

ORDINANCE NO. 3226

ORDINANCE OF THE CITY OF CHULA VISTA REVISING TITLE 6, ANIMALS, OF THE MUNICIPAL CODE AND ADDING NEW SECTION 6.01, DEFINITIONS; SECTION 6.22, MANDATORY SPAY/NEUTERING; SECTION 6.32, MICROCHIPPING; AND SECTION 6.33, GENERALLY

WHEREAS, Title 6 codifies City regulations with respect to treatment of animals; and

WHEREAS, much of Title 6 is out of date with respect to correct State of California laws and regulations and current City animal care and animal control procedures; and

WHEREAS, the City desires to update Title 6; and

WHEREAS, the City desires to establish regulations and procedures to enhance the save rate of dogs and cats at the City Animal Care Facility.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

SECTION 1: ACTION

Title 6 [Animals] of the Chula Vista Municipal Code is amended, including the addition of new sections 6.01 [definitions]; 6.22 [mandatory spay/neutering]; 6.32 [microchipping]; and 6.33 [generally], as follows:

**Title 6
ANIMALS**

Chapters:

- 6.01 Definitions
- 6.02 Keeping Animals - Regulations Generally
- 6.04 Keeping Pets, Livestock, Birds and Bees
- 6.08 Keeping Commercial Cats, Dogs, Poultry and Rabbits
- 6.12 Grazing and Impoundment
- 6.16 Dead Animals
- 6.20 Dog Licenses
- 6.22 Mandatory Spay/Neutering
- 6.24 Restraining Dogs
- 6.26 Animals in Vehicles
- 6.28 Rabies Control
- 6.30 Animal Sales
- 6.32 Microchipping
- 6.33 Generally

Chapter 6.01 DEFINITIONS

The following definitions shall apply to this title:

- A. "Altered" means an animal that has been spayed or neutered;
- B. "Abate" means to take action to remove a nuisance and may include confirming, isolating or destroying an animal;
- C. "Animal" shall include, but not be limited to, all of the following:
 - 1. All animals, whether wild or tame, including, but not limited to, all reptiles, all aquatic animals, all birds and fowl (Ord. 1203 § 1, 1969 prior code § 4.41), and all non-human mammals.
- D. "At large" means:
 - 1. Being on private property without the permission of the owner or person who has the right to possess or use the property;
 - 2. Being unrestrained by a leash on private property open to the public or on public property, unless a law or regulation expressly allows an animal to be unrestrained on the property. If a leash is not being held in the hand of a person capable of controlling the animal or a person is not actually controlling an animal attached to the leash, the animal is "at large";
 - 3. In a place or manner that presents a substantial risk of imminent interference with animal or public health, safety or welfare;
- E. "Attack" means an action by an animal which places a person in reasonable apprehension that the animal will cause the person immediate bodily harm;
- F. "Attack dog" has the same meaning as the term "attack dog" in Health and Safety Code section 121881;
- G. "Barking dog" means a dog that barks, bays, cries, howls, or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for sixty (60) minutes or more in any 24-hour period, or intermittent barking for 120 minutes or more during any 24-hour period. A dog shall not be deemed a "barking dog" for purposes of this Section if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or when the dog is being teased or provoked.
- H. "Bite" means an action by an animal with its teeth or mouth that breaks the skin of a human or animal and does not require the presence of teeth marks;
- I. "Cat" means any mammal of the genus *Felis Catus*, of any breed or sex;
- J. "Cattery" means a place kept for the purpose of the boarding, breeding, raising, selling or exchanging of cats;
- K. "City" means the City of Chula Vista.
- L. "Curb" means to restrain or control an animal so that it urinates or defecates only in the street gutters;
- M. "Custodian" means a person who is not the owner of an animal, but who has been entrusted by the owner or the owner's agent to care for and maintain an animal until it is returned to the owner;

N. "Dangerous dog" means a dog that has attacked, bitten or in some other manner injured a person engaged in lawful activity: (1) two or more times in a 48-hour month period or (2) one or more times resulting in death or substantial injury; or a dog that clearly demonstrates, by its behavior, a propensity to attack or bite a person or animal without provocation (see 6.24.100A) or has been declared a "Vicious Dog" or "Dangerous Dog" by the City pursuant to Section 6.24.100A of this Chapter and/or applicable state law on this matter;

a. "Dangerous dog" within the meaning of this Section shall be deemed a public nuisance and shall be subject to the provisions of this Code relating to Dangerous Dogs and public nuisances for the remainder of its life.

O. "Declared dangerous dog" means a dog: (1) that the City has declared a dangerous dog after affording the dog's owner or custodian the right to a hearing, (2) that a dog's owner has stipulated is a dangerous dog or (3) that another jurisdiction has declared to be a dangerous or vicious dog;

P. "Dispose of" means to make arrangements for an animal and includes euthanasia;

Q. "Dog" means an animal of the genus and species *Canis Familiaris* of any breed or sex or any other member of the *Canis* genus if a person owns, keeps or harbors the animal;

R. "Dog license" means a certificate the City or other authorized agency issues indicating that a dog has been registered with animal control authorities;

S. "Guard dog" has the same meaning as the term "guard dog" in Health and Safety Code section 121881 and includes a "sentry dog" defined in Health and Safety Code section 121880;

T. "Guard dog operator" means the owner of an attack, guard or sentry dog, or other person, that operates or maintains a business to sell, rent, or train an attack, guard or sentry dog;

U. "Guard dog premises" means a place where a guard dog operator keeps or maintains an attack, guard or sentry dog;

V. "Impound" or "impoundment" means an action by the City to take possession of an animal;

W. "Kennel" means a facility, whether or not operated for profit, that keeps or maintains seven (7) or more dogs at least four (4) months of age or older. It includes a facility owned or operated by an animal welfare agency, but does not include an animal shelter operated or established by the City or a veterinary hospital operated by a veterinarian licensed by the State. A kennel also includes a facility with the requisite seven (7) dogs that also keeps or maintains other animals. As used in this definition a "facility" means any combination of adjacent buildings, structures, enclosures or lots under common ownership or operated as one unit, to keep or maintain dogs;

X. "Kennel house" means a protected space or enclosure in a kennel in which an animal is assigned to sleep, rest or be segregated from other animals;

Y. "Kennel operator" means a person who owns, controls or operates a kennel or who participates in the control or operation of a kennel;

Z. "Kitten" means a cat of four (4) months or less of age;

AA. "Leash" means any rope, leather strap, chain or other material six (6) feet or less in length, intended to be held in the hand of a person for the purpose of controlling an animal to which it is attached;

BB. "License tag" means the official tag the City or other authorized agency issues to a dog owner or custodian signifying the dog has been registered;

CC. "Licensed dog" means a dog wearing its current dog license tag as required by this Title

DD. "Neutered" means a male animal whose testicles have been surgically removed;

EE. "Owner" means a person, other than a custodian, who owns, keeps or harbors an animal or a person who takes possession of an animal after claiming to be the owner;

FF. "Pet Seller" means anyone who sells more than two dogs and/or cats in Chula Vista in a twelve-month period.

GG. "Pet Shop" means an establishment involved in selling or exchanging (but excluding boarding, breeding or raising) any birds, dogs, cats or other animals, all of which for the purpose of this Title are called pets;

HH. "Potentially dangerous animal" means any of the following:

a. An animal of a species or type likely to cause injury to a person;

b. An animal, other than a declared dangerous dog, which has within the prior forty-eight (48) month period attacked, bitten or otherwise caused injury to a person engaged in lawful activity;

II. "Primary enclosure" means a structure in a kennel, other than a kennel house, used to restrict an animal to a limited amount of space, such as a room, pen, run, fenced area, cage or compartment;

JJ. "Protection dog" means any attack trained dog; any dog trained to guard, protect, patrol, or defend any premises, area or yard; or any dog trained to protect, defend, or guard any person or property with or without the necessity of direct human supervision.

KK. "Puppy" means a dog of four (4) months or less in age. (Ord. 2267 § 1, 1998; Ord. 774 § 1, 1961; prior code § 4.9);

LL. "Rabies certificate" means the certificate a licensed veterinarian, the City or other authorized agency issues verifying that an animal has been vaccinated against rabies;

MM. "Sanitize" means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to animal or human health.

NN. "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

OO. "Stray" means an animal that is "at large";

PP. "Spayed" means a female animal whose ovaries and uterus have been surgically removed;

QQ. "Substantial injury" means a substantial impairment of a person's physical condition which requires professional medical treatment including, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of a bodily member or organ, a muscle tear, a disfiguring laceration, a wound requiring multiple sutures or an injury that requires surgery to restore the person to the condition the person was in before the incident that resulted in the injury;

RR. "Vaccinated dog" means a dog inoculated with an approved, currently valid antirabies vaccine, and wearing a current dog license tag indicating proof of such vaccination.

SS. "Veterinarian" means a person currently licensed to practice veterinary medicine in the United States;

TT. "Vicious dog" has the same meaning as the term "vicious dog" in Food and Agriculture Code section 31603.

UU. "Wild animal" means any animal of the classes of animals listed in Fish and Game Code section 2116 et. seq. and supplemented by 14 CCR sections 671 et. seq., which are not normally domesticated or not allowed in the State of California.

**Chapter 6.02
KEEPING ANIMALS –
REGULATIONS GENERALLY**

Sections:

- 6.02.010 Keeping certain animals prohibited - Special permits.
6.02.020 Enforcement authority.

**6.02.010 Keeping certain animals prohibited –
Special permits.**

A. The keeping of animals, birds, fowls or rabbits not expressly permitted by Chapters 6.04 and 6.08 CVMC is prohibited unless a special permit is obtained.

B. Special Permits. Special permits may be granted for the maintenance of animals not in strict conformance with the provisions of this title during special events for a period of not more than two (2) months, if the City Manager or his or her designee makes a finding that the public health and welfare will not be endangered thereby, and such animals shall be kept in a manner consistent with the conditions imposed, if any, in such special permit and within the scope thereof. (Ord. 2506 § 1, 1992; Ord. 2052 § 1, 1983; Ord. 774 § 2, 1961.)

6.02.020 Enforcement authority.

It shall be the duty of the City Manager or his or her designee to enforce all the provisions of CVMC Title 6. According to the provisions of the California Penal Code section 830.9, the animal control officers of the City may exercise designated powers of arrest. (Ord. 2506 § 1, 1992; Ord. 774 § 3, 1961.)

Chapter 6.04

**KEEPING PETS, LIVESTOCK,
BIRDS AND BEES***

Sections:

- 6.04.010 Definitions
A. Estray
- 6.04.020 Horses, cattle or sheep - Quantity permitted - Location - Certain conditions deemed nuisance - Abatement.
- 6.04.030 Parakeets or similar domestic birds - Quantity permitted.
- 6.04.040 Dogs, cats - Quantity permitted in residential zones.
- 6.04.050 Chinchillas or hamsters - Quantity permitted - Housing restrictions.
- 6.04.060 Swine and goats prohibited - Exceptions.
- 6.04.070 Wild animals prohibited - Hawks and falcons excepted when - Other exceptions.
- 6.04.080 Rabbits, domestic fowl and pigeons - Quantity permitted.
- 6.04.090 Rabbits and domestic fowl - Housing restrictions.
- 6.04.100 Beekeeping permitted when.
- 6.04.110 Sanitary regulations.
- 6.04.121 Reptiles prohibited in public places and on property other than owner's.
- 6.04.130 Impound Holding Period for Estrays

* For statutory provisions regarding animals running at large, see Agric. Code § 17001, et seq.; for provisions regarding in humane impounding, see Pen. Code § 597e.

CROSS REFERENCE: Dog Licenses, see Ch. 6.20 CVMC.

6.04.010 For the purpose of this Chapter: A. "Estray" means any impounded or seized bovine animal, horse, mule, sheep, swine, or burro whose owner is unknown or cannot be located.

6.04.020 Horses, cattle or sheep - Quantity permitted - Location - Certain conditions deemed nuisance Abatement.

A. No horse, cow or sheep shall be kept or maintained within 100 feet of any dwelling, not including the owner's.

B. One (1) cow or two (2) sheep may be kept by a family on a single tract of land having a minimum of 15,000 square feet, or two (2) horses on a single tract of land having a minimum of 20,000 square feet therein, and containing not more than one (1) single-family dwelling unit thereon. One (1) additional horse may be kept for each 20,000 square feet over the minimum lot area of 20,000 square feet.

C. Any animals kept as hereinabove provided which are responsible for obnoxious odors, objectionable noise, unusual amounts of flies or unsanitary conditions which affect the peace and welfare of the immediate neighborhood are declared to be public nuisances and may be summarily abated by the City Manager or his or her designee. (Ord. 2087 § 1, 1984; Ord. 1558 § 1, 1974; Ord. 1365 § 1, 1971; Ord. 774 § 1, 1961; prior code § 4.1(A), (H).)

6.04.030 Parakeets or similar domestic birds - Quantity permitted.

Twenty (20) parakeets or similar domestic birds may be kept on a tract of land, providing it has a minimum of 7,000 square feet therein. (Ord. 774 § 1, 1961; prior code § 4.1(G).)

6.04.040 Dogs, cats - Quantity permitted in residential zones.

A. Single-family lots of less than 3,500 square feet and all multiple-family dwellings (i.e., attached apartments, condominiums and/or townhomes: The keeping of any animal other than one (1) dog and one (1) cat, or two (2) dogs or two (2) cats, per dwelling unit is prohibited.

B. Single-family lots with at least 3,500 square feet but less than 10,000 square feet: The keeping of more than three (3) dogs and three (3) cats is prohibited.

C. Single-family lots with at least 10,000 square feet but less than 15,000 square feet: The keeping of more than four (4) dogs and four (4) cats is prohibited.

D. Single-family lots with at least 15,000 square feet but less than 20,000 square feet: The keeping of more than five (5) dogs and five (5) cats is prohibited.

E. Single-family lots of 20,000 square feet or larger: The keeping of more than six (6) dogs and six (6) cats is prohibited.

F. Nonresidential lots: The keeping of more than three (3) dogs and three (3) cats is prohibited, except as permitted by Chapter 6.08 CVMC for kennels, catteries and pet shops. (Ord. 2267 § 1, 1988; Ord. 1888 § 1, 1980; Ord. 774 § 1, 1961; prior code § 4.1(c).)

G. The City Manager or his/her designee has the authority to waive pet limits on a case-by-case basis up to the total of dogs and cats indicated in Section 6.04.040.

H. For purposes of this section, 6.04.040, dogs and cats are animals over six (6) months in age.

6.04.050 Chinchillas or hamsters - Quantity permitted - Housing restrictions.

A. Chinchillas or hamsters may be housed in a basement or garage or in a building attached to the dwelling of their owner, but shall be located a minimum of fifty (50) feet from any other dwelling when housed in a hutch or similar enclosure in a yard.

B. Five (5) pair of chinchillas or five (5) pair of hamsters may be kept by one (1) family on a single tract of land having a minimum of 7,000 square feet therein and containing not more than one (1) single-family dwelling unit thereon. (Ord. 774 § 1, 1961; prior code § 4.1(I), (B).)

6.04.060 Swine, roosters and goats prohibited - Exceptions.

The keeping of hogs, pigs or other swine, roosters or goats within the City is expressly prohibited:

A. Where the keeping of any such animals was lawfully established and existing in an area thereafter annexed to the City, such keeping may, without enlargement, be continued for a period not to exceed three (3) years after date of annexation of the area wherein contained;

B. Such animals not exceeding two (2) in number may be maintained for bona fide educational purposes upon application of a public or private school to the City council and approval by the City council, both as to the type and number of animals to be kept for such purposes and the manner of their keeping;

6.04.070 Wild animals prohibited - Hawks and falcons excepted when - Other exceptions.

No person shall possess or maintain within the jurisdiction of the ordinance codified in this Section any animal which is not normally domesticated in the United States, including, but not limited to, any lion, tiger, bear, nonhuman primate (monkey, chimpanzee, etc.), wolf, cougar, ocelot, wildcat, skunk, venomous reptile, birds attaining an adult weight of over fifteen (15) pounds, rodents attaining an adult weight of over ten (10) pounds, any crocodylian (Order Crocodylia), irrespective of its actual or asserted state of docility, tameness or domesticity. Such an animal shall be referred to as a "wild animal." In addition, the owner of any boa or python species (Family Boidae) attaining an adult weight of over fifteen (15) pounds or an overall length of over three and one half (3 ½) feet, and the owner of any monitor lizard species (Family Varanidae) that attain an adult weight of over ten (10) pounds or an adult overall length over three (3) feet, shall keep these animals in cages or enclosures of such size and construction as to preclude the possibility of escape and at the same time permit the animals reasonable freedom of movement. If these animals are maintained in such a manner, and the owner complies with all federal, state and local laws or regulations affecting such animals, it will not be considered a "wild animal" subject to this Section. However, any failure to maintain a boa or python or monitor lizard species in the above manner could subject the owner to a dangerous animal abatement proceeding as authorized by this Chapter.

The sale, possession for sale, importation or breeding of a wild animal is absolutely prohibited. This Section does not apply to birds, small rodents or non-venomous reptiles commonly used for educational or experimental purposes or for pets.

This Section shall not apply to legally operated zoos or circuses or to recognized institutions of learning or scientific research unless the City Manager or his or her designee gives 48-hours' advance notice that, by reason of inadequate caging or other means of protection of the public from such animals, or by the ineffectiveness of sanitation measures, or by a particular hazard connected with the animal or animals involved, the public health and welfare will be endangered. It is further provided that certain raptorial birds or birds of prey, such as hawks and falcons, may be maintained in the City by licensed falconers, who may acquire a qualified ownership of such birds of prey for the practice of falconry by complying with Fish and Game Commission rules and regulations. (Ord. 1792 § 1, 1978; Ord. 1585 § 1, 1974; Ord. 1514 § 1, 1974; Ord. 774 § 1, 1961; prior code § 4.1(F).)

6.04.080 Rabbits, domestic fowl and pigeons - Quantity permitted.

Six (6) rabbits, six (6) chickens, two (2) turkeys, two (2) ducks, two (2) geese, ten (10) pigeons (all breeds) or any combination not to exceed a maximum of twenty (20) animals may be kept by one (1) family on a tract of land, providing it has a minimum of 7,000 square feet therein and contains not more than one (1) single-family dwelling unit thereon; provided, however, that the total number of all fowls and rabbits shall not exceed twenty-five (25). (Ord. 774 § 1, 1961; prior code § 4.6(A).)

6.04.090 Rabbits and domestic fowl - Housing restrictions.

Rabbits and fowl shall be kept or maintained within a building or fenced enclosure in the rear yard, as defined by the zoning ordinance of the City, and shall be not less than fifty (50) feet from any residence, not including the owner's, and not less than five (5) feet from any property line adjacent to the owner's property. The provisions of this subsection shall not apply to parakeets, canaries and similar birds. (Ord. 1639 § 1, 1975; Ord. 774 § 1, 1961; prior code § 4.6(B).)

6.04.100 Beekeeping permitted when.

It is unlawful for any owner or occupant to allow, permit or maintain stands or hives of bees in or upon the owner's or occupant's premises if the premises are within 600 feet of any building used for residential purposes in the City; provided, however, that nothing contained in this Section shall be deemed or construed to prohibit the keeping of bees:

A. In a hive or box located in a schoolhouse or museum for the purpose of study or observation;

B. In a hive or box located and kept within a physician's office or laboratory for medical research, medical treatment or scientific purposes;

C. In a hive or box located on residential property for scientific research or study purposes, when maintained in such a manner as to prevent a nuisance or annoyance to surrounding property owners. (Ord. 1030 § 1, 1966; prior code § 4.11.3.)

6.04.110 Sanitary regulations.

A. All dead birds or animals or skins shall be kept in tight containers and removed from the premises at least every seven (7) days.

B. All stables, houses, pens, coops, hutches, runways, corrals and yards shall be maintained in a clean and sanitary condition. They shall be cleaned two (2) times a week or more often if, in the opinion of the City Manager or his or her designee, it is deemed necessary to prevent an unsanitary condition, and shall at all times be free from offensive odors.

C. All stables, houses, coops and hutches shall be lime-washed or painted at least twice a year.

D. The floors of every building or coop where birds are kept shall be smooth and tight and be maintained to prevent an accumulation of filth and water or harboring of rodents.

E. If runs are provided, and the ground cannot be kept in a clean and sanitary condition at all times as required by City Manager or his or her designee, then said runs or pens shall have floors constructed of concrete.

F. Rabbits, chinchillas and hamsters shall be kept in hutches or cages provided with floors for the purpose of cleaning and disinfecting.

G. All animal, fowl and rabbit droppings and food scraps shall be removed from the premises at least twice a week or more frequently if, in the opinion of the City Manager or his or her designee, it is necessary to prevent an unsanitary condition.

H. All food for animals, birds, fowl and rabbits, except hay and straw, shall be stored in containers that offer protection against rodents.

I. No person shall keep or store any fertilizing material except in containers, bins or rooms which are fly-tight, dust-proof, and ventilated in such a manner as to prevent the fertilizer material from becoming a harbor for rodents, or a breeding place for flies.

J. No manure, animal excreta or stable refuse shall be transported except in a vehicle effectively covered to prevent the contents from being dropped, which vehicle shall have been approved for such transportation by the City Manager or his or her designee. No person shall permit manure, animal excreta or stable refuse to be dropped on any street or public property while being transported in the City. No person shall keep or store manure, animal excreta or stable refuse unless the same shall have been treated with a larvicide satisfactory to the City Manager or his or her designee. (Ord. 774 § 1, 1961; prior code § 4.7.)

6.04.121 Reptiles prohibited in public places and on property other than owner's.

It is unlawful for any person who possesses, maintains or has custody of any reptiles, such as snakes, lizards or alligators, to carry, guide, direct or in any way convey such animal upon the public streets, sidewalks, public rights-of-way, public parks or any other public area or upon the property of another without express written permission of the property owner thereof. Any such animals found in the possession, maintenance or custody of persons in the areas defined in this Section may forthwith be taken into the custody of the animal regulation officer or peace officers of the City and held in custody until such time as the judiciary shall have determined the disposition thereof. (Ord. 1896 § 1, 1980.)

6.04.130 Impound Holding Period for Estrays

The required holding period for an estray animal impounded pursuant to this division shall be fourteen (14) days, not including the day of impoundment.

Chapter 6.08
KEEPING COMMERCIAL CATS, DOGS, POULTRY
AND RABBITS*

Sections:

- 6.08.010 Definitions.
- 6.08.020 Businesses subject to health regulations.
- 6.08.030 Permit – Required.
- 6.08.040 Permit – Application – Contents –
Expiration date.
- 6.08.050 Permit – Inspection fee – Penalty
added when – Disposition of moneys.
- 6.08.060 Permit – Grounds for suspension or
revocation.
- 6.08.070 *Repealed.*
- 6.08.080 Kennels, catteries and pet shops –
Permit prerequisites.
- 6.08.090 Kennels, catteries and pet shops –
Location and soundproofing
regulations.
- 6.08.100 Kennels, catteries and pet shops –
Care of pets and pet foods.
- 6.08.110 Kennels, catteries and pet shops –
Sanitary conditions required.
- 6.08.111 Kennels, catteries and pet shop - Inspection
- 6.08.120 Diseased animals – Notice and
isolation required – Disposal.
- 6.08.130 Certain conditions deemed nuisance –
Abatement authorized.
- 6.08.140 Exceptions to applicability of chapter.

* For statutory provisions regarding inhumane impounding, see Pen. Code § 597e.

6.08.010 Definitions.

Repealed by Ordinance

6.08.020 Businesses subject to health regulations.

Health regulated businesses shall include kennels, catteries, pet shops, dairy farms and the keeping or maintenance of more than twenty-five (25) fowl and/or rabbits. (Ord. 774 § 1, 1961; prior code § 4.8(A).)

6.08.030 Permit - Required.

It is unlawful for any person to own, control, lease, act as agents for, conduct, operate or manage any kennel, cattery, pet shop, dairy farm or maintain more than twenty-five (25) fowl and/or rabbits without first applying for and receiving from the City a permit therefore, as provided for under this Chapter. (Ord. 774 § 1, 1961; prior code § 4.8(B).)

6.08.040 Permit - Application - Contents - Expiration date.

Every person applying for a permit shall file with the City a written application which shall state the name and address of the applicant, and a description of the property wherein or whereon it is proposed to conduct the business of a pet shop, cattery or kennel, or all and other such information as the City may require. Every applicant for such permit shall at the time of making application deposit and pay to the clerk, authorized by the City to receive such application, the annual inspection fee hereinafter in this Section established.

A permit for which application is made under the provisions of this Section may be granted at any time during the year, but all permits granted hereunder shall expire on the thirty-first (31st) day of December of the year in which the same are granted. (Ord. 774 § 1, 1961; prior code § 4.8(c).)

6.08.050 Permit - Inspection fee – Disposition of moneys.

Every person applying for a permit under the provisions of this Chapter shall at the time of making application for such permit pay an inspection fee as established in the City master fee schedule. All moneys received as inspection fees under the provisions of this Code shall be paid into the City treasury and placed in the general fund. (Ord. 774 § 1, 1961; prior code § 4.8(D).)

6.08.060 Permit - Grounds for suspension or revocation.

Permits for kennels, catteries, pet shops, dairy farms, and the maintenance of more than twenty-five (25) fowl and/or rabbits shall be subject to suspension or revocation by the City Manager or his or her designee upon his findings that, because of any of the conditions mentioned in this Chapter, or because of the ineffectiveness of sanitation measures, or a particular or peculiar hazard connected with the animals, fowl, rabbits, or birds involved, the public health and welfare will be endangered unless such action is taken. (Ord. 774 § 1, 1961; prior code § 4.8(E).)

6.08.070 Kennels, catteries and pet shops - Designated.

Repealed by Ord. 2267 § 2, 1988. (Ord. 774 § 1, 1961; prior code § 4.8(F).)

6.08.080 Kennels, catteries and pet shops - Permit prerequisites.

No permit for the activities included in this Chapter shall be valid unless it shall have been certified by the director of planning and building as not being in conflict with ordinances and local regulations concerning planning and zoning. (Ord. 2790, 1999; Ord. 774 § 1, 1961; prior code § 4.8(G).)

6.08.090 Kennels, catteries and pet shops - Location and soundproofing regulations.

All kennels and catteries shall be located in an area which is well isolated and all animals shall be kept not less than twenty (20) feet from any door, window or opening of any private dwelling. If, however, any kennel or cattery has been established in a congested area, the animals shall be held in a soundproof room. (Ord. 774 § 1, 1961; prior code § 4.8 (H).)

6.08.100 Kennels, catteries and pet shop facilities – Operating requirements.

A facility operator shall comply with the following requirements:

A. Each building, fence and other structure shall be structurally sound and be maintained in good repair to protect the animals from injury, contain the animals and to prevent other animals from entering the kennel;

B. The facility shall have reliable and adequate electric power and potable water;

C. The facility shall have adequate quantities of food and supplies, adequate refrigeration to protect perishable food, and adequate storage facilities to keep food and supplies dry, clean and uncontaminated;

D. The operator shall maintain the entire facility in a clean and sanitary condition at all times.

E. The operator shall prepare a maintenance schedule for the entire facility that describes how often the operator will clean each part of the facility and have the maintenance schedule available for inspection when the City inspects the facility. The maintenance schedule shall provide a program to control insects, ectoparasites and avian and mammalian pests. The facility operator shall clean and sanitize the facility in accordance with the maintenance schedule and at a minimum, shall remove excrement daily, or more often if necessary, to keep the animals and staff safe from contamination, disease and odors, and keep the entire facility free of accumulations of trash and debris;

F. The facility shall have and maintain adequately supplied toilet rooms, washrooms, and sinks that allow animal caretakers to practice good hygiene;

G. The operator shall provide each animal housed in the facility with food that is uncontaminated, wholesome and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. The food shall be provided in clean and sanitary receptacles accessible to each animal and located to minimize contamination by excreta;

H. The operator shall provide each animal with potable water in clean and sanitary receptacles available to the animal at all times, unless a licensed veterinarian has restricted an animal's water intake. The water receptacle shall be secured to prevent the receptacle from being tipped over;

I. The facility shall protect each animal housed in the facility from the elements, including sun, heat, cold, wind, dampness, rain and snow and shall maintain environmental conditions for each animal that are appropriate for that animal;

J. The facility shall provide adequate fresh air ventilation for the health and comfort of each animal in a manner that minimizes drafts, odors and moisture condensation;

K. The facility shall provide ample light that is uniformly distributed throughout the facility to allow staff to inspect and clean the kennel during the hours of 7 a.m. to 10 p.m. and shall protect the animals from harmful or annoying illumination;

L. The facility's interior walls and floors shall be constructed of material impervious to moisture and maintained in that condition. The material shall have a surface that may be readily sanitized;

M. The facility shall have a drainage system to rapidly drain animal excreta from the facility. The drainage shall be constructed and maintained to prevent unpleasant odors and to prevent any drainage backup into the facility.

6.08.101 Kennels, catteries and pet shops - General requirements for primary enclosures.

A facility operator shall provide a primary enclosure for each animal housed at the facility. Each primary enclosure shall be:

A. Constructed and maintained in good repair to protect the animal housed in the enclosure from injury, be able to keep the animal from getting out of the enclosure and keep other animals out;

B. Constructed and maintained to enable each animal housed in the enclosure to remain dry and clean;

C. Constructed and maintained to enable the animal housed in the enclosure to have convenient access to clean food and water;

D. Large enough to allow each animal housed in the enclosure to obtain adequate exercise. A separate house that an animal uses as sleeping quarters shall provide sufficient space to allow each animal in the house to turn about freely, stand easily and sit or lie in a comfortable position. It is unlawful to keep an animal in a primary enclosure or house that does not provide adequate space.

6.08.102 Kennels, catteries and pet shops - Additional general requirements for primary enclosure housing cats.

A facility operator who maintains a primary enclosure that houses one or more cats shall:

A. Provide a receptacle containing sufficient clean litter in an enclosure to contain excreta based upon the number of cats in the enclosure.

B. Provide adequate solid resting surfaces to comfortably hold all cats occupying the enclosure at the same time. In a primary enclosure housing two or more cats, each solid resting surface shall be elevated.

C. No operator shall house more than twelve (12) adult cats in the same primary enclosure.

6.08.103 Kennels, catteries and pet shops - Additional space requirements for dogs

A facility operator shall comply with the following additional space requirements for dogs:

A. An unattended primary enclosure shall not house more than twelve (12) dogs of any size.

B. The number of dogs in an attended primary enclosure shall not exceed that number that may be safely supervised by the number of attendants on duty and shall not exceed twelve (12) dogs per attendant within the enclosure.

C. A passageway into a kennel house shall be large enough to allow easy access for each dog in the house.

D. A kennel that confines a dog in a kennel house that does not meet the space requirements in this Chapter for a primary enclosure shall not house the dog in a kennel house for more than 12-hours in any 24-hour period.

E. A primary enclosure or kennel house of a kennel shall meet the minimum space requirements in Table 6.08.103.

TABLE 6.08.103
MINIMUM SPACE REQUIREMENTS

WEIGHT OF DOGS IN POUNDS	PRIMARY ENCLOSURE		KENNEL HOUSE	
	PRIMARY WIDTH	SQ FOOTAGE	WIDTH	SQ FOOTAGE
Up to 15	2.0'	6.0	1.5'	3.0
Over 15 to 35	2.5'	10.0	2.0'	5.0
Over 35 to 65	3.0'	15.00	2.5'	7.5
Over 65 to 95	3.0'	18.0	2.5'	9.0
Over 95 to 130	3.5'	24.0	3.0'	12.0
Over 130	4.0'	32.0	3.5'	14.0

F. If a primary enclosure or kennel house contains more than one (1) dog, the minimum square feet required is the sum of the square feet requirements for each individual dog kept in the primary enclosure or kennel house.

6.08.104 Kennels, catteries and pet shops - Employees

A facility operator shall employ a sufficient number of caretakers to maintain the standards set forth in this article. It shall not be a defense to an action to suspend or revoke a facility license or a civil or criminal action to enforce a violation of this article that the licensee was unable to comply due to an insufficient number of employees.

6.08.105 Kennels, catteries and pet shops - Classification and separation

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

A. A female in estrus shall not be housed in the same primary enclosure as a male, except for breeding purposes.

B. Any animal exhibiting a vicious disposition shall be housed by itself.

C. A puppy shall not be housed in the same primary enclosure with an adult other than its dam, and a kitten shall not be housed with an adult cat other than its dam, except when an animal owner specifically requests they be housed together.

D. No dog shall be housed in the same primary enclosure with a cat and no dog or cat shall be housed in the same primary enclosure with any other species of animal, unless an animal owner requests the facility operator house specific animals together.

E. An animal under quarantine or treatment for a communicable disease or an animal with a serious injury or disability shall be kept separate from any other animal.

6.08.106 Kennels, catteries and pet shops - Records.

A. A facility operator shall maintain a register for each dog housed at the facility that includes: (1) the dog owner's name, address and telephone number, (2) the dog's name and description, including breed, color, sex, month and year of birth, (3) the date of its most recent rabies vaccination and (4) a copy of the current vaccination certificate, the name and telephone number of the veterinarian who vaccinated the dog, or the telephone number of the licensing agency verifying the vaccination.

B. For all animals other than dogs, the operator shall maintain a register with the name, current address and telephone number of the owner of each animal kept at the kennel, the description of the animal, including its age, if known, or approximate age, breed, sex and color.

C. The operator shall have someone in attendance at the facility when the facility is housing one or more animals who can identify each animal in the kennel, except that animals under four months of age may be identified as to litter.

6.08.107 Kennels, catteries and pet shops - Vaccination required for individual dogs.

A facility operator shall not be required to obtain the dog license required by this Chapter for each dog housed in the facility, but shall not house a dog in the facility that has not been vaccinated as required by this Chapter.

6.08.108 Pet shops - Dog and cat sales prohibited.

Pet shops are prohibited from selling dogs or cats in the City of Chula Vista.

6.08.109 Kennels, catteries and pet shops - Operated contrary to this Chapter.

A facility the City determines is unsanitary or a threat to animal or public health, safety or welfare, or being operated contrary to this Chapter is declared to be a public nuisance. The City may take action against the facility operator as authorized by State law or this Code to abate the nuisance. If the City determines immediate action is necessary to preserve or protect an animal or public health, safety or welfare, the City may summarily abate a nuisance by any reasonable means including impoundment of any animal and immediate closure of a facility until the nuisance is abated. The City may recover its abatement costs from the facility operator.

6.08.110 Kennels, catteries and pet shops - Sanitary conditions required.

Repealed by Ordinance

6.08.111 Kennels, catteries, and pet shops – Inspections.

Kennels, catteries, and pet shops are subject to inspections by City staff at least annually.

6.08.120 Diseased animals - Notice and isolation required - Disposal.

Whenever any pets shall appear to have any communicable disease, the City Animal Care Facility shall be notified immediately of such condition with such information as may be necessary, and such pets shall be immediately isolated from healthy pets. If, in the discretion of the City Manager or his or her designee, said pet is considered a menace to the health of other pets or people, he/she shall condemn said pet to be removed entirely from the premises and, if necessary, destroyed. No diseased pet shall be sold or given away, nor shall it be otherwise disposed of except in a manner authorized by the City Manager or his or her designee. (Ord. 774 § 1, 1961; prior code § 4.8(K).)

6.08.130 Certain conditions deemed nuisance - Abatement authorized.

The presence of obnoxious odors or unsanitary conditions or the failure to muzzle or place in soundproof kennels all dogs barking excessively, or to a degree that annoys the immediate neighborhood, is hereby declared to be a public nuisance and may be summarily abated by the City Manager or his or her designee. (Ord. 774 § 1, 1961; prior code § 4.8(L).)

6.08.140 Exceptions to applicability of chapter.

Nothing contained in this Chapter shall be deemed or construed to prohibit the keeping of animals, fowl or rabbits, providing they are kept:

A. In a coop, box or run located and kept within a schoolhouse, museum, or zoo for the purpose of study or observation;

B. In a coop, box or run located and kept within a physician's office or a laboratory for medical research, medical treatment or scientific purposes;

C. On premises zoned for A use. This does not apply to CVMC 6.04.060;

D. On premises where the fowl or rabbits are sold in the ordinary and customary courses of business and are not raised, bred or grown on such premises. (Ord. 774 § 1, 1961; prior code § 4.10.)

**Chapter 6.12
GRAZING AND IMPOUNDMENT***

Sections:

6.12.010 Grazing regulations.

6.12.020 Pound established - Maintenance.

6.12.030 Impoundment - Procedure generally - Sale of animals authorized when - Procedure.

6.12.040 Impoundment - Fees and charges.

6.12.041 Impoundment- Mandatory Medical Care

6.12.042 Impound Holding Period for Stray Dogs and Cats

6.12.045 Disposition of unclaimed dogs - Notice of owner.

6.12.060 Relinquishment of dogs and cats by owner - Fees.

6.12.061 Proof of Ownership When Relinquishing a Dog/Cat Required.

* For statutory provisions regarding dogcatchers, see Agric. Code § 31106; for provisions regarding the impoundment of dogs, see Agric. Code § 31101; for provisions regarding animals running at large, see Agric. Code § 17001, et seq.; for provisions regarding inhumane impounding, see Pen. Code § 597e.

6.12.010 Grazing regulations.

It is unlawful for any person owning or having control of any of the animals mentioned in CVMC 6.04.010 to graze or pasture the same, or cause the same to be done, within the City, unless all such animals are securely staked or fastened so the same shall not injure shade or ornamental trees and cannot go upon or across the traveled portion of any street, alley, or public grounds within the City, or to so stake or fasten any such animal so that the same constitutes running at large of such animal in the City. (Ord. 1979 § 1, 1982; prior code § 4.2.)

6.12.020 Shelter established - Maintenance.

There is established a city shelter for impounding strays and dogs, and the same shall be maintained in the City in a place to be selected by the City Manager and approved by the council. (Ord. 2506 § 1, 1992; prior code § 4.11.)

6.12.030 Impoundment - Procedure generally - Sale of animals authorized when - Procedure.

Whenever the City Manager or his or her designee shall discover or be notified that any animal or animals enumerated in CVMC 6.04.010 are running at large, grazing, pasturing, injuring trees or staked or fastened in any manner prohibited by this Chapter, it shall be his duty and he/she is directed to immediately cause such animal or animals to be picked up and placed in a suitable corral or enclosure for safekeeping. (Ord. 2506 § 1, 1992; Ord. 1979 § 1, 1982; prior code § 4.3.)

6.12.040 Impoundment - Fees and charges.

Standard fees charged by the City for impoundment and boarding of animals shall be lawful charges against the owner or owners or persons in charge of such animals. The agency furnishing services or board shall be entitled to a lien upon the animals for payment of the required fee(s). (Ord. 2506 § 1, 1992; Ord. 1979 § 1, 1982; Ord. 1961 § 1, 1982; Ord. 1814 § 1, 1978; Ord. 833, 1963; prior code § 4.4.)

6.12.041 Impoundment - Mandatory medical care.

Whenever the Animal Care Facility Manager shall be notified by the facility's medical staff that an animal that was impounded and is being reclaimed by its owner requires medical care, at the time of redemption the owner will be given a mandatory medical form that will be issued with a time frame of compliance of 24-hour, 48-hour or 72-hour depending on the severity of the injury.

6.12.042 Impound holding period for stray dogs and cats.

(a) The required holding period for a stray dog/cat impounded pursuant to this division shall be four (4) business days, not including the day of impoundment.

(b) During the holding period required by this Section and prior to the adoption or euthanasia of a dog or cat impounded pursuant to this division, the dog or cat shall be scanned for a microchip that identifies the owner of that dog or cat and shall make reasonable efforts to contact the owner and notify him or her that his or her dog/cat is impounded and is available for redemption

6.12.045 Disposition of unclaimed animals - Notice of owner.

Every animal impounded under this Chapter shall be humanely euthanized, put up for adoption, or exited by approved rescues by the City Manager or his or her designee. If claimed and taken away by the owner, all applicable fees will apply which may include but not be limited to impoundment fees, boarding and any other fees and are payable at time of claim. It shall be the duty of the City Manager or his or her designee within one (1) business day to attempt to notify personally or by mail the owner of any animal bearing a tag or plate mentioned in CVMC 6.20.060 or any other form of identification such as a microchip. Any person adopting a dog or cat shall pay the required adoption fee(s). (Ord. 2506 § 1, 1992; Ord. 1906 § 1, 1980.)

6.12.050 Disposition of proceeds of sales

Repealed by Ordinance

6.12.060 Relinquishment of dogs and cats by owner - Fees.

Residents of the City of Chula Vista may relinquish dogs and cats to the City when and if any space at shelter allows for it and upon payment of the required fee(s). Nonresidents of the City of Chula Vista that contract with the City for their Animal Care Services may relinquish dogs and cats to the City when and if any space at shelter allows for it, providing such relinquishment is done at the City animal shelter, upon payment of the required fee(s). (Ord. 2506 § 3, 1992.)

6.12.061 Proof of Ownership When Relinquishing a Dog/Cat Required

(a) Upon relinquishment of a dog/cat, the owner of that dog/cat shall present sufficient identification to establish his or her ownership of the dog/cat and shall sign a statement that he or she is the lawful owner of the dog/cat.

**Chapter 6.16
DEAD ANIMALS***

Sections:

- 6.16.010 Animal defined.
- 6.16.020 Prohibited where - Disposition in certain places deemed nuisance.
- 6.16.030 Disposal - Duty of owner of animal.
- 6.16.040 Disposal - Duty of owner of land or premises.
- 6.16.050 Disposal - Authority of animal control officer.

* For statutory provisions authorizing the City council to declare what constitutes a nuisance, see Gov. Code § 38771; for provisions regarding the abatement of nuisances, see Gov. Code §§ 38773 and 38773.5.

6.16.010 Animal defined.

Repealed by Ordinance

6.16.020 Prohibited where - Disposition in certain places deemed nuisance.

No dead animal shall be deposited or allowed to remain upon any premises within a quarter of a mile of any park, county highway, state highway, or any public highway, road or alley, or any dwelling or other structure used or occupied by a person or persons, or in any standing or running water or in any open excavation, and any animal deposited or allowed to remain upon such premises is hereby declared to be a public nuisance. (Ord. 1203 § 1, 1969; prior code § 4.42.)

6.16.030 Disposal - Duty of owner of animal.

It is the duty of the owner of a dead animal to dispose of such dead animal by means of the services of a licensed veterinarian, the City Animal Care Facility upon payment of the required fees, or other persons licensed to engage in the work of disposing of dead animals. (Ord. 2506 § 1, 1992; Ord. 1203 § 1, 1969; prior code § 4.43.)

6.16.040 Disposal - Duty of owner of land or premises.

It is the duty of the owner, the occupant and any person having control of the premises referred to in CVMC 6.16.020, on which there is a dead animal, to remove said dead animal from said premises, or otherwise dispose of said dead animal in the manner prescribed in CVMC 6.16.030. (Ord. 1203 § 1, 1969; prior code § 4.44.)

6.16.050 Disposal - Authority of animal control officer.

In the event a dead animal is deposited or allowed to remain upon premises in violation of CVMC 6.16.020 and the City animal control officer determines that in the interest of protecting the public health the City should forthwith cause the removal and disposal of said dead animal, the animal control officer may act to remove and dispose of said dead animal. Further, the animal control officer is authorized to dispose of dead animals as requested pursuant to CVMC 6.16.030. (Ord. 2506 § 1, 1992; Ord. 1203 § 1, 1969; prior code § 4.45.)

Chapter 6.20 DOG LICENSES*

Sections:

- 6.20.010 Dog defined.
- 6.20.020 Required when - Period of validity.
- 6.20.030 Application required - Procedure - Transfer licensing procedures.
- 6.20.040 Fee - Schedule.
- 6.20.050 Penalty for late application or payment.
- 6.20.060 Tag and receipt issuance - Tag to be worn by dog - Replacement - Fee.
- 6.20.070 Fee - Exemptions permitted when.

* For statutory provisions regarding dog license fees, see Gov. Code § 38792 and Agric. Code §§ 30501 and 30502

CROSS REFERENCE: For provisions regarding the keeping of pets, livestock, birds and bees, see Ch. 6.04 CVMC.

6.20.010 Dog defined.

Repealed by Ordinance

6.20.020 Required when - Period of validity.

All dogs over the age of four (4) months which are brought into the City, and those dogs which have been in the City upon reaching the age of four (4) months, shall be licensed within thirty (30) days after being brought within the City or upon reaching the age of four (4) months, in accordance with this Chapter. This Section shall not apply to dogs which are confined to kennels licensed pursuant to this Code. Any unlicensed dog, legally impounded in the City animal care facility, shall be presumed for purposes of this Section to be, prior to the time of impounding, a dog for which a license is required under this Section, regardless of such dog's age or stay in the City.

Dog licenses may be procured for either one (1) or three (3) years. They shall be valid only during the year or years for which issued and shall expire on the month it was issued; provided, however, that application for the license or renewal of a license may be made subsequent to thirty (30) days from the date on which the dog is required to be licensed under this Chapter. (Ord. 2201 § 1, 1987; Ord. 2050 § 1, 1983; Ord. 1253 § 1, 1969; prior code § 4.13.)

6.20.030 Application required - Procedure - Transfer licensing procedures.

A. A separate application shall be made for each dog. The application shall be made on the form provided by the City Animal Care Facility Manager and shall be filed with the City Animal Care Facility Manager. If a dog is acquired by the owner or is brought into the City or reaches the age of four (4) months, the owner shall apply for a license within thirty (30) days thereafter.

B. It is declared to be the intent of this Chapter to apply the licensing requirements to all dogs brought into the City, except those accompanying visitors or tourists who do not stay within the City more than thirty (30) days. A dog having a license issued by another legislative authority elsewhere in the state of California, and which has been vaccinated with a vaccine approved for declared rabies areas by the state of California, and the immunization period therefore has not expired, may, upon application of its owner, be issued a transfer license good for the remainder of the year, upon payment of the required filing fee(s). The applicant for such license shall surrender to the City Animal Care Facility Manager the out-of-city license and evidence of vaccination. The penalties provided in this Chapter shall not apply to a license issued under the provisions of this Section.

C. Whenever the ownership of a dog has changed, the new owner may secure a transfer of license to him by endorsement on the records of the City Animal Care Facility Manager, upon the payment of the required transfer fee(s) and the presentation to the City Animal Care Facility Manager of the original receipt endorsed by the original licensee as a transferor.

D. Proof of vaccination against rabies, which vaccination is required in compliance with the provisions of this Code and the Health and Safety Code of the State of California, shall be a condition precedent to the licensing of any dog under the provisions of this Chapter, and the certificate of vaccination which is required by said codes may serve as proof of vaccination. No license may be issued under the provisions of this Chapter unless the certificate of vaccination shows that the effective duration of such vaccination shall be for a period of at least eleven (11) months beyond the beginning of the year for which the license is issued, in the case of one-year licenses; and for at least thirty-five (35) months beyond the beginning of the three (3) year period for which a license is issued, in the case of a three-year license.

E. When any dog owner presents evidence that a previously licensed dog is deceased or executes a declaration under penalty of perjury of such a fact, said owner may secure a transfer of the license previously issued to such an animal to a newly acquired dog for the balance of the license period, upon the payment of the required fee(s) and the presentation to the City Animal Care Facility Manager of proof of vaccination against rabies. The City Animal Care Facility Manager shall note on the original application the name and description of the animal to which the license has been transferred. (Ord. 2506 § 1, 1992; Ord. 2050 § 1, 1983; Ord. 2011 § 1, 1982; Ord. 1961 § 1, 1982; Ord. 1710 § 1, 1976; Ord. 1253 § 1, 1969; prior code § 4.14.)

6.20.040 Fee - Schedule.

The license fee for dogs shall be the required fee(s). Any dog license tag issued pursuant to this Section shall be issued for of the fees listed in the master fee schedule for any dog. (Ord. 2506 § 1, 1992; Ord. 1961 § 1, 1982; Ord. 1564 § 1, 1974; Ord. 1253 § 1, 1969; prior code § 4.15.) The penalty for an unlicensed dog shall be as listed in the Master Fee Schedule.

6.20.050 Penalty for late application or payment.

The required penalty fee(s) shall be added to the license fee if application or payment is made subsequent to thirty (30) days from the date on which the dog is required to be licensed under this Chapter. The time of application or payment shall be determined as follows: If made by deposit with the United States mail, addressed to the City Animal Care Facility Manager, and postage prepaid, the postmark, or if none, the postage meter imprint, shall be conclusive; otherwise, the time of actual receipt by the City Animal Care Facility Manager shall be conclusive. This penalty shall not be added if the dog to be licensed has been in the applicant's possession in the City less than thirty (30) days. (Ord. 2506 § 1, 1992; Ord. 1961 § 1, 1982; Ord. 1253 § 1, 1969; Ord. 939 § 1, 1965; prior code § 4.16.)

6.20.060 Tag and receipt issuance - Tag to be worn by dog - Replacement - Fee.

A. A numbered receipt bearing a brief description of a licensed dog and a correspondingly numbered license tag shall be issued with each license granted. The numbered license tag shall be firmly attached by the licensee to the collar or harness of the dog for which issued, except when the dog is securely confined on or within the premises of the owner. No licensee, or any other person, shall attach, or permit to be attached, such a tag to the collar or harness of, or otherwise cause such tag to be worn or carried by, any dog other than the dog for which such tag was issued.

B. Whenever a license tag has been lost or destroyed, a new receipt and tag, expiring on the same date as the original, may be issued for the same dog, on the payment of the required replacement fee(s). (Ord. 2506 § 1, 1992; Ord. 2050 § 1, 1983; Ord. 1961 § 1, 1982; Ord. 1253 § 1, 1969; prior code § 4.17.)

6.20.070 Fee - Exemptions permitted when.

A. Seeing-eye dogs, signal dogs, and service dogs, as defined by the California Civil Code, and dogs which have served with the armed forces of the United States of America during any period of actual hostilities must be licensed and vaccinated under the provisions of this Code, but their owners shall be exempt from the license fee imposed by this Chapter.

B. Dogs used on farms for the primary purpose of herding livestock must be licensed and vaccinated under the provisions of this Code, but their owners shall be exempt from the license fee imposed by this Chapter. To qualify for the exemption in this subsection, the owner must furnish an affidavit or declaration under penalty of perjury on blanks furnished by the tax collector that his dog is necessary for herding livestock and is used primarily for that purpose.

C. Dogs used by any governmental agency for the purpose of law enforcement must be licensed and vaccinated under the provisions of this Code, but their owners shall be exempt from the license fee imposed by this Chapter. (Ord. 2506 § 1, 1992; Ord. 1253 § 1, 1969; prior code § 4.18.)

**Chapter 6.22
MANDATORY SPAY/NEUTERING**

A. Any dog or cat which is impounded for a second time at the Chula Vista Animal Care Facility shall be required to be spayed or neutered.

B. The City Manager or his/her designee may waive impound requirements in the case of extraordinary circumstances such as earthquakes and fires.

**Chapter 6.24
RESTRAINING DOGS***

Sections:

- 6.24.010 Conditions of animal ownership.
- 6.24.020 Running at large prohibited.
- 6.24.030 Restraint of dogs by owner.
- 6.24.040 Barking Dog.
- 6.24.050 Disturbing the peace prohibited.
- 6.24.060 Nuisance.
- 6.24.070 Curbing Dogs.
- 6.24.080 Female dogs in season.
- 6.24.090 Inhumane treatment and abandonment.
- 6.24.100 Guard dogs, dangerous dogs or potentially dangerous dogs.
- 6.24.110 Proceedings to declare a dog a dangerous dog.
- 6.24.120 Impoundment, abatement and restrictions on dangerous dogs.
- 6.24.130 Entering food establishments prohibited.
- 6.24.140 Complaints.
- 6.24.150 Presumption of responsibility for violation.
- 6.24.160 Enforcement provisions.
- 6.24.170 Violation declared a public nuisance.
- 6.24.180 Designated violations – misdemeanors and infractions.
- 6.24.190 Harboring of strays

* For statutory authority for cities to seize and to impound dogs found running at large, see Agric. Code § 31101.

CROSS REFERENCE: For provisions regarding rabies, see Ch. 6.28 CVMC.

Prior legislation: Ords. 1029, 1196, 1628 and 1633; prior code §§ 4.19, 4.20, 4.21, 4.22, 4.23 and 4.27.

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, as a condition of licensing, may require 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. Animals shall be provided food, water and shelter at all times and protection from the weather
- D. Animals shall be provided adequate routine veterinary care.
- E. Animals shall be provided veterinary care for injuries and/or medical conditions
- F. Animals shall not go without proper care when injured for more than 12-hours from time of injury.
- G. Vaccinations, licenses, and permits shall be obtained as required by law.
- H. 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.
- I. Animal premises shall be kept sanitary and free of any feces at all times.
- J. Animals and animal premises shall not be permitted to disturb the peace or constitute a public nuisance or hazard. (Ord. 1706 § 1, 1976.)

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, or unless such dog is confined within a motor vehicle;
- B. Be on premises of a person other than owner, possessor or keeper without consent, or in or upon a vehicle without the consent of the vehicle owner. (Ord. 1706 § 1, 1976.)

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 the 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. (Ord. 1706 § 1, 1976.)

6.24.040 Barking dog.

Barking dog citation – general: (a) Any Enforcement Officer has the authority to issue a civil citation to any Responsible Person for a barking dog violation that the Enforcement Officer did not see or hear occur based on a complaint, signed under penalty of perjury, lodged by two members of the community who have been disturbed by the barking dog. A Responsible Person to whom a civil citation is issued shall be liable for and shall pay to the City the fine or fines described in the barking dog citation when due. Where the Responsible Person is a minor under the age of eighteen (18) years, the minor's parents or legal guardian shall be liable for and held responsible for payment of their minor child's citation fines and/or late penalties. In any case, the Responsible Person (by his/her parents when the Responsible Person is under the age of eighteen) shall have the right to appeal the issuance of the citation pursuant to the provisions of this subarticle.

There may be more than one person responsible for a barking dog violation. A "Responsible Person" is defined as any one of the following:

1. A person who allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.
2. A person whose agent, employee, or independent contractor allows a barking dog violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog.
3. A person who is the owner of, and a person who is a lessee or sublessee with the current right of possession of, real property in or upon which a barking dog violation occurs.

Chula Vista Animal Care recommends that neighbors make an attempt to resolve the problem with the nuisance animal owner or other responsible person prior to filing a formal complaint. Sometimes the Responsible Person is unaware of the noise and grateful for the opportunity to address the issue. If a formal complaint is submitted, Chula Vista Animal Care will attempt contact with the Responsible Person in an effort to help in the resolution of the reported problem.

This information is intended to clearly explain both the role of Chula Vista Animal Care Facility (CVACF) and the Complainant's role in the resolution of the problem. The complainant must complete the complaint form in its entirety and mail to Chula Vista Animal Care Facility at 130 Beyer Way, Chula Vista, CA. 91911. To expedite the process, you may hand deliver the completed form to Chula Vista Animal Care Facility.

The entire civil citation process for a Barking Dog Complaint Procedure is as follows:

- The Complainant initiates a complaint in writing by submitting a completed Barking Dog Complaint Form to CVACF. Once the complaint has been processed, an Animal Control Officer shall attempt to contact the Responsible Person to explain the civil citation procedure and try to help resolve the situation.

- The Responsible Person is given ten (10) days to resolve the situation. If the situation still exists, the complainant may file a second complaint with CVACF through the Dispatch Center at (619) 476-2476. If CVACF is not contacted within a reasonable time (as determined by CVACF) of the initial contact of the responsible party, the complaint will expire. Once the Complainant requests further action on a second complaint, the Animal Control Officer shall initiate the issuance of a civil citation.
- The purpose of issuing a civil citation is to encourage voluntary and complete compliance with the City Code to eliminate barking dog nuisances for the protection and benefit of the entire community. The issuance of a civil citation is solely at the City's discretion and is one option the City has to address barking dog violations.
- If the Complainant requests to have a civil citation issued, an Animal Control Officer shall respond to the complainant's residence.
- Before a citation will be issued, the Complainant is required to sign an affidavit under penalty of perjury that the barking dog has disturbed him/her, and the dog is a nuisance as defined by the definition of a barking dog.
- The Complainant shall be advised of the necessity of attending the administrative hearing if the responsible person contests the citation. If the Complainant does not attend the scheduled hearing, the citation shall be dismissed in favor of the Responsible Person.
- The Animal Control Officer shall then attempt to contact the Responsible Person. The Responsible Person shall be advised of the second complaint and the request for a civil citation. The Animal Control Officer shall advise the Responsible Person of the option of paying the fine and abating the nuisance or contesting the citation at the administrative hearing. The Responsible Person may opt to pay the fine immediately to the Animal Control Officer on scene.
- If after there has been no contact made with the Responsible Person, the Animal Control Officer may post the citation in a conspicuous place on the Responsible Person's property.
- The Responsible Person must pay the fine within fifteen (15) days or contest the citation at the administrative hearing. If the Responsible Person does not appear at the administrative hearing the fine will become due and payable. Payment of the fine shall not excuse the violator from correcting the barking dog violation.

This civil citation procedure only applies to the nuisance (barking) of a dog.

6.24.050 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 the violation of CVMC 6.24.010(D) and (E), 6.24.030, 6.24.050 and 6.24.080 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, causes 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, shelters, farm and/or agricultural facilities, or areas where the keeping of animals or fowls is 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. (Ord. 1706 § 1, 1976.)

6.24.060: Nuisance.

A. "No person shall keep, maintain, or permit, either willfully or through failure to control, on any lot, parcel of land, or premises under his control any animal which by sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property except noise on property used for agricultural purposes which is normally associated with animals on property used for such purposes."

B. The process for the Nuisance Complaint Procedure is as follows:

- The reporting party initiates the **first complaint** by mailing in the completed Nuisance Complaint Form. If the owner's animal is not currently licensed, an Animal Control Officer will contact the owner in person. If the animal is licensed, a postcard notifying the owner of the complaint is sent.
- If after ten (10) days the nuisance violation continues, the complainant must file a **second complaint** with CVACF through Dispatch Center. If CVACF is not contacted within ninety (90) days of the initial complaint, the file will be purged. Upon second complaint, the dog owner is given fourteen (14) days to resolve the violation.
- If the situation still exists after the fourteen (14) day period, the complainant must file a **third complaint** with CVACF through Dispatch Center. At the third complaint, the complainant will be mailed a Nuisance Statement Form, including a sample statement form and directions for completion of the form. This completed form, when returned to CVACF, is used to document the history of the situation.
- Once the Nuisance Statement Form is received, CVACF will issue a Notice to Abate (final warning) to the nuisance animal owner. After this notice is hand delivered to the owner by an Animal Control Officer, the owner is given fifteen (15) days to remedy the nuisance violation.
- If the problem remains unsolved after the fifteen (15) days, the complainant must again contact Animal Care Facility and request a petition packet (legal evidence). The complainant then has forty-five (45) days to complete the packet and return it to CVACF.
- Once all information is received, reviewed and deemed complete, CVACF will forward it to the City Attorney with a request for a criminal complaint. The action taken by the City Attorney will be based upon the information that is supplied by the complaining party.

6.24.070 Curbing Dogs.

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. (Ord. 1706 § 1, 1976.)

6.24.080 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. (Ord. 1706 § 1, 1976.)

6.24.090 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. (Ord. 1706 § 2, 1976.)

6.24.100 Guard dogs, dangerous dogs or potentially dangerous animals.

A. For the purpose of this Section, an animal shall be deemed dangerous if it clearly demonstrates by its behavior a propensity to attack or bite a person or animal without provocation. The dangerous 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 dangerous, dependent upon the circumstances, such as the intrusion of persons into a confined space on private property, the teasing of the dog, or the 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, showing such special guard or protective use. The owner or custodian of such an animal must stipulate that the 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 dog does bite any person or animal, the quarantine provisions of CVMC 6.28.060 shall be applicable.

B. It shall be unlawful for the owner, custodian or person having control of a guard dog, dangerous dog, or potentially dangerous animal to fail to exercise ordinary care over the animal that results in the animal causing injury to a person engaged in lawful activity.

C. This Section shall not apply to an animal that is being used by the military or law enforcement while the animal is performing in that capacity.

6.24.110 Proceedings to declare a dog a dangerous dog.

A. Whenever the City has reasonable cause to believe that a dog is a dangerous dog, it may commence proceedings to declare the dog a dangerous dog as follows:

1. The City shall serve on the owner or custodian a notice of intent to declare the dog a dangerous dog.
2. The notice shall inform the dog's owner or custodian of all of the following:
 - (a) The City's authority to declare a dog a dangerous dog.
 - (b) Each incident that forms the basis for the City's proposed action.
 - (c) The owner or custodian's right to request a hearing to contest whether grounds exist for the City's proposed declaration:
 - (d) The potential consequences if the City issues a declaration declaring the dog a dangerous dog.

(e) That a request for a hearing must be in writing and must be received by the City within ten (10) days from the date of notice.

(f) Failure to request a hearing or failure to attend or be represented at a scheduled hearing shall satisfy the City's obligation to provide a hearing and shall result in the City issuing a declaration that the dog is a declared dangerous dog.

(g) A finding at the hearing that the dog meets the definition of a dangerous dog as prescribed by Section 6.01 N, shall result in the City declaring the dog a dangerous dog. A declared dangerous dog designation shall remain in effect for the dog's lifetime.

B. When the City determines it is necessary to immediately impound a dog to preserve the public health and safety or the safety of an animal, before the City follows the procedures in subsection A above, the City may impound a dog before issuing the declaration declaring the dog a dangerous dog. In that case, with the notice required by subsection A. the City shall include the reasons why immediate impoundment was necessary.

6.24.120 Impoundment, abatement and restrictions on dangerous dogs.

A. The City may impound or abate any declared dangerous dog whenever the City determines that impoundment or abatement is necessary to protect the public health and safety or the safety of an animal.

B. When the City determines abatement is necessary, the City may destroy the dog or impose conditions on the dog's owner or custodian, as a prerequisite for the dog's owner or custodian continuing to keep the dog. The City may modify the conditions depending on a change in circumstances. It shall be unlawful for a person to fail to comply with a condition the City imposes under this Section.

C. The City may impose one or more of the following conditions on a dog owner or custodian for a declared dangerous dog:

1. A requirement that the owner or custodian obtain and maintain liability insurance from an insurer licensed to transact insurance business in the State of California with coverage amounts that complies with the requirements of this subsection. The insurance shall provide liability insurance to the owner or custodian for any loss or injury that may result to any person or property caused by the dog. The insurance shall provide coverage for the owner or custodian in an amount of not less than \$500,000 per occurrence, combined single limit for bodily injury and property damage. The owner or custodian shall furnish a certificate of insurance to the City and notify the City by registered mail within 10 days of receiving notice from the insurance company that the policy has been cancelled or will not be renewed. The insurance certificate shall provide the following information:

- (a) The full name and address of the insurer.
- (b) The name and address of the insured.
- (c) The insurance policy number.
- (d) The type and limits of coverage.
- (e) The effective dates of the coverage.
- (f) The certificate issue date.

2. Requirements as to the design, specifications, materials and other components of the dog's enclosure.

3. Requirements as to the type of residence where the dog shall be maintained.

4. Requirements as to the type and method of restraint or muzzling the owner or custodian shall employ when the dog is not within its approved enclosure.
5. Requirements for photo identification, microchip implantation or permanent marking of the dog for purposes of identification.
6. A requirement that the owner or custodian obtain and maintain a dangerous dog registration in addition to the license required under Section 6.20
7. A requirement to alter the dog.
8. A requirement that the dog's owner or custodian allow the City or any other law enforcement agency, to inspect the dog and its enclosure.
9. A requirement that the dog's owner or custodian provide the City with proof satisfactory to the City that the owner or custodian is complying with all the requirements of this Section.
10. A requirement that the dog's owner or custodian agrees to surrender the dog to the City on demand.
11. A requirement that the dog not be allowed to work as guard dog, attack dog or sentry dog.
12. Any other requirement the City determines is necessary to protect the public health and safety or the safety of an animal from the actions of a declared dangerous dog.
13. A requirement that the owner or custodian pay the City fees to recover the City's costs to enforce and to verify compliance with this Section.

D. The City shall provide a dog's owner or custodian with written notice at least ten (10) days before impounding or abating a declared dangerous dog. The notice shall inform the owner or custodian of the right to a hearing to contest whether grounds exist to impound or abate the dog. If the owner or custodian requests a hearing under this Section the hearing may be held in conjunction with the hearing pursuant to Section 6.24.110. If the dog's owner or custodian requests a hearing before the dog is impounded or abated the City shall not impound or abate the dog until the hearing is concluded unless there is a need for immediate action as provided in subsection 6.24.120 A.

E. A dog's owner or custodian who receives a notice under subsection D may request a hearing to contest the City's determination to impound or abate a dangerous dog. The owner or custodian's request shall be in writing and shall be received by the City within 10 days of the date of the notice.

F. When the City determines it is necessary to immediately impound a dog to preserve the public health and safety or the safety of an animal, or if a dog has already been impounded under another provision of law, no pre-impoundment hearing shall be held. In that case, the City shall provide the dog's owner or custodian with written notice allowing ten (10) days from the date of the notice to request a hearing to contest the abatement of the dog. The hearing request shall be in writing and shall be received by the City within the specified time period. If the owner or custodian requests a hearing, the dog shall not be disposed of until the hearing requirements are satisfied. Once the hearing procedures enumerated in Section 6.24.110 have been completed and there is a final decision that grounds exist to impound or abate a dog or the owner or custodian fails to request a hearing or attend or be represented at a scheduled hearing, the City may impound or abate the dog.

G. The owner or custodian of a declared dangerous dog, who intends to change the ownership, custody or residence of the dog, shall provide at least fifteen (15) days advance written notice to the City of the proposed change. The notice shall identify the dog and provide the name, address and telephone number of the proposed new owner or custodian, or the proposed new residence. The City may prohibit the proposed change when the City has reasonable grounds to believe that the change would be harmful to the public health and safety or the safety of an animal, by issuing a written order to the owner or custodian. No person shall fail to comply with an order the City issues under this subsection.

H. An owner or custodian who transfers ownership or custody shall provide written notice to a new owner or custodian that the dog is a declared dangerous dog and the conditions the City imposed pursuant to subsection B. The owner or custodian shall obtain a written acknowledgment signed and dated by the new owner or custodian, acknowledging receipt of the notice and acceptance of the conditions the City imposed. The owner or custodian shall provide the City with a copy of the notice and the signed acknowledgment from the new owner or custodian.

I. If a declared dangerous dog dies, the owner or custodian shall notify the City no later than 24-hours after the dog's death. The owner or custodian shall produce the dog's remains when requested by the City.

J. If a declared dangerous dog escapes, the owner or custodian shall immediately notify the City of the escape and make every reasonable effort to recapture it. The owner shall also notify the City within 24-hours of the dog's recapture.

K. The owner, custodian or person in possession of a declared dangerous dog shall keep the dog restrained, confined or muzzled as appropriate for the circumstances, to prevent the dog from biting, attacking or otherwise causing injury to another.

L. The City's authority to act under this Section is independent of any pending or resolved criminal prosecution, no matter what stage in the proceeding or the result in that case.

6.24.130 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, that this shall not apply to service animals. (Ord. 1706 § 1, 1976.)

6.24.140 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. (Ord. 1706 § 2, 1976.)

6.24.150 Presumption of responsibility for violation.

In any prosecution involving an animal, charging a violation of any provision referred to in CVMC 6.24.160, 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. (Ord. 1706 § 2, 1976.)

6.24.160 Enforcement provisions.

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 by this reference:

- A. California Administrative Code: Title 17, section 2606 to 2606.8;
- B. Food and Agricultural Code:
 - 1. Article 1 (commencing with Section 17001) and Article 2 (commencing with section 17041) of Chapter 7, Division 9, Part 1,
 - 2. Section 17121;
- C. Health and Safety Code:
 - 1. Chapter 3 (commencing with section 1900) of Division 3,
 - 2. Chapter 13 (commencing with section 25970) of Division 20;
- D. Penal Code section 148;
- E. Any penal law of the State of California relating to or affecting animals. (Ord. 1706 § 2, 1976.)

6.24.170 Violation declared a 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 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. (Ord. 1706 § 2, 1976.)

6.24.180 Designated violations- Misdemeanors and infractions.

A. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise made in this Code, is punishable by fine only as follows:

- 1. A fine not exceeding one-hundred-fifty dollars for a first violation;
- 2. A fine not exceeding two-hundred-fifty dollars for a second violation of the same ordinance within one year;
- 3. A fine not exceeding five-hundred dollars for each additional violation of the same ordinance within one year.

B. Each such person shall be charged with a separate offense for each and every day during any portion of which a violation of any provision of this Code is committed, continued or permitted by such person, and shall, upon conviction, be punished accordingly.

C. In addition to the penalties provided in this Section, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance, and may be summarily abated as such by this City; and each day that such condition continues shall be regarded as a new and separate offense.

D. A violation of this Code may be subject to an administrative citation.

6.24.190 Harboring of strays.

No person shall harbor or keep any lost or stray dog for a longer period than 24-hours. Any person finding a lost or stray dog shall forthwith notify the animal shelter and turn it over to them. (Ord. 1706 § 2, 1976.)

**Chapter 6.26
ANIMALS IN VEHICLES**

Sections:

6.26.010 Transportation of animals.

6.26.020 Animals in unattended vehicles.

6.26.010 Transportation of animals.

No person shall transport or carry, on any public highway or public roadway, any animal in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a cab or container, secured cage, cross-tether, harness or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle. (Ord. 2165 § 1, 1986.)

6.26.020 Animals in unattended vehicles.

No person shall leave an animal in any unattended vehicle without adequate water and ventilation or in such a manner as to subject the animal to conditions that can adversely affect the animal's health or welfare. (Ord. 2165 § 1, 1986.)

**Chapter 6.28
RABIES CONTROL***

Sections:

6.28.010 Dog defined.

6.28.020 Vaccination - Required - Term.

6.28.030 Repealed.

6.28.040 Unvaccinated dogs prohibited when.

6.28.050 Vaccination - Exemptions permitted when.

6.28.060 Biting dog to be isolated when - Payment of expenses.

6.28.070 Duty to report animal suspected of having rabies.

6.28.080 Animals bitten by rabid animal - Quarantine or destruction required.

6.28.090 Enforcement and inspection.

6.28.100 Duty to report animal bites.

* For statutory provisions regarding rabies control, see Health and Safety Code § 1900, et seq.
CROSS REFERENCE: For provisions regarding restraining dogs, see Ch. 6.24 CVMC.

6.28.010 Dog defined.

Repealed by Ordinance

6.28.020 Vaccination - Required - Term.

It is unlawful for any person owning, having an interest in, harboring or having the care, charge, custody, control or possession of a dog to suffer, allow or permit such dog to go upon the public streets, alleys, parks and public places in the City, unless such dog has been vaccinated for rabies at intervals of not less than every twelve (12) months, unless the City Manager or his or her designee of the City establishes by regulation a longer interval of time for such repeated vaccinations, the authority to do which is hereby conferred on him. (Prior code § 4.25.)

6.28.030 Vaccination - Obtainable where - Fee.

Repealed by Ord. 2506 § 2, 1992. (Ord. 978 § 1, 1966; Ord. 968 § 1, 1966; prior code § 4.26.)

6.28.040 Unvaccinated dogs prohibited when.

Except for a dog which has been exempted by this Chapter from the requirements of vaccination, for the reason that it is less than four (4) months of age, or that the provisions of the following section have been complied with, it is unlawful for any person to keep, harbor or maintain any dog in the City, unless such dog has been vaccinated in accordance with the provisions of this Chapter. (Prior code § 4.28.)

6.28.050 Vaccination - Exemptions permitted when.

Notwithstanding any other provisions of this Code, a dog need not be vaccinated for rabies if a licensed veterinarian has examined the dog and certified that at such time vaccination would endanger the dog's health because of its age, infirmity, debility or other physiological consideration, and such certificate is presented to the City Animal Care Facility Manager within thirty (30) days of such examination and he concurs in the opinion of the veterinarian contained in such certificate and endorses on such certificate his approval. The City Animal Care Facility Manager is authorized to accept such endorsed certificates and statements in lieu of the proof of vaccination required by this title. The certificate of the veterinarian must bear the date of issuance and must be renewed each year. (Prior code § 4.28.1.)

6.28.060 Biting dog to be isolated when - Payment of expenses.

If any dog shall bite any person or animal within the City, the owner or person having control of such dog shall, upon request of the City Animal Care Facility Manager, Animal Control Officer, Safety Officer, or any peace officer, deliver such dog to such officer to be isolated for ten (10) days, for the purpose of determining whether or not such dog is afflicted with rabies, and the owner or person having control of such dog shall pay all the expenses of the keeping of such dog during the time the dog shall be so isolated. (Prior code § 4.29.)

6.28.070 Duty to report animal suspected of having rabies.

Whenever the owner or person having the custody of an animal shall observe or learn that such animal has shown symptoms of rabies, or is acting in a manner which would lead to the belief that such animal might have rabies, such owner or person having the custody or possession of such animal shall immediately notify the City Animal Care Facility Manager, and such person shall allow the City Animal Care Facility Manager or any peace officer of the City to make an inspection or examination of such animal until it shall be established to the satisfaction of the City Animal Care Facility Manager that such animal has or has not rabies. (Prior code § 4.30.)

6.28.080 Animals bitten by rabid animal - Quarantine or destruction required.

Whenever any animal shall be bitten by another animal having rabies, the owner or person having the custody, possession, or control of the animal so bitten shall, upon being informed thereof, either kill such animal or quarantine it and keep it tied up for a period of six months, and the City Animal Care Facility Manager or the Chief of Police or other peace officer of the City shall have the power to kill or destroy or quarantine the animal so bitten in case the owner or person having the custody, control or possession thereof shall fail to do so immediately, or in the event the owner or person having the care, custody or control of such animal is not readily accessible. (Prior code § 4.31.)

6.28.090 Enforcement and inspection.

All proper officials of the City are hereby authorized to examine and enter upon all private premises for the enforcement of this Chapter, in accord with the right-of-entry provisions set forth in CVMC 1.16.010. (Prior code § 4.32.)

6.28.100 Duty to report animal bites.

A. All persons bitten and the parents or guardians of minor children bitten by any animal, including but not limited to dogs, cats, skunks, foxes, bats, coyotes, bobcats, or any other animal of a species subject to rabies shall notify the City Animal Care Facility Manager, Animal Control Officer, Safety Officer, or any peace officer as soon as possible thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

B. Any person owning or having custody or control of any animal of a species subject to rabies which bites a person, shall notify the City Animal Care Facility Manager, Animal Control Officer, Safety Officer, or any peace officer as soon as possible thereafter. Any person who violates any provision of this subsection is guilty of a misdemeanor.

Chapter 6.30 ANIMAL SALES

Sections:

- 6.30.010 Sale of animals, birds, or reptiles on public property or on private property open to the public prohibited.
- 6.30.020 Exceptions.
- 6.30.030 Sale of live animals on any street, highway, public right-of-way, parking lot, carnival or boardwalk.

6.30.010 Sale of animals, birds, or reptiles on public property or on private property open to the public prohibited.

It is unlawful to give away, offer for sale, sell, exchange, or transfer for any form of consideration, or for no consideration, any animal, bird, or reptile on public property or on private property open to the public, including, but not limited to, areas in front of stores, commercial shopping areas, commercial park areas, swap meets, and auctions. (Ord. 3052 § 1, 2006.)

6.30.020 Exceptions.

CVMC 6.30.010 shall not apply to:

A. Any legally recognized nonprofit charitable organization that provides or contracts to provide services as a public animal sheltering agency.

B. Any legally operated business that sells animals, birds, or reptiles in its normal course of business.

C. Any nonprofit animal rescue or adoption organization.

D. Any gift, sale, exchange, or transfer of any animal, bird, or reptile on public property or on private property open to the public that is authorized by federal or State law. (Ord. 3052 § 1, 2006.)

6.30.030 Sale of live animals on any street, highway, public right-of-way, parking lot, carnival or boardwalk.

It is unlawful for any person to willfully sell, display for sale, offer for sale, or give away as part of a commercial transaction live animals on any street, highway, public right-of-way, parking lot, carnival or boardwalk.

**Chapter 6.32
MICROCHIPPING**

6.32 Microchipping. Dogs and cats impounded at the Chula Vista Animal Care facility must be microchipped before release to their owners.

6.33 Generally.


6.33.010 Severability. If any provision or clause of this Chapter or application thereof is held invalid, such invalidity shall not offset other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

6.33.020 Construction of chapter. Nothing in this Chapter shall be construed as authorizing the keeping or maintaining of any animal that is otherwise prohibited or restricted by any law, regulation, or permit requirement.

SECTION II: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.


SECTION III: The City Clerk is directed to publish this ordinance in accordance with the City Charter and applicable state law.

Presented by



Mariya Anton
Animal Care Facility Manager

Approved as to form by



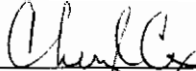
Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of March 2012, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Castaneda, Ramirez and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

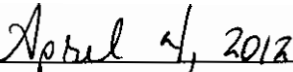

Cheryl Cox, Mayor


ATTEST:


Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3226 had its first reading at a regular meeting held on the 28th day of February 2012 and its second reading and adoption at a regular meeting of said City Council held on the 13th day of March 2012; and was duly published in summary form in accordance with the requirements of state law and the City Charter.


Dated


Donna R. Norris, CMC, City Clerk