

Chapter 7-04 GENERAL PROVISIONS

7-04.010 Definitions.

For purposes of this chapter, unless the context clearly indicates otherwise, certain words and phrases shall have the meanings given them in this section.

(A) “Animal” means all nonhuman members of the animal kingdom including domestic, exotic and livestock species.

(B) “Animal Control Officer” means the Poundmaster and any individual authorized by the Poundmaster to act on his or her behalf in the enforcement of the provisions of Title 7 of the Santa Rosa City Code.

(C) “Assistance dog” means a specifically trained canine assigned to a disabled person for the specific purpose of assisting the disabled person. Assistance dogs include, but are not limited to, guide dogs for the blind, hearing dogs, canine companions and pet-assisted therapy dogs.

(D) “City Health Officer” means that individual designated by the City Council to enforce and observe quarantine regulations and other provisions relating to public health within the City of Santa Rosa.

(E) “Collar or other device” means a device that is required by this chapter to be worn to designate the status of the animal as a dangerous or vicious animal. The Poundmaster shall establish within 20 days of the effective date of the ordinance codified in this section such rules and regulations for the design and wearing of a collar or other device which should be visible at 50 feet during normal daylight hours. The collar or other device shall be made available by the Poundmaster and provided for the animal at the owner’s expense.

(F) “Domestic animal” means any animal customarily kept by humans for companionship, including, but not limited to: dogs, cats, birds, rabbits, hamsters, mice, turtles and the like.

(G) “Enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious animal in conjunction with other measures which may be taken by the owner or keeper of the animal. The enclosure shall be designed in order to prevent the animal from escaping. The animal shall be housed pursuant to Section 597t of the California [Penal Code](#).

(H) “Exotic animal” means any species of animal not considered domestic or livestock. For the purpose of this definition “exotic animal” includes, but is not limited to: nonpoisonous snakes and lizards and pot-bellied pigs.

(I) “Kennel” means any place or premises devoted to the keeping, harboring, breeding, buying, or selling of four or more dogs, or six or more mammalian animals of the same species, age four months or over.

(J) “Livestock” means any animal customarily kept by humans for the purpose of providing food, clothing or work, including, but not limited to: equine, bovine, ovine, caprine, porcine and fowl, but excluding bees.

(K) “Muzzle” means any device that an animal is required to wear by this chapter to prevent the animal from biting a person or other animal. At the discretion of the Poundmaster, rules and regulations shall be established within 20 days of the effective date of the ordinance codified in this section for the design and use of such devices. These regulations are intended to provide flexibility of design appropriate to the specific animal to be muzzled.

(L) “Owner” means any person who owns, keeps or harbors an animal, for 15 or more consecutive days, except a veterinarian or an operator of a kennel or pet shop engaged in the regular practice of his business as such. “To own” an animal is to keep, harbor or shelter an animal for 15 consecutive days or more.

(M) “Pet shop” means any premises devoted to the commercial trade of selling live animals for use as pets.

(N) “Pit Bull” means any Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding, the breed of Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

(O) “Potentially dangerous animal” means any of the following:

(1) Any animal which, when unprovoked, bites a person that is less than a severe injury.

(2) Any animal which, when it is off the property of its owner or keeper, and is unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury by attacking a domestic animal.

(3) Any animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the animal.

(P) “Poundmaster” means that person appointed in accordance with Section 7-16.010.

(Q) “Service dog” means any dog under the control of a peace officer in the performance of, or training for, public service.

(R) “Severe injury” means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

(S) “Vicious animal” means any of the following:

(1) Any animal seized under Section 599aa of the California Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the California Penal Code.

(2) Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

(3) Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner or keeper has been notified of this determination, continues the behavior described in the definition of potentially dangerous animal set out above, or is maintained in violation of Section 7-12.100 and/or Section 7-30.040. (Ord. 3796 § 2, 2006; Ord. 3258 § 3, 1996; Ord. 3160 § 6, 1994; Ord. 2943 § 1 1992; prior code § 3.1)

7-08.140 Biting animals—Notification of Health Officer and Poundmaster.

The owner or other person in custody or control of any animal which bites a human being shall immediately notify the City Health Officer and the Poundmaster of such bite, giving the name and address of the person bitten, if known to him, and shall faithfully obey any quarantine instructions given by the Health Officer and/or Poundmaster. Failure to obey such quarantine instructions is cause for impoundment of the animal for the quarantine period. (Ord. 3160 § 8, 1994; Ord. 2943 § 4, 1991; prior code § 3.29)

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Chapter 7-12 DOGS

7-12.010 License—Required—Fee payment.

Every owner of a dog which is over the age of four months, and which is kept in the City, shall obtain an identification tag and annual license for such dog and shall pay the annual fee imposed by Section 7-12.020. (Ord. 2943 § 6, 1992; Ord. 2797 § 1, 1989; prior code § 3.2)

7-12.020 License—Fee imposed.

An annual dog license fee set by resolution of the City Council is imposed upon every dog over the age of four months which is kept in the City by any person who is an owner as defined in Section 7-04.010. If a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered, the annual license fee imposed shall be reduced by the sum set by resolution of the City Council. The license fee is due and payable on the day upon which the dog is four months old, or the day upon which the dog, if over the age of four months, is first owned by a resident of the City, and thereafter on the annual anniversary of the rabies vaccination. If the license fee is not paid on or before the annual rabies vaccination anniversary date, the license will be considered delinquent and the owner shall pay the delinquency penalty set by resolution of the City Council in addition to the assessed dog license fee and shall pay the penalty when the license is issued. However, any dog which first becomes subject to these licensing provisions solely by reason of annexation to the City of Santa Rosa of the territory in which the owner resides, is exempt from this section for the balance of the annual period for which such dog is properly licensed by the County of Sonoma. (Ord. 4006 § 1, 2013; Ord. 2943 § 6, 1992; Ord. 2797 § 2, 1989; prior code § 3.3)

7-12.030 License—Application—Issuance of certificate and identification tag.

Upon each application for a license, the owner shall furnish to the Poundmaster in writing his or her name, the address where the dog is kept, the name, breed, age, sex and color of the dog, and proof of current vaccination. The Poundmaster shall furnish registration forms for such purpose and upon payment of the fee, and penalty, if any, shall issue a serially numbered license certificate and a metallic identification tag or device. The identification tag or device shall be issued once and serve over the life-time of the dog. (Ord. 3258 § 7, 1996; Ord. 2943 § 6, 1992; prior code § 3.4)

7-12.050 License identification—Exemption for service and assistance dogs.

Service and assistance dogs are exempt from the license fee while so owned and used, but are not exempt from registration on the license application form, or from obtaining any required vaccination or identification tag or device. (Ord. 2943 § 6, 1992; prior code § 3.6)

7-12.060 Identification tag—Duplicate.

If an identification tag or device is lost, the Poundmaster may issue a duplicate or other tag in lieu thereof upon receiving proof of loss, made in writing under penalty of perjury, and a fee which shall be set by resolution of the City Council. (Ord. 2943 § 6, 1992; prior code § 3.7)

7-12.070 Identification tag—Attachment.

The identification tag shall be attached securely to a collar or harness, or the device shall be attached by other suitable means, on the dog for which issued at all times that the dog is in the City. The identification tag shall be shown by the owner at any time upon demand by the Poundmaster or his Deputies. (Ord. 2943 § 6, 1992; prior code § 3.8)

7-12.080 Identification tag—Removal or counterfeiting prohibited.

No person shall remove an identification tag or device from a dog without express or implied permission of the owner. No person shall counterfeit or imitate an identification tag or device or make any unauthorized substitution of such tags or devices. (Ord. 2943 § 6, 1992; prior code § 3.9)

7-12.100 Restraint requirements.

(A) No person owning or otherwise having a dog in his or her care, charge, custody or possession shall cause, permit or allow such dog to be in or upon any public street, road, alley or other public place unless such dog is restrained and under control by leash or chain, or unless confined in a vehicle in the manner allowed by Section 7-08.120. The leash or chain shall not exceed six feet in length. This restriction shall not apply to areas within the city specifically set aside and posted for the exercise of animals.

(B) No person owning or otherwise having a dog in his care, charge, control, custody or possession, cause, permit or allow such dog to enter upon private property without consent of the person in possession of the property or to defecate or urinate upon, or to damage or destroy any lawns, trees, shrubs, or other plantings, or any other improvement or thing of value on, such private property.

(C) The restraint requirements provided in this section shall not apply to a service or assistance dog; a dog participating in field or obedience trials; animal exhibitions or training; or a dog assisting a Peace Officer engaged in law enforcement duties, so long as the owner or custodian of such a dog has been issued a written permit by an Animal Control Officer allowing the dog to be off its leash. Such permit shall be in the possession of the owner or possessor of the dog at the time the dog is off its leash and shall be displayed on request of an Animal Control Officer.

(D) Any animal found in any public place, or upon the private property of another without the consent of the owner or possessor of the private property, in violation of this section, may be impounded. (Ord. 3258 § 10, 1996; Ord. 2943 § 6, 1992; prior code § 3.11)

7-12.110 Leash required in public park, playground.

No person owning or otherwise having a dog in his care, charge, control, custody or possession except a service or assistance dog, shall cause, permit or allow such dog to be in or upon any public park or playground unless such dog is under restraint by leash or chain. The leash or chain shall not exceed six feet in length. Dogs are prohibited in public park or playground areas so designated and posted by the City. (Ord. 2943 § 6, 1992; prior code § 3.11.1)

7-12.120 Females in heat—Confinement.

Female dogs in copulation season shall be kept confined to the owner's or custodian's premises. (Ord. 2943 § 6, 1992; prior code § 3.13)

7-12.130 Recidivism.

Any unsterilized dog which is impounded a second time within a 12-month period for violation of restraint requirements shall be spayed or neutered within seven days of the redemption. Written verification from the veterinarian performing the surgery shall be provided by the owner to the poundmaster within seven days of the surgery. (Ord. 3341 § 1, 1997)

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Chapter 7-30 POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

Article I. Potentially Dangerous and Vicious Animals

7-30.010 Purpose—Exemptions.

The purpose of this article is to establish a program for the control of potentially dangerous and vicious animals that incorporates Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agricultural Code. This article does not apply to commercial kennels, pet fancier facilities, veterinarians, or to dogs while utilized by the Sheriff, any Police Department or any law enforcement officer in the performance of police work. (Ord. 3796 § 4, 2006)

7-30.015 Definitions.

The definitions set forth in Section 7-04.010 shall apply to this chapter. (Ord. 3796 § 4, 2006)

7-30.020 Filing petition with court—Hearing.

(A) If an animal regulation officer has investigated and determined that there exists probable cause to believe that an animal is potentially dangerous or vicious, the City shall petition the superior court for a hearing for the purpose of determining whether or not the animal in question should be declared potentially dangerous or vicious. A proceeding under this section is a limited civil case.

(B) The City shall notify the owner of the animal that a hearing will be held by the court at which time such owner may present evidence as to why the animal should not be declared potentially dangerous or vicious. The owner of the animal shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail to the owner's last known address.

(C) Pursuant to Food and Agricultural Code Section 31621, the hearing shall be held promptly within no less than five working days nor more than 10 working days after service of notice upon the owner of the dog. The court shall admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. A jury shall not be available. The court may find, upon a preponderance of the evidence, that the animal is potentially dangerous or vicious and make other orders authorized by this article and State law.

(D) The court shall decide all issues for or against the owner of the animal even if such owner fails to appear at the hearing. If the court rules the animal to be potentially dangerous or vicious, the court shall establish a time schedule to ensure compliance with this article and State law, but in no case more than 30 days subsequent to the date of the court's determination or 35 days if the service of the judgment is by first-class mail.

(E) The determination of the court shall be final and conclusive upon all parties. (Ord. 3796 § 4, 2006)

7-30.030 Impoundment of animal pending hearings.

(A) If upon investigation it is determined by an animal regulation officer that probable cause exists to believe an animal is potentially dangerous or vicious and poses an immediate threat to public safety, then the officer may seize and impound the animal pending the hearings to be held pursuant to this article. The owner of the animal shall be liable to the division for the costs and expenses of keeping the animal, if the animal is later adjudicated potentially dangerous or vicious.

(B) When an animal has been impounded pursuant to subsection (A) and it is not contrary to public safety, the Poundmaster shall permit the animal to be confined at the owner's expense in a commercial kennel or veterinary facility approved by the Poundmaster. (Ord. 3796 § 4, 2006)

7-30.040 Mitigating circumstances.

(A) No animal may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a wilful trespass or other tort upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime. No animal may be declared potentially dangerous or vicious if the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault. No animal may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing or assaulting the animal.

(B) No animal may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the animal was working as a hunting animal, herding animal or predator control animal on property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the animal. (Ord. 3796 § 4, 2006)

7-30.050 Disposition of potentially dangerous animals.

(A) An animal determined to be a potentially dangerous animal, either after the owner of the animal has agreed to the designation, or after the court has determined the designation applies to the animal, shall be placed on a list of potentially dangerous animals by the Poundmaster and shall be maintained by the owners as follows:

(1) A potentially dangerous animal shall be properly licensed and vaccinated. The Poundmaster shall include the potentially dangerous designation in the registration records of the animal and shall charge a potentially dangerous animal fee, the amount of which shall be established by resolution of the City Council, in addition to the license fee required in Section 7-12.020. The owner shall post a sign on the premises facing the public street.

(2) A potentially dangerous animal, while on the owner's premises, shall, at all times, be kept indoors, or in a secure enclosure. A potentially dangerous animal may be off the owner's premises only if it is restrained:

- (a) By a substantial leash not exceeding six feet in length and it is under the control of a responsible adult; and
- (b) By an approved muzzle that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal; and
- (c) By fitting the animal with an approved collar or other device which must be clearly visible at all times for the purpose of designating the animal as a potentially dangerous animal.

(3) The owner shall be responsible for the cost of posting one or more large signs, as determined to be necessary by the Poundmaster, in a conspicuous place on the property, which is visible and capable of being read from the fronting street or public highway, stating in substantially the following form:

“LEGAL NOTICE: By order of the Superior Court of Sonoma County, one or more animals at this place have been declared to be potentially dangerous animal(s). Therefore, when the animal is off this property, it must be restrained by a leash, be muzzled, and carry an approved collar or other device to give notice to the public of its designation by the court as a potentially dangerous animal. This property is being watched by the Poundmaster to assure compliance with this order. **WARNING:** Removing or defacing this notice without permission from the Poundmaster is a violation of the Santa Rosa City Code Section 1-30.300.”

This sign shall be prepared and posted by the Poundmaster.

(4) If a potentially dangerous animal dies, or is sold, transferred or permanently removed from the City, the owner shall notify the Poundmaster of the changed conditions and new location of the animal in writing within two working days after such change.

(B) If there are no additional instances of the behavior described in the definition of “potentially dangerous animal” in Section 7-04.010 within a 36-month period from the date of designation as a potentially dangerous animal, the animal shall be removed from the list of potentially dangerous animals by the Poundmaster. The animal may be, but is not required to be, removed from the list of potentially dangerous animals prior to the expiration of the 36-month period if the owner of the animal demonstrates to the satisfaction of the Poundmaster that changes in circumstances or measures taken by such owner, such as training of the animal, have mitigated the risk to public safety. (Ord. 3796 § 4, 2006)

7-30.060 Disposition of vicious animals.

(A) An animal determined to be a vicious animal may be humanely destroyed by the division when it is found, after proceedings conducted pursuant to this article, that the release of the animal would create a significant threat to the public health, safety and welfare.

(B) If it is determined that an animal found to be vicious shall not be destroyed, the court shall impose conditions upon the ownership of the animal that protect the public health, safety and welfare, including reserving jurisdiction to order destruction of the animal upon any further violation of this article or State law. Any enclosure that is required as a condition of ownership shall be a secure enclosure. A vicious animal shall be properly licensed and vaccinated. The Poundmaster shall include the vicious designation in the permanent registration records of the animal and shall charge a vicious animal fee, the amount of which shall be set by resolution of the City Council pursuant to Section 7-12.020. Animals declared vicious may not be kept on premises where minor children reside or are present.

(C)(1) A vicious animal, while on the owner’s premises, shall, at all times, be kept indoors, or in a secure enclosure. A vicious animal may be off the owner’s premises only if it is restrained:

- (a) By a substantial leash not exceeding six feet in length and it is under the control of a responsible adult; and
- (b) By an approved muzzle that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal; and
- (c) By fitting the animal with an approved collar or other device which must be clearly visible at all times for the purpose of designating the animal as a vicious animal.

(2) If a vicious animal dies, or is sold, transferred or permanently removed from the City, the owner shall notify the Poundmaster of the changed conditions and new location of the animal in writing within two working days after such change.

(3) The owner shall be responsible for the cost of posting one or more large signs, as determined to be necessary by the Poundmaster, in a conspicuous place on the property, which is visible and capable of being read from the fronting street or public highway, stating in substantially the following form:

“LEGAL NOTICE: By order of the Superior Court of Sonoma County, one or more animals at this place have been declared to be potentially dangerous animal(s). Therefore, when the animal is off this property, it must be restrained by a leash, be muzzled, and carry an approved collar or other device to give notice to the public of its designation by the court as a potentially dangerous animal. This property is being watched by the Poundmaster to assure compliance with this order. **WARNING:** Removing or defacing this notice without permission from the Poundmaster is a violation of the Santa Rosa City Code Section 1-30.300.”

This sign shall be prepared and posted by the Poundmaster.

(D) The owner of any animal determined to be vicious that is not destroyed shall present proof acceptable to the Poundmaster that the owner has procured liability insurance in the amount of at least \$500,000.00 covering any damage or injury which may be caused by the vicious animal. Such liability insurance shall not be cancelled, unless the owner shall cease to own the animal prior to expiration of the vicious animal license. Coverage shall be evidenced by an endorsement by the insurer will provide the City at least 30 days advance notice of cancellation. (Ord. 3796 § 4, 2006)

7-30.070 Restrictions on further ownership of animals.

The owner of an animal determined to be a vicious animal shall be prohibited from owning, possessing, controlling or having custody of any animal for a period of three years, when it is found, after proceedings conducted pursuant to this article, that ownership or possession of an animal by the person would create a significant threat to the public health, safety and welfare. (Ord. 3796 § 4, 2006)

7-30.080 Microchip and sterilization requirement for potentially dangerous and vicious animals.

The owner of any animal found potentially dangerous or vicious pursuant to this chapter shall, at his or her expense, have a microchip assigned by the Poundmaster, implanted into the animal for identification purposes. The identifying information listed on the microchip shall be noted in the licensing files for that animal. An animal that has been found to be potentially dangerous or vicious pursuant to this chapter shall be sterilized at the owner’s expense. (Ord. 3796 § 4, 2006)

7-30.090 Keeping of potentially dangerous or vicious animals by minors prohibited.

No animal found to be potentially dangerous or vicious pursuant to this chapter shall be owned by a minor. (Ord. 3796 § 4, 2006)

Article II. Mandatory Spay and Neutering for All Dogs Running At Large and All Pit Bulls

7-30.200 Mandatory spay and neutering for all dogs at large.

Except as provided in subsections (A) through (G) of this section, all owners cited for dogs running at large for violation of Sections 7-12.100 and 7-12.110 shall have their dog spayed and neutered at the owner’s expense.

(A) Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Poundmaster after consultation with knowledgeable professionals;

(B) Dogs documented as having been appropriately trained and actually being used as an assistance dog, such as a service dog, guide dog, signal dog, or social dog, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Poundmaster after consultation with knowledgeable

professionals;

(C) Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Poundmaster after consultation with knowledgeable professionals;

(D) Dogs certified by a licensed veterinarian as having a health reason for not being spayed/neutered;

(E) Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, hunting dogs, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Poundmaster after consultation with knowledgeable professionals;

(F) Dogs boarded in a licensed kennel or a business, which boards such animals for professional training or resale;

(G) Dogs which are registered with the American Kennel Club, United Kingdom Kennel Club, and/or American Dog Breeders Association Incorporated and trained and kept for the purpose of show, field trials and agility trials. (Ord. 3796 § 4, 2006)

7-30.210 Mandatory spay and neutering of all pit bulls.

No person shall own, harbor, or keep within the City, a pit bull over the age of four months, which has not been spayed or neutered, except as provided in Section 7-30.200. (Ord. 3796 § 4, 2006)

Article III. Violations and Civil Penalties

7-30.300 Violations and penalties.

(A) Every person who violates any provision of this chapter is guilty of a misdemeanor and shall be subject to the provisions of Section 1-28.010 of this code.

(B) In addition to or in lieu of the penalties contained in Chapter 1-28, any violation of this chapter involving a potentially dangerous animal shall be 'subject to a civil penalty not to exceed \$3,000.00. Any violation of this chapter involving a vicious animal shall be subject to a civil penalty not to exceed \$5,000.00.

(C) Any animal declared by a court of competent jurisdiction to be a potentially dangerous or vicious is a public nuisance.

(D) An owner of an animal declared to be a potentially dangerous or vicious is strictly liable for the conduct of the animal and has a nondelegatable duty to protect others from injury. (Ord. 3796 § 4, 2006)

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