

ORDINANCE NO. 1706

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 6.24 OF THE CHULA VISTA MUNICIPAL CODE BY AMENDING SECTIONS 6.24.010 THROUGH 6.24.060 AND ADDING THERETO NEW SECTIONS 6.24.070 THROUGH 6.24.140, ALL RELATING TO THE RESPONSIBILITIES FOR MAINTENANCE AND OWNERSHIP OF DOGS

The City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: That Sections 6.24.010 through 6.24.060 of the Chula Vista Municipal Code be, and the same are hereby amended to read as follows:

Sec. 6.24.010 Conditions of Animal Ownership.

Animal owners or keepers must comply with the following conditions of animal ownership, and the Animal Regulation Officer may require as a condition of licensing such owners or keepers to sign permit or license applications agreeing to comply with such conditions:

- (a) Animals shall be restrained or confined as required by law.
- (b) Animals shall be humanely treated at all times.
- (c) Vaccinations, licenses, and permits shall be obtained as required by law.
- (d) Animal premises shall be kept sanitary and shall not constitute a fly breeding reservoir, a source of offensive odors or of human or animal disease.
- (e) Animals and animal premises shall not be permitted to disturb the peace or constitute a public nuisance or hazard.

Sec. 6.24.020 Running at Large Prohibited.

It is unlawful for any person, owning, having interest in, harboring or having the care, charge, custody, control or possession of a dog, to suffer, allow or permit such dog to:

- A. Be upon any public street, alley, park or other public place in the city including public or private school grounds in the city, unless such dog is restrained by a chain, line or leash and is in the custody of some competent person, on unless such dog is confined within a motor vehicle;
- B. Be on premises of person other than owner, possessor or keeper without consent, or in or upon a vehicle without consent of the vehicle owner.

Sec. 6.24.030 Restraint of Dogs by Owner.

Dog owners or persons having care or custody of dogs shall at all times keep their dogs on a leash or within an enclosed area on their own property or the private property of another, with the permission of the owner of that property so as to prevent them from being at large or stray, from biting or harassing any person engaged in a lawful act, from interfering with the use of public property or with the use of another person's private property, and from being in violation of other sections of this Code. However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement duties, or while being trained for the above purposes on private land with the permission of the land owner, so long as such dogs are under direct and effective sound or gesture control within sight of such individuals to assure that they do not violate any other provisions of law.

Sec. 6.24.040 Disturbing the Peace Prohibited.

No person shall own or harbor an animal in such a manner that the peace and quiet of the public is unreasonably disturbed. The written affirmation by two persons, having separate residences, that violation of Sections 6.24.010 (d) and (e), 6.24.030, 6.24.050 and 6.24.080 of this Code disturbs the peace and quiet of said persons shall be prima facie evidence of a violation of this section. The keeping or maintenance, or the permitting to be kept or maintained, on any premises owned, occupied, or controlled by any person of any animal or fowl which, by frequent or long continued noise, shall cause unreasonable annoyance or discomfort to any person of normal sensitivity in the vicinity shall constitute a violation of this section; provided, however, that nothing contained herein shall be construed to apply to reasonable noises emanating from legally operated dog and cat hospitals, humane societies, pounds, farm and/or agricultural facilities, or areas where keeping of animals or fowls are permitted. The destruction by an animal of property other than that which belongs to the owner of said animal shall be prima facie evidence of a violation of this section.

Sec. 6.24.050 Committing Nuisance. . . .

No person shall allow a dog in his custody to defecate or to urinate on public property or any improved private property other than that of the owner or person having control of the dog. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this section. Unsighted persons while relying on a guide dog shall be exempt from this section. If a violation of the above occurs, such persons shall immediately remove any feces to a proper receptacle.

Sec. 6.24.060 Female Dogs in Season.

Dog owners shall securely confine their female dogs while in season within an enclosure in a manner that will prevent the attraction of male dogs to the immediate vicinity.

SECTION II: That Chapter 6.24 of the Chula Vista Municipal Code is hereby amended by adding thereto new Sections 6.24.070 through 6.24.130 to be, and to read as follows:

Sec. 6.24.070 Inhumane Treatment and Abandonment.

No person shall treat an animal in a cruel or inhumane manner or willingly or negligently cause or permit any animal to suffer unnecessary torture or pain. No person shall abandon any domestic animal without care on any public or private property.

Sec. 6.24.080 Possession of Vicious Dogs..

The possession of a vicious dog is unlawful. Dogs held in violation of this section shall be deemed a public nuisance, and their continued possession or ownership shall be unlawful. The Animal Regulation Officer may impound any such dog and dispose of it in a humane manner after three working days to allow for legal restraining action by the owner.

For purposes of this section, an animal shall be deemed vicious if it clearly demonstrates by its behavior a propensity to attack or bite a person or animal without provocation. The vicious character of a dog does not depend upon the dog having actually bitten any person or animal, but may be determined by observation of its behavior. Further, a dog which has bitten any person or animal is not necessarily deemed to be vicious dependent upon the circumstances such as the intrusion of persons into a confined space on private property, the teasing of the dog or cruel treatment of the dog. A dog shall not be deemed to be vicious who acts in protection or in defense of persons or of private property if properly confined within an enclosure on the premises of the owner or custodian of the animal, which enclosure is violated by any person or animal. Dogs which are specifically maintained for guard dogs or protective purposes must be licensed with the City of Chula Vista showing such special guard or protective use. The owner or custodian of such an animal must stipulate that premises wherein the animal is maintained are designed and constructed in such a manner as to protect all persons in the surrounding area and persons who may come upon the premises for ordinary and legitimate purposes as well as from children who may, for any reason, be attracted to the premises. In the event that such a dog does bite any person or animal, the quarantine provisions of Section 6.28.060 shall be applicable.

Any person who has been assaulted or attacked by any dog within the limits of the city, without provocation from the person so assaulted or attacked, may make an affidavit of such fact and file the same with the Chief of Police immediately to give notice in writing of filing of such affidavit to the owner or keeper of such dog. After satisfying the requirements of the quarantine provisions of Section 6.28.060, such owner or keeper shall keep such dog securely confined to his premises by line or chain, and if such owner or keeper shall neglect to so confine such dog.

dog, he shall be guilty of a violation of this chapter and the Chief of Police may have such dog killed at any time thereafter if it is found running at large in the city and not in the immediate care of its owner or keeper, or led by a chain, line or leash.

Sec. 6.24.090            Entering Food Establishments  
Prohibited.

It is unlawful for any person owning, having an interest in, harboring or having the care, charge, control, custody or possession of any dog, to suffer, allow or permit such dog to enter any restaurant, grocery store, milk depot, fruit or vegetable market, meat market, or any other place of business in the city, where food or foodstuffs of any character used for human consumption is manufactured, sold, served or handled, provided, however, this shall not apply to seeing-eye dogs.

Sec. 6.24.100            Complaints.

Upon receiving a complaint from an identified person alleging a violation of this chapter and upon receiving the name and address of the owner of the animal, if known, an investigation to determine whether a violation exists shall be made. If the investigation discloses a violation of this chapter, prosecution may be initiated against the owner. 'Complainants' identities shall be kept confidential to the extent permitted by law.

Sec. 6.24.110            Presumption of Responsibility for  
v                            Violation.

In any prosecution involving an animal charging a violation of any provision referred to in Section 6.24.120 of this Code, proof by the People of the State of California that the particular animal described in the complaint was found in violation of any provision of said sections, together with proof that the defendant named in the complaint was at the time of the alleged violation the owner of the animal, shall constitute prima facie evidence that the owner of the animal was the person responsible for the violation of said provisions involving said animal. However, for the purposes of this section proof that a person is the owner of said animal is not prima facie evidence that he has violated any other provisions of law.

Sec. 6.24.120            Enforcement Provisions.

(a) The Animal Regulation Officer, each agent or deputy thereof who is assigned to duties which include the enforcement of animal regulation laws and any peace officer are responsible for enforcing the provisions of this Chapter and the following provisions of state law, each of which is incorporated herein by this reference:

1. California Administrative Code:  
Title 17, Section 2606 to 2606.8

2. Food and Agricultural Code:

(A) Article 1 (commencing with Section 17001) and Article 2 (commencing with Section 17041) of Chapter 7, Division 9, Part 1.

(B) Section 17121

706

3. Health and Safety Code:

(A) Chapter 3 (commencing with Section 1900) of Division 3.

(B) Chapter 13 (commencing with Section 25970) of Division 20.

4. Penal Code:

Section 148

5. Any penal law of the State of California relating to or affecting animals.

Sec. 6.24.130 Public Nuisance.

The introduction, possession or maintenance of any animal, or the allowing of any animal to be in contravention of this chapter is in addition to being a misdemeanor, hereby declared to be a public nuisance. The Animal Regulation Officers and Police Officers of the City of Chula Vista are hereby authorized, directed and empowered to summarily abate any such public nuisance by any means reasonably necessary including but not limited to the destruction of the animal or animals involved.

Sec. 6.24.140 Harboring of Strays.

No person shall harbor or keep any lost or stray dog for a longer period than twenty-four (24) hours. Any person finding a lost or stray dog shall forthwith notify the Animal Shelter and turn it over to them.

SECTION III: In accordance with Section 311 of the Charter of the City of Chula Vista, this ordinance shall be effective immediately upon its passage because of numerous and continuing incidents of unlicensed and unvaccinated animals running at large within the City, destroying personal property and biting persons. The effective control of such situations is necessary for the immediate preservation of the public health and safety within the City of Chula Vista.

Presented and Approved as to Form by



George D. Lindberg, City Attorney

706

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA, CALIFORNIA this 31st day of August,  
1976, by the following vote, to-wit:

AYES: Councilmen Cox, Hamilton, Egdahl, Hobel, Hyde  
NAYES: Councilmen None  
ABSENT: Councilmen None

/s/ Thomas D. Hamilton, Jr.  
Mayor of the City of Chula Vista

*Thomas D. Hamilton Jr.*

ATTEST Jennie M. Fulasz  
*Jennie M. Fulasz*  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista,  
California, DO HEREBY CERTIFY that the above and foregoing is a full,  
true and correct copy of \_\_\_\_\_ and  
that the same has not been amended or repealed.

DATED \_\_\_\_\_

\_\_\_\_\_  
City Clerk

(SEAL)

706