

AGENDA ITEM

4.a

To: Mayor and City Council Members
From: Frank Coe, Chief of Police
Approval: Alan Kapanicas, City Manager *ak*
Agenda Date: October 20, 2009
Subject: SECOND READING: Ordinance 960—Amending Title 6 of the Beaumont Municipal Code—entitled “Animals”

Background/ Summary:

On October 6, 2009, the City Council approved the first reading of Ordinance 960 amending Title 6 of the Beaumont Municipal Code. During the meeting concerns were discussed in reference to certain provisions and requirements outlined in the new Ordinance. Staff worked with the City Attorney to address those concerns and has amended the ordinance to reflect those changes.

The two most significant changes are the addition of Section 6.02.105 which addresses the mandatory micro-chipping of cats; and the addition of Chapter 6.22 which address Animal Control Hearings.

In Section 6.02.105 staff has amended the previous requirement that all cats shall be subject to mandatory micro-chipping to reflect that only cats that have been impounded and transported to the Shelter will be required to be micro-chipped prior to their release back to their owner.

Chapter 6.22 summarizes the hearings that are required throughout Title 6 into one chapter for ease of interpretation and understanding for both staff as well as the a violator who might find themselves subject to such hearings.

Fiscal Impact:

The fiscal impact of this ordinance will be nominal and will be absorbed into the current animal care General Fund Budget. Staff proposes that the City Council direct staff to apply revenues generated from the enforcement of this ordinance to future enforcement activities and funding of programs to assist residents in the care of their animals, including, but not limited to, spay and neuter clinics, food banks, and vaccination clinics.

Recommendation:

Staff recommends that the City Council adopt Ordinance 960 at its second reading amending Title 6 of the Beaumont Municipal Code.

Attachment(s):

Title 6 as amended

Title 6
Animals

Chapters:

- 6.02 Regulations Generally
- 6.04 Dogs and Cats – General Provisions
- 6.06 Animal Licenses
- 6.08 Seizure or Impoundment of Animals
- 6.10 Potentially Dangerous Dogs
- 6.12 Dangerous Animals
- 6.14 Rabid Animals
- 6.16 Kennels, Catteries, and Animal Rescue Facilities
- 6.18 Livestock
- 6.20 Apiaries
- 6.22 Animal Control Hearings

Chapter 6.02
Regulations Generally

Sections:

- 6.02.005 Definitions
- 6.02.010 Fees by Resolution
- 6.02.020 (Not Used)
- 6.02.030 Provisions Supplementary to Other Laws
- 6.02.040 (Not Used)
- 6.02.050 Interference with Enforcement
- 6.02.060 Entry upon Private Property
- 6.02.070 Animal Keeping Requirements
- 6.02.080 Mandatory Spay and Neutering
- 6.02.090 Mandatory Spay and Neutering-Exemptions
- 6.02.100 Mandatory Micro-chipping of Dogs
- 6.02.105 Mandatory Micro-chipping of Cats
- 6.02.110 Mandatory Micro-chipping of Dogs and Cats-Exemptions
- 6.02.120 Transfer or Sale of Dogs, Cats or other Animals-Requirements
- 6.02.130 Transfer, Sale, and Breeding of Unaltered Dog or Cat
- 6.02.140 Transfer or Sales of Animals on Public Property Prohibited
- 6.02.150 Animals in Vehicles
- 6.02.160 Roosters, Peacocks and Flocks Prohibited
- 6.02.170 Wild Animals and Mammals, Poisonous Snakes and Other Reptiles
- 6.02.180 Abandonment
- 6.02.190 Duties and Powers of Officers
- 6.02.200 Transport of Injured Animals to Veterinarian
- 6.02.210 Recoupment of Enforcement Costs
- 6.02.220 Waiver of Fees
- 6.02.230 Severability

6.02.005 Definitions. For the purposes of Title 6 of the Beaumont Municipal Code, the following words and phrases shall have the meanings:

- a. "Abused" means any animal which is mistreated, beaten, tormented or teased; deprived of water, food or shelter; kept under unsanitary conditions; abandoned; or trained for fighting or attacking other animals or human beings.
- b. "Adoption" refers to the process of taking guardianship of and responsibility for a pet that a previous owner has abandoned or otherwise abdicated responsibility for.
- c. "Altered" means a male animal that has been neutered or a female animal that has been spayed. Also referred to as a sterile animal.
- d. "Animal Rescuer" means any individual possessing a rescue permit from the Department, who routinely obtains a dog or cat from the rightful owner of said animal, or any animal from an animal shelter that has been retained in accordance with this Title.
- e. "Animal Rescue Operation" means any building, structure, enclosure or premises run by an Animal Rescuer, whether or not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code for the prevention of cruelty to animals, which meets all requirements and standards referred to in Chapter 6 of this Title."
- f. "Animal Services Officer" means any person or entity designated under this Chapter as the animal services officer for the City, including, but not limited to, any City employee designated to enforce the animal control regulations of this Chapter.
- g. "Apairy" means a place where bee colonies are kept.
- h. "Assistance Dog" refers to any dog as defined in Section 30508 (a) of the California Food and Agriculture Code.
- i. "At large" means any dog which is off the premises of its owner, custodian or caretaker and which is not under physical restraint by a leash of a size and material appropriate to the size and temperament of the dog and which is held by a person capable of restraining such dog, or is not otherwise physically restrained by some other device or instrumentality, except that such device or instrumentality shall not include voice control, eye control or signal control of the dog by any person, device or instrumentality. Also refers to any dog which is on the premises of its owner, custodian or caretaker which is not being maintained by physical restraint, fence, kennel, voice command, or in such a way that the animal may not leave the property of the owner; or that persons, without permission, may not wander into the confined area of the dog without intentional trespass.
- j. "Bee" means any stage of the common domestic honey bee, *Apis mellifera* species.
- k. "Cattery" refers to any building, structure, enclosure or premises whereupon, or within which, ten (10) or more cats, four (4) months of age or older, are kept or maintained.
- l. "City" is the City of Beaumont
- m. "Class I Kennel" refers to any building, structure, enclosure, or premises whereupon, or within which, five (5) to ten (10) dogs, four (4) months of age or older, are kept or maintained. A Class I Kennel shall not include a Sentry Dog Kennel or an Animal Rescue Operation that meets the definition and requirements set forth in this Title.
- n. "Class II Kennel" refers to any building, structure, enclosure or premises whereupon, or within which, eleven (11) to twenty-five (25) dogs, four (4) months of age or older, are kept or maintained.

- o. "Class III Kennel" refers to any building, structure, enclosure or premises whereupon, or within which, twenty-six (26) to forty (40) dogs, four (4) months of age or older, are kept or maintained.
- p. "Class IV Kennel" refers to any building, structure, enclosure or premises whereupon, or within which, forty-one (41) or more dogs, four (4) months of age or older, are kept or maintained.
- q. "Colony" means a hive and its equipment and appurtenances including bees, comb, pollen, and brood.
- r. "Custodian" means any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, on behalf of another, or represents the interests of the owner.
- s. "Department" refers to the City of Beaumont Animal Services Department.
- t. "Domestic Animals" refers to small and/or non-dangerous wild animals such as dogs, cats, rodents, birds, non-poisonous snakes, rabbits and similar species that do not constitute a public nuisance.
- u. "Enclosure" means a fence or structure of at least six (6) feet in height forming or causing an enclosure suitable to prevent the entry of young children and suitable to humanely confine an animal with adequate exercise area, and posted with an appropriate warning sign, in conjunction with other measures which may be taken by the owner of the animal. The enclosure shall be designed in order to prevent the animal from escaping. The animal shall be housed pursuant to Section 597t of the California Penal Code.
- v. "Exigent Circumstances" refers to circumstances in which the officer, in his/her reasonable judgment, determines that a life threatening or serious injury may occur if immediate action is not taken, i.e., animal may die if not immediately transported to a veterinarian, or animal may bite and seriously injure a human or animal if not immediately impounded, or animal may die if officer does not immediately enter property and rescue, etc.
- w. "Exotic Animal" is defined as any animal which is not normally domesticated in the United States including, but not limited to, any lion, tiger, bear, non-human primate (monkey, chimpanzee, etc.), wolf, coyote, cougar, bobcat, ocelot, wildcat, skunk, boa, python, reptile, amphibian, bird, or venomous snake, irrespective of its actual or asserted state of docility, tameness or domesticity.
- x. "Hearing officer" means the person appointed by the Chief of Police to serve as the hearing officer under this Title.
- y. "Hybrid Animal" means any animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the State of California.
- z. "Impounded" means having been received into the custody of any animal control center, animal services officer, animal control vehicle, or peace officer duly authorized by the "City" to receive such animal.
- aa. "Incapable of breeding" means any dog or cat which has been examined by a California licensed Veterinarian and determined to not be capable of reproducing. A certificate of sterility, signed by the Veterinarian must be provided upon demand."
- bb. "Large Animals" means any livestock including, but not limited to, horses, donkeys, mules, pigs, and other equine cattle and cows.
- cc. "Owner" means any person who intentionally provides care or sustenance for any animal, including but not limited to a dog or cat, for any period exceeding a total of thirty days.

- dd. "Person" means any individual, firm, business, partnership, joint venture, corporation, limited liability company, profit or non-profit association, club, or organization.
- ee. "Public entity" means any state, or any political subdivision, municipal corporation profit or non-profit or agency thereof.
- ff. "Sentry dog" refers to any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility. The term "guard dog" shall also mean "sentry dog".
- gg. "Sentry Dog Kennel" means any building structure, enclosure, or premises whereupon, or within which, five or more guard or sentry dogs are kept or maintained.
- hh. "Tract" means a contiguous parcel of land under common ownership.
- ii. "Unaltered and Unspayed" means a dog or cat, four (4) months of age or older, that has not been spayed or neutered. A condition that exists in an animal which permits the producing of offspring.
- jj. "Underdeveloped property" means any idle land that is not improved or actually in the process of being improved with structures or improvements intended for human use occupancy. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.
- kk. "Unlicensed" means any animal for which no valid license is currently in force.
- ll. "Vaccination" means an inoculation against rabies of any dog or cat, four months of age or older, with any vaccine prescribed for that purpose by the California Department of Health Services.
- mm. "Veterinarian" means a person holding a currently valid license to practice veterinary medicine issued by the state of California pursuant to Chapter 11 of the California Business and Professions Code.
- nn. "Vicious dog/vicious cat" means any dog or cat which has bitten a person or animal without provocation or direction or which has a disposition or propensity to attack or bite any person or animal without provocation or direction.

6.02.010 Fees by Resolution. All fees authorized in this title shall be established, and may be amended from time-to-time, by resolution.

6.02.020 (Not Used)

6.02.030 Provisions Supplementary to Other Laws. The provisions of this Title shall be in addition to all other laws, or the provisions in other Titles of the City governing or regulating the keeping of animals and livestock in the City and not a limitation thereof.

6.02.040 (Not Used)

6.02.050 Interference with Enforcement. No person shall interfere with, oppose or resist an Animal Services Officer while engaged in the performance of the duties prescribed in this Title.

6.02.060 Entry upon Private Property. Unless otherwise prohibited by law, all persons whose duty it is to enforce the provisions of this Title. are hereby empowered to enter upon private property, where any dog, cat, or animal is kept or reasonably believed to be kept, for the purpose of ascertaining whether such animal is being kept in violation of any provision of

this Title., other Title governing animals, or California State law relating to the regulation, care and/or keeping of animals.

Notwithstanding any provision in this Title relating to entry upon private property for any purpose under this Title, no such entry may be conducted: (a) without the express or implied consent of the property owner or the person having lawful possession thereof, or (b) unless an inspection warrant has been issued and the entry is conducted in accordance with California Code of Civil Procedure, Sections 1812.50 through 1812.56, inclusive, or (c) except as may otherwise be expressly or impliedly permitted by law.

6.02.070 Animal Keeping Requirements. Any property where animals are kept shall comply with all the requirements of this Title, Title 8, and Title 17, in addition to any other applicable codes relating to the keeping of animals.

6.010.080 Mandatory Spay and Neutering. No person shall own, keep, or harbor an unaltered dog or cat in violation of this Section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this Title. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.

Penalties issued for failure to spay or neuter a dog or cat shall be enforced as set forth below:

- a. An administrative citation, infraction, or other such authorized penalty may be issued to an owner or custodian of an unaltered dog or cat for a violation of this section only when the owner or custodian is concurrently cited for another violation under state or local law pertaining to the obligations of a person owning or possessing a dog or cat. Examples of such state law or local violations include, but are not limited to, the following: failure to possess a current canine rabies vaccination of the subject dog; dog or cat at large; failure to license a dog; leash law violations; kennel or cattery permit violations; tethering violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject dog or cat in violation of the Penal Code; rabies quarantine violations for the subject dog; operating a business without a license and/or lack of State Tax ID Number; fighting dog activity in violation of Penal Code section 597.5; animals left unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy animals.
- b. Should the owner or custodian of an unaltered dog or cat be found in violation of a state or local law, as stated above, in subsection (1), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section.

6.02.090 Mandatory Spay and Neutering-Exemptions. This section shall not apply to any of the following:

- a. A dog with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California licensed Veterinarian. If the dog is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian must apply for an unaltered dog license.
- b. A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written

confirmation of this fact from a California licensed Veterinarian. If the cat is able to be safely spayed or neutered at a later date; that date must be stated in the written confirmation.

- c. Animals owned by city-licensed dog or cat breeders.

6.02.100 Mandatory Micro-chipping of Dogs. All dogs over the age of four months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the Department, and shall notify the Department of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of any other licensing requirements of this Title.

6.02.105 Mandatory Micro-chipping of Cats. All cats who have been found at-large and have been transported to a shelter for redemption shall be implanted with an identifying micro-chip prior to release. The owner or custodian is required to provide the microchip number to the Department, and shall notify the Department of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of any other licensing requirements of this Title.

6.02.110 Mandatory Micro-chipping of Dogs and Cats-Exemptions. The mandatory microchipping requirements shall not apply to any of the following:

- a. A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner or custodian must obtain written confirmation of that fact from a California licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, the date must be stated in the written confirmation.
- b. A dog or cat which would be impaired of its athletic ability or performance if implanted with the microchip identification. The owner or custodian must obtain written confirmation of that fact from a California licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, the date must be stated in the written confirmation.
- c. A dog or cat that is kenneled or trained in the City, but is owned by an individual that does not reside in the City. The owner or custodian must keep and maintain the animal in accordance with the applicable laws of the jurisdiction in which the owner or custodian of the animal permanently resides, including but not limited to the applicable licensing and rabies vaccination requirements of that jurisdiction.

6.02.120 Transfer or Sales of Dogs, Cats or other Animals-Requirements. An owner or custodian who offers any dog, cat or other animal, over the age of four months, for sale, trade, or adoption must provide the microchip identification number and the valid license number where applicable with the offer of sale, trade or adoption. The license and microchip numbers must appear on a document transferring the animal to the new owner. The owner or custodian shall also advise the Department of the name and address of the new owner or custodian in accordance with this Title. An owner or custodian who offers any dog, cat, or other animal, over the age of four months, for sale, trade, or adoption and fails to provide the Department with the name and address of the new owner is in violation of this Title and shall be subject to the penalties set forth herein.

When a puppy or kitten under the age of four months implanted with microchip identification is sold or otherwise transferred to another person, the owner or custodian shall advise the Department of the name and address of the new owner or custodian, and the microchip

number of the puppy or kitten within ten days after the transfer. If it is discovered that an owner or custodian has failed to provide the Department with the name and address of the new owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to the penalties set forth in this Title.

Additionally, any person who within the City, or any business entity or other organization located in or doing business in the City which, advertises or offers in any manner, puppies or dogs for sale, trade, barter or to be given away for free, must display in such advertisements, announcement or flyer the following information:

- a. The license number and name of the licensing agency of each of the mother animals any of whose offspring are so offered (in the case of puppies under four months of age).
- b. The license number and name of licensing agency of each of the dogs (in the case of dogs four months or more of age).
- c. The kennel and/or rescue permit number and name of the permitting agency of the owner of each of the mother animals any of whose offspring are so offered (in the case of puppies under four months of age).
- d. The kennel permit and/or rescue number and name of the permitting agency of the owner of each of the dogs so offered (in the case of dogs four months or more of age).

This Section shall not apply to public animal shelters or nonprofit humane societies which are in compliance with Food and Agricultural Code Sections 30503 and 31751, nor shall it apply to persons who relinquish animals to such shelters or societies.

6.02.130 Transfer, Sale, and Breeding of Unaltered Dog or Cat. An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with this section. The unaltered license and microchip numbers must appear on a document transferring the animal to the new owner. An owner or custodian of an unaltered cat must notify the Department of the name and address of the transferee within ten days after the transfer. The microchip numbers must appear on a document transferring the animal to the new owner.

6.02.140 Transfer or Sales of Animals on Public Property Prohibited. No person shall, in the City, transfer, offer for sale, or sell any animal, cat, kitten, dog or puppy on any public street, public sidewalk or public park. This prohibition does not apply to animal shelters or authorized organizations who conduct adoptions within the City.

6.02.150 Animals in Vehicles. No person shall leave an animal in an unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health and welfare. If after a search of the area the owner cannot be found, the animal services officer/police officer feels the animal's health is in danger, the animal may be removed from the vehicle and transported to a veterinarian for treatment per Chapter 6.08 of this Title.

6.02.0160 Roosters, Peacocks and Flocks Prohibited. Except as provided in this Section, no person, either as owner, agent or employee, shall keep any roosters, peacocks, or flocks of 5 or more pigeons, doves, ducks or other birds or fowl, domestic or otherwise within the City of Beaumont. The keeping of such birds and other fowl is hereby declared to be a nuisance.

Roosters, peacocks, birds or other fowl shall be permitted on parcels of one (1) acre or larger in the Rural-Residential (R-R) Zone, provided that the number of roosters or peacocks shall not exceed one (1) per acre, and the number of other types of birds or fowl shall not exceed five (5) per acre.

6.02.170 Wild Animal and Mammals, Poisonous Snakes and Other Reptiles. A non-domestic animal which is wild and potentially dangerous in its natural state and as defined in Section 1406 of the Fish and Game Code of the state, shall not be kept or maintained within the City without complying with all requirements as set forth in this and any other Titles of the City, in addition to the following:

A. Such person desiring to keep or maintain a wild animal, poisonous snake or reptile shall first obtain a permit from the State pursuant to Section 1450 of the Fish and Game Code of the State and shall meet any and all conditions required by the permit.

B. In addition thereto, the possessor shall obtain public liability insurance in the amount of one million dollars (\$1,000,000.00) in which the City shall be named an additional insured.

C. The wild animal, snake or reptile may be transported through the City if it is confined in such a manner as to pose no threat, injury or harm to persons in this city. The animal must at all times be properly caged or tethered. In addition the person shall comply with all requirements as set forth in the Fish and Game Code of the State.

6.02.180 Abandonment. It is unlawful for any person to knowingly abandon any animal within the City. Any person violating this Section shall bear full costs and expenses incurred by the City in the care of said abandoned animal and the person shall reimburse to the City all costs therefore as determined by the Animal Services Officer. Abandonment shall include the owner's failure to redeem animals seized or impounded after proper notification of the seizure or impoundment has been issued.

6.02.190 Duties and Powers of Officers. It shall be the duty of the Animal Services Officer to enforce all of the provisions of this Title, and other local and State laws relating to the regulation, care and/or keeping of animals. Animal Services Officers shall be empowered to:

- a. Receive, take up and impound any dog or other animal found running at large in violation of this Title, any other Title or of any law of the State of California.
- b. Issue a warning notice for, citation for, or investigate any violation of any provisions of any City Title or California law regarding the care or keeping of animals.
- c. Investigate whether a dog is licensed in compliance with the requirements of this Title.
- d. Seize or impound any animal as authorized by this Title or any other laws. When the animal to be taken or seized is located inside a private residence or in its curtilage, judicial order directing seizure of the animal shall, absent exigent circumstances, be obtained prior to seizure.
- e. Regularly and adequately feed, water and otherwise care for any animals impounded under the provisions of this Title or any other law, or to provide for such feeding and/or watering and care.
- f. Humanely provide emergency care, or destroy as needed, sick or injured animals.

Any Animal Services Officer may arrest a person without warrant whenever he/she has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in his/her presence, or a felony which is in violation of this Title or any other laws governing animals or regulating the care and/or keeping of animals. In any case in which a person arrested, does not demand to be taken before a magistrate: 1) regarding any infraction, such officer or employee making the arrest shall prepare a written Notice to Appear and shall release the person on his/her promise to appear, as prescribed by Sec. 853.5 of the California Penal Code; 2) regarding a misdemeanor, such officer or employee may prepare a written Notice to Appear and may release the person on his/her written promise to appear, as prescribed by California Penal Code Section 853.6. Nothing in this Title shall prevent the Animal Services Officer from acting, when he/she deems it appropriate to do so, under the applicable provisions of California Penal Code, Section 597, et seq.

The City Council may enter into a written agreement or agreements with any veterinarian, organized humane society, association, person, corporation or organization which will undertake to carry out the provisions of this Title and maintain and operate a shelter, and which will license, take up, impound and dispose of animals. Any such veterinarian or society or association which shall enter into such an agreement shall carry out all of the provisions of this Title in the manner herein prescribed.

6.02.200 Transport of Injured Animals to Veterinarian. Any peace officer, humane society officer, or animal services officer shall convey all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer to be a veterinarian who ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment. If the animal is treated and recovers from its injuries, the animal will be put up for adoption after the prescribed period of time and no owner is found. If an owner for the animal is found they will be liable to all cost incurred for the care and treatment of the animal. The costs for the care and treatment of the animal will be required to be paid prior to the animal being returned to the owner. No veterinarian shall be criminally or civilly liable for any decision which he or she makes or for services which he or she provides pursuant to this section. An animal services officer who takes possession of an animal pursuant to this section shall keep records of the whereabouts of the animal for a seventy-two (72) hour period from the time of possession, and those records shall be available for inspection by the public upon request.

6.02.210 Recoupment of Enforcement Costs. The CITY is hereby authorized to recoup all administrative costs reasonably related to the enforcement of this Title, including costs of staff time.

6.02.220 Waiver of Fees. At the discretion of the Animal Services Officer, the impoundment fees recoverable under this Title may be waived by the Animal Services Officer based upon indigent circumstances of the owner of the impounded animal that are verified by the Department of Animal Services, so long as the animal is being kept and maintained in accordance with all other provisions of this Title or any other applicable laws.

6.02.230 Severability. If any provision, clause, sentence or paragraph of this Title or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Title which can be

given effect without the invalid provision or application, and to this end, the provisions of this Title are hereby declared to be severable.

Chapter 6.04
DOGS and CATS - GENERAL PROVISIONS

Sections:

- 6.04.010 Running at Large Prohibited
- 6.04.020 Running at Large-Citizens May Capture and Notify Proper Authority
- 6.04.030 Control of Unaltered Cats
- 6.04.040 Cat Trapping
- 6.04.050 Permitting Animal to Make Nuisance Prohibited
- 6.04.060 Permitting Animal to Make Nuisance Prohibited-Exemptions
- 6.04.070 Entering, Swimming in Ditches, Canals and Pools
- 6.04.080 Annoying or Barking Dogs Constitute a Nuisance
- 6.04.090 Guard or Sentry Dogs-Signage Requirements
- 6.04.100 Traps and Barking Control Devices-Rental Fees

6.04.010 Running at Large. No dog shall run at large in the City. No person owning or having the control or custody of any dog shall permit or allow such dog to run at large within the City.

6.04.020 Capture of Dogs Running at Large. In the interest of public health and safety, it shall be lawful for any person to capture, in a humane manner, any dog running at large in violation of this Title and to promptly deliver such dog to the Animal Services Officer who shall impound such dog.

6.04.030 Control of and Unaltered Cats. It shall be unlawful for any person who owns, harbors, or keeps any unaltered cat four (4) months of age or older within the City to allow or permit such unaltered cat to be or remain outdoors within the City.

6.04.040 Cat Trapping. It is unlawful for any person to set or maintain an operating trap for a cat unless a sign is posted on the property stating that such a trap is in use on the property. The sign shall be clearly visible from the road serving the property on which the trap is set or maintained and shall remain posted and visible at all times while the trap is in use. Trapping shall not continue for more than ten (10) days in a thirty (30) day period. If a person maintains a trap should trap a lactating female cat, the person shall immediately release the cat thereby eliminating the chance of removing a cat that may be nursing kittens. This section shall not apply when the trap is being used for rabies control as determined by the animal services officer.

6.04.050 Permitting Animal to Make Nuisance Prohibited. No person shall permit or allow an animal to make a nuisance on any public property or any private property without consent of the owner of the property.

6.04.060 Permitting Animal to Make Nuisance Prohibited-Exemptions. Persons with defective sight, while relying on a dog specifically trained as a Service Dog, shall be exempt from this section.

6.04.070 Entering, Swimming in Ditches, Canals and Pools. No person shall allow or permit any dog belonging to, or under the control of such person to enter, swim or remain in any drainage ditch within the City, or in any settling tank, ditch, canal or reservoir within the City, or any public swimming pool within the City.

6.04.080 Annoying or Barking Dogs Constitutes a Nuisance. The repeated barking of any dog within the City is declared to be a public nuisance. Every person who owns, keeps, maintains or permits to be maintained any dog on any premises within the City, whose repeated barking, whining, or creation of loud or unusual noises disturbs the peace and quiet of any neighborhood or of any person, shall be deemed guilty of a violation of this section if such person after having been requested to restrain such dog from creating such a public nuisance, suffers or permits such public nuisance to continue.

6.04.090 Guard or Sentry Dog-Signage Requirements. Any person or business using the services of a guard or sentry dog shall keep posted in a conspicuous place at or near the entrance of the premises, a sign having letters at least three (3) inches in height reading "Guard Dog or "Sentry Dog."

6.04.100 Traps and Barking Control Devices-Rental Fees. The Department shall make available for residents cat traps and barking control devices for rental for a fee and term as set by resolution.

Chapter 6.06
ANIMAL LICENSES

Sections:

- 6.06.010 Dog License Required
- 6.06.020 Optional Licensing of Cats
- 6.06.030 Issuance of Tags and Certificates
- 6.06.040 Transfer of License Prohibited
- 6.06.050 Tag-Replacement
- 6.06.060 Display of License Required
- 6.06.070 Tag-Removal Prohibited
- 6.06.080 Use of Unauthorized License, Tags, or Other Documents Prohibited
- 6.06.090 Term of License
- 6.06.100 Fees; Fee Exemptions
- 6.06.110 Anti-Rabies Vaccination Required
- 6.06.120 Transfer of Ownership
- 6.06.130 Denial or Revocation of License for Unaltered Dogs
- 6.06.140 Re-application for Unaltered Dog License
- 6.06.150 Appeal of Denial or Revocation of Unaltered Dog License

6.06.010 Dog License Required. No person within the City owning, possessing, controlling, harboring, or keeping any dog over four (4) months of age shall fail, refuse or neglect to procure a dog license tag for each dog, from the animal services officer or his authorized agent.

The owner shall state at the time application is made, and upon standard printed forms of application provided for such purpose, his/her name and address, the name, breed, color, age, and sex of each dog for which application is made, and the grounds for exemption from fees, if applicable.

When a person moves into the City from another community who owns a dog which is currently vaccinated against rabies and for which dog a license was issued by such other community, such license shall be deemed valid for a period of one (1) year from the date such person moves into the City or on the date of expiration of the license issued by such other community, whichever is earlier.

The owner shall notify the City within thirty (30) days of moving into the City, and a City license shall be issued for the remainder of the license period as indicated, at no cost. If an application for a license from the Animal Services Officer is made more than thirty (30) days after such license is required, the applicant shall pay, in addition to the applicable license fee, a late fee.

6.06.020 Optional Licensing for Cats. An owner of a cat may be issued a license and tag for such cat upon presentation to the Animal Services Officer of a certificate of vaccination signed by a veterinarian certifying that such a cat has been vaccinated, and upon the payment of a license fee. Said license shall be valid for the period of immunity indicated in the certificate of vaccination.

6.06.030 Issuance of Tags and Certificates. A metallic tag and license certificate with corresponding number shall be furnished by the Animal Services Officer upon compliance with all applicable requirements and payment of the appropriate fee. The Animal Services

Officer shall keep a record of the owner or person making payment of the license fee and to whom a certificate and tag has been issued, and the number and date of the certificate and the tag.

6.06.040 Transfer of License Prohibited. No license or license tag issued to one dog shall be transferred to another dog.

6.06.050 Tag-Replacement. If a valid license tag is lost or destroyed, a duplicate thereof may be procured from the Animal Services Officer upon submission to the Animal Services Officer of a statement signed by the owner of the dog containing the date and circumstances of such loss or destruction and the payment of a fee.

6.06.060 Display of License Required. A valid license shall be displayed upon the dog's collar pursuant to Section 30951 (b) of the California Food and Agriculture Code.

Upon request of the Animal Services Officer, any owner of a dog which a license is required under the provisions of this Title shall present to the Animal Services Officer a currently valid certificate of rabies vaccination or license tag.

6.06.070 Tag-Removal Prohibited. No person shall remove from any dog any collar, harness, or other device to which is attached a registration tag for the current license year, or remove the tag there from without the express written permission of the Animal Services Officer.

6.06.080 Use of Unauthorized License, Tags, or other Documents Prohibited. It shall be unlawful for any person to make use of a stolen, counterfeit or unauthorized license, tag, certificate or any other document or thing for the purpose of evading the provisions of this Title.

6.06.090 Term of License. The term of each license issued shall terminate as of the termination date of the subject dog's most recent anti-rabies vaccination, and shall be renewed within thirty (30) days after such period terminates, except that where the current vaccination for the dog which is the subject of the license shall expire prior to the expiration date of the license being applied for, the Animal Services Officer may upon request of the owner or custodian of such dog, backdate such license so that its expiration date occurs concurrent with or prior to the expiration date of the vaccination; provided, however, that where such backdating is performed, there shall be no reduction or discount of the license fee applicable to the license applied for, and such license shall be renewed within thirty (30) days after the date of its expiration.

"Lifetime" license shall only refer to the waiver of licensing fees. Certificates of vaccinations as required by this Title shall be the determining factor if a license is valid as defined in this Title.

If an application for a license is made more than thirty (30) days after the date a dog license is required under this Title, the applicant shall pay, in addition to the applicable license fee, a late fee.

Whenever a dog validly licensed under this Title shall have died more than three (3) months before the expiration date of the license, the owner of such dog may return the license tag to the Animal Services Officer, accompanied by a statement signed by a veterinarian or a

declaration signed under penalty of perjury by the owner, indicating that such dog is dead and specifying the date of death. In such event, the license shall be canceled and a pro-rata credit of the license fee by full calendar quarters of the original license period remaining after the death of the dog may be applied during said remaining period to the license fee for another dog acquired by the same owner.

The fees for a "lifetime" license shall be issued a pro-rata credit during only the first year of issuance.

6.06.100 Fees; Fee Exemptions. All license fees due and payable hereunder shall be fixed from time to time by resolution of the City Council. No fee shall be charged for:

- a. No fee shall be required for a license for any "assistance dog" as defined in California Food and Agriculture Code, Section 30805 (a), if such dog is in the possession and under the control of, in the case of a guide dog, a blind person, or in the case of a signal dog, a deaf or hearing-impaired person, or in the case of a service dog, a physically disabled person, or where such dog is in the possession and under the control of a bona fide organization having as its primary purpose the furnishing and training of guide dogs for the blind, signal dogs for the deaf or hearing-impaired, or service dogs for the physically disabled. However this provision does not remove the owner's responsibility to vaccinate said dogs against rabies and attach a current license tag to the dog's collar. Whenever a person applies for an assistance dog identification tag, the person shall sign an affidavit as defined in California Food and Agriculture Code, Section 30805 (b).
- b. No fee shall be required for a license for any dog owned by a public entity.
- c. Any dog owned by, or in the care of, any person who is a nonresident or who is traveling through the City, or who is temporarily sojourning therein, provided the dog is kept within the City for less than thirty (30) days.

6.06.110 Anti-Rabies Vaccination Required. It shall be unlawful for any person to own, harbor or keep any dog, four (4) months of age or older, within the incorporated area of the City, for a period longer than thirty (30) days, which has not been vaccinated against rabies. Any person in the City who owns, harbors or keeps any dog over four (4) months of age for a period longer than thirty (30) days shall have such dog vaccinated against rabies as provided herein, by a veterinarian of his choice and such vaccination shall be renewed in accordance with the applicable laws and regulations of the State of California.

Each veterinarian after vaccinating any dog shall sign a certificate of vaccination in triplicate in the form required by the Animal Services Officer. The veterinarian shall keep one (1) copy, shall give one (1) copy to the owner of the vaccinated dog and shall send one (1) copy to the Department within thirty (30) of vaccination.

The Animal Services Officer shall issue a license only upon presentation of a certificate of vaccination indicating therein that the date of expiration of the vaccination immunity is not earlier than the date of expiration of the license being issued or renewed, and upon payment of the applicable license fee as specified in this Title; provided, however, that where the vaccinated dog is between the ages of four (4) months and twelve (12) months, the period of vaccination immunity required for licensing shall be as specified by State law.

In the event a dog has a short-term illness, is pregnant, or suffers from a long-term debilitating illness which in the opinion of a veterinarian contraindicates vaccination for rabies, such dog shall not be required to undergo vaccination during the period of such illness

or pregnancy where a request for vaccination deferral has been approved by the Animal Services Officer. Such request shall specify the duration of the requested deferral, the reason for the requested deferral, and shall be signed by a veterinarian. The Animal Services Officer shall issue a license for such dog upon approval of the request for vaccination deferral and payment for the applicable license fee. The owner or person having custody of such dog shall confine and shall keep such dog confined, for the duration of the deferral. Within fourteen (14) days after the expiration of the deferral, the owner or person having custody of such dog shall present to the Animal Services Officer a certificate of vaccination in accordance with the provisions of this Title.

6.06.120 Transfer of Ownership. Upon transfer of ownership of any dog validly licensed under this Title, the new owner shall notify the Animal Services Officer of such transfer within thirty (30) days of such transfer, on a form prescribed by the Animal Services Officer, accompanied by a transfer fee.

6.06.130 Denial or Revocation of License for Unaltered Dogs. The Department may deny or revoke an unaltered dog license for one or more of the following reasons:

- a. The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;
- b. The Department has received at least three complaints, verified by the Department, that the owner, custodian, applicant, or licensee has allowed a dog to be stray or run at large or has otherwise been found to be neglectful of his or her or other animals;
- c. The owner, custodian, applicant, or licensee has been previously cited for violating a state law, other City or municipal provisions relating to the care and control of animals;
- d. The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the meaning of the City of Beaumont Titles or under state law;
- e. An unaltered dog license held by the applicant has been revoked;
- f. The license application is discovered to contain a material misrepresentation or omission of fact.

6.06.140 Re-application for Unaltered Dog License. When an unaltered dog license is denied, the applicant may re-apply for a license upon changed circumstances and a showing that the requirements of this Title have been met. The Department shall refund one-half of the license fees when the application is denied. The applicant shall pay the full fee upon re-application.

When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty (30) day waiting period upon showing that the requirements of this Title have been met. No part of an unaltered dog license fee is refundable when a license is revoked and the applicant shall pay the full fee upon reapplication.

6.06.150 Appeal of Denial or Revocation of Unaltered Dog License. The Department shall mail to the owner, custodian, licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner, custodian, licensee or applicant may request a hearing to appeal the denial or revocation. The hearing shall be conducted in accordance with Chapter 6.22 of this Title. If the dog is moved before or during the appeal process, the owner, custodian, licensee, or applicant shall provide the Department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

Chapter 6.08
Seizure or Impoundment of Animals

Sections:

- 6.08.010 Seizure or Impoundment of Animals
- 6.08.020 Capture of Animals Running At-Large-Private Persons
- 6.08.030 Notice of Impoundment-Requirements
- 6.08.040 Length of Confinement
- 6.08.050 Post-Seizure/ Impound Hearing
- 6.08.060 Hearing Prior to Seizure of Animal(s)
- 6.08.070 Cost of Seizure and Care – Owner Liable
- 6.08.080 Noncompliance with Order to Provide Veterinary Care
- 6.08.090 Return to Owner – Conditions
- 6.08.100 Authority of the Hearing Officer

6.08.010 Seizure or Impoundment of Animals.

A. Emergency Seizure or Impoundment: When the Animal Services Officer has reasonable grounds to believe that prompt action is required to protect the health or safety of an animal, or the health or safety of others, the Officer shall immediately seize the animal and comply with the procedure established in Section 6.08.050.

B. Non-Emergency Seizure: In all other cases, the officer shall comply with the provisions of Section 6.08.060.

6.08.020 Capture of Animals Running At-Large-Private Persons. In the interest of public health and safety, it shall be lawful for any person to take up, in a humane manner, any animal running at-large in violation of this Title and to promptly deliver such animal to the Animal Services Department.

6.08.030 Notice of Impoundment-Requirements. In the event that there is attached to any impounded animal a current license tag of the City, or if the animal has a micro-chip inserted, it shall be the duty of the Animal Services Officer to give notice of the impoundment of such animal to the owner or person claiming to own such animal, or to the person to whom such tag shall have been issued, or micro-chip registered as shown by the records of the City. This notice shall be accomplished within three (3) business days after impoundment, and given by mailing, postage pre-paid, stating the fact that the animal has been impounded and the manner in which the animal may be redeemed.

6.08.040 Length of Confinement. The Animal Services Officer shall cause for the confinement of the animal as required by this Title for the period of time as required by statute.

6.08.050 Post-Seizure/ Impound Hearing. Whenever an Animal Services Officer seizes, impounds, or receives an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or the health or safety of others, the officer shall, prior to the commencement of any enforcement proceedings, provide the owner or keeper of the animal, if known or ascertained after reasonable investigation, with the opportunity for a post-seizure hearing as hereinafter provided to determine the validity of the seizure or impoundment, or both.

A. The Animal Services Department shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper within 48 hours, excluding weekends and holidays. The notice shall include all of the following:

1. The name, business address, and telephone number of the officer providing the notice;
2. A description of the animal(s) seized, including any identification upon the animal(s);
3. The authority and purpose for the seizure, or impoundment, including the time, place and circumstances under which the animal was seized;
4. A statement that, in order to receive a post-seizure hearing, the owner of person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning an enclosed declaration of ownership or right to keep the animal to the animal control officer within ten (10) days, including weekends and holidays, of the date of the notice. The declaration may be returned by personal delivery or mail;
5. A statement that the cost of caring for and treating any animal properly seized under this section is a lien on the animal and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.

B. The post-seizure hearing shall be conducted pursuant to Chapter 6.22 of this Title.

C. Failure of the owner or keeper, or of his or her agent, to request a hearing within the prescribed time period, or to attend a scheduled hearing, shall result in forfeiture of any right to a post-seizure hearing or right to challenge his or her liability for costs incurred.

D. The City shall be responsible for the costs incurred for caring and treating the animal(s), if it is determined in the post-seizure hearing that the seizing officer did not have reasonable grounds to believe prompt seizure of the animal(s), was required to protect the health or safety of the animal or the health or safety of others. If it is determined the seizure was justified, the owner or keeper shall be personally liable to the City for the cost of the seizure and care of the animal(s), and the animal(s) shall not be returned to its owner until the charges are paid and the City or hearing officer has determined that the animal(s) is physically fit or the owner demonstrates to the City's or the hearing officer's satisfaction that the owner can and will provide the necessary care.

6.08.060 Hearing Prior to Seizure of Animal(s). Where the need for immediate seizure is not present and prior to the commencement of any criminal proceedings, the animal services officer shall provide the owner or keeper of the animal(s), if known or ascertained after reasonable investigation, with the opportunity for a hearing prior to any seizure or impoundment of the animal(s). The owner shall produce the animal(s) at the time of the hearing unless, prior to the hearing, the owner has made arrangements with the animal services officer to view the animal(s) upon request of the animal services officer, or unless the owner can provide verification that the animal was humanely destroyed. It is a violation of this Section if such person willfully fails to produce the animal or provide the verification.

A. The Animal Services Officer shall cause a notice to be affixed to a conspicuous place where the animal(s) was situated or personally deliver a notice stating the grounds for believing the animal(s) should be seized. The notice shall include all of the following:

1. The name, business address, and telephone number of the Officer providing the notice;
2. A description of the animal(s) to be seized, including any identification upon the animal(s);
3. The authority and purpose for the possible seizure or impoundment;
4. A statement that, in order to receive a hearing prior to any seizure, the owner or person authorized to keep the animal(s), or his or her agent, shall request the hearing by signing and returning the enclosed declaration of ownership or right to keep the animal(s) to the officer providing the notice within two (2) days, excluding weekends and holidays, of the date of the notice;
5. A statement that the cost of caring for and treating any animal properly seized is a lien on the animal, that any animal seized shall not be returned to the owner until the charges are paid, and that failure to request a hearing within the prescribed time period, or to attend a scheduled hearing shall result in a conclusive determination that the animal(s) may properly be seized and that the owner shall be liable for the charges.

B. The pre-seizure hearing shall be conducted pursuant to Chapter 6.22 of this Title.

C. Failure of the owner or keeper, or his or her agent, to request a hearing within the prescribed time period or to attend a scheduled hearing, shall result in a forfeiture of any right to a pre seizure hearing or right to challenge his or her liability for costs incurred to this chapter.

6.08.070 Cost of Seizure and Care – Owner Liable. If any animal is properly seized or impounded under this chapter, the owner or keeper shall be personally liable to the seizing/ impounding agency for the cost of the seizure/ impoundment and care of the animal(s). Furthermore, if the charges for the seizure or impoundment, and any other charges permitted under this chapter are not paid within fourteen (14) days of the seizure, or, if the owner, within fourteen (14) days of notice of availability of the animal(s) to be returned, fails to pay charges permitted under this chapter and take possession of the animal(s), the animal(s) shall be deemed to have been abandoned and may be disposed of by the impounding Officer. The cost of caring for and treating any animal properly seized under this chapter shall constitute a lien on the animal and the animal shall not be returned to its owner until the charges are paid, unless the hearing officer determines that the seizure was unjustified.

6.08.080 Noncompliance with Order to Provide Veterinary Care. If the animal requires veterinary care and the seizing agency is not assured, within fourteen (14) days of the seizure of the animal(s), that the owner will provide the necessary care, the animal(s) shall not be returned to its owner and shall be deemed to have been abandoned and may be disposed of by the impounding Officer. A veterinarian or properly trained Animal Services Officer may humanely destroy an impounded animal without regard to the prescribed holding period when it has been determined that the animal has incurred severe injuries or is incurably ill or crippled. A veterinarian or properly trained Animal Services Officer may also

immediately humanely destroy an impounded animal afflicted with a serious contagious disease unless the owner or his or her agent immediately authorizes treatment of the animal(s) by a veterinarian at the expense of the owner or agent.

6.08.090 Return to Owner – Conditions. No animal properly seized under this chapter shall be returned to its owner until, in the determination of the seizing agency or hearing officer, the animal is physically fit or the owner can demonstrate to the seizing agency's or hearing officer's satisfaction that the owner can and will provide the necessary care, and that the owner has complied with all requirements of this and any other Titles in this Code.

6.08.100 Authority of the Hearing Officer. All hearings conducted pursuant to this chapter shall be conducted in accordance with the provisions of Chapter 6.22 of this Title. In the event a sufficient quantum of evidence presented at the hearing supports a determination for seizure, impoundment and/or termination of the owner's rights of the animal(s), the hearing officer as a part of his decision may order, but is not limited to ordering, that one or more of the following actions be undertaken:

1. That the owner's and/or custodian's rights in and to the dog, cat or other animal(s) is terminated;
2. That the owner or custodian of the dog, cat or other animal(s) shall remove the animal(s) from the premises by a specified date;
3. That animal control personnel, after a specified date, shall impound the animal(s).
4. That animal control personnel shall sell, give away, or otherwise dispose of, the animal(s) with the owner or custodian of the animal(s) being responsible to reimburse the city or agency as designated by the City for all costs and expenses including, but not limited to, board, care, veterinary services, and costs of disposal. If the animal(s) are sold, the proceeds from the sale shall go to the City or agency designated by the City.

A decision upholding seizure or impoundment shall become effective upon issuance. A decision terminating an owner's rights in the animal(s) shall become effective thirty (30) days from the date the decision is mailed unless a stay of execution is granted.

Chapter 6.10
Potentially Dangerous Dogs

Sections:

6.10.010	Definitions
6.10.020	Applicability
6.10.030	Procedure for Declaring a Dog Potentially Dangerous
6.10.040	Pre-Hearing Seizure and Impoundment of Dog
6.10.050	When a Dog May Not Be Declared Potentially Dangerous

Section 6.10.010 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings:

- a. **“Potentially Dangerous Dog”** means any of the following:
 - (1) Any dog which, when unprovoked, on two separate occasions within the prior six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.
 - (2) Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in subparagraph B below.
 - (3) Any dog which, when unprovoked, on two separate occasions within the prior six 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.
- b. **“Severe Injury”** means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

Section 6.10.020 Applicability. This chapter does not apply to licensed kennels, humane society shelters, animal control facilities, or veterinarians; or any dogs while utilized by any police department or any law enforcement officer in the performance of police work.

Section 6.10.030 Procedure for Declaring a Dog Potentially Dangerous.

- a. If the Animal Services Officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous, the Officer shall prepare and serve a “Notice of Hearing” on the owner or keeper of such dog.
- b. The “Notice of Hearing” shall be served on the owner or keeper of the dog, by personal service or by first-class mail with return receipt requested.
- c. Any and all complaints received from a member of the public which serves as an evidentiary basis for the Animal services officer’s finding of probable cause shall be signed by the complainant and served concurrently with the Notice of Hearing.
- d. The hearing shall be held pursuant to Chapter 6.22 of this Title. The hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous and may make such orders as are necessary to protect the public health, safety and welfare.

Section 6.10.040 Pre-Hearing Seizure and Impoundment of Dog. If upon investigation it is determined by the Animal Services Officer that probable cause exists to believe the

dog in question poses an immediate threat to public safety, then the Animal Services Officer may seize and impound the dog pending the hearings to be held pursuant to this Chapter. The owner or keeper of the dog shall be liable to the City of Beaumont where the dog is impounded for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous.

Section 6.10.050 When A Dog May Not Be Declared Potentially Dangerous. No dog may be declared potentially dangerous if the following conditions exist:

- a. If any injury or damage is sustained by a person who, at the time of the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.
- b. If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
- c. If an injury or damage was sustained by a domestic animal which at the time of the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.
- d. If the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

Chapter 6.12
DANGEROUS ANIMALS

Sections:

- 6.12.010 Purpose
- 6.12.020 Inspection
- 6.12.030 Animals at Large
- 6.12.040 Temporary Impoundment or Confinement
- 6.12.050 Hearing Procedures
- 6.12.060 Dangerous Animals-Disposition
- 6.12.070 Transfer and Training of Dangerous Animals
- 6.12.080 Enforcement and Penalties
- 6.12.090 Exemptions

6.12.010 Purpose. The keeping of an animal defined as dangerous shall be declared a public nuisance and shall be abated in accordance with the provisions of this Chapter. The procedure for abatement set forth in this Chapter shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City Titles or abating public nuisances in any other manner provided by law including, but not limited to, California Civil Code Section 3062.5. Further, this Chapter shall not preempt or preclude a person from filing a private lawsuit seeking to abate as a private nuisance an animal that is dangerous.

6.12.020 Inspection. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter, or whenever an Animal Services Officer has probable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Chapter or other applicable law, an Animal Services Officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Animal Services Officer by this Code or other applicable law; provided that:

A. If such property is occupied, he/she shall first present proper credentials to the occupant and request entry explaining the reasons therefore. If such entry is refused, the Animal Services Officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property, including an inspection warrant.

B. If such property is unoccupied, he/she shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining the reasons therefore. If such entry cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Animal Services Officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property, including an inspection warrant.

C. Notwithstanding the foregoing, if an Animal Services Officer has probable cause to believe that the keeping or maintaining of any animal is so dangerous as to require immediate inspection to safeguard the life or safety of the animal, other animals, or the public, he/she shall have the right immediately to enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, he/she shall first present proper credentials to the occupant and demand entry, explaining the reasons therefore and purpose of the inspection.

D. No person shall interfere with, hinder, fail or refuse, after proper demand has been made upon him or her as provided in Subsection C of this Section, to permit any Animal Services Officer to make any inspection provided by Subsection C of this Section. Any person violating this Section may be charged with a misdemeanor.

6.12.030 Animals at Large.

A. A person who owns or is in charge of or controls or who possesses an animal who permits, allows, or causes the animal to run, stray, be uncontrolled or in any manner be in, upon, or at large upon a public street, sidewalk, park or other public property or in or upon the premises or private property of another person shall be guilty as provided in Subsection B of Section 6.12.080 of this Chapter if such animal bites, attacks or causes injury to any human being or other animal.

B. Any person who convicted of violating Subsection A of this Section shall not own, possess, control or have custody of any animal of the type, species, group or family which caused the bite, attack or injury for a period of three (3) years after the date of conviction.

6.12.040 Temporary Impoundment or Confinement.

A. The Animal Services Officer shall have the power to summarily and immediately impound an animal where there is evidence that the animal is an immediate danger to public safety pending:

1. Any court proceeding; or

2. A hearing to be held pursuant to Chapter 6.22 of this Title. The owner of the animal shall be liable for the costs and expenses of impounding and keeping the animal if the animal is later determined to be dangerous.

B. Failure to surrender to the Animal Services Officer upon demand an animal which is subject to being impounded pursuant to this Section shall be penalized as provided in Subsection B of Section 6.12.080.

C. An animal impounded pursuant to the authority of this Section shall be returned to the owner as provided by Section 6.12.060 of this Chapter, or when the animal is no longer required as evidence, or if a notice of a hearing pursuant to Section 6.12.050 of this Chapter to declare the animal a dangerous animal has not been served on the owner or custodian within fifteen (15) working days after the impoundment.

D. In lieu of impounding and if not contrary to public safety, the Animal Services Officer may permit the animal to be confined at the owner's expense in an Animal Services Officer-approved kennel or veterinary facility or at the owner's residence provided the owner:

1. Shall not remove the animal from the kennel, veterinary facility, or residence without the prior written approval of the Animal Services Officer; and

2. Shall make the animal available for observation and inspection by the Animal Services Officer or members of law enforcement or their authorized representatives. The Animal Services Officer shall dictate to the owner the exact way the animal is to be restrained while awaiting the hearing.

E. The Animal Services Officer may have an animal that has been impounded or confined permanently identified by means of photo identification prior to release from impoundment or confinement.

F. If there is no reasonable method available to determine ownership of the animal, then the animal may be considered a stray.

6.12.050 Hearing Procedures.

A. Petition. If the animal services officer has investigated and determined that there exists probable cause to believe that an animal is dangerous, the Animal Services Officer shall petition the Chief of Police for a hearing for the purpose of determining whether the animal should be declared dangerous. The hearing shall be conducted pursuant to the provisions of Chapter 6.22 of this Title.

B. Determinations of Dangerous Animals-Evidence. In making a determination that an animal is or is not dangerous, evidence of the following shall be considered:

1. Any previous history of the animal attacking, biting or causing injury to a human being or other domestic animal;
2. The nature and extent of injuries inflicted and the number of victims involved;
3. The place where the bite, attack or injury occurred;
4. The presence or absence of any provocation for the bite, attack or injury;
5. The extent to which property has been damaged or destroyed;
6. Whether the animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
7. Whether the animal exhibits any characteristics aggressive or unpredictable temperament or behavior in the presence of human beings or other domestic animals;
8. Whether the animal can be effectively trained or retrained to change its temperament or behavior;
9. The manner in which the animal had been maintained or cared for by its owner;
10. Any other relevant evidence concerning the maintenance or care of the animal; and;
11. Any other relevant evidence regarding the ability of the owner or the animal services officer, to protect the public safety in the future if the animal is permitted to remain in the City.

C. Dangerous Animal Declared. After the hearing, the hearing officer may find, upon a preponderance of the evidence, that the animal is dangerous and may make other orders authorized by this Chapter and other law.

6.12.060 Dangerous Animals-Disposition.

A. The owner of an animal which has bitten any person or a domestic animal, or has otherwise been determined, after a hearing, to be dangerous, may be required as a condition of the release of the animal from confinement or impoundment, in addition to paying all costs of any impoundment, to comply with the written disposition of the hearing officer which contains any or all of the following conditions requiring the owner:

1. Registration. To immediately register the animal that is found to be dangerous with the animal services officer, to comply with the animal services officers requirements for dangerous animals (including, but not limited to, requiring the animal to wear a visible, dangerous animal tag), and to keep such animal properly vaccinated at all times. The owner shall pay a fee to keep or maintain one dangerous animal for a twelve-month term and an additional fee for each additional dangerous animal. The fee shall be paid for each twelve-month term. Should the animal die in any four (4) month term, the owner shall notify the animal services officer of the death within two (2) working days of the death. The owner shall provide proof of the death to the satisfaction of the animal services officer. The amount of the fees shall be established from time-to-time by resolution of the City Council.

2. Confinement. To keep the animal securely confined on its premises in a locked enclosure approved by the hearing officer or the animal services officer from which the animal cannot escape and into which children cannot trespass. Such a kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine the animal must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the side of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house an animal must comply with all zoning and building regulations of the City. All such structures must be adequately lighted, ventilated, and kept in a cleaned sanitary condition.

3. Confinement While on Leash. To keep the animal securely muzzled, restrained by a substantial leash of appropriate length and under the control of a responsible person eighteen (18) years of age or older who is physically capable of restraining the animal when the animal is not contained in a locked, secure enclosure.

4. Spay or Neuter the Animal. To have the animal spayed or neutered by a licensed veterinarian and to present proof to the animal services officer.

5. Insurance. To provide and maintain financial responsibility for injuries to the public by obtaining and showing proof of liability insurance in the form and amount deemed to be acceptable by the hearing officer in light of all the circumstances. Such insurance policy shall provide that no cancellation of the policy will be made unless thirty days written notice is first given to the Animal Services Officer and the City Clerk's office.

6. Notification. To immediately inform any City, county, postmaster and utility company meter reader and anyone-else that lawfully comes onto the property, of the animal's dangerousness and to inform the animal services officer and/or the hearing

officer if the animal is moved to another location inside or outside the City limits as provided in Section 6.06.150 of this Chapter.

7. Signs. To display in a prominent place on the premises a sign easily readable by the public using the words "Beware of Dog" or "Beware of Animal" in letters at least three (3) inches high.

8. Identification. To have a registration number assigned to such animal tattooed by a licensed veterinarian on the animal's inner thigh or inserted by a licensed veterinarian under the animal's skin by means of an electronic identification device. The manner and method of identification to be used hereunder shall be determined by the hearing officer. For the purposes of this Section, "tattoo" shall be defined as any permanent numbering of an animal by means of indelible or permanent ink.

9. Inspection. To consent and agree to the entry upon the premises to any Animal Services Officer for the purpose of inspecting the animal and/or premises.

10. Payment of Costs. To make reasonable payment of one-half of the costs incurred by the City and the Animal Services Officer in the hearing process, not to exceed one thousand dollars (\$1,000.00).

11. Other. To take any other steps deemed reasonably necessary to prevent injuries to the public.

The owner of the animal shall comply with the conditions imposed by the hearing officer within the time limit specified in Section 6.12.070 of this Chapter.

B. No dangerous animal shall be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or screen doors are the only obstacle preventing the animal from exiting the structure.

C. If, following the hearing, the subject animal is found to be dangerous and such a threat to public safety that even if reasonable conditions were imposed to release the animal to the owner it would create a significant threat to the public health, safety, or welfare, such animal may be destroyed. Such remedy shall be in addition to all other remedies at law or in equity and shall not limit or restrict such other remedies, including, but not limited to, Section 6.12.080(A), which authorizes the hearing officer to order an animal destroyed for violation of this Chapter or failure to meet a condition imposed by the hearing officer.

D. Any decisions made by the hearing officer shall be final.

E. If, after notice, the owner of an impounded animal fails to appear or be represented at the required hearing, then the animal may be considered abandoned. If the subject animal does not appear to be validly licensed and no owner can be found, and if the animal has been determined to be dangerous, then the animal may be considered abandoned and may be handled in the same manner as any other unclaimed stray animal.

F. If such an unlicensed animal has not been determined to be dangerous, it shall be returned to the owner, -subject to the issuance of a citation for failure to obtain a license. A non-dangerous stray animal will be handled as any other stray animal.

G. In such cases where an impounded licensed animal is found to be dangerous, the animal may be released subject to the conditions set forth in Subsection A of this Section.

6.12.070 Transfer and Training of Dangerous Animals.

A. Sale or Transfer within City. No person shall sell, transfer or in any other way dispose of an animal deemed dangerous under this Chapter to any person within the City, including, but not limited to, temporary housing in privately-owned and commercial kennels unless the recipient person resides permanently in the same household and on the same premises as the owner of such animal.

B. Sale or Transfer Outside City. The owner of an animal that has been deemed dangerous under this Chapter may sell, transfer, or otherwise dispose of such animal or the offspring thereof to persons who do not reside within the City, provided the owner first notifies the hearing officer and the Animal Services Officer of the proposed sale or transfer. Such notice shall be given not less than fifteen (15) days in advance of the sale or transfer and shall specify the name and address of the recipient person. Upon receipt of such notice, the hearing officer or the Animal Services Officer may notify the governmental jurisdiction in which the recipient person is located or resides. Failure to comply with these notification provisions shall be grounds for immediate impoundment of the animal by the Animal Services Officer.

C. Sale or Transfer Into City. It is unlawful for a person to possess, own or control any animal for the purpose of either temporary or permanent care in the City limits that has been deemed by another governmental jurisdiction to be potentially dangerous, dangerous, vicious, or a threat to the safety of human beings or domestic animals. The animal services officer may order the person having possession, ownership or control of the animal to remove the animal immediately from the City. Should such person fail to comply with the Animal Services Officer's order, the Animal Services Officer may summarily and immediately impound the animal. The owner of the animal shall be liable for the costs and expenses of impounding and keeping the animal. Such impounded animals may then be disposed of in accordance with the provisions of this Chapter.

D. Fight Training and Animal Abuse Prohibited. It is unlawful to use, train, keep, harbor, own or in any way possess or transport through the City an animal for the purpose of animal fight exhibitions. Scars and wounds are rebuttal evidence of participation in animal fight exhibitions or training. "Fight training" is defined to include, but not limited to:

1. The use or possession of treadmills for fight training;
2. Actions designed to torment, badger or bait any animal for purpose of encouraging said animal for fight exhibitions;
3. The use of weights on the animal for fight training;
4. The use of other animals for blood sport training;
5. Any other activity, the primary purpose of which is the training of animals for animal fight exhibitions.

It is further unlawful for anyone to knowingly abuse any animal within the City limits.

E. Rewards. Subject to the budgetary and fiscal provisions of this Code, the City is authorized to offer rewards not exceeding two hundred fifty dollars (\$250.00) to any person providing information leading to the arrest of any person for violations of prohibitions against the training of an animal for fight exhibitions. The City Council may authorize said rewards by resolution upon the request of the City Manager, Animal Services Officer or the Mayor.

6.12.080 Enforcement and Penalties.

A. Failure to Comply. It is unlawful for the owner of an animal deemed dangerous under this Chapter to fail to comply with the requirements and conditions set forth in this Chapter. Any animal found to be the subject of a violation of this Chapter or of any condition imposed by the hearing officer pursuant to Section 6.12.060 of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the destruction of the animal. No such animal however, may be destroyed until the owner of the animal has received written notice from the hearing officer that the animal will be destroyed unless, within fourteen (14) days from the date of the notice:

1. The owner has demonstrated to the satisfaction of the hearing officer that the owner has fully complied with the requirements and conditions set forth in this Chapter, including, but not limited to, the conditions imposed by the hearing officer pursuant to Section 6.12.060 of this Chapter; or
2. The owner has filed in a court of competent jurisdiction a petition that seeks to stay destruction of the animal and has served a copy of such petition upon the hearing officer.

The notice from the hearing officer shall be served upon the owner either personally or by prepaid first-class mail. If, after (14) fourteen days from the date of such notice, the owner has not complied with the provisions of Subdivisions 1 or 2 of this Subsection, the hearing officer may, without further notice or process, have the animal destroyed.

B. Violation-Penalties. In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Sections 1.17.100 et seq., or shall be guilty of an infraction pursuant to Beaumont Municipal Code Section 1.06.010. In either case, the amount of the fine shall be in the appropriate amount set forth in Section 1.06.030 of this Code. Each such violation shall be deemed a separate offense as specified in Beaumont Municipal Code Section 1.06.010.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve any person from the responsibility for correcting the violation

C. Ownership of Dangerous Animals. The owner of an animal determined to be dangerous under this Chapter shall be prohibited from owning, possessing, controlling or having custody of any other animal of the type, species, group or family to which the violation applies for a period of three years from the date of violation when it is found after the hearing conducted pursuant to Section 6.12.070 of this Chapter that ownership or

possession of such animal by that person would create a significant threat to public health, safety or welfare.

D. Enforcement. Any provision of this Chapter may be enforced by the Police Department, Fire Department, the animal services officer or any authorized designee of the City Manager. Complaints of any violations of this Chapter which are subject to penalties under this Section may be presented to the District Attorney's office or to the City Attorney for prosecution.

E. Nuisance Abatement Lien. The costs of abating a public nuisance pursuant to the provisions of this Chapter may be recovered from the owner of the animal causing the public nuisance. If the owner fails to pay such costs within thirty days from the date of invoice or within an extended period of time agreed to in writing by the hearing officer, the costs may be collected by a nuisance abatement lien, as provided by Section 38773.1 of the California Government Code. Notice of the lien shall be given to the owner of record of the parcel of land on which the nuisance is maintained prior to recordation of the lien and in the manner specified in said Section 38773.1.

F. Penalties and Remedies Cumulative. The penalties and remedies specified herein shall not be exclusive but shall be cumulative with all other remedies at law or in equity. The City may, in its discretion, elect to pursue anyone or more of the penalties or remedies provided for herein or at law or in equity.

6.12.090 Exemptions. The provisions contained in this Chapter shall not apply to:

- A. Any dog while utilized by any police department or any law enforcement officer in the performance of police work;
- B. Any animal shelter owned, operated or maintained by the animal services officer; or
- C. Any humane society shelter, animal control facility or veterinarian.

Chapter 6.14
RABID ANIMALS

Sections:

- 6.14.010 Destruction of Rabid Dog or Animal
- 6.14.020 Suspect Animal - Confinement and Treatment
- 6.14.030 Quarantine of Rabid Animals
- 6.14.040 Animals Bitten by Rabid Animals-Confinement by Owners
- 6.14.050 Animals Bitten by Rabid Animals-Quarantine by Animal services officer
- 6.14.060 Immunization for Dogs Over Four Months
- 6.14.070 Immunization Method
- 6.14.080 Certificate of Rabies Vaccination-Issuance
- 6.14.090 Certificate of Rabies Vaccination-Prerequisite to Issuance of License
- 6.14.100 Failure to Quarantine

6.14.010 Destruction of Rabid Dog or Animal. If it appears to the animal services officer, upon examination, that any dog or other animal has rabies, he/she shall cause such animal to be destroyed forthwith.

6.14.020 Suspect Animal-Confinement and Treatment.

A. Officers or persons capturing a dog or other animal which is suspected of being afflicted with rabies may separately confine such dog or other animal in some safe place and report the capture to the chief of police or his representative and submit such a dog or other animal to the chief of police or his representative for examination.

B. The Animal Services Officer, when called upon, shall examine or have examined every such animal and ascertain whether such animal is infected with rabies.

C. Owners of animals impounded for quarantine at a City or county facility shall be charged a daily quarantine fee in addition to the regular daily boarding fee.

D. Animal Services Officers investigating and authorizing a home quarantine shall collect a fee from the owner or custodian of the animal in an amount established from time-to-time by resolution of the City Council.

6.14.030 Quarantine of Rabid Animals.

A. Whenever it is shown that any dog or other animal has bitten any person, the owner or person having custody or possession of such biting dog or other animal shall, upon order of the Animal Services Officer, quarantine it and keep confined for a period not to exceed fourteen days, and shall allow the animal services officer to make an inspection or examination of such dog or other animal at any time during such period; provided, that upon request of the owner, who shall assume any charges therefore, any dog or other animal with a valid vaccination may be confined by a licensed veterinary for observation, and a written release from such veterinary shall be required.

B. It is unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the city limits without the written permission of the Animal Services Officer. Every owner or other person having custody or control of the dog or

other animal knowing the same is rabid shall immediately notify the animal services officer or a police officer who shall make the determination to remove the dog or animal from the premises, leave it, or destroy it.

6.14.040 Animals Bitten by Rabid Animals - Confinement by Owners. Whenever any animal has been bitten by another animal having or suspected of having rabies, the owner or person having the custody or possession of the animal so bitten shall immediately notify the animal services officer and shall restrain or confine such animal so as to make it impossible for such animal to bite any other animal or person.

6.14.050 Animals Bitten by Rabid Animals - Quarantine by Animal services officer. The animal services officer shall have the power to quarantine any animal bitten or suspected of having been bitten by a rabid animal. Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined in a place and manner approved by the animal services officer, for a period of up to six months or destroyed, with the exception that the following alternatives are permitted in the case of dogs and cats as follows:

A. If a dog over one year of age has been vaccinated against rabies within eight (8) months but not less than 30 days with a rabies vaccine of a type approved by the animal services officer for a maximum immunity duration of at least eight (8) months, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the animal services officer and quarantined in a place and manner approved by the animal control officer for a period of 30 days following revaccination.

B. If a dog under one year of age has been vaccinated against rabies within 04 months but not less than 30 days with a rabies vaccine of a type approved by the animal services officer, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the animal services officer and quarantined in a place and manner approved by the animal control officer for a period of 30 days.

All costs of quarantine shall be paid for by the owner.

6.14.060 Immunization for Dogs Over Four Months. All dogs over four (4) months of age shall be immunized against rabies in the manner set forth in Sections 6.14.070 through 6.14.090.

6.14.070 Immunization Method. Immunization or vaccination with the canine rabies vaccine, one injection or other approved method may be performed by any duly qualified, licensed physician or veterinarian.

6.14.080 Certificate of Rabies Vaccination-Issuance. The person vaccinating each dog described in Section 6.16.070 shall issue a certificate of rabies vaccination.

6.14.090 Certificate of Rabies Vaccination-Prerequisite to Issuance of License. At the time of issuing the license required under Section 6.06.010 for all dogs in the city, the license collector or other proper official shall require the applicant for such a license to produce a certificate of rabies vaccination. The validity of such rabies certificate must extend through the license period.

6.14.100 Failure to Quarantine. Failure to comply with quarantine requirements or failure to produce an animal for quarantine shall constitute a violation of this Chapter. Persons who violate a home quarantine, fail to produce an animal for quarantine upon demand, or in any other way interfere with rabies investigation, shall, in the discretion of the Animal Services Officer, be administratively cited under section 1.17.100 et seq., or shall be guilty of a misdemeanor, pursuant to Section 041710 of the California Health and Safety Code and Section 9701 of the California Food and Agriculture Code, which is punishable by imprisonment in the County Jail for a period not to exceed one year, or by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000) per day of violation, or both fine and imprisonment.

Chapter 6.16
KENNELS, CATTERIES and ANIMAL RESCUE FACILITIES

Sections:

- 6.16.010 Commercial Kennel/ Cattery License Required
- 6.16.020 Application Requirements
- 6.16.030 Fees, Fee Exemptions
- 6.16.040 Animal Rescue Facilities
- 6.16.050 Denial, Suspension, Revocation and Appeal of License

6.16.010. Commercial Kennel/ Cattery License Required. In addition to a business license as required, every person engaged in the business of operating or maintaining a Class I Kennel, Class II Kennel, Class III Kennel, Class IV Kennel, Sentry Dog Kennel, or cattery shall obtain an appropriate license from the Animal Services Department. Such license shall be valid for a period of either one (1) or two (2) years from the date of issuance. Said license shall be renewed within thirty (30) days after the date of expiration. Where a kennel license has been issued and is in effect, the dogs contained in such kennel shall be exempt from the requirements of individual license tags as required by this Title.

6.16.020. Application Requirements. An application for a kennel or cattery license shall be filed with the Animal Services Officer on a form prescribed by him/her not later than ten (10) days after obtaining written verification from the City planning department that the operation of the kennel or cattery is in compliance with the applicable zoning regulations. Said application form, when completed, shall contain such information as may reasonably be required by the Animal Services Officer for the purposes of enforcement of this Title, including but not limited to the current home telephone number of the caretaker of the subject kennel or cattery and another current telephone number for emergency use or messages when such caretaker is absent from the subject kennel or cattery. Where a kennel or cattery is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises to the effect that the kennel or cattery may be maintained and operated on such premises shall be submitted to the Animal Services Officer at the time the application for the kennel or cattery license is submitted.

After receipt of a kennel or cattery license application, the Animal Services Officer shall make an inspection of the premises of the kennel or cattery for which a license is requested. No kennel or cattery license shall be issued, nor shall any such license be renewed, unless and until the kennel or cattery, in the opinion of the Animal Services Officer, satisfies the applicable laws and regulations of the State of California, the applicable Titles of the City and any other applicable conditions as set forth in this Chapter or any other applicable Chapters. Notwithstanding any other provision of this Title, the Animal Services Officer or the Planning Director may, in their respective discretion, limit the numbers of dogs or cats over the age of four (4) months which are kept or maintained in any kennel or cattery, and such limitation may be imposed at such time as an application for an initial kennel or cattery license is considered or at such time as an application for renewal of a kennel or cattery license is considered.

Notwithstanding any other provision of this Title, the Animal Services Officer is hereby authorized to enter upon and inspect the premises of any kennel or cattery located in the CITY for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this Title and the conditions set forth in Chapter 17.09 of the Municipal Code.

As a condition of the issuance of a kennel or cattery license, each owner and operator of a kennel or cattery shall agree to allow such entry and inspection and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the owner or operator of the kennel or cattery is present on the kennel or cattery premises, and with such frequency as the Animal Services Officer shall deem appropriate, and such inspections may, at the discretion of the Animal Services Officer, be made without prior notice to the owner or operator of the subject kennel or cattery. Willful refusal on the part of a kennel or cattery owner or operator to allow such inspection shall be grounds for summary denial of an application for a kennel or cattery license or for summary suspension or revocation of a kennel or cattery license.

6.16.030. Fees, Fee Exemptions. The Class I Kennel, Class II Kennel, Class III Kennel, Class IV Kennel, Sentry Dog Kennel, cattery, and Animal Rescue Facility license fees, and late fees, shall be as set by separate Resolution of the City Council of the City of Beaumont. If an application for a license or renewal of a license is made more than thirty (30) days after the date such license is required or such previous license has expired, a late fee shall be added.

A nonprofit corporation formed pursuant to the provisions of the California Corporations Code commencing with Section 10100 for the prevention of cruelty to animals, shall not be required to pay a fee for the licenses required by this Title; provided, however, that all other provisions of this Title shall be applicable to any such nonprofit corporation, as well as the provisions of Section 6.16.040 of this Title if the nonprofit corporation is an animal rescuer.

6.16.040. Animal Rescue Facilities. Any person engaged in the rescue of animals, shall first obtain a rescue permit from the Department and shall meet all requirements and standards for a kennel/cattery license.

- a. For an animal rescuer that is not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code commencing with Section 10100 for the prevention of cruelty to animals, the animal rescuer may keep two (2) dogs with a rescue permit and no minimum land requirement so long as all other requirements and standards for a kennel license, referred in this Title, are met.
- b. For an animal rescuer that is a valid nonprofit formed pursuant to the provisions of the California Corporations Code commencing with Section 10100 for the prevention of cruelty to animals, the animal rescuer may maintain up to ten (10) dogs with a rescue permit and no minimum land requirement so long as all other requirements and standards for a kennel license are met. Such animal rescuer shall not need to obtain a Class I Kennel permit.
- c. For an animal rescuer maintaining eleven (11) or more dogs a Class II Kennel License is required, and the minimum land requirement shall be one acre.
- d. For an animal rescuer maintaining ten (10) or more cats, a cattery license is required; and the minimum land requirement shall be one acre.
- e. An animal rescuer may keep a maximum of four (4) personal (not for adoption or sale) dogs and nine (9) personal (not for adoption or sale) cats and must include these animals as "personal pets" on the animal rescue permit application.
- f. Personal dogs (not for adoption or sale) shall be individually licensed in accordance with this Title.
- g. All rescued dogs and rescued cats older than four (4) months must be spayed/ neutered prior to releasing to an adopting party. In any event, the animal must be altered within 30 days of receipt by the rescuer.

- h. Accurate and complete records of all animals shall be maintained by the animal rescuer on forms which will be made available to Department for inspection upon request.
- i. An animal rescuer may recoup, from the adopting party, the cost of any inoculations, the cost incurred by having the animal altered prior to adoption, and any costs related to the treatment of illness or injury.

6.16.050 Denial, Suspension, Revocation and Appeal of License. The Animal Services Officer may, in his/her discretion, deny any application for a kennel, cattery or rescue facility license whether such application is for an original license or renewal of a license, and may suspend or revoke any license if it is found that the kennel, cattery or rescue facility fails to meet any or all of the Standards as set forth in this Title, or is in violation of any law of the State of California or any provision of this Title, any provision of any other CITY Title or provision of a Conditional Use Permit.

When such denial, suspension or revocation occurs, the Animal Services Officer shall prepare a written notice of such denial, suspension or revocation which shall contain a brief statement of the reason or reasons for such denial, suspension or revocation. The Animal Services Officer shall serve such notice upon the applicant or licensee by hand-delivery or by registered or certified mail, postage prepaid, return receipt requested. Denial, suspension or revocation shall be effective thirty (30) days after service of such notice. Where an application for a kennel or cattery license is denied or where a kennel or cattery license issued pursuant to this Title is revoked, no application for a new license for such kennel or cattery shall be considered for a period of one (1) year from the effective date of such denial or revocation; provided, however, that for good cause shown the City Council may direct that there be a lesser period of time before such application will be considered.

Any person whose application has been denied or whose license has not been renewed, or whose license has been suspended or revoked, may appeal such denial, nonrenewal, suspension or revocation by filing with the City Clerk of the within fifteen (15) days after notice of such denial, suspension or revocation, a written notice of appeal briefly setting forth the reasons why the appellant alleges such denial, non-renewal, suspension or revocation is improper. Within five (5) days of the receipt by the said Clerk of such notice of appeal, the Clerk shall set a hearing date for the appeal and shall give written notice of the date, time and place of such hearing to the appellant, and such notice shall be sent by registered or certified mail, postage prepaid, return receipt requested. The date of hearing shall be not less than twenty (10) days from the date of mailing of the notice of the date, time and place of the hearing, and the hearing shall be conducted not later than forty-five (45) days from the date of mailing of the notice of denial, non-renewal, suspension or revocation; provided, however, that at the request of the appellant, the City Clerk may extend the hearing date for a reasonable period beyond the aforementioned forty-five (45) day limit. The appeal shall be heard by the City Council which may affirm, modify, or reverse the denial, non-renewal, suspension or revocation. In conducting the hearing, the City Council shall not be limited by the technical rules relating to evidence & witnesses, as applicable in courts of law. To be admissible, evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs. During the pendency of the appeal, there shall be in effect an automatic stay of the denial, non-renewal, suspension or revocation; provided, however, that during said period of pendency the Animal Services Officer may take such action as he/she deems appropriate under this Title. or any other provision of law respecting the subject kennel or cattery, including but not limited to the abatement of public nuisances, inspection of the kennel or cattery premises, or the prosecution of any violation of this Title.

or any other provision of law not related to the failure of the subject kennel or cattery to be currently and otherwise validly licensed.

Chapter 6.18
LARGE ANIMALS

Sections:

- 6.18.010 Running at Large—Impoundment
- 6.18.020 Notice of Impoundment - Required
- 6.18.030 Fees and Charges - Impounded Animals -Redemption
- 6.18.040 Right to Redeem
- 6.18.050 Sale of Impounded Animal - Terms - Time
- 6.18.060 Sale of Impounded Animal - Bill of Sale
- 6.18.070 Sale of Impounded Animal - Proceeds
- 6.18.080 Records

6.18.010 Running at Large—Impoundment. No person owning or having the care, custody, or control of any horse, mule, jack, cow, sheep, goat, or other domestic animal or livestock shall permit the same to be at large and not be under the immediate control of some person. No person shall picket such animal in such a manner that the animal can go upon any of the streets, alleys, or public parks, or public grounds within the city. It shall be the duty of the animal services officer to impound any animal that may be found running at large.

6.18.020 Notice of Impoundment - Required. Within not less than two (2), nor more than five (5) days from the impoundment of any animal under this Chapter, it shall be the duty of the animal services officer to give notice of the impounding of such animal to the owner or person claiming to own such animal. If the owner cannot be ascertained, a notice shall be posted for five days in a conspicuous place in the City therein giving a description of each animal impounded and stating that if such animal is not sooner redeemed, the animal services officer will at a time and place named in such notice, sell such animal at public auction to pay the charges and costs provided for in this Chapter.

6.18.030 Fees and Charges - Impounded Animals-Redemption. Any person owning or claiming to own any animal under the provisions of this Chapter may redeem such animal by payment of the fees and charges established in amounts by resolution of the City Council:

a. **Impoundment.** The City shall charge a fee for impoundment, plus the actual costs of transporting the animal, veterinary care and related services rendered to the animal while impounded, the actual costs for the animal services officer, as well as any other agencies involved, the actual costs of sale incurred, actual costs of any extraordinary measures required in or for the handling and maintaining of the animal while impounded. Upon impounding any bovine animal, horse, mule or burro, the animal services officer shall comply with Food and Agriculture Code Section 17003 and immediately notify the Secretary of Food and Agriculture.

b. **Feeding and Keeping.** For feeding and keeping any animal, a fee for each day or fraction thereof the same shall remain in the animal services officer's custody.

6.18.040 Right to Redeem. Any animal impounded under this Chapter may at any time be redeemed upon payment to the animal services officer of such fees and charges as may have already been incurred per Section 6.20.030.

6.18.050 Sale of Impounded Animal - Terms - Time. At the time and place set forth in the notice of sale, the animal services officer shall cause the sale of the impounded animal at

public sale, to the highest bidder, for cash. If no bid is offered for such animal, the animal services officer may cause the sale of such animal at private sale or humanely destroy such animal, or otherwise dispose of it as permitted by law.

6.18.060 Sale of Impounded Animal - Bill of Sale. The animal services officer, upon receiving the purchase money for an animal sold under this Chapter shall provide the purchaser with a bill of sale signed by the animal services officer.

6.18.070 Sale of Impounded Animal - Proceeds. All money received for the sale of an animal under the provisions of this Chapter shall be deposited in the general fund of the City.

6.18.090 Records. It shall be the duty of the animal services officer to maintain accurate records on all animals impounded, redeemed or sold under the provisions of this Chapter.

Chapter 6.20
APIARIES

Sections:

- 6.20.010 Purpose and Intent
- 6.20.020 Definitions
- 6.20.030 Hives
- 6.20.040 Fencing of Flyways
- 6.20.050 Water
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6.20.010 Purpose and Intent. The city Council finds that honey bees are of benefit to mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products. The City Council recognizes that gentle strains of honey bees can usually be maintained within populated areas within reasonable densities without causing a nuisance if the bees are properly located and carefully managed. The purpose of this Chapter is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.

6.20.030 Hives. All bee colonies shall be kept in Langstroth type hives with removable frames, which shall be kept in sound and useable condition.

6.20.040 Fencing of Flyways. In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest establishment, the beekeeper shall maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract.

6.20.050 Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcock, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.

6.20.060 General Maintenance. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive all such materials shall promptly be disposed in a sealed container or placed within a building or other bee proof enclosure.

6.20.070 Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly requeen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.

6.20.080 Colony Densities.

A. It shall be unlawful to keep more than the following number of colonies on any tract within the City, based upon the size of configuration of the tract on which the apiary is situated:

1. One quarter acre or less tract size two (2) colonies.
2. More than one-quarter acre but less than one-half acre tract size four (4) colonies.
3. One-half acre but less than one acre tract size six (6) colonies.
4. One acre or larger tract size eight (8) colonies.

Regardless of tract size, where all hives are situated at least two hundred (100) feet in any direction from the property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

Regardless of tract size, so long as all property, other than the tract upon which the hives are situated, that is within a radius of at least two hundred (200) feet from any hive remains undeveloped property, there shall be no limit to the number of colonies.

B. For each two (2) colonies authorized under Colony densities (Subsection A) there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth ten-frame hive body with no supers attached as required from time to time for management of swarm. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.

6.20.090 Marking Hives, Presumption of Beekeeping.

A. In apiaries, name and telephone numbers shall be branded, painted, or otherwise clearly marked upon the structure of at least two (2) hives at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

B. Unless marked in accordance with Subsection (A) it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

6.20.100 Inspection. The Animal services officer shall have the right to inspect any apiary between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives.

6.20.110 Compliance.

A. Upon receipt of information that any colony situated within the City is not being kept in compliance with this Title, the Department shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred he shall cause a written notice of hearing to be issued to the beekeeper.

B. The notice of hearing shall set forth:

1. The date, time and place at which the hearing will be conducted.
2. The violation(s) alleged,
3. That the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses, and request a court reporter.
4. That the bees may be ordered destroyed or removal from the City if the hearing officer finds that they have been kept in violation of this article.

Notice shall be given by certified United States Mail or personal delivery. However, if the City is unable to locate the beekeeper, then the notice may be given by publication one time in a newspaper of general circulation at least five (5) days prior to the date of the hearing.

C. The hearing shall be conducted by the Hearing Officer . The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this Title. If the hearing officer finds that the colony or colonies have been kept in violation of this Chapter, then he may order that the bees be destroyed or removed from the City, not to exceed twenty (10) days, and that bees not thereafter be kept upon the tract for a period of two (2) years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees be removed or destroyed. Upon failure of the beekeeper to comply with the order, the officer may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expense for their return.

D. The decision of the hearing officer may be appealed to the City Council by filing a notice to appeal with the City within ten (10) days following the date that the hearing officer announces his decision, or if the decision is not announced at the conclusion of the hearing, then within fifteen (15) days following the date that the hearing officer places written notice of his decision in the mail to the beekeeper. An appeal shall not sway the hearing officer's decision, and it shall be the responsibility of the beekeeper to remove the bees from the City pending the determination of the appeal.

E. The provisions of the section shall not be construed to require a hearing for the destruction of (1) any bee colony not residing in a hive structure intended for beekeeping or (2) any swarm of bees or (3) any colony residing in a standard or man-made hive, which by virtue of its condition, has obviously been abandoned by the beekeeper.

Chapter 6.22
Animal Control Hearings

Section:

- 6.22.010 Purpose
- 6.22.020 Neutral Hearing Officer
- 6.22.030 Scheduling the Hearing
- 6.22.040 Hearing Procedures
- 6.22.050 Recording
- 6.22.060 Hearing Officer's Decision
- 6.22.070 Appeal to the Riverside County Superior Court
- 6.22.080 Failure to Appeal

6.22.010 Purpose. It is the purpose of this Chapter to provide standardized animal control hearing procedures concerning the seizure and impoundment of animals. Specifically, the hearings required by Chapter 6.08 regarding seizure and impoundment, Chapter 6.10 regarding potentially dangerous dogs and Chapter 6.12 regarding dangerous animals, shall be conducted in accordance with the procedures set forth in this Chapter 6.22.

6.22.020 Neutral Hearing Officer. All hearings conducted pursuant to this Chapter shall be conducted by the Chief of Police or his designee who shall not have been directly involved in the subject action and shall not be subordinate in rank to the person seizing or impounding the animal(s). The name of the candidate hearing officer shall be promptly communicated to the owner of the animal, and the owner shall have 24 hours to disqualify the candidate on the grounds that the owner reasonably believes that the candidate is prejudiced against the owner or the interests of the owner.

6.22.030 Scheduling the Hearing. The designated hearing officer shall schedule the hearing, and the hearing shall be conducted, within 10 business days of the date the hearing officer is appointed; provided, however, that the hearing officer may continue the hearing for a reasonable period of time if he/she deems such continuance to be necessary and proper, or if the owner or custodian of the animal shows good cause for such continuance.

6.22.040 Hearing Procedures. To the extent applicable and feasible, the hearing officer shall conduct the hearing in compliance with the following guidelines:

A. The Animal Services Officer shall have the burden of proof to establish, by a preponderance of the evidence, the existence of the condition or conditions which gave rise to the need for seizure or impoundment or otherwise.

B. The Animal Services Officer shall present its case first, following by the party against whom the seizure or impoundment is being proposed. The Animal Services Officer may present rebuttal in the discretion of the hearing officer.

C. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any other matter relevant to this issue even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness, and to rebut evidence.

D. Oral evidence shall be taken only on oath.

E. The hearing need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing to explaining other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be irrelevant and unduly repetitious evidence shall be excluded.

6.22.050 Recording. The hearing may be recorded if ordered by the hearing officer or requested by the owner or custodian of the animal. A stenographic report shall also be made of the proceedings if ordered by the hearing office or requested by the owner or custodian, with the costs thereof to be borne by the person making the order or request. A copy of the recording or transcript of the proceeding shall be made available to person upon request and upon payment of the cost of the preparation thereof.

6.22.060 Hearing Officer's Decision. Within 3 business days after the conclusion of the hearing, the hearing officer shall render, in writing, his/her findings, decision and order thereon, and shall give notice, in writing, of the determination and orders issued, either personally or by first-class mail, postage prepaid. Specific findings that shall be made by the hearing officer, and a more complete statement of the hearing officer's disposition authority may be found in Chapters 6.08, 6.10 and 6.12 of this Title.

6.22.070 Appeal to the Riverside County Superior Court. If the owner or custodian of the animal contests the hearing officer's determination, he/she may, within 5 days of the receipt of the notice of determination, appeal the decision to the Riverside County Superior Court and shall pay a fee for filing such appeal to the Clerk of the Court, as provided in Section 70826(b) of the Government Code.

The owner or custodian of the dog shall serve personally, or by first-class mail, postage prepaid, the notice of appeal on the Chief of Police.

The Court hearing the appeal shall conduct a hearing in accordance with the provisions of Section 30612(b) of the Flood and Agriculture Code. The determination of the Court hearing the appeal shall be final and conclusive upon all parties.

6.22.080 Failure to Appeal. If the owner or custodian of the animal fails to appear at the hearing, the hearing officer, and the Superior Court hearing the appeal, may decide all issued for or against such absent owner or custodian.