

City of La Quinta

CITY COUNCIL MEETING: July 07, 2015

STAFF REPORT

AGENDA TITLE: INTRODUCE ORDINANCE AMENDING SEVERAL CHAPTERS OF TITLE 10 OF THE MUNICIPAL CODE RELATING TO ANIMALS

RECOMMEDATION

- A. Move to take up Ordinance No. ____ by title and number only and waive further reading.
- B. Move to introduce at first reading, Ordinance No. ____ amending several chapters of Municipal Code Title 10 relating to animals.

EXECUTIVE SUMMARY

- A comprehensive review of the Municipal Code (“code”) is underway. Of the 15 chapters being addressed, 13 were adopted at the City’s incorporation in 1982 and have since seen minimal change.
- The proposed ordinance is a result of a thorough review of Title 10 and incorporates language that will enable the City to provide an even more comprehensive animal control program.
- Updates to Title 10 are necessary to enhance public safety, increase the probability of pet owners reclaiming their pets, and to empower Animal Control staff with the tools and ordinances needed to effectively fulfill their obligations to service the community.

FISCAL IMPACT

None.

BACKGROUND/ANALYSIS

Six of the seven chapters of Title 10 of the code are addressed in this report. No updates were required to chapter 10.12 animal control officers.

The following summarizes the significant changes to each chapter amended:

CHAPTER 10.04 DEFINITIONS

The amendments within this Chapter are a result of language changes occurring in other Chapters of Title 10, as represented below.

CHAPTER 10.08 DOG LICENSES

The amendments in this Chapter update the license application requirements to reflect the language change represented in Chapter 10.24 addressing mandatory microchipping of all dogs.

CHAPTER 10.16 BITING

Historically, bites to any person were considered unlawful. However, animal-to-animal bites have not been addressed. Several animal-to-animal bite incidents have occurred in recent years resulting in substantial injury or even death. This chapter has been amended to reflect bites to any animal to be considered unlawful.

CHAPTER 10.20 IMPOUNDMENT

This chapter has been updated to reflect the contractual relationship with the Riverside County Animal Shelter and amended to include insurance requirements for dangerous and/or vicious animals to ensure adequate coverage exists should a future bite incident occur.

CHAPTER 10.24 ANIMAL KEEPING

This chapter has been amended to include a new subsection requiring mandatory microchipping of dogs. This effort is relatively nominal in expense (County Animal Shelter charges \$20) yet substantially increases the probability of a dog owner reclaiming his/her impounded dog. Microchipping would be required prior to obtaining a dog license.

CHAPTER 10.28 OFFENSES

This chapter has been updated to reflect the contractual relationship with the Riverside County Animal Shelter.

All chapters showing tracked changes are attached (Attachment 1).

ALTERNATIVES

Council may direct staff to make additional/different amendments to these chapters of the code and/or amend only certain sections of these chapters.

Report prepared by: Les Johnson, Community Development Director

Report approved by: Frank J. Spevacek, City Manager

Attachment: 1. Tracked Changes

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA
QUINTA, CALIFORNIA, AMENDING SEVERAL CHAPTERS OF
TITLE 10 OF THE LA QUINTA MUNICIPAL CODE**

WHEREAS, Title 10 of the Municipal Code contains the chapters that address animals;

WHEREAS, a comprehensive review of Title 10 was undertaken to examine each chapter for accuracy, relevance, streamlining, and language.

WHEREAS, amendments to several chapters of Title 10 are needed as a result of the comprehensive review to update the Municipal Code,

NOW, THEREFORE, the City Council of the City of La Quinta does ordain as follows:

SECTION 1. CHAPTER 10.04 DEFINITIONS shall be amended as written in Exhibit A attached hereto.

SECTION 2. CHAPTER 10.08 DOG LICENSES shall be amended as written in Exhibit A attached hereto.

SECTION 3. CHAPTER 10.16 BITING shall be amended as written in Exhibit A attached hereto.

SECTION 4. CHAPTER 10.20 IMPOUNDMENT shall be amended as written in Exhibit A attached hereto.

SECTION 5. CHAPTER 10.24 ANIMAL KEEPING shall be amended as written in Exhibit A attached hereto.

SECTION 6. CHAPTER 10.28 OFFENSES shall be amended as written in Exhibit A attached hereto.

SECTION 7. SEVERABILITY. The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE: This Ordinance shall be in full force and effect thirty days after its adoption.

SECTION 9. POSTING: The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

PASSED, APPROVED and ADOPTED, at a regular meeting of the La Quinta City Council held this _____ of _____ 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

CHAPTER 10.04 DEFINITIONS

10.04.070 Vicious or dangerous animal.

A. The term “vicious animal” or “dangerous animal” means an animal which:

1. Has attacked or behaved in such a manner that the owner thereof knows or should reasonably know that the animal has tendencies to attack or bite human beings or another animal; or

2. Has twice within a thirty-six month period bitten, attacked, or shown the disposition, tendency, or propensity to attack, bite, or otherwise cause injury or attempt to cause injury to a person or another animal, engaged in lawful activity; or

3. Has once attacked or bitten a person engaged in lawful activity, causing death or substantial injury; or

4. Has been determined by a doctor of veterinary medicine, after observation thereof, as posing a danger to humans or domestic animals if not enclosed or muzzled; or

5. Has attacked or behaved in such a manner that the owner thereof knows or should reasonably know that the animal has tendencies to attack domestic animals without provocation; or

6. Has been trained for fighting or as an attack animal, except such animals which are employed by a government agency, including the police department of the city or county; or

7. Has been classified as dangerous, potentially dangerous or vicious by any other local, county, or state animal control agency; or

8. When unprovoked, has on two separate occasions within the prior thirty-six month period engaged in any behavior that required a defensive action by any person to prevent bodily injury to himself or herself or another person during which the person having been attacked and the attacking animal was off the property of the owner or keeper of the animal; or

9. Has been outfitted with a training device for fighting or attack, such as a weighted collar around the neck of the animal, or found to be allowed to hang suspended from an object by biting into and holding onto the object with its jaws, shall be presumed to be an animal trained as a fighting or attack animal; or

10. Of a species, breed, or kind (excluding dogs and cats), which in its wild or untamed condition is capable of and, if aroused, is likely to cause death or serious injury to a human being or which would cause serious fear or alarm to the average person if seen wandering at large in an inhabited community; or

11. That meets the definition of “vicious animal” or “dangerous animal” contained in California Food and Agriculture Code section 31626.

10.04.110 At large.

“At large” means an animal off the property of its owner without consent of the owner of the property where the animal is found, or in or upon any unenclosed private place, or premises, and not under restraint by leash or chain. (Ord. 415 § 1, 2005)

CHAPTER 10.08 DOG LICENSES

10.08.020 Exemptions.

A dog license tag is not required for any dog found within the city under any of the following conditions:

A. When the dog is owned by, or in the care of, any person who is a nonresident or who is traveling through the city, or who is temporarily sojourning therein, provided the dog is kept within the city for less than thirty consecutive days and less than a total of sixty days in any given year; or

B. When the dog has a valid license from either the county of Riverside or another city within the county. This exemption shall be available for a maximum period not exceeding one month for any given dog. (Ord. 415 § 1, 2005)

10.08.040 Fees.

A. The fee for a dog license shall equal an amount fixed from time to time by resolution of the city council; provided, that in the absence of any such established amount, the licensing authority may collect and deposit in the appropriate accounts provided for such purpose a fee in the same amount as is applicable for similar dog licensing in unincorporated areas of the county.

B. No fee shall be required for a license for any guide dog, signal dog or service dog if such dog is in the possession and under the control of, in the case of a guide dog, a blind person, or, in the case of a signal dog, a deaf or hearing-impaired person, or, in the case of a service dog, a physically disabled person. (Ord. 415 § 1, 2005) A certification that the dog serves as an official guide, signal, or service dog must be provided.

10.08.050 Application.

The owner shall state at the time application for licensing is made, and upon standard printed forms of applications provided for such purpose, the following information and documentation for each dog:

- A. Name and address of owner;
- B. Address where dog is kept;
- C. Name, breed, age, sex, whether dog is spayed or neutered, and the color of the dog;
- D. Proof of Microchip by written statement of a California Licensed Veterinarian and microchip number.

CHAPTER 10.16 BITING

10.16.090 Animal bite unlawful.

A. Biting Animal Defined. For purposes of this section, an animal bite shall be considered to have occurred when any animal bites any person, or another animal in the city; provided, however, that the bite will not be subject to this section if: (1) the person or animal bitten was provoking the animal at the time of the bite; (2) the person or animal bitten was engaged in an unlawful activity at the time of the bite; (3) the animal was within a fenced or otherwise enclosed area at the time of the bite; (4) the animal was on a leash meeting the requirements of Section 10.28.010 at the time of the bite; or (5) the person bitten is performing services at a veterinary facility at the time of the bite. For the purposes of this section, the records of animal bites kept by the city shall be deemed official records and shall establish a rebuttal presumption of the number of bites recorded against a particular animal.

B. First Offense. If an animal is reported to and determined by the city to have bitten any person, or another animal causing substantial injury, the owner or guardian of said animal shall be guilty of an infraction punishable by a fine as provided in Section 1.09.020 of this code. Upon investigating and verifying a complaint of an animal bite, an animal control officer shall issue a citation to the owner or guardian of said animal. This citation shall be in addition to any action the animal control officer may deem appropriate pursuant to Section 10.20.090 of this title.

C. Subsequent Offense. If an animal is reported to and determined by the city to have bitten any person, or another animal after a first offense citation has been issued, or the animal has previously been adjudged to be dangerous or vicious as provided in Section 10.20.090 of this title and bites any person, or another animal subsequent to that adjudication, the owner or guardian of said animal shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Upon investigating and verifying a complaint of a second animal bite or any animal bite by a dangerous or vicious animal, an animal control officer shall issue a citation to the owner or guardian of said animal. This citation shall be in addition to any action the animal control officer may deem appropriate pursuant to Section 10.20.090 of this title.

D. The owner of any animal which has bitten, attacked, or shown the disposition, tendency, or propensity to attack, bite, or otherwise cause injury or attempt to cause injury to a person, or another animal engaged in lawful activity who causes or allows such animal to be at large shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Ord. 482 § 2, 2010; Ord. 415 § 1, 2005)

CHAPTER 10.20 IMPOUNDMENT

10.20.020 Notification of owner.

The animal control officer shall immediately upon impoundment of dogs or other animals make reasonable effort to notify the owners of dogs or other animals impounded, and inform the owners of the procedures, if applicable, to regain custody of the animals. If an impounded dog has a valid license, the owner shall be notified pursuant to Section 1.01.300 of this code.. (Ord. 415 § 1, 2005)

10.20.030 Disposition of unclaimed animals.

A. All animals impounded at the city shelter or city-contracted shelter shall be provided with proper and sufficient food and water. Unless unlicensed animals have been claimed within five days after being impounded, or licensed dogs within ten days after the notification provided for in Section 10.20.020, they may be sold by the animal control officer or shelter operator to a person offering to pay a cash amount set by the animal control officer or shelter operator; provided, that the purchaser shall not be given possession of any dog until he or she has paid to the animal control officer or shelter operator the license fee for the dog and until he or she has made appropriate arrangements for any rabies vaccination, if necessary.

B. If any animal impounded by the animal control officer has not been claimed within the period stated in this section and cannot be sold within a reasonable time thereafter, it may be destroyed by the shelter operator or animal control officer in a humane manner. In lieu of destruction, animals may be released without charge to any humane organization that provides an animal adoption service.

C. The animal control officer shall maintain a file describing each animal impounded in the city shelter or city-contracted shelter beginning on the day any such animal is taken or delivered into the possession of the shelter. No animal found which, in the opinion of the animal control officer, constitutes a threat to the public welfare shall be adopted or released to any person who is not the owner of the animal. (Ord. 415 § 1, 2005)

10.20.040 Destruction of animals dangerous to impound.

After providing notice to the owner, if known, a shelter operator is authorized to forthwith destroy any animal lawfully impounded which the shelter operator determines due to disease or other cause poses an imminent danger to persons or other animals so that impoundment of the animal would cause serious threat to others or would be inhumane to the animal. Nothing in this title shall be construed to prevent an animal control officer or shelter operator from taking whatever action is reasonably necessary to protect his or her person or other members of the public from

injury or damage, including immediate destruction of any vicious or dangerous animal without notice to the owner or custodian. (Ord. 415 § 1, 2005)

10.20.050 Reclaiming animals.

The owner of any licensed impounded animal shall have the right to reclaim it at any time prior to the lawful disposition thereof, upon payment to the shelter operator or an animal control officer of the costs and charges provided in this title for impounding and keeping such animals. Any person claiming ownership of any unlicensed impounded animal shall be required to present proof of ownership satisfactory to the shelter operator or animal control officer, and thereafter the animal may be released to the claimant upon his or her making payment of all applicable costs, fees, and charges prescribed in this title including, but not necessarily limited to, any veterinary fees incurred and upon his or her making appropriate arrangements for any necessary rabies vaccination. (Ord. 415 § 1, 2005)

10.20.060 Owner's right to redeem animal from purchaser.

The owner of any impounded animal may, at any time within thirty days after sale by a shelter operator or an animal control officer, redeem the animal from the purchaser by paying him or her an amount of money equaling each of the following, in the aggregate: the purchase price paid to the shelter operator or an animal control officer; any license fee paid and rabies vaccination costs incurred; and rates established by Section 10.20.080 for daily care and feeding for the number of days starting from the date of sale to and including the date of redemption by the owner. (Ord. 415 § 1, 2005)

10.20.070 Owner's liability to city when redeeming animal from purchaser.

In each case where the owner of an impounded animal redeems it from the purchaser, irrespective of whether payment was made as prescribed in Section 10.20.060, the owner shall be liable for payment to the shelter operator or an animal control officer for all fees prescribed pursuant to Section 10.20.080 for impounding and for the daily care and feeding of the animal incurred during the impoundment, deducting there from the sale price paid by the purchaser. The amount of the owner's liability under this section shall be deemed a debt to the city, and an action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any such debt. (Ord. 415 § 1, 2005)

10.20.080 Impoundment fees.

Except in cases when disposition of an animal is made pursuant to Section 10.20.030, a shelter operator or an animal control officer shall receive and collect fees for impoundment, care, and feeding of impounded animals. The nature and amounts of such fees shall be as fixed from time to time by resolution of the city council. In the absence of any such fee or fees having been so established, a shelter operator or an animal control officer may collect and deposit in the appropriate accounts provided

for such purpose, a fee or fees in the amount or amounts as is applicable for similar functions or services in the unincorporated areas of the county. (Ord. 415 § 1, 2005)

10.20.090 Control and impoundment of dangerous or vicious animals.

A. No person owning or having the care or custody of a dangerous or vicious animal shall permit such animal to go unconfined on the premises of such person. A dangerous and vicious animal is unconfined, as the term is used in this title, if such animal is not securely confined indoors or confined in a securely enclosed and locked pen or a run area upon the premises of said person. Such pen or run area must also have secure sides six feet high and a secure attached top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground or concrete. Such sides shall be imbedded into the ground no less than one foot deep. If concrete is used, such sides shall be imbedded no less than two inches into the ground. Such pen shall be of adequate floor size as to allow said animal to be able to move around and obtain adequate exercise. All gates or door openings through such enclosures shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use. Such latching device must be located not less than five feet above the ground. The owner or custodian of an animal declared dangerous or vicious shall allow an animal control officer or his or her deputies to inspect such pen or enclosure at any reasonable hour to insure compliance with this section.

B. No person owning or harboring or having the care or custody of a dangerous or vicious animal shall suffer or permit such animal to go beyond the premises of such person unless the animal is securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length or, for animals under twenty pounds, on a chain as determined by the animal control department to be adequate based on the animal's size and strength. Such animal shall be under the control of someone able to control and restrain the animal and of eighteen years of age or more.

C. No person shall own or harbor any animal for the purpose of fighting any other animal nor train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks on human beings or domestic animals. Nor shall any person outfit any animal with a training device for fighting or attack, such as a weighted collar around the neck of the animal. Nor shall any person allow an animal to hang suspended from an object by biting into and hanging onto the object with its jaws.

D. No person shall possess, with intent to sell, or offer to sell, breed, or buy or attempt to buy within the city any vicious or dangerous animal.

E. Any person owning or harboring or having the care of any dangerous or vicious animal shall maintain a policy of insurance in an amount not less than three hundred

thousand dollars insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from acts, whether intentional or unintentional, of the dangerous and vicious animal. Such person shall produce evidence of such insurance upon the request of a law enforcement officer or animal control officer.

F. Whenever an animal suspected of being dangerous or vicious is reported, an animal control officer may investigate the circumstances, and if he or she finds that the animal by reason of its acts, propensities, or disposition is a dangerous or vicious animal as defined in this title, he or she may notify the owner in writing stating the facts and circumstances that such determination has been made and that as a dangerous and vicious animal it is to be in the animal control officer's discretion to (a) destroy the animal in the interest of public safety, (b) require that the animal be maintained as required by this section, or (c) determine the animal not to be dangerous or vicious. The notice shall also notify the owner of the right to appeal and the time period for filing an appeal of the determination.

The ownership interest of an animal under investigation pursuant to this section or already under such an order or the appeal of such an order shall not be transferable to a new owner or caretaker during the process. Once an animal has been found to be vicious or dangerous, this finding shall remain in effect for the remainder of the life of the animal, and the ownership of the animal may not be transferred. Animals without an owner found to constitute a threat to the public welfare will be destroyed in the interest of public safety. No ownership rights can or shall be granted to a person other than the owner of such animals at the time of the determination. The owner of a dangerous and vicious animal must be eighteen years old or older.

G. Upon request, the owner of an animal declared to be dangerous or vicious by an animal control officer shall be entitled to an administrative hearing before a hearing officer for the purpose of determining whether his or her animal constitutes a dangerous and vicious animal. The request for an administrative hearing must be made by the owner of the animal at issue, in writing, and must be delivered to the animal control department within ten calendar days of receipt of the animal control officer's determination that the animal constitutes a dangerous and vicious animal. After a request for hearing is received, the date of the hearing will be scheduled no less than five days, but not more than thirty days, from the date of receipt of request for hearing. The owner of the animal shall be entitled to review all evidence in the city's possession to be used by the city in the hearing at least three days prior to the hearing date.

H. The director of the Community Development Department shall appoint a person or contract an agency to provide a person who shall act as the hearing officer, preside at the hearing, and hear all facts and testimony presented and evidence admitted and deemed appropriate. The hearing officer's compensation, if any, shall not in any way

be impermissible tied to his/her decision making responsibilities. Any person designated to serve as a hearing officer is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified pursuant to Code of Civil Procedure Section 170.1. The owner of an animal desiring to challenge the hearing officer chosen to preside over the administrative hearing must file a statement with the city manager objecting to the hearing officer and setting forth the grounds for disqualification. The question of disqualification shall be heard and determined in writing by the city manager within ten days following the date on which the disqualification statement is filed.

I. The hearing officer, after hearing all the facts, shall render one of three decisions: (a) the animal is deemed vicious or dangerous and shall be destroyed in the interest of public safety; (b) the animal is deemed vicious or dangerous and must be maintained according to this section for the remainder of the life of the animal; or (c) the animal is not deemed vicious or dangerous and is to be released to the owner. The hearing officer shall deliver the determination of the hearing in writing within ten days of the hearing to the animal control department and the owner of the animal at the last known address. The determination of the hearing officer is final. Any appeal of the hearing officer's determination shall be made pursuant to the provisions of California Food and Agriculture Code Section 31622.

J. If, after the appeal hearing, it is determined that the animal is vicious or dangerous, the hearing officer may order the owner to keep the animal confined as provided in this section. If suitable restraints or enclosures discussed in subsections A and B of this section are not immediately available, or if the owner or keeper of such animal fails or refuses to demonstrate that such restraints or enclosures are available or suitable, or if restraint or confinement is impracticable, the animal shall be impounded until the owner is able to comply with the hearing officer's order. For any such impoundment, the owner shall be liable to the city for payment of fees as prescribed in Section 10.20.080, and any animal not reclaimed within thirty calendar days after such impoundment shall be deemed abandoned and unclaimed and shall be subject to destruction.

K. In cases where the animal is not impounded, and written notification has been given as herein provided, if an owner fails to provide adequate restraint or control of the animal as ordered by the hearing officer within thirty days, or if the owner thereafter at any time fails to maintain the adequate restraint or control or comply with the orders of the hearing officer, the owner shall be guilty of a misdemeanor, and the animal shall be subject to summary destruction. Notwithstanding any of the foregoing, no animal found to be dangerous, vicious or a threat to the public health and/or safety shall be placed up for adoption to the public.

L. Any person owning, harboring or having the care of any dangerous or vicious animal shall have the animal microchipped and photographed for positive future

identification. The microchipping procedure shall be performed by a trained professional to be chosen by the animal control department or a veterinarian. This procedure shall be performed at the owner's expense. The animal will be made available to the animal control department at a reasonable time for scanning to verify the procedure and document the identification number of the microchip. (Ord. 415 § 1, 2005)

CHAPTER 10.24 ANIMAL KEEPING

10.24.100 Dangerous animals from outside city jurisdiction.

An animal that has been declared dangerous or vicious in any legal hearing, as a result of aggressive behavior, outside the confines of the City of La Quinta, may not be relocated in La Quinta.

10.24.130 Mandatory microchipping of dogs.

A. All dogs over the age of four months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the City, and shall notify the City of any change of ownership of the dog, change of address, or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of La Quinta Municipal Code 10.08.010, and any other licensing requirements of this chapter.

B. Exemption. The mandatory microchipping requirements shall not apply to:

1. A dog with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification. The owner or custodian of the animal must provide written confirmation of that fact from a California Licensed Veterinarian.

C. Transfer and or sale of dogs.

1. An owner or custodian who offers any dog, at any age for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade or adoption. The license and microchip number must appear on a document transferring the dog to the new owner. Both the previous owner or custodian, and new owner, or custodian, are required to update the City with the name and address of the new owner or custodian in accordance with subdivision (A) of this section. Any violation of this chapter shall be subject to the penalties as noted in La Quinta Municipal Code 1.09.020.

D. When an impounded dog is without microchip identification, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment of impound fees, the owner or custodian shall:

1. Have the dog implanted with a microchip by a California Licensed Veterinarian, or authorized representative entirely at the owner, or custodian's expense. A written statement confirming that the microchip has been implanted, must be provided to the City with the implanted microchip number. The dog in custody will be released to the owner or custodian after the procedure has been completed.

CHAPTER 10.28 OFFENSES

10.28.030 Retention of animal by one other than owner.

No person shall, without the knowledge or consent of the owner, hold or retain possession of any dog or other animal of which he or she is not the owner for more than twenty-four hours without first reporting the possession of which to the animal control officer, giving his or her name and address and the true description of the dog or other animal, and then causing the dog or other animal to be impounded at the city shelter or city-contracted shelter for return to the owner. Any person so holding an animal shall surrender such animal upon demand of the animal control officer. At the discretion of the animal control officer, any such finder of a dog or other animal may be allowed to retain possession of the dog or other animal in lieu of impoundment. In such a case, the animal control officer shall make all normal and regular efforts to ascertain the true owner of the dog or other animal and advise him or her of the whereabouts of the dog or other animal. (Ord. 415 § 1, 2005)

10.28.040 Unauthorized removal of animal from shelter.

No person shall remove any impounded animal from the city shelter or city-contracted shelter without the consent of the animal control officer. No person shall remove any animal from the custody of the animal control officer, including any animal control department vehicle or any vehicle in use by the animal control department or from any humane live trap in use by the animal control department or its authorized agents. (Ord. 415 § 1, 2005)

10.28.90 using another person's animal to be disposed of.

A. Every person contacting the city's animal control department or taking an animal to the animal control department for impoundment or disposal shall, if the animal is not owned by him or her, inform the animal control department who the lawful owner is, if known, and where and when the animal was found. If the lawful owner cannot be determined, the animal control officer shall keep the animal as prescribed in Section 10.20.030 of this title.

B. It shall be unlawful for any person to take, deliver, or have delivered an animal to the animal control officer or the city shelter or city-contracted shelter for impoundment or disposal without disclosing to the animal control officer or the city shelter or city-contracted shelter the name of the lawful owner of such animal, if known.

C. It shall be unlawful for any property owner, or responsible person(s), including any natural person, the parent or the legal guardian of any natural person under the age of eighteen years, any corporation, association, organization, estate, group, combination acting as a group, or any officer, agent, employee, or servant of any of the foregoing, to fail to board any animal left behind by a tenant. Any property owner or responsible person that fails to make arrangements for the humane sheltering and care of said animal for the length of time required by law and/or fails to make arrangements with the sheltering agency is in violation of this section.

D. Enforcement of this section shall be performed by citation. Each day such violation is committed or permitted to continue shall constitute a separate offense. When an animal is found at large and is known to be from a vacant property, it shall be deemed in violation of this section if the property owner or responsible person fails to take control of the animal immediately. Notwithstanding any other provisions of this code, the fine for violation of this section after receiving a warning from the animal control officer shall be one hundred dollars for a first offense, two hundred dollars for a second offense, and four hundred dollars for third and all subsequent offenses. In order for the fines to escalate for multiple offenses as described herein, the offenses must occur within a twelve-month period. (Ord. 415 § 1, 2005)

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. (enter number) which was introduced at a regular meeting on the (date) day of (month), (year), and was adopted at a regular meeting held on the (date) day of (month), (year), not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in the Rules of Procedure adopted by City Council Resolution No. 2014-013.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on _____, pursuant to Council Resolution.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

ATTACHMENT 1

Chapter 10.04 DEFINITIONS

10.04.010 Definitions generally.

For the purposes of this title, unless it is plainly evident from the context that a different meaning is intended, the terms used in this title shall have the following meanings. (Ord. 415 § 1, 2005)

10.04.020 Animals.

“Animal” means all domestic animals, wild animals, livestock, poultry, or any other animal. (Ord. 415 § 1, 2005)

10.04.030 Animal control officer—Health officer.

A. “Animal control officer” means all persons designated by the city as animal control officer or such other person(s) as the animal control officer has designated to perform the duties of the position, or such person with whom the city has contracted to perform such duties, or such person who is otherwise obligated by law to perform such duties.

B. “Health officer” means the health officer of the city or county or such person or persons as are duly authorized by law to perform local health officer duties within the city. (Ord. 415 § 1, 2005)

10.04.040 Dog.

“Dog” means any member of the canine family and includes female as well as male dogs. (Ord. 415 § 1, 2005)

10.04.050 Owner.

“Owner” means any person who is the legal owner, keeper, harbinger, possessor or the actual custodian of any animal. Ownership is established by a person registering as the owner on a license or other legal document by a person claiming ownership and taking possession of an animal, or by being in possession of an animal for thirty days or more. If more than one person claims ownership of an animal, the person who is identified on the license as the owner of the animal shall be considered the owner. If more than one person is identified on the license as owner or if the animal is not licensed, the presumption will be that the animal belongs to the occupant of the residence where the dog resides the majority of the time unless proven otherwise. (Ord. 415 § 1, 2005)

10.04.060 Unlicensed dog.

“Unlicensed dog” means any dog for which the license required under this title for the current licensing year has not been issued, including circumstances where a license is not issued for failure to pay the license fee, i.e., has not been purchased or has expired without renewal fee having been timely paid, or to which the tag for the current year provided for in this title is not attached. (Ord. 415 § 1, 2005)

10.04.070 Vicious or dangerous animal.

A. The term “vicious animal” or “dangerous animal” means an animal which:

1. Has attacked or behaved in such a manner that the owner thereof knows or should reasonably know that the animal has tendencies to attack or bite human beings [or another animal](#); or

2. Has twice within a thirty-six month period bitten, attacked, or shown the disposition, tendency, or propensity to attack, bite, or otherwise cause injury or attempt to cause injury to a person [or another animal](#), engaged in lawful activity; or

3. Has once attacked or bitten a person engaged in lawful activity, causing death or substantial injury; or

4. Has been determined by a doctor of veterinary medicine, after observation thereof, as posing a danger to humans or domestic animals if not enclosed or muzzled; or

5. Has attacked or behaved in such a manner that the owner thereof knows or should reasonably know that the animal has tendencies to attack domestic animals without provocation; or

6. Has been trained for fighting or as an attack animal, except such animals which are employed by a government agency, including the police department of the city or county; or

7. Has been classified as dangerous, potentially dangerous or vicious by any other local, county, or state animal control agency; or

8. When unprovoked, has on two separate occasions within the prior thirty-six month period engaged in any behavior that required a defensive action by any person to prevent bodily injury to himself or herself or another person during which the person having been attacked and the attacking animal was off the property of the owner or keeper of the animal; or

9. Has been outfitted with a training device for fighting or attack, such as a weighted collar around the neck of the animal, or found to be allowed to hang suspended from an object by biting into and holding onto the object with its jaws, shall be presumed to be an animal trained as a fighting or attack animal; or

10. Of a species, breed, or kind (excluding dogs and cats), which in its wild or untamed condition is capable of and, if aroused, is likely to cause death or serious injury to a human being or which would cause serious fear or alarm to the average person if seen wandering at large in an inhabited community; or

11. That meets the definition of “vicious animal” or “dangerous animal” contained in California Food and Agriculture Code section 31626.

B. This provision shall not apply to animals owned and used by a government entity, including, but not limited to, public entities’ guard dogs or sentry dogs, as defined by Section 10.04.150 of this chapter. (Ord. 415 § 1, 2005)

10.04.080 Wild animal.

“Wild animal” means any animal not ordinarily and customarily domesticated, but of a species, breed or kind which is wild by nature and not generally and commonly

propagated and raised by man or woman in this state for use as a household pet or domestic or domesticated animal or which, because of its size, disposition, nature, or other characteristics could constitute a danger to human life or property. The definition of “wild animal” shall include feral animals. (Ord. 415 § 1, 2005)

10.04.090 Livestock.

“Livestock” means any animal commonly considered a “barnyard” animal or animals raised for food production, including, but not limited to horses, cattle, sheep, goats, hogs, pigs, rabbits, alpacas, llamas, emus, and ostriches. (Ord. 415 § 1, 2005)

10.04.100 Poultry.

“Poultry” means fowl, including, but not limited to, chickens, turkeys, ducks, geese, guinea poultry, pigeons, peacocks, pheasants or any other large domestic or tame birds. (Ord. 415 § 1, 2005)

10.04.110 At large.

“At large” means an animal off the property of its owner without consent of the owner of the property where the animal is found, [or in or upon any unenclosed private place, or premises,](#) and not under restraint by leash or chain. (Ord. 415 § 1, 2005)

10.04.120 Substantial injury.

“Substantial injury” means any physical injury that results in a broken bone, a muscle tear, skin laceration or puncture wound. (Ord. 415 § 1, 2005)

10.04.130 Guide dog, service dog, signal dog.

“Guide dog,” “service dog,” and “signal dog” shall include those dogs that are used to perform these respective functions (e.g., seeing eye dog for the blind, a signal dog for the deaf, or a service dog for the handicapped) and those dogs in training to be guide dogs, service dogs or signal dogs. (Ord. 415 § 1, 2005)

10.04.140 Cattery.

“Cattery” means any residence, structure, or premises, whether indoors or outdoors, which houses, contains, maintains or provides shelter or sustenance for five or more cats of four months old or older. (Ord. 415 § 1, 2005)

10.04.150 Guard dog.

“Guard dog” means a working dog, utilized to protect a commercial business, and allowed to work without supervision on fenced premises to guard against trespass by attacking or threatening to attack persons found within the enclosure patrolled by such dog, and resisting leaving the protected premises without the presence of its handler or owner. For the purposes of the ordinance codified in this title, a “guard dog” shall be considered a dangerous animal. “Guard dog” shall also mean “sentry dog.” (Ord. 415 § 1, 2005)

Chapter 10.08 DOG LICENSES

10.08.010 License required.

No person within the city owning, possessing, controlling, harboring or keeping any dog over four months of age shall fail, refuse or neglect to procure a dog license tag for such dog from the city manager or his or her authorized agent. No license issued pursuant to this title shall be transferable. Within thirty days of transfer of dog ownership, the new person claiming ownership of said dog shall complete a new application for a dog license and shall procure a new license and tag providing required information as set forth in Section 10.08.050. A rabies tag issued by a veterinarian shall not be considered a city of La Quinta dog license. (Ord. 415 § 1, 2005)

10.08.020 Exemptions.

A dog license tag is not required for any dog found within the city under any of the following conditions:

A. When the dog is owned by, or in the care of, any person who is a nonresident or who is traveling through the city, or who is temporarily sojourning therein, provided the dog is kept within the city for less than thirty consecutive days and less than a total of sixty days in any given year; or

B. When the dog has a valid license from either the county of Riverside or another city within the county. This exemption shall be available for a maximum period not exceeding six one months for any given dog. (Ord. 415 § 1, 2005)

10.08.030 Term.

The effective period of each dog license issued shall be not more than three years and, in no case, shall be valid for a period of time longer than the term of immunization specified by the veterinarian performing the dog's rabies vaccination. (Ord. 415 § 1, 2005)

10.08.040 Fees.

A. The fee for a dog license shall equal an amount fixed from time to time by resolution of the city council; provided, that in the absence of any such established amount, the licensing authority may collect and deposit in the appropriate accounts provided for such purpose a fee in the same amount as is applicable for similar dog licensing in unincorporated areas of the county.

B. No fee shall be required for a license for any guide dog, signal dog or service dog if such dog is in the possession and under the control of, in the case of a guide dog, a blind person, or, in the case of a signal dog, a deaf or hearing-impaired person, or, in the case of a service dog, a physically disabled person. (Ord. 415 § 1, 2005) A

certification that the dog serves as an official guide, signal, or service dog must be provided.

10.08.050 Application.

~~The owner shall state at the time application for licensing is made, and upon standard printed forms of application provided for such purpose, his or her name and address and the name, breed, color, age, history and sex, indicating whether or not the dog is neutered or spayed, for each dog for which application is made. (Ord. 415 § 1, 2005)~~

The owner shall state at the time application for licensing is made, and upon standard printed forms of applications provided for such purpose, the following information and documentation for each dog:

- A. Name and address of owner;
- B. Address where dog is kept
- C. Name, breed, age, sex, whether dog is spayed or neutered, and the color of the dog;
- D. Proof of Microchip by written statement of a California Licensed Veterinarian and microchip number.

10.08.060 Anti-rabies vaccination required.

As a condition for the issuance of a license, within thirty days prior to the issuance of the license, all applicants for the license shall procure and deliver to the licensing authority a certificate issued by a veterinarian certifying that the dog to be licensed has been administered an anti-rabies vaccination approved for use in the state of California by the California Department of Health Services, and has received an anti-rabies vaccination sufficient to immunize the dog against rabies for the period of the applied for license. (Ord. 415 § 1, 2005)

10.08.070 Issuance of tags and certificates.

A metallic tag and license certificate with corresponding number shall be furnished by the licensing authority upon payment of the appropriate fee prescribed by Section 10.08.040 of this chapter and upon satisfaction of all conditions stated in this chapter for licensing. (Ord. 415 § 1, 2005)

10.08.080 Tag—Attachment required.

The licensing authority shall keep a record of the owner or person making payment of the license fee and to whom a certificate and tag has been issued, including the number and date of the certificate and the tag. The metal tag issued shall be securely fixed to a collar, harness, or other device to be worn at all times by the dog for which the registration is issued. (Ord. 415 § 1, 2005)

10.08.090 Tag—Display required.

No person shall fail or refuse to state his or her true name and residence address upon demand of an animal control officer or any law enforcement officer, or to show upon demand of an animal control officer or any law enforcement officer, the license certificate and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under his or her immediate control. (Ord. 415 § 1, 2005)

10.08.100 Tag—Removal prohibited.

No one other than animal control personnel shall remove any dog collar, harness, or other device to which is attached a registration tag for the current license year, or remove the tag there from. (Ord. 415 § 1, 2005)

10.08.110 Tag—Replacement.

If the dog license tag is lost or destroyed, the owner shall immediately procure a duplicate license tag from the licensing authority, for which a fee of one-half the license fee set forth in Section 10.08.040 of this chapter shall be charged. (Ord. 415 § 1, 2005)

10.08.120 Tag—Altering or counterfeiting.

A. It shall be unlawful to alter, falsify or counterfeit a rabies vaccination certificate, dog license certificate or dog license tag. No tag may be altered by anyone other than the licensing authority or a duly appointed representative. No person shall make use of or have in his or her possession or under his or her control a stolen, counterfeit or forged dog license receipt, dog license tag, rabies vaccination receipt or other form issued in accordance with this chapter.

B. It shall be a violation of this section to attach a city dog license to the collar, harness, or other device of a dog for which the license has not been issued. (Ord. 415 § 1, 2005)

Chapter 10.16 BITING

10.16.010 Biting animals—Quarantine orders.

Whenever it is shown that any animal has bitten any person or animal, or exhibits evidence of rabies, no owner or person having custody or possession thereof, upon order of the animal control officer or of the county health officer (or any other person exercising the duties of health officer for the city) or their deputies, shall fail, refuse, or neglect to quarantine the animal and keep it tied up or confined for a minimum period of ten days, or shall fail, refuse, or neglect to allow the animal control officer or the health officer or their deputies to make an inspection or examination thereof at any time during such period. No such animal shall be removed or released during the quarantine period without the written permission of the animal control officer or the health officer or their deputies. Unless otherwise specified by the animal control officer or the health officer, the animals shall be confined in a pound or shelter or a veterinary hospital at owner's expense. All provisions found in Section 10.16.040 shall pertain to this section. (Ord. 415 § 1, 2005)

10.16.020 Animals dying while under quarantine.

The head of an animal dying while under isolation in quarantine shall be submitted to the laboratory of the county health department for examination for rabies. No liability shall incur to the city or any of its employees or agents for violation of this section. (Ord. 415 § 1, 2005)

10.16.030 Knowledge of bite—Duty to report.

Whenever any person owning or having charge, care, control, custody or possession of any animal has knowledge that the animal has bitten any person, the person owning or having charge, care, control, custody, or possession of the animal shall report the fact forthwith to the animal control department. The report shall state the name and address of the person bitten, the time and place of occurrence, and any other information so requested by an animal control officer. (Ord. 415 § 1, 2005)

10.16.040 Bitten animals—When to be quarantined.

A. Whenever any animal is bitten by another animal having or suspected of having rabies, or a bitten animal shows any symptoms of rabies, the owner or person having possession of the bitten animal shall immediately notify an animal control officer or the health officer and confine the animal, away from other animals, until it is established to the satisfaction of the animal control officer or the health officer that it does not have rabies. The animal control officer shall inspect the animal at the beginning of quarantine and at the end of quarantine prior to release.

B. If the animal control officer or the health officer determines that exigent circumstances exist that require swift action to save life, property or evidence of the unlawful action, the animal control officer or the health officer shall have the authority to enter onto any private property where the animal is kept or where it has

strayed, to inspect and, if necessary, to seize and impound any animal suspected of being rabid.

C. The period of quarantine shall be not less than ten days for dogs or cats and not less than fourteen days for other animals. The animal control officer or the health officer shall have the authority to quarantine any such animal at the owner's residence, or impound the animal at the owner's expense. Any animal found to be in violation of home quarantine order may be impounded and placed on quarantine at the animal shelter if the owner or person having control thereof fails to confine the animal or in case the owner or person having possession thereof is not readily accessible. (Ord. 415 § 1, 2005)

10.16.050 Disposition of animals appearing to have rabies.

A. If upon observation the animal control officer or the health officer determines that any animal has rabies, he or she may after providing notice to the owner, if known, destroy the animal forthwith, or hold the animal for further examination for such time as he or she may consider advisable.

B. Unless otherwise authorized by state or federal law, no person other than the animal control officer or a peace officer shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, unless that person kills the animal in self-defense or in the defense of others. No person shall remove a rabid animal or animal suspected of having been exposed to rabies from the city without written permission from the animal control officer. This section shall not apply to a veterinarian or his or her assistant(s) preparing an animal suspected of rabies for an FRA rabies test. Results of such tests shall be reported to the animal control department by the veterinarian or his or her assistant(s). (Ord. 415 § 1, 2005)

10.16.060 Rabies epidemics—Authority of health officer.

Whenever the county health officer (or any other person exercising the duties of health officer for the city) determines that an epidemic of rabies exists or is threatened, he or she shall have the authority to take such measures as may be reasonably necessary to prevent the spread of the disease, including the declaration of a quarantine for a period of not more than one hundred twenty days against any or all animals in any area of the city as he or she may determine and define. An additional or extended quarantine period may also be declared if it is deemed necessary by the health officer for the protection and preservation of the public health, peace, and safety. Subject to any restriction set out in this section, quarantine declared under the provisions of this section shall be upon conditions that the health officer determines and declares to be appropriate, consistent with state and federal law. (Ord. 415 § 1, 2005)

10.16.070 Quarantine of a dog used by law enforcement.

Notwithstanding any other provision of this title, a dog used by any state, special district, federal, county, city, or city and county law enforcement agency shall not be quarantined after biting any person if such bite occurred while the dog was being used for any law enforcement purpose. The law enforcement agency shall notify the animal control department within its jurisdiction if the dog exhibits any abnormal behavior and make the dog available to the department at any reasonable time. (Ord. 415 § 1, 2005)

10.16.080 Use of an animal as a threat or weapon.

It shall be unlawful for any owner of any animal to cause such animal to attack, threaten to attack or pursue another person engaged in any lawful activity. (Ord. 415 § 1, 2005)

10.16.090 Animal bite unlawful.

A. Biting Animal Defined. For purposes of this section, an animal bite shall be considered to have occurred when any animal bites any person, [or another animal](#) in the city; provided, however, that the bite will not be subject to this section if: (1) the person [or animal](#) bitten was provoking the animal at the time of the bite; (2) the person [or animal](#) bitten was engaged in an unlawful activity at the time of the bite; (3) the animal was within a fenced or otherwise enclosed area at the time of the bite; (4) the animal was on a leash meeting the requirements of Section 10.28.010 at the time of the bite; or (5) the person bitten is performing services at a veterinary facility at the time of the bite. For the purposes of this section, the records of animal bites kept by the city shall be deemed official records and shall establish a rebuttal presumption of the number of bites recorded against a particular animal.

B. First Offense. If an animal is reported to and determined by the city to have bitten any person, [or another animal causing substantial injury](#), the owner or guardian of said animal shall be guilty of an infraction punishable by a fine as provided in Section [1.09.0201.01.220](#) of this code. Upon investigating and verifying a complaint of an animal bite, an animal control officer shall issue a citation to the owner or guardian of said animal. This citation shall be in addition to any action the animal control officer may deem appropriate pursuant to Section 10.20.090 of this title.

C. Subsequent Offense. If an animal is reported to and determined by the city to have bitten any person, [or another animal](#) after a first offense citation has been issued, or the animal has previously been adjudged to be dangerous or vicious as provided in Section 10.20.090 of this title and bites any person, [or another animal](#) subsequent to that adjudication, the owner or guardian of said animal shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Upon investigating and verifying a complaint of a second animal bite or any animal bite by a dangerous or vicious animal, an animal control officer shall issue a citation to the owner or guardian of said animal. This citation shall

be in addition to any action the animal control officer may deem appropriate pursuant to Section 10.20.090 of this title.

D. The owner of any animal which has bitten, attacked, or shown the disposition, tendency, or propensity to attack, bite, or otherwise cause injury or attempt to cause injury to a person, [or another animal](#) engaged in lawful activity who causes or allows such animal to be at large shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Ord. 482 § 2, 2010; Ord. 415 § 1, 2005)

Chapter 10.20 IMPOUNDMENT

10.20.010 Impounding of animals.

It shall be the function and within the power of the animal control officer to pick up, impound, and safely keep any of the animals mentioned in this title found running at large, staked, tied, or being herded or pastured in any street, lane, alley, court, square, park, or other place belonging to or under the control of the city, or upon any private property, which is acting in a manner that is contrary to the provisions of this title or to the right of the public. (Ord. 415 § 1, 2005)

10.20.020 Notification of owner.

The animal control officer shall immediately upon impoundment of dogs or other animals make reasonable effort to notify the owners of dogs or other animals impounded, and inform the owners of the procedures, if applicable, to regain custody of the animals. If an impounded dog has a valid license, the owner shall be notified pursuant to Section 1.01.300 of this code, either personally or by telephone or by deposit of appropriate notice in the mails addressed to the record address with postage prepaid, or by posting the notice on the door of the owner's residence. (Ord. 415 § 1, 2005)

10.20.030 Disposition of unclaimed animals.

A. All animals impounded at the city shelter or city-contracted shelter shall be provided with proper and sufficient food and water. Unless unlicensed animals have been claimed within five days after being impounded, or licensed dogs within ten days after the notification provided for in Section 10.20.020, they may be sold by the animal control officer or shelter operator to a person offering to pay a cash amount set by the animal control officer or shelter operator; provided, that the purchaser shall not be given possession of any dog until he or she has paid to the animal control officer or shelter operator the license fee for the dog and until he or she has made appropriate arrangements for any necessary rabies vaccination, if necessary.

B. If any animal impounded by the animal control officer has not been claimed within the period stated in this section and cannot be sold within a reasonable time thereafter, it may be destroyed by the shelter operator or animal control officer in a humane manner. In lieu of destruction, animals may be released without charge to any humane organization that provides an animal adoption service.

C. The animal control officer shall maintain a file describing each animal impounded in the city shelter or city-contracted shelter beginning on the day any such animal is taken or delivered into the possession of the shelter. No animal found which, in the opinion of the animal control officer, constitutes a threat to the public welfare shall be adopted or released to any person who is not the owner of the animal. (Ord. 415 § 1, 2005)

10.20.040 Destruction of animals dangerous to impound.

After providing notice to the owner, if known, ~~an animal control officer~~ [shelter operator](#) is authorized to forthwith destroy any animal lawfully impounded which the ~~shelter operator~~ [officer](#) determines due to disease or other cause poses an imminent danger to persons or other animals so that impoundment of the animal would cause serious threat to others or would be inhumane to the animal. Nothing in this title shall be construed to prevent an animal control officer [or shelter operator](#) from taking whatever action is reasonably necessary to protect his or her person or other members of the public from injury or damage, including immediate destruction of any vicious or dangerous animal without notice to the owner or custodian. (Ord. 415 § 1, 2005)

10.20.050 Reclaiming animals.

The owner of any licensed impounded animal shall have the right to reclaim it at any time prior to the lawful disposition thereof, upon payment to [the shelter operator or](#) an animal control officer of the costs and charges provided in this title for impounding and keeping such animals. Any person claiming ownership of any unlicensed impounded animal shall be required to present proof of ownership satisfactory to the [shelter operator or](#) animal control officer, and thereafter the animal may be released to the claimant upon his or her making payment of all applicable costs, fees, and charges prescribed in this title including, but not necessarily limited to, any veterinary fees incurred and upon his or her making appropriate arrangements for any necessary rabies vaccination. (Ord. 415 § 1, 2005)

10.20.060 Owner's right to redeem animal from purchaser.

The owner of any impounded animal may, at any time within thirty days after sale by [a shelter operator or](#) an animal control officer, redeem the animal from the purchaser by paying him or her an amount of money equaling each of the following, in the aggregate: the purchase price paid to [the shelter operator or](#) an animal control officer; any license fee paid and rabies vaccination costs incurred; and rates established by Section 10.20.080 for daily care and feeding for the number of days starting from the date of sale to and including the date of redemption by the owner. (Ord. 415 § 1, 2005)

10.20.070 Owner's liability to city when redeeming animal from purchaser.

In each case where the owner of an impounded animal redeems it from the purchaser, irrespective of whether payment was made as prescribed in Section 10.20.060, the owner shall be liable for payment to [the shelter operator or](#) an animal control officer for all fees prescribed pursuant to Section 10.20.080 for impounding and for the daily care and feeding of the animal incurred during the impoundment, deducting there from the sale price paid ~~to an animal control officer~~ by the purchaser. The amount of the owner's liability under this section shall be deemed a debt to the

city, and an action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any such debt. (Ord. 415 § 1, 2005)

10.20.080 Impoundment fees.

Except in cases when disposition of an animal is made pursuant to Section 10.20.030, [a shelter operator or](#) an animal control officer shall receive and collect fees for impoundment, care, and feeding of impounded animals. The nature and amounts of such fees shall be as fixed from time to time by resolution of the city council. In the absence of any such fee or fees having been so established, [a shelter operator or](#) an animal control officer may collect and deposit in the appropriate accounts provided for such purpose, a fee or fees in the amount or amounts as is applicable for similar functions or services in the unincorporated areas of the county. (Ord. 415 § 1, 2005)

10.20.090 Control and impoundment of dangerous or vicious animals.

A. No person owning or having the care or custody of a dangerous or vicious animal shall permit such animal to go unconfined on the premises of such person. A dangerous and vicious animal is unconfined, as the term is used in this title, if such animal is not securely confined indoors or confined in a securely enclosed and locked pen or a run area upon the premises of said person. Such pen or run area must also have secure sides six feet high and a secure attached top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground or concrete. Such sides shall be imbedded into the ground no less than one foot deep. If concrete is used, such sides shall be imbedded no less than two inches into the ground. Such pen shall be of adequate floor size as to allow said animal to be able to move around and obtain adequate exercise. All gates or door openings through such enclosures shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use. Such latching device must be located not less than five feet above the ground. The owner or custodian of an animal declared dangerous or vicious shall allow an animal control officer or his or her deputies to inspect such pen or enclosure at any reasonable hour to insure compliance with this section.

B. No person owning or harboring or having the care or custody of a dangerous or vicious animal shall suffer or permit such animal to go beyond the premises of such person unless the animal is securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length or, for animals under twenty pounds, on a chain as determined by the animal control department to be adequate based on the animal's size and strength. Such animal shall be under the control of someone able to control and restrain the animal and of eighteen years of age or more.

C. No person shall own or harbor any animal for the purpose of fighting any other animal nor train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks on human beings or domestic animals. Nor shall any person outfit any animal with a training device for fighting or

attack, such as a weighted collar around the neck of the animal. Nor shall any person allow an animal to hang suspended from an object by biting into and hanging onto the object with its jaws.

D. No person shall possess, with intent to sell, or offer to sell, breed, or buy or attempt to buy within the city any vicious or dangerous animal.

E. Any person owning or harboring or having the care of any dangerous or vicious animal shall maintain a policy of insurance in an amount not less than three hundred fifty thousand dollars insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from acts, whether intentional or unintentional, of the dangerous and vicious animal. Such person shall produce evidence of such insurance upon the request of a law enforcement officer or animal control officer.

F. Whenever an animal suspected of being dangerous or vicious is reported, an animal control officer may investigate the circumstances, and if he or she finds that the animal by reason of its acts, propensities, or disposition is a dangerous or vicious animal as defined in this title, he or she may notify the owner in writing stating the facts and circumstances that such determination has been made and that as a dangerous and vicious animal it is to be in the animal control officer's discretion to (a) destroy the animal in the interest of public safety, (b) require that the animal be maintained as required by this section, or (c) determine the animal not to be dangerous or vicious. The notice shall also notify the owner of the right to appeal and the time period for filing an appeal of the determination.

The ownership interest of an animal under investigation pursuant to this section or already under such an order or the appeal of such an order shall not be transferable to a new owner or caretaker during the process. Once an animal has been found to be vicious or dangerous, this finding shall remain in effect for the remainder of the life of the animal, and the ownership of the animal may not be transferred. Animals without an owner found to constitute a threat to the public welfare will be destroyed in the interest of public safety. No ownership rights can or shall be granted to a person other than the owner of such animals at the time of the determination. The owner of a dangerous and vicious animal must be eighteen years old or older.

G. Upon request, the owner of an animal declared to be dangerous or vicious by an animal control officer shall be entitled to an administrative hearing before a hearing officer for the purpose of determining whether his or her animal constitutes a dangerous and vicious animal. The request for an administrative hearing must be made by the owner of the animal at issue, in writing, and must be delivered to the animal control department within ten calendar days of receipt of the animal control officer's determination that the animal constitutes a dangerous and vicious animal. After a request for hearing is received, the date of the hearing will be scheduled no less than five days, but not more than thirty days, from the date of receipt of request

for hearing. The owner of the animal shall be entitled to review all evidence in the city's possession to be used by the city in the hearing at least three days prior to the hearing date.

H. The director of the Community Development Department ~~building and safety~~ shall appoint a person or contract an agency to provide a person who shall act as the hearing officer, preside at the hearing, and hear all facts and testimony presented and evidence admitted and deemed appropriate. The hearing officer's compensation, if any, shall not in any way be impermissible tied to his/her decision making responsibilities. Any person designated to serve as a hearing officer is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified pursuant to Code of Civil Procedure Section 170.1. The owner of an animal desiring to challenge the hearing officer chosen to preside over the administrative hearing must file a statement with the city manager objecting to the hearing officer and setting forth the grounds for disqualification. The question of disqualification shall be heard and determined in writing by the city manager within ten days following the date on which the disqualification statement is filed.

I. The hearing officer, after hearing all the facts, shall render one of three decisions: (a) the animal is deemed vicious or dangerous and shall be destroyed in the interest of public safety; (b) the animal is deemed vicious or dangerous and must be maintained according to this section for the remainder of the life of the animal; or (c) the animal is not deemed vicious or dangerous and is to be released to the owner. The hearing officer shall deliver the determination of the hearing in writing within ten days of the hearing to the animal control department and the owner of the animal at the last known address. The determination of the hearing officer is final. Any appeal of the hearing officer's determination shall be made pursuant to the provisions of California Food and Agriculture Code Section 31622.

J. If, after the appeal hearing, it is determined that the animal is vicious or dangerous, the hearing officer may order the owner to keep the animal confined as provided in this section. If suitable restraints or enclosures discussed in subsections A and B of this section are not immediately available, or if the owner or keeper of such animal fails or refuses to demonstrate that such restraints or enclosures are available or suitable, or if restraint or confinement is impracticable, the animal shall be impounded until the owner is able to comply with the hearing officer's order. For any such impoundment, the owner shall be liable to the city for payment of fees as prescribed in Section 10.20.080, and any animal not reclaimed within thirty calendar days after such impoundment shall be deemed abandoned and unclaimed and shall be subject to destruction.

K. In cases where the animal is not impounded, and written notification has been given as herein provided, if an owner fails to provide adequate restraint or control of the animal as ordered by the hearing officer within thirty days, or if the owner thereafter at any time fails to maintain the adequate restraint or control or comply

with the orders of the hearing officer, the owner shall be guilty of a misdemeanor, and the animal shall be subject to summary destruction. Notwithstanding any of the foregoing, no animal found to be dangerous, vicious or a threat to the public health and/or safety shall be placed up for adoption to the public.

L. Any person owning, harboring or having the care of any dangerous or vicious animal shall have the animal microchipped and photographed for positive future identification. The microchipping procedure shall be performed by a trained professional to be chosen by the animal control department or a veterinarian. This procedure shall be performed at the owner's expense. The animal will be made available to the animal control department at a reasonable time for scanning to verify the procedure and document the identification number of the microchip. (Ord. 415 § 1, 2005)

Chapter 10.24 ANIMAL KEEPING

10.24.010 Female dogs to be confined during breeding period.

No owner of an unspayed female dog shall fail, refuse or neglect during the breeding period of the dog to confine it in such a manner which reduces, so far as is practicable under the circumstances, the attraction of stray male dogs. (Ord. 415 § 1, 2005)

10.24.020 Wild animals to be confined.

No person owning any wild animal or operating any wild animal establishment, shall fail, refuse or neglect to keep all wild animals under proper confinement on the premises, or cause, permit, suffer or allow any wild animal to be or run at large, nor shall any such person maintain any wild or dangerous or vicious animal on or within any premises in such a manner as to endanger the life or limb of any person lawfully entering the premises. This section shall be read in connection with the provisions of Sections 10.24.035 and 10.24.050 of this chapter. (Ord. 415 § 1, 2005)

10.24.030 Kennels subject to zoning and health regulations.

Any person maintaining any kennel or pet shop shall conform to the zoning regulations of the city which are applicable thereto, as well as any applicable health regulations, and shall allow the animal control department to make an inspection of the premises at any reasonable hour. (Ord. 415 § 1, 2005)

10.24.035 Standard of care.

Every person within the city who owns any animal or who owns, conducts, manages or operates any animal establishment for which a license or permit is required by this title, shall comply with each of the following conditions:

A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, to contain the animals and restrict the entrance of other animals.

B. All animals shall be supplied with sufficiently good and wholesome food and water as often as the feeding habits of the respective animals require.

C. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition as per Section 10.24.070.

D. All animals shall be so maintained as to eliminate excessive noise as per Section 10.28.020.

E. Every reasonable precaution shall be used to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or other means.

F. No condition shall be maintained or permitted that is or could be injurious to an animal.

G. Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals. All reasonable precautions shall be taken to protect the public from animals and animals from the public.

H. Every precaution shall be made to isolate sick animals sufficiently so as not to endanger the health of other animals or persons.

I. Every building or enclosure wherein animals are maintained shall be constructed of material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.

J. All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.

K. Every animal owner shall provide their animals proper shelter and protection from the weather at all times.

L. No person shall give an animal any alcoholic beverage or unlawful drug unless prescribed by a veterinarian.

M. No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment for the animal. If two or more animals are trained to be placed together and do not attack each other or perform or attempt to perform any hostile act to the others, such animals shall be deemed not to be natural enemies.

N. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.

O. No person shall fail to give working animals proper rest periods. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.

P. No person shall work, use or rent any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit.

Q. No person shall allow any animal which an animal control officer has suspended from use to be worked or used.

R. No person shall display for profit or otherwise any animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition.

S. No person shall allow any animal to constitute or cause a hazard, or be a menace to the health, peace or safety of the community. (Ord. 415 § 1, 2005)

10.24.040 Maximum number of dogs.

Except for licensed pet shops and kennels, no person shall own, keep or harbor, nor shall the owner or occupant of any premises keep or permit on or in such premises more than four dogs of four months of age or older. (Ord. 415 § 1, 2005)

10.24.045 Catteries.

It shall be unlawful to maintain catteries in the city of La Quinta. (Ord. 415 § 1, 2005)

10.24.050 Keeping wild, exotic and dangerous animals and reptiles.

A. No person shall own, keep, harbor or maintain on or in any premises within the city any wild, exotic, or dangerous animal or reptile without written consent of the animal control department or absent the proper applicable city, county, state and/or

federal permits. Denial of consent to keep a wild animal by the animal control department may be appealed within ten days of that denial. The request must be made in writing and delivered to the director of building and safety within ten calendar days of receipt of the animal control officer's decision, which decision shall include notification regarding the right and procedures for appeal of the decision. The director of building and safety shall appoint a person or contract an agency to provide a person who shall preside at a hearing and hear all facts and testimony presented and deemed appropriate. After a request for hearing is received, the date of the hearing will be scheduled not less than five days, but not more than thirty days, from the date of receipt of request for hearing. The hearings shall be held consistent with the procedural provisions set forth in Section 10.20.090(F) of this title.

B. Subject to the city's zoning ordinances, only those wild animals, poultry, reptiles and exotic animals which are permitted by the laws of the state of California to be possessed, and for which a permit has been obtained from the Department of Fish and Game, which permit is current, shall be allowed within the city.

C. All animals shall be registered with the animal control department. As a condition to registration, an owner of an animal must present a valid state permit to the animal control agency. Application and animal registration shall include, but not necessarily limited to, the following:

1. The applicant's name, address, telephone number and, if different, the address and telephone number of the proposed location where the animal is to be maintained and the purpose for the keeping of such animals;

2. A complete description and any identifying tattoos, microchips, brands, or similar marking of the animal, including its species, name, sex, date of birth and/or age;

3. Recent color photograph(s) of the animal;

4. A complete description of and plot plan showing the location and the facilities to be used to insure the keeping of the animal in a safe, secure, and humane manner;

5. Any information known by the applicant concerning vicious or dangerous propensities of such animal;

6. Prior history of incidents affecting the public health or safety involving said animal;

7. Noises and/or odors anticipated in keeping such animal;

8. Written assurance and any supporting instruments that the applicant is in compliance with all applicable local, state, and federal laws and regulations regarding such animal;

9. Any additional information required by the animal control department at the time of filing such application or thereafter.

D. No permit will be granted under this section to a person who has been found guilty of cruelty to animals.

E. An animal control officer may issue a city permit for a wild, exotic, and dangerous animal or reptile if each of the following conditions is met by the applicant to the animal control officer's satisfaction: (1) the requirements of the city zoning ordinance are met; (2) the applicant has obtained any other city, county, state and/or federal permits required under the law; (3) the applicant has otherwise complied with

city, county, state and/or federal having to do with the subject animal; (4) the applicant has made the necessary showing that adequate safeguards have been established and will be maintained in order to effectively control the dangerous or vicious propensities of such animal or reptile; (5) the applicant shows that any danger to individuals or property has been eliminated, that the keeping or maintaining of such animal or reptile will in no way constitute a nuisance to the occupants of any surrounding property, and that the proposed site is adequate in size and shape to accommodate the number and type of animals for which the permit is requested and will not result in harm to the animals or reptiles or material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site; and (6) upon the applicant's payment of a fee in the amount set from time to time by resolution of the city council or in the absence of any such established amount, the licensing authority may collect and deposit in the appropriate accounts provided for such purpose a fee in the same amount as is applicable for similar dog licensing in unincorporated areas of the county. Such permit shall be valid only so long as the owner possesses all other required governmental permits and does not violate this title.

F. The initial fee for the issuance of each permit shall be valid for one year. The fee for renewal of an unexpired permit shall be the same as for an original permit, unless modified by a resolution of the city council. Each succeeding year, a renewal permit shall be obtained by the holder of said permit. In the event such animal is relocated within the city, a renewal permit shall be obtained for that location at no cost to the owner. The fee for the issuance of a renewal permit shall be established by city council resolution or in the absence of any such established amount, the city may collect and deposit a fee in the same amount as is applicable for similar dog licensing in unincorporated areas of the county. The fee shall be due and payable each year on the anniversary of the date of issuance of the initial permit. If during the preceding year or years, more than one initial permit has been issued to an applicant, the former permits may be consolidated so that only one renewal permit exists; provided, however, that the renewal date for the consolidated permit shall be the expiration date of the earliest initial permit.

G. The premises on which said animal is maintained shall be open at any reasonable hour for inspection by the animal control department. Permits issued pursuant to this section shall be surrendered for inspection by the permittee upon request of an animal control officer or law enforcement officer.

H. The animal control department may revoke any permit issued pursuant to this section whenever an animal control officer determines from an inspection, or an inspection and report by the California Department of Fish and Game, or an investigation of a cruelty complaint, that any permittee fails to comply with all of the conditions of this title, or is found to be in violation of any city, county, state or federal law. A notice of revocation shall be provided to the permit holder. The notice shall state that it will not be effective for a period of ten calendar days, during which the permit holder may appeal the determination. The procedures for appeal shall be those set forth in subsection A of this section. Nothing in this section shall be construed to

prevent the animal control department from taking any and all actions permitted by law to prevent cruelty to animals.

I. If, after having his or her permit revoked, the permittee proves to the satisfaction of the animal control department that each of the conditions and requirements set forth in this section and any other applicable section have been met, the animal control department will provide permittee a written notice indicating such compliance and, upon receipt of such written notice, the permit shall be deemed in full force and effect. Nothing in this section shall be construed to prevent the animal control department from refusing to reinstate such permit if it is believed to be in the best interest of the public or the health or safety of the animal involved.

J. Notwithstanding any of the foregoing, the ownership of venomous reptiles shall be prohibited in the city. No person shall own, keep, harbor or maintain on or in any premises within the city any venomous reptile. Nothing in this section, or in this title, or in the city of La Quinta Municipal Code shall be construed as to allow the possession of such animals within the city limits with or without applicable permits. (Ord. 415 § 1, 2005)

10.24.060 Animals near buildings.

It is a public nuisance and it is unlawful for any person to keep any animal, poultry, or bird, wild or domestic, except customary household domestic pets, within fifty feet of any building, school, church, hospital, or any residence or dwelling house or other buildings used for the habitation of human beings. (Ord. 415 § 1, 2005)

10.24.070 Animals on unsanitary premises.

It is a public nuisance, and it is unlawful, for any person to keep or permit to be kept on any premises any wild or domestic animal, poultry, or bird, when the premises or the animal, poultry or bird is offensive, obnoxious, filthy, or maintained in any unsanitary condition. (Ord. 415 § 1, 2005)

10.24.080 Livestock prohibited in certain areas.

No livestock or hoofed animal, barn yard poultry, or rabbits may be kept on any lot or combination of adjoined lots less than one acre in size as per this code. No person may keep more than two horses per one acre parcel. For parcels in excess of one acre, up to three horses per additional acre or portion thereof shall be allowed. Foals under one year of age shall not be counted in calculating the maximum number of horses under this section. (Ord. 415 § 1, 2005)

10.24.090 Disposal of carcasses.

Unless otherwise instructed by city, state or federal officials, it is a public nuisance, and it is unlawful, for the owner, possessor, or the person responsible for the death thereof, to fail to cause any dead animal or part thereof to be buried later than six hours after the death of such animal. For purposes of this section, "buried" means to be placed underground so that there is at least three feet of soil above the carcass of the animal for animals weighing two hundred pounds or less and at least six feet of soil above the carcass of an animal weighing more than two hundred pounds. In the

alternative, “buried” for purposes of this section also means to be disposed of in some sanitary manner approved in writing by the city; provided, however, that this section shall not apply to animals slaughtered for and fit for human food or animals killed in violation of Chapter 10.16 of this title. (Ord. 415 § 1, 2005)

10.24.100 Dangerous animals from outside city jurisdiction.

~~The owner of any animal introduced into the city which has been determined to be dangerous, vicious, a nuisance, or a threat to the health and safety of humans or animals by another jurisdiction, shall conform to the standards set forth in Section 10.20.090 of this title. (Ord. 415 § 1, 2005)~~

An animal that has been declared dangerous or vicious in any legal hearing, as a result of aggressive behavior, outside the confines of the City of La Quinta, may not be relocated in La Quinta.

10.24.110 Keeping of guard dogs.

It shall be unlawful to keep a guard dog on any premises, unless the guard dog is fenced within the premises or confined within the building and kept in such a manner that it cannot come into contact with persons or other animals that are lawfully on said premises. Any premises containing a guard dog shall also be posted at every fifty foot interval around the perimeter of the area guarded by the guard dog and at all entrances and exits to the area. In locations where the minimum outside dimensions are less than fifty feet, the signs shall be placed at the beginning and end of that premises. The signs shall state: “WARNING—GUARD DOG ON DUTY.” Such signs shall also state the name, address, and telephone number of the guard dog company furnishing the dog for hire, if any, and the telephone number of the owner or caretaker of the premises. Each guard dog in use in the city shall be registered and licensed in the city and have a tag affixed to its collar which must be worn at all times. (Ord. 415 § 1, 2005)

10.24.120 Permit required.

Any person or business desiring to transport into the city for any commercial or business related purposes, including, but not limited to, advertisement, circus, rodeo, petting zoo, or animal rental, any animals considered large or dangerous including, but not limited to, exotic, circus or fair type animals, rodeo animals, petting zoo animals, and large snakes, shall first obtain a permit from the animal control department. If requested, such person or agency will also make available to the animal control department the animal in question and veterinary records of the animal in question for the purpose of inspecting its health and safety. Such person or business shall make available to the animal control department the name, address, and contact information of the handlers/keepers of the animal for emergency purposes. Such person or business shall also make available to the animal control department the person or business emergency capture procedures and capture equipment for inspection purposes to insure the safety of the citizens of the city and

the safety of the animals in question. If, in the belief of the animal control department, the entry of such animals into or the continued presence of such animals in the city constitutes a threat to the public health and safety, said permit application may be denied. The permit, if issued, shall be subject to immediate revocation if the animal control department determines that the presence of such animals in the city constitutes a threat to the public health and safety. (Ord. 415 § 1, 2005)

10.24.130 Mandatory microchipping of dogs.

A. All dogs over the age of four months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the City, and shall notify the City of any change of ownership of the dog, change of address, or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of La Quinta Municipal Code 10.08.010, and any other licensing requirements of this chapter.

B. Exemption. The mandatory microchipping requirements shall not apply to:

1. A dog with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification. The owner or custodian of the animal must provide written confirmation of that fact from a California Licensed Veterinarian.

C. Transfer and or sale of dogs.

1. An owner or custodian who offers any dog, at any age for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade or adoption. The license and microchip number must appear on a document transferring the dog to the new owner. Both the previous owner or custodian, and new owner, or custodian, are required to update the City with the name and address of the new owner or custodian in accordance with subdivision (A) of this section. Any violation of this chapter shall be subject to the penalties as noted in La Quinta Municipal Code 1.09.020.

D. When an impounded dog is without microchip identification, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment of impound fees, the owner or custodian shall:

1. Have the dog implanted with a microchip by a California Licensed Veterinarian, or authorized representative entirely at the owner, or custodian's expense. A written statement confirming that the microchip has been

implanted, must be provided to the City with the implanted microchip number. The dog in custody will be released to the owner or custodian after the procedure has been completed.

Chapter 10.28 OFFENSES

10.28.010 Dogs running at large.

A. No owner or keeper of a dog shall allow or permit the dog, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, or in or upon any unenclosed private place or premises, or in or upon any enclosed private place or premises other than those of the owner or keeper except with consent of the person in charge of the private place or premises where the dog is found, unless the dog is securely restrained by a substantial leash not exceeding twelve feet in length and is in charge and control of a person competent to keep the dog under effective control. No lead, leash, tether, or chain used to secure a dog on private property shall extend into the right-of-way. Voice control, electronic control, eye control or signal control shall not be considered adequate restraint. If any dog at large bites any person, the owner or guardian of such dog shall be deemed guilty of an infraction or a misdemeanor as provided in Section 10.16.090.

B. Any animal found at large three times or more during any twenty-four month period shall be deemed a public nuisance. Such animal, upon impoundment, will be held until the owner provides secure containment for the animal and satisfactory proof of liability insurance. The owner shall be responsible for any fees incurred in holding the animal. If the owner fails to provide acceptable containment within thirty days, the animal may be destroyed by humane means after following the normal procedures for impounded animals. Only when acceptable containment has been provided, and approved by the animal control department, will the animal be released to the owner. The determinations by the animal control department shall be subject to appeal, and any appeal to a decision under this section shall be handled consistent with the hearing procedures as set forth in Section 10.20.090 of this title. (Ord. 482 § 3, 2010; Ord. 415 § 1, 2005)

10.28.015 Livestock/poultry at large.

No owner or keeper of livestock or poultry shall allow, permit or suffer the animal or bird, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, in or upon any unenclosed private place or premises, or in or upon any enclosed private place or premises other than those of the owner or keeper except with consent of the person in charge of the private place or premises. No lead, leash, tether, or chain used to secure any animal or poultry shall extend into the right-of-way. (Ord. 415 § 1, 2005)

10.28.020 Noise disturbances by animals.

A. No person owning, keeping or having in his or her care or custody any animal shall knowingly permit the animal, by any barking or other noise or sound, to disturb any other person's peace and quiet. This section shall not be construed to prohibit the keeping of any watchdog, provided the keeper thereof takes immediate steps to quiet the dog whenever it barks, and provided the keeper never leaves the dog unattended on the premises in a place where the dog is barking, if prolonged or if repeated an undue number of times, disturbs any other person's peace and quiet.

B. No person, after being informed orally or in writing that his or her animal has by noise or sound disturbed any other person's peace and quiet, shall fail, refuse or neglect to take whatever steps or use whatever means is necessary to ensure that the dog or animal does not again disturb the other person's peace and quiet. (Ord. 415 § 1, 2005)

10.28.025 Animal defecation to be removed by the owner.

A. Any person owning, keeping or having in his or her care or custody any animal shall not fail, refuse or neglect to clean up any feces of the animal immediately and dispose of it in a sanitary manner wherever the animal has defecated upon public or private property without the consent of the public or private owner or person in lawful possession or charge of the property.

B. The provisions of subsection A of this section shall not apply to a blind person being accompanied by a guide dog, nor shall they be construed to allow any act of trespass upon private property. Whenever the feces to be cleaned up cannot be reached without significant trespass upon the private property on which the feces is located, the person having the duty pursuant to subsection A of this section to take action shall first obtain consent to do so from the owner or person having lawful possession or charge of the property. (Ord. 415 § 1, 2005)

10.28.030 Retention of animal by one other than owner.

No person shall, without the knowledge or consent of the owner, hold or retain possession of any dog or other animal of which he or she is not the owner for more than twenty-four hours without first reporting the possession of which to the animal control officer, giving his or her name and address and the true description of the dog or other animal, and then causing the dog or other animal to be impounded at the city shelter [or city-contracted shelter](#) for return to the owner. Any person so holding an animal shall surrender such animal upon demand of the animal control officer. At the discretion of the animal control officer, any such finder of a dog or other animal may be allowed to retain possession of the dog or other animal in lieu of impoundment. In such a case, the animal control officer shall make all normal and regular efforts to ascertain the true owner of the dog or other animal and advise him or her of the whereabouts of the dog or other animal. (Ord. 415 § 1, 2005)

10.28.040 Unauthorized removal of animal from shelter.

No person shall remove any impounded animal from the city shelter [or city-contracted shelter](#) without the consent of the animal control officer. No person shall remove any animal from the custody of the animal control officer, including any animal control department vehicle or any vehicle in use by the animal control department or from any humane live trap in use by the animal control department or its authorized agents. (Ord. 415 § 1, 2005)

10.28.050 Dogs at public schools prohibited.

No person shall bring any dog, except a seeing eye dog for the blind, a signal dog for the deaf, or a service dog for the handicapped, onto any public school property while

school is in session. This section shall not, however, be deemed to prohibit the use of dogs on school property for teaching or other school uses when approved by the proper school authorities. (Ord. 415 § 1, 2005)

10.28.060 Interference with police dogs.

No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog being used by any law enforcement officer in the performance of his or her duties, or interfere with or meddle with any such dog while being used by such officer in the performance of any of his or her functions or duties. (Ord. 415 § 1, 2005)

10.28.070 Public nuisance.

A. The introduction, ownership, possession or maintenance of any animal, or the allowing of any animal to be in contravention to this title is, in addition to being a violation of the applicable section, declared to be a public nuisance. The city manager or designee, the animal control officer, the county health officer, and peace officers are authorized, directed and empowered to summarily abate any such public nuisance independently of any criminal prosecution or the results thereof by any means reasonably necessary including, but not limited to, the destruction of the animal or animals involved when appropriate or by the imposition of specific reasonable conditions and restrictions for the maintenance of the animal.

B. Any person who fails to comply with any conditions and restrictions imposed pursuant to this section shall be guilty of a misdemeanor. The owner shall reimburse the city for all costs incurred in verifying compliance and enforcing the provisions of this section. The city may also commence proceeding in accordance with the provisions of Chapter 11.72 of this code relative to abatement procedures for public nuisances.

C. Any person violating the provisions of this chapter shall reimburse the city for any and all costs incurred by the city in responding to, investigating, assessing, monitoring, treating, cleaning, removing, or remediating any action taken or condition caused in violation of this chapter. Such costs to be paid to the city shall include all administrative expenses and all legal expenses, including costs and attorney's fees in obtaining compliance and in litigation, including all costs and attorney's fees on any appeal. The costs to be recovered pursuant this section shall be recoverable from any and all persons violating this chapter. (Ord. 415 § 1, 2005)

10.28.080 Confining animals in motor vehicles.

A. No person having ownership, charge, or custody of an animal, as owner or otherwise, shall place or confine an animal or allow such animal to be placed or confined or to remain in an enclosed vehicle or for such period of time as may endanger the health or well-being of such animal due to heat, cold, lack of food or such other circumstances as may reasonably be expected to cause suffering, disability or death. In such circumstances, an animal control officer may act in the best interest of the animal, including taking action to remove the animal in cases of immediate threat. This section shall not be applicable to animals which are in an animal control

officer's or a peace officer's vehicles while such animal control officer or peace officer is engaged in their duties.

B. When an animal has been removed from a vehicle pursuant to this section, the animal control officer shall cause to be posted in a conspicuous place on said vehicle a notice which shall state that the animal has been removed from the vehicle pursuant to La Quinta Municipal Code Section 10.28.080, where the animal has been impounded, the procedure whereby the owner of said animal may regain custody of the animal, and notice that the owner may be liable for impound fees and costs. (Ord. 415 § 1, 2005)

10.28.090 Causing another person's animal to be disposed of.

A. Every person contacting the city's animal control department or taking an animal to the animal control department for impoundment or disposal shall, if the animal is not owned by him or her, inform the animal control department who the lawful owner is, if known, and where and when the animal was found. If the lawful owner cannot be determined, the animal control officer shall keep the animal as prescribed in Section 10.20.030 of this title.

B. It shall be unlawful for any person to take, deliver, or have delivered an animal to the animal control officer or the city shelter or city-contracted shelter for impoundment or disposal without disclosing to the animal control officer or the city shelter or city-contracted shelter the name of the lawful owner of such animal, if known.

C. It shall be unlawful for any property owner, or responsible person(s), including any natural person, the parent or the legal guardian of any natural person under the age of eighteen years, any corporation, association, organization, estate, group, combination acting as a group, or any officer, agent, employee, or servant of any of the foregoing, to fail to board any animal left behind by a tenant. Any property owner or responsible person that fails to make arrangements for the humane sheltering and care of said animal for the length of time required by law and/or fails to make arrangements with the sheltering agency is in violation of this section.

D. Enforcement of this section shall be performed by citation. Each day such violation is committed or permitted to continue shall constitute a separate offense. When an animal is found at large and is known to be from a vacant property, it shall be deemed in violation of this section if the property owner or responsible person fails to take control of the animal immediately. Notwithstanding any other provisions of this code, the fine for violation of this section after receiving a warning from the animal control officer shall be one hundred dollars for a first offense, two hundred dollars for a second offense, and four hundred dollars for third and all subsequent offenses. In order for the fines to escalate for multiple offenses as described herein, the offenses must occur within a twelve-month period. (Ord. 415 § 1, 2005)

10.28.100 Feeding of wild animal prohibited.

No person shall feed or in any manner intentionally provide food as sustenance or to encourage domesticity in a nondomesticated or wild animal with the exception of a

bird feeder in the yard. A person may feed or provide food to a wild animal under the following circumstances:

A. When the wild animal is maintained, treated or fed pursuant to a valid certificate or permit issued by the state of California or an agency of the United States Government;

B. When the wild animal is maintained, treated or fed between the time the animal control officer or Humane Society is notified and the wildlife is picked up by an appropriate agency. (Ord. 415 § 1, 2005)

10.28.110 Wildlife protected.

Other than in self-defense, no person shall kill, capture or molest any species of wild animal or damage the nest or eggs of any wild animal within the city, except any poisonous reptile or insect; provided, however, that if it is determined by the city manager, or authorized representative, that wild animal has become a menace to any person's health, safety or property, the city manager shall issue a permit authorizing any person to kill or capture the wild animal. In no event shall any person use or employ poison or diseased material to kill or capture wild animal. This section shall not pertain to rats and vermin animals unless such animals are otherwise protected under the law. (Ord. 415 § 1, 2005)

10.28.120 Importing or transporting diseased animals.

A. It is unlawful for any person to bring or receive in, or to transport from place to place within the city any animals affected with any contagious, infectious, or communicable disease without written permission from the animal control department, except such diseased animals as are specifically permitted to enter the state of California and the county of Riverside under federal or California state regulations, and only under the conditions and for the purpose prescribed in the federal and state regulations governing the movement of such animals. This section shall not apply to actions taken except for the purpose of immediate destruction by humane means, or for immediate medical treatment. All animals brought into the city in violation of this section shall be subject to possible quarantine, examination and test, all at the expense of the owner, by the animal control officer or his or her appointed agents, who may dispose of such animals consistent with the provisions of this title to safeguard the health, safety, and welfare of the residents of the city and the protection of the health of the animals therein.

B. It is unlawful for any person to bring into or receive in, or to transport from place to place within, the city, any animal of a species known to be capable of carrying the rabies virus from any other jurisdiction, city, county, state or country in which a reported case of rabies exists or has existed within the preceding six months. (Ord. 415 § 1, 2005)

