take action regarding the failure of an animal owner to comply with the post-hearing order, including, but not limited to, forwarding the information to the city attorney for prosecution pursuant to Section 7.04.145 and obtaining a judicial order for the enforcement of the abatement order. In the event that litigation is reasonably required to obtain compliance with a post-hearing order, the owner who has failed to comply with the order shall pay to the city all costs incurred, including, but not limited to, reasonable attorneys' fees.

(Ord. 480 (part), 2000)

#### ~~7.04.090 Owner's responsibility to dispose of dead animals.~~

~~It is unlawful for any owner or person who, having had the possession or control of any dog, cat or household pet that has died to place the body of any dog, cat or household pet after its death, or cause to permit it to be placed, or to knowingly allow or permit it to remain, in or upon any public road, highway, street, alley, square, park, school ground, or other public place, or in or upon any lot, premises, or property of another.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### ~~7.04.100 Division disposal of dead animals.~~

~~It shall be the duty of the division upon the request of any owner of any dead dog, cat or household pet which was kept or maintained in the city immediately prior to its death, or upon the request of any person or persons discovering a dead dog, cat or household pet upon his premises or upon any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any public lot or premises, to immediately bury or dispose of the animal in such manner as may be prescribed by law. The division may charge and collect fees for the transportation and disposal of the dog, cat or household pet from the owner or person having had possession or control of the animal if same can be ascertained.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### ~~7.04.110 Definitions.~~

~~For the purposes of this title the following words shall have the meanings given to them in this section.~~

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- A. — "Altered" for a female animal means having had the ovaries and uterus surgically removed; an ovariectomy. "Altered" for a male animal means having had the testicles surgically removed.
- B. — "Animal" means and includes, but is not limited to birds, fishes, reptiles, and nonhuman mammals.
- C. — "Animal use operation" means any commercial, noncommercial or hobby breeder operation as further described in this title.
- D. — "At large" means being on any private property without permission of the person who owns or has a right to possess or use the property; or unrestrained by a leash on either public property unless expressly permitted by law, or private property open to the public; or in any place or manner which presents substantial risk of imminent interference with animal or public health, safety or welfare.
- E. — "Board of supervisors" means the San Luis Obispo County board of supervisors.
- F. — "Business day" means any day that the division is open to the public as determined by the board of supervisors.
- G. — "Cat" means a *Felis catus* of either sex, altered or unaltered.
- H. — "Commercial animal use operation" means any lot, building, structure, enclosure or premises whereon or wherein animals are kept or maintained for any commercial purpose, such as breeding, selling, advertising for sale, boarding or rental of animals, or use essential to management of an agricultural business; provided, that if more than one species of animal is kept for sale, barter or trade, the classification shall be that of a pet shop; and provided further, this definition of commercial animal operation shall not be construed as applying to a duly licensed veterinary hospital or any public pound. The operation must be consistent with current zoning.
- I. — "County" means the county of San Luis Obispo.
- J. — "County animal shelter" means a premises selected by the director of animal services as a suitable facility for the requirements of this title.
- K. — "Division" means the division of animal services, the chief animal control officer and/or any duly authorized representative(s).
- L. — "Dog" means a *Canis familiaris* of either sex, altered or unaltered, or any other member of the *Canis* genus if owned, kept or harbored.
- M. — "Dog license" means a properly completed certification issued by the county, including the dog owner's name, address, telephone number, the dog's name and description, including breed, color, sex, year of birth, rabies vaccination date, rabies expiration date, license tag number and expiration date.
- N. — "Hobby breeder operation" means any lot, building, structure, enclosure, or premises whereon or wherein a person is offering for sale, barter or trade, household pets in a manner that is accessory to residential use. A person is considered to be operating a hobby breeder operation when:
1. — Offspring from any female is being offered for sale in an amount in excess of fifty dollars per animal; or
  2. — The owner is offering more than one litter for sale, barter or trade in a calendar year; or
  3. — The owner is offering for sale, barter or trade, more than one household pet of a species that bears a single offspring in one calendar year.
- O. — "Household pets" means, but is not limited to, cats, dogs, canaries, parrots, fish, hamsters, rabbits, turtles, lizards, snakes, and other kindred animals usually and ordinarily kept as household pets.
- P. — "Leash" means any rope, leather strap, chain, or other material, being held in the hand of a person capable of controlling the animal to which it is attached.

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- Q. ~~"License tag" means a piece of metal or other durable material inscribed with a number which has been issued by the county as the licensing agency.~~
- R. ~~"Livestock" means horses, ponies, mules, donkeys, cattle, sheep, goats, swine and all other domestic or domesticated animals other than household pets.~~
- S. ~~"Noncommercial animal operation" means any lot, building, structure, enclosure, or premises whereon or wherein four or more dogs or cats are kept for noncommercial use, including, but not limited to, hunting or herding livestock.~~
- T. ~~"Owner" means any person who is legal owner, keeper, harbinger, possessor or the actual custodian of an animal. Ownership is also established by a person registering as the owner of a license or other legal document or by a person claiming ownership and taking possession of an animal.~~
- U. ~~"Pet shop" means any lot, building, structure, enclosure or premises whereon or wherein is carried on the business of buying and selling or bartering household pets. This definition shall not be construed as applying to the business or activities of any public pound. The operation must be consistent with current zoning.~~
- V. ~~"Sheriff" means the San Luis Obispo County sheriff or his appointed agents or deputies.~~

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

#### **~~7.04.120 Animal use operation, pet shop—Division regulations.~~**

~~It is unlawful for any person, firm, corporation or association to erect, establish or maintain any animal use operation, commercial, noncommercial, hobby breeder or pet shop, as defined in this title, without first obtaining the appropriate permit from the division. The granting of such permit shall be at the discretion of the division which shall take into consideration the type of construction to be employed as it relates to sanitation, and the manner in which the animals, birds, or livestock are to be housed, as well as such zoning regulations or regulations concerning the operations of commercial, noncommercial, hobby breeder or pet shops as may be adopted by the city council from time to time. The permit will be for a calendar year, with a permit fee due and payable on January 1st of each year.~~

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

#### **~~7.04.125 Animal use operation, pet shops—Business license required.~~**

~~With the exception of dogs whose use is essential to management of an agricultural business, it is unlawful for any person, firm, corporation or association to erect, establish or maintain any commercial animal use facilities or pet shop, without first obtaining a business license from the city. After approval by the division of the permit that is required by this chapter, the city, upon payment of the required annual business license fee for the privilege of maintaining such commercial animal use facilities or pet shop, shall issue to the applicant a license in such form as may be prescribed. Such annual business license shall be for the fiscal year, or any part of it, during which the commercial animal use operation or pet shop shall be maintained, and shall be due and payable on July 1st of each year, and shall expire June 30th of the following year, provided the above mentioned division permit has not been revoked. Every person, firm or corporation maintaining a commercial animal use operation or pet shop shall post a notice in a conspicuous place where it may be seen outside the locked premises, listing names, addresses and telephone numbers of persons who may be contacted in case of an emergency.~~

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

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### 7.04.130 Permit refusal, suspension.

- ~~A. — The permit for the maintenance and operation of an animal use facility, commercial, hobby breeder, or pet shop shall be refused by the division upon a determination that a violation exists of the provisions of any health law of the state, or any of the applicable provisions of this title.~~
- ~~B. — The permit may be immediately suspended by the division for violation of any provision of this title when, in the director's opinion, the danger to public health or safety, or when necessary to assure humane care and treatment of the animals under permit, is so imminent, immediate and threatening as not to admit of delay. In the event of such suspension, the holder shall be given an opportunity for an office hearing before an impartial hearing officer from outside the division, within forty eight hours of the time of suspension. Upon conclusion of the office hearing, the hearing officer may decide to:~~
- ~~1. — Dismiss the charges and reinstate the permit; or~~
  - ~~2. — Reinstate the permit conditioned upon correction of the violation; or~~
  - ~~3. — Revoke the permit.~~
- ~~C. — If, in the opinion of the division, the danger to public health is not so imminent, immediate and threatening, as to admit of delay, the division shall send a notice of violation to the permittee and seek to achieve compliance informally by means of a correction schedule and reasonable inspections. If, as a result of subsequent inspections, it is determined that the permittee has failed to comply with the schedule and correct the noticed deficiencies, the division shall send a notice to the permittee advising the permittee of the remaining deficiencies and the convening of an office hearing in accordance with the procedures and guidelines as outlined in this section.~~
- ~~D. — All office hearings referred to in this section shall be conducted in accordance with administrative procedures adopted by the division. The applicant or permittee may call and examine witnesses, and may rebut evidence against him/her. The hearing shall not be conducted according to technical rules relating to procedure, evidence or witnesses. The division shall ensure that an informal record of the proceedings is maintained.~~
- ~~EA. Whenever the issuance of a permit is refused, or a permit is revoked and the required office hearing has been held, the applicant or permittee may appeal the action to the city council within ten days. The clerk shall set the matter for hearing at the earliest possible date and shall give reasonable notice of the time and place of the hearing to the applicant or permittee and to the [San Luis Obispo County Division of Animal Services](#) ("division"). The city council, or its designee, shall hear the evidence offered by the applicant or permittee and the division, and shall forthwith decide the issue. The decision of the city council or its designee, shall be final.~~

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### 7.04.140 Interference with animal control officer.

~~It is unlawful for any person to hinder or obstruct the chief animal control officer or any duly appointed staff or employees in the exercise of their duties. Any person who violates this section is guilty of a misdemeanor.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

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#### **~~7.04.145 Violation of written order.~~**

~~Any person who after notice, violates, or who upon the demand of the division, refuses or neglects to conform to any written rule, order, or regulation prescribed by the division, is guilty of an infraction.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### **7.04.150 Impoundment of sick/disabled animals—Post and pre seizure hearings.**

- A. Every owner, driver, keeper, or person in control of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot in the city without proper care and attention is guilty of a misdemeanor.
- B. Any peace officer or any animal control officer duly appointed by the [San Luis Obispo County Division of Animal Services](#) (“division”) may take charge of any sick, disabled, injured or crippled animal or any animal that by reason of lameness, sickness, feebleness, or neglect, is unfit for the work it is performing, or that in any other manner is being cruelly treated or neglected, and provide care and treatment for the animal until it is deemed suitable for return to the owner or if the owner is convicted of a violation of California Penal Code Section 597.1, the animal(s) shall be adjudged by the court forfeited and the division shall place the animal up for adoption or other disposition pursuant to this chapter.
- C. Whenever an animal is immediately impounded pursuant to this section or the [San Luis Obispo County Division of Animal Services](#) (“division”) commences to proceed with criminal charges against the owner or person in charge of an animal for violation of this section and seeks the nonimmediate impoundment of any animal under the control of same, the division shall provide notice and the appropriate pre seizure or post seizure hearing to the owner or person in charge of the animal pursuant to California Penal Code Section 597.1.
- D. A person convicted of a violation of this section or of California Penal Code Section 597.1 shall be personally liable to the seizing agency and the [San Luis Obispo County Division of Animal Services](#) (“division”) for all costs of impoundment from the time of seizure to the time of proper disposition.

(Ord. 480 (part), 2000)

#### **~~7.04.160 Violation and penalties.~~**

~~Except as otherwise provided, violation of the provisions of this chapter is an infraction.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### **7.04.170 Menacing and aggressive animals—Animal owner and property owner responsibility.**

- ~~A. It is unlawful for any person to keep, harbor, or maintain any aggressive or menacing animal which threatens, harasses, or intimidates a person who is peaceably and lawfully upon public or private property, unless it is contained in an enclosure of a construction adequate to keep it securely confined and prevent its escape.~~
- ~~B. It is unlawful for any person to permit any animal owned, harbored, or controlled by him or her to attack and cause severe bodily injury or death to another domestic or captive animal while off the property of its owner or keeper.~~

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C. ~~Upon notification of a violation of subsection A, the animal owner(s) must immediately confine the animal to an enclosure or location which mitigates the aggressive and menacing behavior.~~

D. ~~For the purposes of this section, the following definitions apply:~~

- ~~1. "Aggressive animal" any animal whose observable behavior causes a person observing that behavior to reasonably believe that the animal may attack a person or another animal without provocation.~~
- ~~2. "Menacing animal" means any animal which, through its behavior, causes a person observing or subject to that behavior to be in reasonable fear for his or her safety, or the safety of animals kept by him or her. Police or military service canines being utilized in an official capacity are excluded from this definition.~~
- ~~3. "Severe bodily injury" means any physical injury which results in deep lacerations with separation of subcutaneous tissues, muscle tears or lacerations, fractures or joint dislocations, or permanent impairment of locomotion or special senses.~~

E. ~~Penalties for violation:~~

- ~~1. Three hundred fifty dollars for the first violation.~~
- ~~2. Seven hundred dollars for the second violation of subsection A or B within one year.~~
- ~~3. One thousand dollars for each additional violation of subsection A or B within one year.~~
- ~~4. For the purposes of this section, a first violation of subsection A will be deemed to have occurred if the menacing or aggressive animal is not confined as required by subsection C within twenty four hours of notification; a separate violation of subsection A shall be deemed to exist for each twenty four hour period following notification in which an animal's menacing or aggressive behavior continues unmitigated.~~

F. ~~Liability of Property Owners:~~

- ~~1. Owners of properties upon which a tenant keeps, harbors, or maintains any aggressive or menacing animal may, along with the animal owner(s), may be jointly and severally liable for penalties related to violations of subsection A, provided that they have received at least fourteen days prior written notice of the existence of such violation and the violation has not been abated. No penalty shall be imposed upon the property owner if the property owner can demonstrate, within fourteen days following notification that a violation has occurred, that the property owner has initiated action to abate the illegal activity on the property.~~

~~(Ord. No. 580, § 1, 10-23-12)~~

## Chapter 7.08 DOGS

Sections:

### ~~7.08.010 Stray dogs defined.~~

~~A "stray dog" is any dog licensed or unlicensed, which is in or on any public road, highway, street, alley, square, park, school ground, or other public place, or in or upon any lot, premises or property of another when not accompanied in the near vicinity by the person owning, having interest in, harboring, or having charge, care, control, custody or possession of such dog. Any stray dog shall be immediately seized and impounded by the division.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

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### **7.08.020 Leash law.**

- A. ~~It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him/her to be on any public street, alley, lane, park or place of whatever nature open to, and used by, the public in the city unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person capable of controlling such dog, or unless the dog is securely confined in a vehicle, unless an exception exists as described in Section 7.08.310.~~
- B. ~~Dogs used on farms and ranches for the primary purposes of herding livestock are not required to be leashed or at "heel" beside their owner or person controlling the use of these dogs while on a public street, alley, lane or place of whatever nature open to, and used by, the public in the city while herding such livestock and as long as these dogs are obedient to the commands of the person controlling their use for this purpose.~~
- C. ~~Dogs used by any government agency in military, police, or search and rescue work, or dogs performing as a service dog defined under California Civil Code 54.1, are not required to be leashed while used in the performance of its duties and obedient to the commands of its handler.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

### **7.08.025 Dog defecation removal.**

- A. ~~No person owning, keeping or having in his or her care or control any dog shall knowingly fail, refuse or neglect to clean up any feces of the dog immediately and dispose of it in a sanitary manner whenever the dog has defecated upon any public property or the private property of another.~~
- B. ~~The provisions of subsection A of this section shall not apply to a person being accompanied by a service dog, nor shall this section be construed to require or countenance any act of trespass upon private property. Whenever the feces to be cleaned up cannot be reached without trespass upon the private property, the person having the duty under subsection A of this section shall first obtain consent to do so from the owner or person in lawful charge of the property.~~
- C. ~~No person owning, keeping, or having in his or her care or custody, any dog shall knowingly fail, refuse or neglect to clean up any feces from their property, owned or rented, no less than twice a week and disposed of in an airtight container. This waste shall be removed from the property no less than once a week.~~

~~(Ord. 480 (part), 2000)~~

### **7.08.030 Enforcement of regulations.**

~~It shall be the duty of the division to patrol the city from time to time and without notice to the public for the purpose of enforcing the provisions of this title.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

### **7.08.040 Seizing and impounding stray dogs.**

~~It shall be the duty of the division to seize and impound, in a lawful manner, and subject to the provisions of this chapter, all stray or unlicensed dogs found within the city.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

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### **7.08.050 Dogs running at large.**

Any dog found running at large on any private property in the city may be taken up by the owner or possessor of the property and delivered to the division or detained on the property until picked up by the division as provided in Section 7.08.060.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.060 Private individuals finding lost pets.**

Persons finding lost, stray, or stolen animals shall notify the division by any means available within twenty-four hours after finding such animal giving pertinent information as to description and when and where the animal was found. The division shall take such information and make it available to the public by a twenty-four hour hotline and other means.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.070 Notice of impoundment.**

As soon as possible, but not later than twenty-four hours after impounding any dog currently licensed under the provisions of this chapter, the division shall notify the registered owner or person having control of the dog by written or oral communication that such dog is impounded and that it must be redeemed within three business days from the date of such communication, and unless redeemed, the dog will be disposed of in any manner as provided by this chapter.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.080 Redemption of impounded dogs.**

A. — The division shall securely keep any dog impounded for the holding period described under Section 7.08.095 unless the dog be sooner reclaimed or redeemed by the owner or person having control thereof, or otherwise be disposed of as provided in Section 7.08.110. A dog wearing a current license tag when impounded shall be held for six business days, not counting the day of impoundment, unless the owner or custodian is notified prior to that time as in Section 7.08.070, and then such dog shall be held for three business days, not counting the day of impoundment, from such notification. Except as may be provided in this section, the owner or person entitled to the custody of the dog so impounded may, at any time before the sale or other disposition thereof, during the office hours of the pound, reclaim or redeem the dog by exhibiting to the division the license certificate or license tag showing that the license for the dog for the then current year has been paid and by paying the division any charges.

B. — No fees whatsoever shall be charged or collected for or on account of any dog which has been unlawfully taken up or impounded. If the owner or person entitled to the custody of the dog believes that the dog has been unlawfully taken up or impounded, that owner or person may, within the seventy-two hour redemption period, request that an impartial hearing officer from an outside department be conducted to determine the sole issue of whether the dog was lawfully seized and impounded. If a dog has been unlawfully taken up or impounded, it shall be returned to its owner or person entitled to the custody of it.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

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### **7.08.090 Redemption fees.**

The owner or person entitled to the custody of an impounded dog shall, before such dog is released, pay to the division the following:

- A. — Registration or license for the current year unless fee has been previously paid and evidence of paid fee is adequately exhibited; and
- B. — Impound fees for first, second, third and subsequent impounds in a one year period from the date of the first impound.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.095 Holding periods.**

The division must hold impounded animals for a period of six business days, not including the day of impoundment, unless the division is open one weekday evening until seven, or, is open one weekend day; or, has fewer than three employees, is not open during all regular weekday business hours, and permits owners to reclaim animals by appointment when the shelter would otherwise be closed, in which case the holding period shall be four business days. For the first three days of the holding period, not including the day of impoundment, only the owner may reclaim the animal. During the remainder of the holding period, the animal shall be made available for adoption.

(Ord. 480 (part), 2000)

### **7.08.100 Sale, gift or destruction of unclaimed dogs.**

At the end of the required holding period, the division may continue to hold the animal or, without further notice, and without advertising in any manner, sell, give away or dispose of, in a humane way, any dogs not reclaimed or redeemed as aforesaid; provided, however, the division:

- A. — May not sell, give away or transfer title to any dog or any other animal to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinarian, dental, medical or biological sciences, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biological products, pharmaceuticals or drugs; and
- B. — May not sell or give away any female dog that has not been spayed, or any male dog that has not been neutered; and
- C. — Shall, prior to the euthanasia of any impounded animal for any reason other than irremedial suffering, release the impounded animal to any nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, if requested by such organization prior to the scheduled euthanasia. In addition to any required spay or neuter fees, the division, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animal(s) released.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.105 Veterinarian determination for injured animals.**

All injured dogs and cats found without their owners in a public place shall be taken to a veterinarian known by the [San Luis Obispo County Division of Animal Services](#) (“division”) to be a veterinarian that ordinarily treats

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dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized and given emergency stabilizing treatment.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.110 Injured and/or diseased animals.**

- A. Every dog or cat taken into custody by the San Luis Obispo County Division of Animal Services (“-division”) which by reason of injury, disease or other good cause as determined by a licensed veterinarian as dangerous or inhumane to keep impounded, shall be forthwith destroyed by the division in an humane manner unless the owner or person entitled to the custody of the dog or cat can be notified by the division within a reasonable period of time to arrange and provide for medical care.
- B. The division shall release such dog or cat to its owner or person having control of it upon payment of the redemption fees and other charges as provided in this chapter. However, if the licensed veterinarian determines that the dog or cat is diseased and by reason of such disease is dangerous to persons or to other animals, or to the general health and welfare of the county, the division shall destroy the dog or cat.
- C. Injured or diseased animals may be humanely destroyed without regard to the prescribed holding time in order to alleviate suffering or to protect other impounded animals from exposure to a contagious disease.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.125 Reporting of animal bites.**

~~All persons bitten and the parent or guardians of minor children bitten by a dog, cat, skunk, fox, bat, coyote, bobcat or other animal of a species subject to rabies shall notify the division within twenty four hours of the next business day. Physicians treating such bites and other persons having knowledge of such bites shall also be required to make such notification.~~

~~(Ord. 480 (part), 2000)~~

### **7.08.130 Biting dogs.**

~~It is a misdemeanor for any person to suffer, or permit any dog or other animal owned, harbored or controlled by him, to inflict upon any human being a bite that penetrates the skin while the person bitten is on any public place, or legally upon any private property. The person bitten may request the animal control officer to initiate criminal proceedings against such other person by submitting a signed, written complaint.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

### **7.08.140 Impoundment of dogs that bite.**

- A. ~~Upon written notice by the division, the owner or person having the control of any dog which has, within the preceding ten days, bitten any person or animal shall, upon demand, and in the discretion of the division, do one of the following:~~
  - 1. ~~Confine the dog to the owner's premises; or~~
  - 2. ~~Surrender the dog to the division which shall impound and keep the dog at the public pound in a separate enclosure for a period of not less than ten days; or~~
  - 3. ~~Surrender the dog to a licensed veterinarian as designated by the division; or~~

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4. ~~Surrender the dog to the division for quarantine at any other location or facility designated and approved by the division.~~

B. ~~If the dog is quarantined on the premises of the owner, the division may post a quarantine sign on such premises, and it is unlawful for any person to remove the sign during the term of such quarantine without the consent of the division. Any quarantine provided for in this section shall be for a term of not less than ten days unless otherwise specified by the division. During the period, it shall be the duty of the division to determine whether or not such animal is suffering from any disease. If a duly licensed veterinarian designated by the division shall determine that the animal is diseased and, by reason of such disease, is dangerous to persons or to other animals, the veterinarian shall so notify the division in writing to destroy the animal. A copy of the notice may also be served upon the owner or person having control of the animal.~~

C. ~~If the veterinarian shall determine that the dog is not so diseased, the division shall notify the person owning or having control of the animal at the address from which the animal was surrendered to the division and shall, upon demand, release the animal to the owner or person lawfully entitled to it, upon payment of any charges provided pursuant to this chapter, including expenses of quarantine and veterinary care; provided, however, that if no person lawfully entitled to such animal shall within three days after the date of giving the last mentioned notice, appear at the public pound and request the release of the dog, and pay the charges, the animal may be put up for adoption or disposed of by the division in the same manner as provided in this chapter.~~

D. ~~Whenever a dog is order to be quarantined on the premises of the owner, an administrative fee to cover the expense of monitoring the quarantine will be charged.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### **7.08.145 Violation of quarantine.**

It is unlawful for any person to suffer or permit any dog, cat, animal or household pet owned, harbored or controlled by same to violate any written quarantine notice. Any person who violates such written notice shall be guilty of a misdemeanor.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

#### **~~7.08.150 Suspicion of rabies.~~**

A. ~~Whenever the owner or person having the custody or possession of any animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, he/she shall immediately notify the division. Under the supervision of the county health officer such domestic animal shall be kept isolated in a pound, veterinary hospital, or other facility approved by the county health officer and shall not be killed or released for at least ten days after detection of symptoms suggestive of rabies. If a veterinarian determines that the animal does have rabies and should be euthanized the division shall destroy the animal in accordance with state law for the purpose of laboratory examination for rabies. After ten days the dog or other animal may be released by the division, provided the division has first determined that the animal does not have rabies.~~

B. ~~The chief animal control officer, or duly authorized representative, is authorized and empowered to enter in a manner authorized by law, upon private property where any dog or other animal is kept, or believed by him to be kept, for the purpose of ascertaining whether the dog or other animal is afflicted or infected with rabies or other contagious disease.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

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### **7.08.160 Registration and license.**

Except as provided in Section 7.08.250, it is unlawful to own, keep or control any dog unless and except a license has been procured for it as provided in this chapter. This section shall have no application to dogs under the age of four months.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.170 Vaccination required.**

It is unlawful for any person owning, harboring, or having the care, custody or possession of any dog to keep or maintain such dog in any place in the city, or except as provided in Section 7.08.180, unless such dog has been vaccinated as provided in this chapter. This section shall have no application to dogs under the age of four months.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.180 License denied without vaccination.**

The division shall not license any dog until it has been vaccinated with canine rabies vaccine by injection or other method approved by the division during the time prescribed by state law or the rules and regulations of the State Department of Public Health, unless the owner or person in possession of the same submits a certificate from a licensed veterinarian issued within the preceding sixty days, stating that, in his/her opinion, the rabies vaccination would be likely to seriously injure the dog. Any dog so excepted from the rabies vaccination shall be restricted to the enclosed yard of the owner or person in possession of the same except when held by rope, chain or leash. Any violation thereof by the owner or person in possession of such dog is unlawful.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.190 Rabies vaccination certificate.**

A. — The vaccination shall be performed by a duly qualified and licensed veterinarian. The veterinarian vaccinating the dog shall issue to the owner or person in possession of the dog a certificate of vaccination, which certificate shall include:

1. — The type of vaccine used;
2. — The date of vaccination;
3. — The duration of vaccination;
4. — Description of the dog, including age, breed, sex and color;
5. — Name and address of the owner of the dog.

B. — A copy of this certificate shall be sent to the division within thirty days of such vaccination.

C. — Each duly licensed veterinarian shall report monthly, to the county health officer, the number of cats receiving rabies vaccination.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

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### **7.08.195 Rabies deposit fee required.**

Any person procuring a dog license without a valid rabies vaccination for reason of redeeming an impounded animal or clearing a citation will pay a rabies deposit fee. Deposit is refundable upon proof of current vaccination certificate, through normal county refund procedures. Proof of rabies vaccination shall be made to the division within thirty days or the license will be void.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.200 Record of registration.**

The division ~~San Luis Obispo County Division of Animal Services (“division”)~~ shall maintain a record in which it shall, upon the application of any person owning or having the custody of any dog in the city, and the payment to it of the license fee prescribed in this chapter, register the dog by entering in the record its name (if any), its sex and general description, whether it has been spayed or neutered, the name of its owner or custodian, the number of the tag issued for it, the date of expiration of the rabies vaccination, the date of issuance and the amount received for the license fee.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.210 License—Tags.**

Upon exhibition of the proper evidence of vaccination and payment of the license fee, there shall be delivered to the person making such payment a metal tag with a number and words stamped thereon designating the tag as a dog license for San Luis Obispo County, which dog tag shall be worn at all times by the dog for which the tag was issued. If the dog is exempted from vaccination, pursuant to Section 7.08.180, the dog tag shall have a distinguishing mark as evidence of such fact.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.220 Annual licensing of dogs.**

Each license issued shall be effective for a period of one year, two years, or three years at the option of the owner, but contingent upon payment of all required fees, charges and penalties required by this chapter and compliance with all conditions required for the issuance of a license.

- A. — A license will be valid from the date of issue and shall expire one year, two years, or three years from the date of issue, except when the duration of the rabies vaccination expires prior to that date. In such cases, the license will expire on the same date as the rabies vaccination.
- B. — License renewals shall be required prior to the expiration date of the license.
- C. — If renewal is not required, dog owners shall advise the division in writing, of the reason therefor.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.230 License fees.**

The division shall collect a fee for dog licensing.

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- A. ~~The owner or custodian of an unaltered dog may place a deposit for spaying or neutering with the division for a one year license. This deposit shall be forfeited if the operation is not performed by the expiration date of the license.~~
- B. ~~A late penalty, as set by the board of supervisors, shall be charged if:~~
- ~~1. A license is not renewed prior to the expiration date;~~
  - ~~2. Puppies are not licensed within thirty days after reaching four months of age;~~
  - ~~3. Any dog brought into this city is not licensed within thirty days;~~
  - ~~4. A person acquiring possession of a dog over four months of age does not license it within thirty days of taking possession.~~
- C. ~~Persons obtaining possession of any dog currently licensed by San Luis Obispo County shall upon payment of a transfer fee have ownership of the dog changed.~~

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **~~7.08.240 Lost or damaged tag.~~**

~~If the tag issued for any duly registered dog be lost or accidentally destroyed during the period for which it is issued, the owner or custodian of such dog, upon making proof to the division of its loss or destruction, shall, upon payment of an established fee receive for such dog a duplicate tag.~~

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **~~7.08.250 License—Exceptions.~~**

~~The provisions of this chapter requiring the licensing of dogs shall not apply to:~~

- A. ~~Dogs under four months of age;~~
- B. ~~Dogs owned by or in the custody or control of a person(s) who is not a resident of San Luis Obispo County, traveling through the county, or temporarily staying in the county for a period not exceeding thirty days;~~
- C. ~~Dogs brought into the city exclusively for the purpose of entering the dogs in any dog show or exhibition, and which are actually entered into, and kept at, such show or exhibition;~~
- D. ~~Dogs on sale in duly licensed pet shops, or commercial animal operations;~~
- E. ~~Dogs under the ownership, custody or control of the owner of a commercial animal operation duly licensed under the provisions of this title, or their duly authorized employee or agent when such dogs are removed from such operation in the bona fide operation of it for the purpose of exercise or training; provided, that any such dog bear an identification tag attached to its collar, which tag shall set forth the name of the licensed operation. A dog bearing such identification shall be treated in all respects as any other dog in the event of its escape and subsequent impoundment.~~

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

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### **7.08.260 Fee exemptions.**

All dogs qualifying under the following categories must be licensed and vaccinated under the provisions of this chapter, however, the owner shall be exempt from the license fee, provided that adequate evidence of their qualification and vaccination can be furnished at the time the license is issued:

- A. —Dogs which have served with the armed forces of the United States of America during any period of actual hostilities;
- B. —Dogs used by any governmental agency for the purpose of law enforcement must be licensed and vaccinated under the provisions of this chapter;
- C. —Dogs being raised or are trained specifically to perform as guide dogs, signal dogs, or service dogs as defined under California Civil Code Section 54.1.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.270 Failure to pay fee or provide information.**

It is unlawful for any person owning or having the care, custody or control of any dog in the city, to refuse, fail or neglect to pay the license fee at the time and manner herein provided, or to refuse, fail or neglect to furnish to the division, the sheriff, or any of their duly qualified and authorized representatives, or employees, the information necessary to properly license the dog.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.280 Counterfeiting.**

It is unlawful for any person to remove any tag from any dog not owned by them or not lawfully in their possession or control or to place on any dog any current license tag not issued as provided for in this chapter for that particular dog or to make or have in their possession or to place on a dog any counterfeit or imitation of any license tag.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.08.290 Limitations of dogs.**

It is unlawful for any person or persons, to own, harbor or maintain, at any single family dwelling, more than three dogs, four months of age or older, without obtaining the appropriate permit.

(Ord. 480 (part), 2000)

### **7.08.310 Dogs in public parks.**

- A. —Pursuant to the provisions of California Vehicle Code Section 21113, with respect to animals that may be found in a public park, whether or not in the company of their owners, it is unlawful for any person to permit any dog or other animal, owned, harbored or controlled by same, to be on the grounds of any public park unless the dog or other animal is securely leashed or the individual has been granted a city use permit by the recreation and parks director for the specific purpose of conducting an organized program or activity involving, but not limited to, canines.

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~~B. — Properly licensed service dogs or dogs used by any government agency for law enforcement purposes are exempted from this section.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

## Chapter 7.12 CATS

### Sections:

#### ~~7.12.010 Duty of division to accept abandoned cats.~~

~~It shall be the duty of the division to receive and impound all cats believed to be abandoned by their owners.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### ~~7.12.014 Cats at large.~~

~~Any cat found on any private property in the city may be taken up by the owner or possessor of the property and delivered to the division or detained on the property until picked up by the division as provided in Section 7.08.060.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### ~~7.12.020 Redemption of impounded cats.~~

~~A. — The division shall securely keep any such impounded cat for a holding period as described under Section 7.08.095 for dogs, unless the cat is sooner reclaimed or redeemed by the owner or person having control thereof, or otherwise be disposed of as provided for in Section 7.08.110. Such redemption may be made by paying the department any charges as a fee per day for the care of the cat as imposed in this chapter.~~

~~B. — No fees whatsoever shall be charged or collected for, or on account of, any cat which has been unlawfully taken up or impounded. The owner of a cat who believes that cat has been unlawfully seized may request a hearing before an impartial hearing officer from outside the division.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

#### ~~7.12.025 Feral cat exception.~~

~~A. — "Feral cats" which are defined as cats without owner identification and possess a consistent temperament of extreme fear and resistance to contact or socialization with people, can pose a particular safety hazard for shelter employees and they would be subject to cruel treatment by being caged for long periods of time.~~

~~B. — Notwithstanding Section 7.12.020, if an apparently feral cat has not been reclaimed by its owner or caretaker within three days, division personnel qualified to verify the temperament of the animal shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be truly feral, the cat may be euthanized or relinquished to a nonprofit animal adoption organization that agrees to the spaying or neutering of the cat and, at division discretion, after payment of a fee not to exceed the standard adoption fee, for the animal released.~~

~~(Ord. 480 (part), 2000)~~

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### **7.12.030 Sale, gift or destruction of cats.**

At any time after the expiration of the holding period pursuant to this chapter, the division may continue to hold the animal or, without further notice and without advertising in any manner, sell, give away, or dispose of in a humane way, any cats not reclaimed or redeemed as aforesaid; provided, however, the division:

- A. — May not sell, give away or transfer title to any cats to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinarian, dental, medical or biological sciences, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals or drugs; and
- B. — May not sell or give away any female cat that has not been spayed, or any male cat that has not been neutered; and
- C. — Shall, prior to the euthanasia of any impounded cat for any reason other than the irremedial suffering, release the impounded animal to any nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, if requested by such organization prior to the scheduled euthanasia. In addition to any required spay or neuter fees, the division, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animal(s) released.

(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)

### **7.12.040 Impoundment of biting cats.**

- A. — Upon written notice by the division, the owner or person having the control of any cat which has, within the preceding ten days, bitten any person or animal shall, upon demand, and in the discretion of the division, do one of the following:
  - 1. — Confine the cat to the owner's premises; or
  - 2. — Surrender the cat to the division which shall impound and keep the cat at the public pound in a separate enclosure for a period of not less than ten days; or
  - 3. — Surrender the cat to a licensed veterinarian as designated by the division; or
  - 4. — Surrender the cat to the division for a quarantine at any other location or facility designated and approved by the division.
- B. — If the cat is quarantined on the premises of the owner, the division may post a quarantine sign on such premises, and it is unlawful for any person to remove the sign during the term of such quarantine without the consent of the division. Any quarantine provided for in this section shall be for a term of not less than ten days unless otherwise specified by the division. During the period, it shall be the duty of the division to determine whether or not such animal is suffering from any disease. If a duly licensed veterinarian designated by the division shall determine that the animal is diseased and, by reason of such disease, is dangerous to persons or other animals, the veterinarian shall so notify the division in writing to destroy the animal. A copy of the notice may also be served upon the owner or person having control of the animal.
- C. — If the veterinarian shall determine that the cat is not so diseased, the division shall notify the person owning or having control of the animal at the address from which the animal was surrendered to the department and shall, upon demand, release the animal to the owner or person lawfully entitled to it, upon payment of any charges provided pursuant to this chapter, including expenses of quarantine and veterinary care; provided, however, that if no person lawfully entitled to such animal shall within three days after the date of giving the last mentioned notice appear at the public pound and release of the cat, and pay the charges, the

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~~animal may be put up for adoption or disposed of by the division in the same manner as provided in this chapter.~~

~~D. Whenever a cat is ordered to be quarantined on the premises of the owner, an administrative fee to cover the expense of monitoring the quarantine will be charged.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

### ~~7.12.050 Limitation of cats.~~

~~It is unlawful for any person or persons to own, harbor, or maintain, at any single family dwelling, more than three cats four months of age or older, without first obtaining the appropriate permit.~~

~~(Ord. 480 (part), 2000; Ord. 387 § 1 (part), 1991)~~

## Chapter 7.16 OTHER ANIMALS, POULTRY AND BIRDS

### Sections:

#### 7.16.010 Animals and poultry at large.

No person shall allow or permit any livestock, poultry, fowl, or other household pets, to run at large upon any public street or place, or to trespass upon the property of another.

(Ord. 480 (part), 2000; Ord. 234 (part), 1982)

#### 7.16.020 Wild bird sanctuary.

The city is designated a bird sanctuary, and signs bearing the legend "Morro Bay is a bird sanctuary" shall be placed at appropriate locations at or near the city limits at principal entrances to the city.

(Ord. 480 (part), 2000)

#### 7.16.025 Molesting wild birds—Nuisance remedies.

No person shall trap, shoot, hunt, molest, injure or kill any wild birds, or tamper, damage or destroy the nests or eggs of any wild birds within the city. Should the city council determine by resolution that birds protected under this chapter have become so numerous or destructive in any particular location or area as to constitute a menace and danger to the public health, safety or property, the council may provide for such remedies appropriate under the circumstances.

(Ord. 480 (part), 2000)

#### 7.16.030 Poultry, rabbits and other fowl.

A. No person shall keep upon any premises in the city more than twelve of any poultry, rabbits, or other fowl:

1. Within fifty feet of any dwelling; and

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2. The owner or person in charge of such rabbits, poultry or other fowl kept in the city shall provide suitable houses or cotes with board or cement floors in each and every house and cote and such houses, cotes or pens shall at all times be kept clean.
- B. No rooster over four months old shall be kept on any premises in the city, unless the premises involved is operating on a commercial basis or is on an agricultural zoned parcel in conformance with existing zoning regulations and state statutes governing such commercial operation.
- (Ord. 480 (part), 2000; Ord. 234 (part), 1982)

#### **7.16.040 Livestock.**

- A. Except as otherwise permitted in this chapter, no person shall own, keep, maintain, stake or pasture any bovine, swine, sheep, goat, horse or other livestock upon any premises in the city unless the lot or parcel size is a minimum twenty thousand square feet or, the parcel is in a properly zoned agricultural district in which case the number of animals shall not exceed the maximum density allowed for such animals pursuant to Section 17.30.060 of this code.
- B. All such fences, enclosures, corrals or pens used to restrain such animals in this section must be of adequate materials and properly maintained to humanely enclose and protect the animals and prevent the trespass of such animals upon any private property or upon any street or other public place.
- (Ord. 480 (part), 2000; Ord. No. 654, § 6, 11-22-22)

#### **7.16.045 Keeping of pygmy livestock.**

Pygmy livestock may be kept or maintained upon any premises subject to the following conditions:

- A. Male pygmy livestock must be neutered before they reach sexual maturity.
- B. Pygmy livestock shall be subject to the leash law.
- C. No person or persons may own, harbor, or maintain or cause to be maintained more than two pygmy animals at any dwelling within the city, unless such dwelling is on a parcel that meets the size and zoning criteria as contained in Section 7.16.040 in which case the number of animals shall be limited to the maximum listed density allowed as codified.

(Ord. 480 (part), 2000; Ord. 459 § 42, 1997; Ord. 434 § 2, 1993; Ord. 234 (part), 1982)