

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN AMENDING CHAPTERS 6.04 AND 6.05 OF TITLE 6 OF THE GARDEN GROVE MUNICIPAL CODE REGARDING ANIMAL REGULATIONS.

**City Attorney Summary**

***This Ordinance amends Chapters 6.04 and 6.05 of the Garden Grove Municipal Code pertaining to animal regulations. The new regulations in Chapter 6.04 are modeled substantially after the Orange County animal regulations, which have been previously enforced by the County pursuant to its contract with the City, which contract will expire at the end of 2016. The new regulations are being codified in the Garden Grove Municipal Code and will be enforced by City officers commencing in 2017. Various provisions of Chapter 6.05 are being amended to remove references to County offices and officials, replacing them with City offices and officials.***

WHEREAS, the City has contracted with the County of Orange to enforce animal regulations since July 1982 and has adopted the County's regulations by reference; and

WHEREAS, the City's contract with the County will be terminated as of December 31, 2016 and the City will thereafter enforce animal regulations in the City through its own program and personnel; and

WHEREAS, it is necessary to replace the codification of the County Ordinances by reference and replace them with local regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 6.04 of Title 6 of the Garden Grove Municipal Code is hereby revised in its entirety to read as follows:

## CHAPTER 6.04

### ANIMAL REGULATIONS

#### Section 6.04.010 Definitions

The following terms, as used in this chapter, shall have the meanings herein set forth, unless it is apparent from the context thereof that some other meaning is intended.

*Animal* includes, but is not limited to, birds, fishes, reptiles and nonhuman mammals.

*Approved rabies vaccine* means a vaccine which is approved for use in the animal concerned by the California Department of Health.

*Approved research institution* means a college, hospital, university or research laboratory conducting research under humane conditions, if the Director so finds and certifies in writing.

*Cat* includes domesticated members of the species *Felis catus*; it excludes other members of the family *Felidae*.

*Commercial* means operated or carried on primarily for financial gain.

*Dangerous animals* means any animal of a species which presents a threat to the safety of persons or property, as determined by the Director.

*Director* means the Public Works Director or his/her designee.

*Dog* includes domesticated members of the species *Canis familiaris*; it excludes other members of the family *Canidae*.

*Guard (sentry) dog* means any dog utilized, on a commercial basis, to guard any property within the City, including guarding against fire or theft or both.

*Guide dog* means a properly trained dog certified by a licensed guide (Seeing Eye) dog agency and actually being used by a blind person.

*Impounded* shall mean having been received into the custody of any animal shelter, or into the custody of the Director.

*Neutered* means rendered incapable of reproduction by physical (surgical alteration or the implantation of a device) or other means. To be acceptable, the neutering must be certified to by a licensed veterinarian.

*Person* means any individual, firm, partnership, corporation, company, society, or association, and every officer, agent or employee thereof.

*Potentially dangerous dog* means any of the following:

- (1) Any dog which, when unprovoked, on 2 separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury whether the person and the dog are on or off the property of the owner or custodian of the dog.
- (2) Any dog which, when unprovoked, bites a person causing any injury less severe than a "severe injury." 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.
- (3) Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal.
- (4) Provided, no dog may be determined to be a vicious dog if any such bite, threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner or custodian of the dog, or was committing or attempting to commit a crime upon the premises occupied by the owner or custodian of the dog, or was teasing, tormenting, abusing or assaulting the dog or who has, in the past, teased, tormented, abused or assaulted the dog.
- (5) Provided, further, that these definitions do not apply to dogs used in military or police work while they are actually performing in that capacity.

*Quarantine* means the strict confinement of an animal upon the premises of the owner or elsewhere as approved by the Director.

*Vicious dog* means any of the following:

- (1) Any dog seized as a "fighting animal" under section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or custodian of a fighting animal as set forth in subdivision (a) of Section 597.5 of the Penal Code.
- (2) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being, whether the person and the dog are on or off the property of the owner or custodian of the dog.
- (3) Any dog previously determined to be and currently listed as a potentially dangerous dog, which, after its owner or keeper has been notified of this determination, continues the behavior of a "potentially dangerous dog," or is maintained in violation of the conditions and restrictions placed upon the dog as a "potentially dangerous dog."
- (4) Provided, no dog may be determined to be a vicious dog if any such bite, threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner or custodian of the dog, or was committing or attempting to commit a crime upon the premises occupied by the owner or custodian of the dog, or was teasing, tormenting, abusing or assaulting the dog or who has, in the past, teased, tormented, abused or assaulted the dog.
- (5) Provided, further, that these definitions do not apply to dogs used in military or police work while they are actually performing in that capacity.

## **Section 6.04.020 Prohibition, Administration, and Enforcement**

### **A. Keeping of Certain Animals Prohibited.**

1. It is unlawful for any person to keep or maintain animals within the corporate City limits not permitted by this chapter or in violation of this chapter.
2. No person shall keep or maintain any animals that are detrimental to the public health, safety, and welfare.

3. Roosters and Livestock Animals Prohibited. It is unlawful for any person to keep or maintain roosters and livestock animals, including, but not limited to, any bull, steer, cows, calves, cattle, sheep, swine, equine, and bovine, etc., within the corporate City limits.
4. Beehives. Beehives shall be prohibited within the corporate City limits.
5. Unsanitary Conditions. No person shall keep or maintain any animals in an odious, offensive, obnoxious, filthy, or unsanitary condition.
6. Limitations. Except as otherwise provided for in this chapter, the following animals may be permitted on properties zoned for residential use:
  - (a) A maximum of four of the following or four of any combination of the following shall be permitted:
    - (1) A maximum of four dogs, four months of age or older, shall be permitted on any premises within the corporate city limits;
    - (2) A maximum of four roaming cats, four months of age or older, shall be permitted on any premises within the corporate city limits;
    - (3) A maximum of four fowl, rabbits, birds, or household pets, or any combination thereof shall be permitted on any premises within the corporate city limits subject to the following condition: Fowl, rabbits, birds, or household pets (excluding dogs and cats) shall be kept at all times in a fully enclosed pen, coop, cage, or similar appropriate enclosure and shall maintain a minimum setback of 25 feet from all adjacent dwelling units and all property lines.
  - (b) Five or more cats, kept at all times in enclosed catteries, shall be permitted on any premises within

the corporate City limits and shall comply with all regulations in this chapter.

- (c) A maximum of 10 parakeets shall be permitted on any premises within the corporate City limits subject to the following condition: Parakeets shall be kept at all times in a fully enclosed pen, coop, cage, or similar appropriate enclosure and shall maintain a minimum setback of 25 feet from all adjacent dwelling units and property lines.
- (d) A maximum of 10 racing pigeons shall be permitted on any premises within the corporate City limits subject to the following condition: Racing pigeons shall be kept at all times in a fully enclosed pen, coop, cage, or similar appropriate enclosure and shall maintain a minimum setback of 25 feet from all adjacent dwelling units and all property lines.
- (e) A maximum of 100 pigeons, kept at all times in a fully enclosed pen, coop, cage, or similar appropriate enclosure that maintains a minimum setback of 25 feet from all adjacent dwelling units and all property lines, may be permitted on any premises within the corporate City limits subject to a conditional use permit, as set forth in Title 9 of this Code.

B. Administration. The Director is charged with the administration of this chapter.

C. Regulations. The City Council may, by resolution, promulgate any necessary rules and regulations for the administration of this chapter.

D. Enforcement. The Director, is hereby empowered and it shall be his/her duty to enforce this chapter and any statute relating to animal control, unless otherwise provided by law. Pursuant to Corporations Code 14503 each of the aforementioned individuals shall have the power to issue notices to appear in court for violations of the aforementioned provisions pursuant to chapter 5c, commencing with section 853.5 of title 3 of part 2 of the California Penal Code.

E. Inspection. The Director is authorized to inspect any building or other property for the purpose of enforcing this chapter or any statute relating to animal control.

#### **Section 6.04.030 Interference**

No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter while such person is engaged in the performance of his/her duties.

#### **Section 6.04.040 Firearms Authorized**

Trained supervisory and animal care services employees are authorized to carry and use appropriate firearms for use with tranquilizer equipment, issued by the City, while acting in the course and scope of their employment.

#### **Section 6.04.050 Disposal of Dead Animals**

The owner of any animal which dies shall dispose of the carcass of such animal in a sanitary manner as prescribed by the Director within 24 hours after said owner has knowledge of the animal's death. The Director shall be responsible for the disposal of all dead animals whose ownership cannot be established.

#### **Section 6.04.060 Violations-Infractions-Misdemeanor**

A. Any person who violates any provision of this chapter is guilty of an infraction, except as set forth in subsection (B) of this section.

B. Any person who violates any provision of sections 6.04.080.D, 6.04.080.G, or 6.04.120.B is guilty of a misdemeanor. Moreover, any person who violates any other provisions of this chapter and the violation occurs within 1 year of the occurrence of 2 other separate violations of this chapter by that person is guilty of a misdemeanor.

C. Each day on which a violation occurs or continues shall constitute a separate offense.

#### **Section 6.04.070 Complaints**

Upon receiving a complaint from any person alleging a violation of this chapter and upon receiving the name and address of the owner and/or

custodian of the animal, if known, an investigation to determine whether a violation exists may be made. If the investigation discloses a violation of this division, prosecution may be initiated against the owner and/or custodian.

### **Section 6.04.080 Keeping and Restraint of Dogs and Cats**

#### **A. Restraint of dogs.**

1. No person owning or having charge, care, custody, or control of any dog shall cause or permit, either willfully or through failure to exercise due care or control, any such dog to be upon any private property unless such dog be restrained thereon by a fence, wall, substantial chain, leash not exceeding six (6) feet in length, other appropriate physical restraint, or is under the charge of a person competent to exercise care, custody, and control over such dog.
2. No person owning or having charge, care, custody, or control of any dog shall cause or permit, either willfully or through failure to exercise due care or control, any such dog to be upon any public property unless such dog be restrained by a substantial chain, or leash not exceeding 6 feet in length, and is under the charge of a person competent to exercise care, custody, and control over such dog, unless the owner or operator of such public property grants written permission for such dog to be on such property without such chain or leash.

#### **B. Public school property.**

1. No person having the charge of any dog, except a blind, deaf or disabled person with his or her guide dog, signal dog or service dog, or a person training a guide, signal or service dog, shall permit said dog to be under any circumstances within public school property.
2. Exceptions. The provisions of this subdivision are not applicable to dogs that are in direct supervision of City personnel or in areas designated by the City Council as allowing dogs. The terms "guide dog," "service dog," and "signal dog," in this subdivision shall be given the same meaning as set forth in Penal Code Section 365.5.



C. Female cats and dogs in season to be confined. Every person owning or having charge of any female cat or dog shall strictly confine such animal during its breeding season (i.e., while it is in heat) in a building or other enclosure adequate to keep such cat or dog confined.

D. Nuisance.

1. No person shall keep, maintain, or permit, either willfully or through failure to exercise proper control, on any lot, parcel of land or premises under his or her control any animal:
  - (a) Which by sound or cry shall disturb the peace and comfort of the inhabitants of the neighborhood, or
  - (b) Which affects an entire community or neighborhood, or any considerable number of persons, although the extent of annoyance or damage may differ, or
  - (c) Which interferes with any person in the reasonable and comfortable enjoyment of life or property.
2. Violation of the noise standards set out in section 8.47.050 shall be treated as a violation of this section.
3. Violation of either subsection (1) or (2) above, or both, may form the basis of a violation of this subdivision. Nothing herein shall be deemed to require performance of any test or other measurement except as required to prove a violation of section 8.47.050.
4. A violation of this subdivision is a public nuisance.
5. The existence of such nuisance for each and every day after the service of a notice in writing from the Director, or district attorney or city attorney or prosecuting attorney, to remove, discontinue or abate may be deemed a separate and distinct offense.

E. Private property. No person, owning or having care, custody, or control of any animal, shall permit, either willfully or through failure to exercise proper control, such animal to trespass or be upon any private property of another person without the consent of such person.

F. Dogs to be curbed. A person having custody of any dog shall not permit, either willfully or through failure to exercise due care or control, any such dog to defecate or urinate upon:

1. A public sidewalk or parkway comprising the area between the street and sidewalk;
2. The floor of any common hall in any apartment house, tenement house, motel or other multiple dwelling;
3. Any entranceway, stairway or wall immediately abutting on a public sidewalk;
4. The floor of any theatre, shop, store, office building or other building used by the public; or
5. Any public park.

The person having custody of any dog shall immediately remove any feces deposited by such dog.

G. Public protection from dogs.

1. Dog owners and custodians of dogs shall, at all times, take all reasonable precautions to prevent their dogs from biting, attacking or attempting to bite any person or from interfering with the use of public or private property. It shall be unlawful for any person to fail to comply with this subdivision.
2. Any person owning or having custody or control of a vicious dog commits a violation of this Code if, as a result of that person's failure to exercise ordinary care, the dog bites, attacks, wounds or otherwise injures or kills a human being and the owner or custodian knew or should have known of the vicious or dangerous nature of the dog.
3. Nothing in this subdivision shall authorize the bringing of a criminal action pursuant to a violation of subsection (1) or (2) of this subdivision if the bite, attack, attempted bite, injury or threat was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner or custodian of the dog, or was committing or attempting to commit a crime upon the premises occupied by the owner or custodian of the dog, or was teasing, tormenting, abusing or

assaulting the dog or who has, in the past, teased, tormented, abused or assaulted the dog.

### **Section 6.04.090 Rabies Control**

A. Dog vaccination required. Every person owning or harboring a dog 4 months of age or older, for 15 days or more, shall, if not currently vaccinated; have such dog vaccinated against rabies by a licensed veterinarian with a vaccine approved by the California Department of Health. By obtaining an antirabies deferment from a licensed veterinarian, and upon approval of the Director, dogs that are ill may be given temporary deferment from rabies vaccination requirements; old age of the dog, however, shall not be a basis for such deferment. Such a deferred dog shall be vaccinated within 10 days of the conclusion of the deferment period.

B. Quarantine.

1. The State Director of Health has declared Orange County a rabies area. The Director is authorized under State law to quarantine suspected rabid animals. The Director or his authorized agent is hereby empowered to enter upon any private property, including the home or residence where the animal is kept or has strayed, to inspect, and if necessary, to seize and impound any animal suspected of being rabid for a period of 14 days (10 days for dogs and cats). The impounding officer shall make reasonable effort to immediately notify the owner or custodian of the animal before it has been impounded and the address of the facility to which it will be taken. If the owner or custodian is not present at the time of impounding, the above notice shall be posted on the property of such owner or custodian, if known. In lieu of impounding the animal, he may, by serving a written notice upon the owner, require the owner to quarantine the animal for such period.
2. No person shall disobey any quarantine order issued by the Director or remove from its place of confinement any animal under quarantine without the permission of the Director.

C. Duty to report. Any person having knowledge of the location of an animal suspected of having rabies, or of any person having been bitten or scratched by any warmblooded mammal, or of any signs of disease or unusual behavior in any animal under quarantine, shall immediately report such facts to the Director.

D. Proof of vaccination. No person who owns or harbors any dog shall fail or refuse to exhibit his copy of the rabies vaccination form, antirabies inoculation deferment form, or health certificate upon demand by any person charged with the enforcement of this division.

E. Duty of person performing vaccination. Each duly licensed veterinarian after vaccinating any dog shall complete and sign a rabies certificate in triplicate. He shall keep one copy and shall give one copy to the owner of the vaccinated dog, which the owner shall retain in his possession.

### **Section 6.04.100 Dog Licensing**

A. Dog license required. Every person owning or having custody of any dog 4 months of age or older shall procure for said dog a dog license. Such license shall be procured within 15 days after the date on which it becomes due.

1. The following are exceptions to the requirement to license:
  - (a) A dog brought into Garden Grove for show or other purposes and which leaves within 30 days; and
  - (b) A dog maintained in an approved research institution or licensed kennel, provided said dog is owned by the owner or operator of said research institution or kennel.
2. Guard (sentry) dogs are not exempted. Each such guard (sentry) dog must be individually licensed and each dog shall be wearing its license tag securely fastened to a collar or harness whether or not the dog is kenneled in the City.
3. No dog shall be licensed without proof of approved rabies vaccination. No license may expire later than the expiration date of the rabies vaccination. Licenses are issued for a 12 month period upon payment of fees established by resolution of the City Council.

B. Wearing of dog license tag required. Each dog required to be licensed shall wear at all times the current license tag assigned to that dog; except:

1. When the dog is physically confined within the premises of the owner or other person authorized to have custody;

2. When the dog is confined in a vehicle or cage;
3. When the dog is participating in any dog exhibition, field trial or competition; or
4. When the dog is confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog to which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records.

A license tag shall not be removed from any dog without the consent of the owner thereof.

C. Dog license renewal. Licenses not purchased or renewed within 15 days after expiration, or the date on which they become due, shall be considered delinquent and a late fee as determined by resolution of the City Council shall be added to the cost of the new license. The Director may waive the above late fee if he determines the applicant made a reasonable effort to comply with the above deadline.

D. False or stolen documents illegal. No person shall make use of or have in his possession or under his control a stolen, counterfeit or forged dog license receipt, dog license tag, rabies vaccination certificate, antirabies-inoculation-deferment form, or other form issued in accordance with this subdivision.

E. Display of certificates required upon demand. Every person shall, upon demand by the Director, exhibit any current rabies vaccination certificate or dog license tag issued to said person pursuant to this division.

F. Animal permit required. An animal permit must be obtained from the Director in order to keep or maintain at any residence or upon any other property 5 or more dogs, required to be licensed under subdivision (A), or 5 or more cats, over the age of 4 months. Veterinary clinics and veterinary hospitals are excluded from the foregoing animal permit requirement. The Director shall issue a permit for the keeping of such animals upon receipt of the fee established by the City Council and when, in the Director's opinion, such animals may be kept or maintained without endangering the safety and comfort of such animals and the inhabitants of the neighborhood, and the owner or custodian has complied with any other applicable laws, including zoning regulations. Each such animal shall be individually licensed. The permit shall specify the number and types of animals authorized to be kept

thereunder and may contain any conditions regarding the keeping of animals thereunder deemed necessary by the Director. Animal permits shall be nontransferable and must be renewed annually. The City Council may, by resolution, adopt regulations governing the keeping of animals under permit, including facility construction and maintenance standards. Failure to comply with such regulations or any conditions imposed by the Director shall constitute cause for denial or revocation of such permit.

The provisions of section 2.60.020 of this Code shall govern appeals from the denial or revocation of a permit under this subdivision.

### **Section 6.04.110 Cat Licensing**

The owner of any cat may, upon submission of proof of rabies vaccination, certified to by a licensed veterinarian, and upon payment of the fee established by resolution of the City Council, be issued a license certificate and tag. No person shall remove a registration tag from a cat without the consent of the owner thereof. Licensing shall be valid for the period of the rabies vaccination. The obtaining of such a license shall be optional on the part of the owner, except as provided in section 6.04.100.F.

### **Section 6.04.120 Dangerous and Vicious Animals**

#### **A. Wild, exotic, dangerous and nondomestic animals.**

1. No person shall have, keep, or maintain any wild, exotic, dangerous or nondomestic animal without first applying to and receiving a license from the Director. The Director shall by regulation determine those animals to be covered by this section. The keeping or maintenance of such animals shall also conform to the zoning regulations of the City.
2. The Director shall issue a license to any person for the keeping or maintaining of any wild, exotic, dangerous or nondomestic animal upon receipt of the fee established by the City Council and when, in his opinion, such animal may be kept or maintained without endangering its safety and comfort and the safety and comfort of any person or property; provided, however, that the Director may require any such animal to be properly caged or tethered and he may make such additional rules and regulations that may be necessary and proper under the circumstances. He may revoke any such license for the violation of any of the provisions of this division or of any of the

rules and regulations adopted pursuant thereto, or when in his opinion the safety or comfort of such animal or any person or property is endangered by the keeping of any such animal. The provisions of section 2.60.020 of this Code shall govern appeals from the denial or revocation of a license under this subdivision.

3. The owner or custodian of such animal shall give written notice to the Director prior to the transfer, trade or barter of such animal or its progeny.

B. Declaration and possession of vicious or potentially dangerous dog.

1. General Provisions.

- (a) If the Director has cause to believe that a dog is a vicious dog or potentially dangerous dog within the meaning of section 6.04.010, he or she may tentatively find and declare such dog a "vicious dog" or "potentially dangerous dog."
- (b) Upon tentatively finding and declaring that a dog is a "vicious dog" or "potentially dangerous dog," the Director shall notify the owner and/or custodian in writing of his or her tentative finding and declaration. If the Director finds that ownership or possession of any dog by the owner or custodian of the declared vicious dog would create a significant threat to the public health, safety or welfare, the Director's tentative finding and declaration may set forth such finding and impose prohibitions on the owner or custodian of the declared vicious dog in accordance with subsection (B)(5) of this section.
- (c) The notice shall inform the owner and/or custodian of such dog that he or she may request a hearing in writing before the Director within 5 working days of receipt of such notice to contest the tentative finding and declaration. Any such hearing shall be requested and conducted as provided in subsection (B)(5) of this section.
- (d) Failure of the owner and/or custodian to request a hearing pursuant to subsection (B)(1)(c) of this section shall result in the declaration, and all findings and prohibitions therein, becoming final.

- (e) The possession or maintenance of a "vicious dog" or "potentially dangerous dog," or the allowing of any such dog to be in contravention of this section, is hereby declared to be a public nuisance. The director is hereby authorized and empowered to impound and/or abate any vicious dog or potentially dangerous dog independently of any criminal prosecution or the results thereof by any means reasonably necessary to ensure the health, safety and welfare of the public, including, but not limited to, the destruction of the dog or by the imposition upon the owner and/or custodian of specific reasonable restrictions and conditions for the maintenance of the dog. The restrictions and conditions may include but are not limited to:
- (1) Obtaining and maintaining liability insurance in the amount of \$100,000.00 against bodily injury or death or damage to property and furnishing a certificate or proof of insurance by which the Director shall be notified at least 10 days prior to cancellation or nonrenewal or, at the owner's or custodian's option, the filing with the Director of proof of a bond in the amount of \$100,000.00, to be able to respond in damages.
  - (2) Requirements as to size, construction and design of the dog's enclosure.
  - (3) Location of the dog's residence.
  - (4) Requirements as to type and method of restraints and/or muzzling of the dog.
  - (5) Photo identification or permanent marking of the dog for purposes of identification.
  - (6) Requirements as to the posting of a warning notice or notices conspicuous to the public warning persons of the presence of a vicious dog.
  - (7) Payment of a fee or fees as established by resolution of the City Council to recover the costs of enforcing the provisions of this chapter as applied to the regulation of vicious dogs.



2. Notification of Right to Hearing. At least 5 working days prior to impoundment and/or abatement, the owner or custodian shall be notified in writing of his or her right to request a hearing in writing to determine whether grounds exist for such impoundment and/or abatement. If a hearing is requested, the impoundment and/or abatement hearing may be held in conjunction with the hearing provided for in subsection (B)(1) of this section. If the owner or custodian requests a hearing prior to impoundment and/or abatement, no impoundment and/or abatement shall take place pending decision by the Director following a hearing, except as provided in subsection (B)(3) of this section. Pending such impoundment and/or abatement hearing and decision by the Director, the Director may order the owner or custodian to keep the dog within a substantial enclosure or securely attached to a chain or other type of control which the Director may deem necessary under the circumstances. The Director may also order the owner or custodian to post and keep posted upon the premises where such dog is kept under restraint, a warning notice pending such impoundment and/or abatement hearing and decision by the Director. The form, content and display of such notice shall be specified by the Director. Any hearing under this subsection shall be conducted in accordance with subsection (B)(4) of this section.
3. Immediate Impoundment. When, in the opinion of the Director, immediate impoundment is necessary for the preservation of animal or public health, safety or welfare, or if the dog has been impounded under other provisions of this Code or State law, the pre-impoundment hearing shall not be required; however, the owner or custodian shall be given written notice allowing 5 working days from receipt of such notice to request in writing an abatement hearing. If requested, a hearing shall be held within 5 working days of receipt of the request by the Director and the dog shall not be disposed of prior to the decision of the Director following such hearing. A hearing under this subsection shall be conducted in accordance with subsection (B)(4) of this section except as otherwise indicated. If, after 5 working days following receipt of such notice, no written request for a hearing is received from the owner or custodian, the dog in question shall be disposed of under applicable provisions of law.

4. Request for and Conduct of Hearings.
  - (a) Except as otherwise provided in subsection (B)(3) of this section, the Director shall conduct a hearing within 15 days following receipt of a written request from the owner or custodian requesting a hearing under this section, and notice of the time, date and place thereof shall be mailed to the person requesting the hearing at the address given in the hearing request, at least 10 days prior to said hearing. The Director may appoint a hearing officer to take evidence, summarize the evidence presented and report his or her findings and recommendations based on such evidence to the Director, or the Director may personally conduct the hearing.
  - (b) At the hearing each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses, impeach any witness, and to rebut the evidence against him or her. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant or unduly repetitious evidence shall be excluded.
  - (c) Within 15 days following the conclusion of the hearing, the Director shall determine, on all the evidence presented to him or her, or on the summary of evidence and findings of fact and recommendations of the person holding the hearing, whether any designation, finding, prohibition, impoundment and/or abatement under this section should be rescinded or amended. Within 5 working days following such decision, the Director shall notify in writing the person requesting the hearing of his or her determination as to any issue as to which the hearing was requested.
5. Prohibition on owning, possessing, controlling, or having custody. The owner and/or custodian of a dog determined to be

a vicious dog may be prohibited by the Director from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when either the Director determines, under subsection (B)(1)(b) of this section, or it is found, after proceedings conducted under subsection (B)(4) or (B)(9) of this section, that ownership or possession of a dog by that person would create a significant threat to the public health, safety or welfare.

6. Change of Circumstances. In the event of changed circumstances, the Director may amend or rescind any prohibition, abatement and/or impoundment imposed pursuant to subsection (B)(1)(e) or subsection (B)(5) of this section. Any such revision to a prohibition, abatement and/or impoundment due to changed circumstances shall be subject to the same notice, hearing and other procedural requirements as required for imposing an initial prohibition, abatement and/or impoundment set forth in this section.
7. Change of Ownership, Custody and/or Residence. Owners of a vicious dog or potentially dangerous dog who sell or otherwise transfer the ownership, custody or residence of the dog shall at least 10 days prior to the sale or transfer, inform the Director in writing of the name, address and telephone number of the new owner, custodian and/or residence and the name and description of the dog. The owner shall, in addition, notify the new owner or custodian in writing of the details of the dog's record, terms and conditions of maintenance and provide the Director with a copy thereof containing an acknowledgment by the new owner or custodian of his or her receipt of the original. The Director shall notify the new owner or custodian in writing of any different or additional restrictions or conditions imposed pursuant to subsection (B)(1)(e) of this section as a result of the change of ownership, custody or residence. The imposition of any such different or additional restrictions or conditions shall be subject to the same notice, hearing and other procedural requirements as required for imposing an initial abatement and/or impoundment set forth in subsections (B)(2), (B)(3) and (B)(4) of this section.
8. Possession Unlawful. It is unlawful to have custody of, own or possess a vicious dog or potentially dangerous dog within the

meaning of section 6.04.010 unless it is restrained, confined or muzzled so that it cannot bite, attack or cause injury to any person.

9. Declared Vicious Dog or Potentially Dangerous Dog.

(a) It shall be unlawful for the owner and/or custodian of a dog declared vicious or potentially dangerous pursuant to subsection (B)(1) to fail to comply with any prohibitions, requirements or conditions imposed pursuant to subsection (B)(1)(e) or subsection (B)(5) of this section. If a vicious or potentially dangerous dog escapes, the owner and/or custodian shall immediately notify the Director and make every reasonable effort to recapture it.

(b) The Director shall have the discretion, in any event, to directly petition the court to seek a determination whether or not the dog in question should be declared potentially dangerous or vicious and, if applicable, whether the ownership or possession of any dog by the owner or custodian of the declared vicious dog would create a significant threat to the public health, safety or welfare. The Director shall follow the procedures set forth in Food and Agriculture Code Sections 31621 and following for this purpose.

**Section 6.04.130 Animal Impoundment**

A. Impoundment by City personnel. The Director may take into custody:

1. Any animal kept or maintained contrary to the provisions of this Code, any regulation adopted thereunder, or any California statute.
2. Animals running at large contrary to the provisions of this chapter or any statute.
3. Sick, injured, stray, unwanted animals, for which the owner or custodian cannot be found or is unable or unwilling to provide proper care.

4. Animals quarantined for which no other place of quarantine is acceptable to the Director.
5. Animals delivered or requested to be impounded by a peace officer, or public officer or employee as defined in Penal Code section 836.5.
6. Any wild animal found to be at large upon any public property, or upon request of the owner or tenant, found to be at large upon private property.
7. Animals impounded pursuant to section 6.04.120.B.
8. Any other animal authorized to be impounded under this chapter.

The Director may place animals which he takes into custody in the Animal Shelter or other facility designated by him/her, except that animals impounded pursuant to subparagraph (6) above, may be summarily destroyed.

B. Retention without owner's consent. No person shall, without the consent of the owner, hold or retain possession of any animal for more than 24 hours without first reporting the possession of such animal to the Director, giving his name and address and a true description of the animal, and then surrendering such animal to the Director upon demand.

C. Redemption of animals from Animal Shelter.

1. Except as otherwise provided by State law, when any animal, other than an animal abandoned by its owner, is impounded pursuant to this chapter, the Director shall, within 12 working hours after impounding such animal, notify the owner, if known, of the location of such animal. Said notification shall be by mail with postage fully prepaid thereon.
2. Any impounded animal may be redeemed by the owner upon payment of the fees established by the animal shelter. The owner must also demonstrate that he/she is the owner of the animal, and that he/she can keep such animal in conformance with the requirements of this chapter.
3. If a licensed animal is not redeemed within 4 days of impoundment, excluding City holidays and the day of

impoundment (3 days for unlicensed animals), it shall be deemed abandoned and the shelter may sell, release, or destroy said animal.

D. Sale of unredeemed animals. Except as otherwise provided by State law or by this chapter any unredeemed animal may be sold.

E. Disposition by euthanasia. Any impounded animal which has not been redeemed or sold may be disposed of by euthanasia. Euthanasia may also be performed at the request of the owner of the animal; a fee may be charged.

F. Animal shelter. No humane shelter or shelter operated by a society for the prevention of cruelty to animals shall sell or give away, except for approved medical research, any female dog which has not been neutered unless the cost of neutering such dog has been deposited with the shelter for payment to a veterinarian or neutering clinic designated by the person purchasing or receiving the dog. The deposit shall be forwarded to the veterinarian or clinic upon receipt by the shelter of a notice from the veterinarian or clinic that the dog has been neutered.

#### **6.04.140 Prohibition on Retail Sale of Dogs and Cats**

A. No pet store shall display, sell, deliver, offer for sale, barter, or auction dogs or cats in the City of Garden Grove, except dogs and/or cats obtained from a public animal control facility or shelter or duly authorized nonprofit humane society or animal rescue organization. Cats obtained by donation from a local resident for no charge may also be displayed, sold, and/or offered for sale; provided, however, that the pet store owner or operator shall notify the City in writing of any sale of any such locally donated cat.

B. A pet store that, as of the effective date of the ordinance codified in this section, displayed, sold, delivered, offered for sale, bartered, or auctioned dogs or cats in the City, which were obtained from sources other than those permitted by subsection (A), and whose operations complied with all applicable provisions of this Code, may continue to display, sell, deliver, offer for sale, barter, or auction dogs and cats obtained from sources other than those permitted by subsection (A) until the one-year anniversary of the effective date of ordinance 2855.

C. For purposes of this section, the term “pet store” shall have the same meaning as set forth in California Health and Safety Code Section 122350, as it may be amended from time to time.

SECTION 2: Section 6.05.010 of the Garden Grove Municipal Code is hereby revised to read as follows (deletions in ~~striketrough~~, additions in **bold**):

### **6.05.010 Applicability**

Notwithstanding ~~Orange County Codified Ordinances (OCCO) Section 4-1-48~~ **the provisions of Chapter 6.04 of this Code**, this chapter makes any violation for keeping, maintaining, or permitting a barking dog as defined in Section 6.05.020 subject to civil fine. This chapter establishes the administrative procedures for the imposition, enforcement, collection, and administrative review of civil fines for barking dog violations pursuant to Government Code Section 53069.4 and the City’s plenary police power. The issuance of a civil citation under this chapter is solely at the City’s discretion, and is one option the City has to address barking dog violations. By adopting this chapter, the City does not intend to limit its discretion to utilize any other remedy, civil or criminal, including available public nuisance remedies. The purpose of issuing civil citations pursuant to this chapter is to encourage voluntary and complete compliance with the provisions of this Code and to eliminate nuisances for the protection and benefit of the entire community.

SECTION 3: The following definitions of Section 6.05.020 of the Garden Grove Municipal Code are hereby revised to read as follows (deletions in ~~striketrough~~, additions in **bold**):

“Animal care services” means the ~~department within the Orange County Health Care Agency~~ **division within the Public Works Department** authorized to perform the functions described in ~~OCCO Sections 4-1-1 through 4-1-180~~ **Chapter 6.04 of this Code** and any other ordinance, law, or agreement that delegates such authority to the Animal Care Services Department **Division** or its Director.

"Director" means the ~~Health Care Agency Animal Care Services Director of the County~~ **Public Works Director**, or his or her designee.

"Hearing officer" means a person appointed by the ~~County Executive Officer~~ **City Manager** or designee to serve as a hearing officer for administrative hearings.

SECTION 4: Section 6.05.040.N of the Garden Grove Municipal Code is hereby revised to read as follows (deletions in ~~strikethrough~~, additions in **bold**):

N. A self-addressed envelope in which the violator can mail the civil fine to the ~~County~~ **City** if the citation is not contested.

SECTION 5: Section 6.05.090.F and G of the Garden Grove Municipal Code is hereby revised to read as follows (deletions in ~~strikethrough~~, additions in **bold**):

F. Neither the enforcement officer nor any other representative of the ~~County~~ or City shall be required to attend the hearing. However, any such appearance and/or additional submission may be made at the discretion of the enforcement officer or any other Animal Care Services employee.

G. The ~~director~~ **Director** may continue a hearing once if a request for continuance is made showing good cause by a violator, a complainant, or a representative of the ~~County~~ or City. A hearing officer may also continue a hearing upon his or her own motion. All continuance requests shall either:

1. Be made in person at the hearing; or
2. Be made by a written request received by the Director via e-mail, facsimile, or letter at least one week (7 days) prior to the hearing date. If a continuance is granted, the parties will be notified and a new hearing date shall be scheduled that is within 14 days of the date on which the continued hearing was first scheduled to take place. If the request for continuance is denied, the parties will be



notified and the hearing shall proceed as originally scheduled. If the violator or complainant is not present on an assigned hearing date and no continuance of the hearing has been granted, the hearing shall be deemed abandoned or dismissed in accordance with subsection J below.

**SECTION 6:** Section 6.05.110.A of the Garden Grove Municipal Code is hereby revised to read as follows (deletions in ~~strikethrough~~, additions in **bold**):

A. A responsible person may seek judicial review of the administrative hearing decision by filing an appeal with the Orange County Superior Court within 20 calendar days after the responsible person receives a copy of the notice of decision at the conclusion of the hearing, in accordance with the provisions of California Government Code Section 53069.4. The appeal filed with the court must also contain a proof of service showing that a copy of the appeal was served upon "~~Clerk of the Board of Supervisors, County of Orange, Robert E. Thomas Hall of Administration Building, 10 Civic Center Plaza, Room 465, Santa Ana, California 92702.~~ **City Clerk, City of Garden Grove, 11222 Acacia Parkway, Garden Grove, CA, 92840.**" The responsible person must pay the appropriate Superior Court filing fee when the appeal is filed.

**SECTION 7:** If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

**SECTION 8:** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect 30 days after adoption.