

TITLE 6  
ANIMALS

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# TITLE 6 ANIMALS

## Chapter 6.04

### GENERAL PROVISIONS

#### Sections:

**6.04.010 Purpose of title.**

**6.04.020 Animals - Humane Treatment Required**

#### **6.04.010 Purpose of title.**

A. The purpose of this title is to:

1. Provide for the orderly regulation of dogs, cats, other common pets, domesticated animals and wild animals, when such animals are used for noncommercial uses (commercial uses are dealt with in the zoning ordinances on file in the city clerk's office);
2. Provide for humane care and treatment of all animals; and
3. Provide for the protection of the general public from unwarranted intrusions into their lives by nuisances caused by animals or their owners.

B. In general, the intent and direction of this title is to discourage the keeping of wild animals and domestic animals which are not normally compatible with urban living, and to encourage the protection of animals and the rights of citizens by providing strict controls upon the proliferation of strays. (Prior code § 4.1)

#### **6.04.020 Animals - Humane Treatment Required**

To ensure the humane and reasonable treatment of animals, it is unlawful for any person owning any animal, or having custody of any animal to fail to observe the following rules concerning the management and care of such animal:

- A. All animals shall be supplied with sufficient good and wholesome food and water as the feeding habits of such animals require;
- B. Proper shelter and protection from the weather shall be provided for all animals at all times. The quarters in which the animals are kept must be clean, and adequately ventilated with the proper size and temperature maintained according to needs of the species.
- C. Animals shall not be without attention for a period of time in excess of eighteen consecutive hours;
- D. Every reasonable precaution shall be used to insure that animals are not teased or abused, mistreated, annoyed, tormented or made to suffer;
- E. Humane Society officers are authorized by other provisions of this chapter to enter private property for the purpose of investigating and enforcing all provisions of this chapter. (98-03)

## Chapter 6.08

### SHELTERMASTER

#### Sections:

- 6.08.010 Responsibility to city manager--Deputization authority.**
- 6.08.020 Duties generally.**
- 6.08.030 Citation authority.**
- 6.08.040 Right of entry.**
- 6.08.050 Surrender of strays to poundmaster.**
- 6.08.060 Interference with poundmaster prohibited.**

#### **6.08.010 Responsibility to city manager--Deputization authority.**

The sheltermaster shall be responsible to the city manager or persons authorized by him in all matters of enforcing the provisions of this title. The sheltermaster, the animal license collector and the animal control officer may be the same person. The sheltermaster may deputize persons to act for him in carrying out provisions of this title. (98-03; Prior code § 4.2)

#### **6.08.020 Duties generally.**

The sheltermaster shall be in charge of the city shelter and shall keep a record of all animals licensed, permitted, impounded, redeemed, disposed of or sold. (98-03; Prior code § 4.4)

#### **6.08.030 Citation authority.**

The sheltermaster or his deputies are empowered with the authority to issue citations for violation of any of the provisions of this chapter. (98-03; Prior code § 4.3)

#### **6.08.040 Right of entry.**

The sheltermaster, for the purpose of enforcing the provisions of this title relative to the impounding of animals, shall have the right of entry, exclusive of a residential dwelling, upon any premises upon which any animal is kept or harbored, to investigate complaints relative to provisions of this title and/or to demand the exhibition by the person owning or having charge or control of any such animal of any license, permit or tag for such animal for the current year. Further, he may enter upon any premises while in the active pursuit of stray animals. (98-03; Prior code § 4.6)

#### **6.08.050 Surrender of strays to poundmaster.**

Any person taking up a stray domestic animal, other than a dog or cat, shall surrender such animal to the sheltermaster and if such animal is not claimed within three days (seventy-two hours) from such ensheltering, it shall become the property of the sheltermaster. (98-03; Prior code § 4.7)

#### **6.08.060 Interference with poundmaster prohibited.**

No person shall rescue, or attempt to rescue, any animal, domestic or otherwise, from the possession of the sheltermaster. Possession includes conveyance to the shelter as well as confinement in the shelter. No person shall interfere in any manner whatsoever with the sheltermaster, a police officer or other officer deputized by the chief of police, while carrying out any provision of this title. (98-03; Prior code § 4.5)

## Chapter 6.12

### DOGS AND CATS

#### Sections:

- 6.12.010 Definitions.
- 6.12.020 Vaccination certificate required.
- 6.12.030 Dog license--Exemption from requirements.
- 6.12.040 Dog license--Animal license collector--Duties.
- 6.12.050 Dog license--Animal license collector--Responsibility.
- 6.12.060 Dog license--Fee--Council determination.
- 6.12.070 Dog license--Initial.
- 6.12.075 Dog license renewal.
- 6.12.080 Penalties.
- 6.12.090 Dog license--Tag--Issuance.
- 6.12.100 Dog license--Tag— Recordkeeping.
- 6.12.110 Dog license--Tag--Wearing regulations.
- 6.12.120 Dog license--Tag--Duplicate issuance.
- 6.12.130 Dog license--Tag--Counterfeit prohibited.
- 6.12.140 Dog license--Tag-- Unauthorized removal prohibited.
- 6.12.150 Dog license--Tag--Exhibition on demand.
- 6.12.160 Cat license--Voluntary--Fee--Issuance.
- 6.12.170 Dogs--Humane treatment required.
- 6.12.180 Dogs--Leashing required.
- 6.12.190 Barking dogs--Deemed nuisance.
- 6.12.200 Barking dogs--Declaration of complaint.
- 6.12.210 Barking dogs--Humane society.
- 6.12.220 Barking dogs--Hearing--Notice.
- 6.12.230 Appeal to the appellate hearing officer.
- 6.12.235 Enforcement alternatives.
- 6.12.240 Barking dogs--Disposition.
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- 6.12.250 Kennel--License required.
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- 6.12.270 Number of dogs and cats permitted in households.
- 6.12.280 Impoundment--Destructive animals.
- 6.12.290 Impoundment--Female dogs and cats in heat.
- 6.12.300 Impoundment--Stray animals--Impound and boarding fees.
- 6.12.310 Impounded animals--Redemption--Failure to redeem.
- 6.12.320 Impounded animals-- Recordkeeping.
- 6.12.330 Seizure and impoundment of stray or abandoned animals--hearings to determine whether seizure or impoundment is proper.

#### 6.12.010 Definitions.

- A. "Dog" means a canine more than four months of age.
- B. "Cat" means a feline more than four months of age.
- C. "Kennel" means any lot, building, structure, enclosure or premises wherein four or more dogs or four or more cats are kept, whether for commercial, noncommercial or veterinary purposes, including places where dogs or cats are boarded, kept for sale or kept for hire. (Prior code § 4.8)

#### 6.12.020 Dog license--Application--Vaccination certificate required.

- A. Every person owning or having custody or control of any dog over the age of four months shall pay an annual license fee for each dog.
- B. Every person applying for a dog license, whether to the contracting shelter service of the city or to the city clerk, must exhibit a certificate issued by a person licensed by this state, or any other state or

nation, to practice veterinary medicine, which certificate shall show that dog for which the license shall be issued has been vaccinated in accordance with the provisions of Section 6.16.010. A kennel license may be issued (See Section 6.12.250); provided, however, no dog may be sold or removed from such kennel without complying with the provisions of this title relating to vaccination, contained in Section 6.16.010. (98-03; Prior code § 4.14)

**6.12.030 Dog license--Exemption from requirements.**

A dog of either sex owned by a blind person shall be exempt from the license requirements; provided, that the animal license collector is shown some certificate executed on behalf of a recognized dog training institution which certifies that such dog has been successfully trained to lead the blind, and that such dog has been vaccinated as required by this title. (Prior code § 4.15)

**6.12.040 Dog license--Animal license collector--Duties.**

The animal license collector shall be responsible for collecting dog licenses, permit fees, redemption fees, disposal fees and proceeds from the sale of dogs or cats, if any. An appropriate receipt shall be given to all persons paying the license fees required by this chapter. (Prior code § 4.13)

**6.12.050 Dog license--Animal license collector--Responsibility.**

The animal license collector shall be responsible to the city manager. (Prior code § 4.12)

**6.12.060 Dog license--Fee--Council determination.**

The city council may by resolution determine, fix and establish fees or charges to be paid for licensing dogs. (75-12; prior code § 4.16)

**6.12.070 Dog license--Initial.**

An initial license shall be purchased for a dog by its owner within thirty days after the dog reaches four months of age, or within thirty days after the dog is brought into the city, whichever is later. A one-year license shall expire twelve months after issuance. A two-year license shall expire twenty-four months after issuance. (84-18; 83-6; prior code § 4.17)

**6.12.075 Dog license renewal.**

Dog licenses shall be renewed by the dog's owner within thirty days after expiration of the previous license. One-year renewal licenses shall expire twelve months after the expiration date of the previous license. Two-year renewal licenses shall expire twenty-four months after the expiration date of the previous license. (84-18; 83-6)

**6.12.080 Penalties.**

If timely purchase of an initial dog license is not made, or if a renewal license is not purchased within thirty days after the expiration of the previous license, a penalty fee shall be due before the issuance of a new license. The amount of the penalty shall be determined by a resolution of the city council. (83-6; 81-16; 76-9; prior code § 4.18)

**6.12.090 Dog license--Tag--Issuance.**

Upon the payment of a fee for a dog license, the animal license collector shall issue a consecutively numbered tag, which bears the date of expiration and the words "City of Claremont." (Prior code § 4.19)

**6.12.100 Dog license--Tag--Recordkeeping.**

The animal license collector shall keep a register of each dog tag issued with the name and address of the owner, a description of the dog and the date of issuance. (Prior code § 4.20)

**6.12.110 Dog license--Tag--Wearing regulations.**

The tag issued by the animal license collector for an individual dog shall be securely affixed to a collar, harness or other device which shall be worn by such dog at all times, except when such dog remains indoors or in an enclosed yard or pen. (Prior code § 421)

**6.12.120 Dog license--Tag--Duplicate issuance.**

The animal license collector may issue a duplicate or new license tag in the event the original license tag is lost or destroyed, upon payment therefor of the sum of one dollar. (Prior code § 4.22)

**6.12.130 Dog license--Tag--Counterfeit prohibited.**

It is unlawful for any person to attach to or keep on, or cause or permit to be attached or kept upon any dog, any counterfeit or imitation tag except that tag issued under the provisions of this chapter. (Prior code § 4.23)

**6.12.140 Dog license--Tag--Unauthorized removal prohibited.**

No unauthorized person shall remove from any dog, any tag, collar, harness or other device to which is attached a dog tag for the current year. (Prior code § 4.24)

**6.12.150 Dog license--Tag--Exhibition on demand.**

A person, upon whom any demand is made under authority of this chapter for the exhibition of any license or tag, shall exhibit such tag to the authority. (Prior code § 4.25)

**6.12.160 Cat license--Voluntary--Fee--Issuance.**

Owners of cats may license their cats on a voluntary basis by paying an annual license fee of three dollars. The animal license collector shall then issue a numbered license tag to the owners. This section is designed to provide the cat owner with a means of registering his cat in the event that the cat is lost or stolen, so that a return of the cat to the owner is made easier. This section is not intended nor shall it be construed to mean the requiring of licenses for cats. (Prior code § 4.26)

**6.12.170 Dogs--Humane treatment required.**

To ensure the humane and reasonable treatment of dogs it is unlawful for any person owning a dog or having custody of a dog to fail to observe the following rules concerning the management and care of such animal:

- A. All dogs shall be supplied with sufficient good and wholesome food and water as the feeding habits of such dog require;
- B. Proper shelter and protection from the weather shall be provided for dogs at all times and they shall not be exposed to excessive heat or cold. The quarters in which dogs are kept must be clean, and adequately ventilated and draft-free, with the proper temperature maintained for dogs.
- C. Dogs not within entirely closed shelter between ten p.m. and seven a.m. may be impounded by the humane society officer or police officer who may enter private property for such purpose if such dog is reported to be a nuisance by a neighbor and the occupant of the premises is either not in attendance on the property or who, after being given notice by the humane society officer or police officer, does not immediately put the dog in an entirely closed shelter. Dogs so impounded by the humane society may be returned to the owner upon payment of the boarding costs of such dog during the time it was impounded. If the dog is so impounded, notice thereof will be given by mail within twenty-four hours to the address the dog was taken of such impounding, and notice shall be posted in a conspicuous place on the premises in the absence of the owner;
- D. Dogs shall not be without attention for a period of time in excess of eighteen consecutive hours;
- E. Every reasonable precaution shall be used to insure that dogs are not teased or abused, mistreated, annoyed, tormented or made to suffer;
- F. Humane society officers are authorized by other provisions of this chapter to enter private property for the purpose of investigating and enforcing all provisions of this chapter. (Prior code § 4.50)

**6.12.180 Dogs--Leashing required.**

Dogs---Leashing required. Not person owning or having charge, care, custody or control of any dog shall cause, permit or allow the same to be at large or to or to run upon any highway, street, lane, alley or other public place or upon any private property or premises other than those of the person owning or

having charge, care, custody or control in the city, unless such dog is controlled by a substantial chain or leash not exceeding six feet in length and is in the charge, care, custody or control of a competent person. Provided, dogs may be off leash in designated off-leash areas in a city park. (96-06; Prior code § 4.9)

**6.12.190 Barking dogs--Deemed nuisance.**

A dog which barks in a substantially continuous manner in the daytime or nighttime to the annoyance of people in the neighborhood is declared to be a nuisance which may be abated by the procedures provided in this chapter. (Prior code § 4.10)

**6.12.200 Barking dogs--Declaration of complaint.**

Declarations under penalty of perjury must be filed with the sheltermaster by two (2) declarants living in separate households. Both declarations shall be filed within the same sixty (60) day period and shall state in detail all of the following:

1. That the declarant is a resident of a residential neighborhood located within two hundred yards of the boundaries of the premises where the dog is located;
2. Within the past month the declarant has heard the dog bark for a substantially long period to the extreme annoyance of the declarant; and
3. That the declarant has mailed a copy of the declaration, by certified mail, to the owner of the dog. (98-03)

**6.12.210 Barking dogs--Humane society.**

Upon receipt of two (2) such declarations, the City's sheltermaster shall assign an officer to investigate the complaint. The officer shall personally interview both complainants and the dog owner. The officer shall determine if the declarations have merit. If they do have merit, the officer shall instruct the dog owner to abate the nuisance created by the barking dog. (98-03; Prior code § 4.10-2)

**6.12.220 Barking dogs--Hearing--Notice.**

A. If any further complaint in the form of a declaration satisfying the requirements of Section 6.12.200 is received by the sheltermaster concerning the same dog, within a six (6) month period from the date of the last initial declaration, the sheltermaster may take action by notifying the dog owner or the person having custody of the dog by certified mail, return receipt requested, that an administrative hearing is to be held at least ten days from the date the notice is received, concerning the nuisance created by the dog.

B. At the time and place of the hearing, each complaining witness and the sheltermaster officer or designee must be present. If any of these parties are not present, the hearing may be continued to a time and place convenient to the hearing officer and those present. If the complaining parties who filed written complaints and the sheltermaster or his or her designee are not present on the continued date, all proceedings shall terminate.

C. The hearing officer shall hear all facts and testimony which he or she deems pertinent. Such facts and testimony may include all evidence relevant to the nature of the complaint. The hearing officer shall not be limited by the technical rules of evidence. The owner of the dog, or the person having custody of the dog, may present a written statement in time for consideration at the hearing, and deny responsibility, with reasons for such denial. In the case of a barking dog, such reasons for denial might include barking to protect the residence on the property from trespassers, other animals on the property, or that the barking is in response to sirens or other unusual noises.

D. The hearing officer may impose such conditions and take such other action as deemed appropriate under the circumstances to carry out the purposes of this Chapter 6.12. For example, in the case of a barking dog, the hearing officer may give the dog owner or the person having custody of the dog, more time to control the dog's barking, if it is the officer's opinion that the circumstances so justify. At the conclusion of the hearing, the hearing officer may find that the dog constitutes a public nuisance and can order that the nuisance be abated by among other things removing the dog from the dog owner's property and/or disposing of the dog as provided in this Chapter 6.12 and State law. The hearing officer's order shall state the costs assessed against the dog owner or the person controlling the dog, and determine the administrative costs and costs of removal to be charged against the owner of the dog or person who has custody of the dog.

E. The hearing officer's order shall inform the dog owner or the person in control of the dog of their right to appeal the order in accordance with Section 6.12.230. The decision of the hearing officer shall become final after written notice thereof is mailed to the owner of the dog or the person having custody of the dog, unless an appeal to the appellate hearing officer is filed. (98-03; Prior code § 4.10-3)

**6.12.230 Appeal to the appellate hearing officer.**

A. The dog owner or person having custody of the dog, may appeal the final order of the hearing officer finding and ordering the abatement of the public nuisance created by the dog to an appellate hearing officer appointed by the chief of police. Said appeal must be in writing and must be filed with the appellate hearing officer no later than fourteen (14) days from the date of the original hearing officer's order. After fourteen (14) days of the original hearing officer's order, the order is deemed final and may no longer be appealed.

B. All written appeals shall be filed in triplicate with the city clerk and shall state the grounds for such appeal and the specific factual and/or legal errors committed by the original hearing officer in issuing the order finding and ordering the abatement of the public nuisance.

C. The appeal must contain:

1. A specific identification of the dog and the owner's subject property on which the dog resides;
2. The names and addresses of all appellants;
3. A statement of appellant's legal interest in the dog;
4. A statement, in ordinary and concise language, of the specific order or action protested and the grounds for appeal, together with all supporting material facts;
5. The date and signatures of all appellants; and
6. The verification of at least one appellant as to the truth of the matters stated in the appeal.

D. The city clerk shall then transmit one copy each of the written appeal to the city manager, sheltermaster and the chief of police.

E. No later than twenty-one (21) days from the date of the city clerk's receipt of the written appeal, he/she shall obtain from the sheltermaster and transmit to the city council the records of all hearings and copies of all papers submitted, and orders given. The sheltermaster shall also submit a written report, stating the factual and legal basis upon which the original hearing officer reached his/her decision.

F. Within forty-five (45) days from the date of the city clerk's receipt of the written appeal, the appellate hearing officer shall notify the dog owner or the person having custody of the dog by certified mail, return receipt requested, that an administrative appeal hearing is to be held at least ten (10) days from the date the notice is received, concerning the nuisance created by the dog.

G. At the time and place of the appellate hearing, each appellant and the sheltermaster officer or designee must be present. If any of these parties are not present, the hearing may be continued to a time and place convenient to the appellate hearing officer and those present, or the appellate hearing officer may arrange, pursuant to his or her sole discretion, to hear from the various parties at different times. The dog owner or the person having custody of the dog shall have the right to be present at any such hearing, to ask questions of any party submitting oral testimony to the appellate hearing officer, and to present any relevant oral testimony to the appellate hearing officer. If the appellant(s) fail to appear on the continued hearing date, the appellate hearing officer shall determine that the orders of the original hearing officer shall stand and shall be final.

H. The appellate hearing officer shall hear all facts and testimony which he or she deems pertinent. Such facts and testimony may include all evidence relevant to the nature of the complaint. The hearing officer shall not be limited by the technical rules of evidence. The owner of the dog, or the person having custody of the dog, may not present any written statement other than the written appeal.

I. After hearing all facts and testimony which he or she deems pertinent and reviewing the entire record, the sheltermaster's report, and appellant's written appeal, the appellate hearing officer shall issue a resolution affirming, reversing, or modifying, in whole or in part, either the order finding and ordering the abatement of a public nuisance or the order determining the cost of abatement. Such resolution shall be served within ten (10) days of the date of the hearing upon the owners, or other appellants, and shall inform the appellants of their right to file a judicial action to appeal said decision within thirty (30) days. The decision of the appellate hearing officer shall be final.

J. On the date a written appeal is filed under this section, all proceedings in furtherance of the order appealed from shall be stayed until the final determination by the appellate hearing officer of the appeal, unless the chief of police finds, in accordance with Chapter 6.12 and State law, that the dog

constitutes an immediate threat to the health, safety or welfare of persons or property and must be abated immediately. (98-03; Prior code § 4.10-4)

**6.12.235 Enforcement alternatives.**

Nothing in this chapter shall prevent the appellate hearing officer from ordering the city attorney or requesting that the district attorney commence a civil or criminal proceeding to enforce the provisions of this Chapter 6.12. (93-08)

**6.12.240 Barking dogs--Disposition.**

The dog shall be kept by the humane society for at least ten days after notice of the decision is given by certified mail to the owner that the dog has been declared a nuisance. The owner shall be notified of such time period the dog will be held to allow the owner the opportunity to obtain judicial remedy if desired. If no court order is issued after such period preventing it, the humane society shall make every effort to place such dog for adoption in a rural area where it will not be a disturbance to any surrounding neighborhood. (Prior code § 4.10-5)

**6.12.245 Assessment of costs.**

If a dog is determined to be a public nuisance, the dog owner or the person having custody of the dog, will be charged with the administrative costs of the hearing and any costs of the abatement of the nuisance which may include the removal of the dog pursuant to this Chapter 6.12. If the costs and charges stated herein are not paid within thirty (30) days after the date of the order, or the final disposition of an appeal therefrom:

A. Such costs shall be assessed against the parcel of land where the dog is/was kept, pursuant to the provisions of Section 38773.5 of the Government Code of the State and shall be transmitted to the tax collector for collection. Such assessment shall have the same priority as other City taxes; or,

B. If the dog's owner, or the person in whose custody the dog is, is not the owner of the parcel of land on which the dog was kept, such costs and charges may be collected from the dog owner, or the person having custody of the dog is, in a civil action commenced by the City in a court of competent jurisdiction over the matter. (98-03)

**6.12.250 Kennel--License required.**

Any person owning, conducting, managing or operating any kennel engaged in the business of raising, breeding, boarding or housing dogs or cats shall pay for a regular business license in lieu of any individual dog license as required under Section 6.12.020. (Prior code § 4.11)

**6.12.260 Kennels--Where permitted.**

A kennel may be maintained or constructed within the city district only as permitted by the Claremont Municipal Code. (87-12; prior code § 4.11)

**6.12.270 Number of dogs and cats permitted in households.**

It is unlawful for any person owning or leasing one household to own or keep more than three adult dogs or three adult cats within a single-family home or multifamily residential unit. Upon proper ten-day notice to the owner of the animals, the city shall authorize the sheltermaster to inspect the site for compliance and remove that number of animals which exceed the provisions of this section. (98-03)

**6.12.280 Impoundment--Destructive animals.**

The sheltermaster is authorized to capture and remove and keep in a pound designated by the city council, any cat or dog which has injured or destroyed any real or personal property, or has molested or injured any person, contrary to the provisions of this Chapter 6.12, or any dog or cat being maintained in violation of Sections 6.12.020, 6.12.180, 6.12.190, 6.12.290, 6.20.070, 6.20.130 or 6.20.140 of this Code. (98-03; Prior code § 4.27)

**6.12.290 Impoundment--Female dogs and cats in heat.**

Any unspayed female dog or cat which is allowed to run at large or which is not kept upon the premises of the owner, caretaker or custodian thereof during the period when such female dog or cat is in heat, is

declared to constitute a nuisance and such female dog or cat may be impounded by the sheltermaster for the period as such female dog or cat may be in heat. (98-03; Prior code § 4.28)

**6.12.300 Impoundment--Stray animals--Impound and boarding fees.**

The sheltermaster is authorized and directed to impound all stray animals, domestic and otherwise, roaming at large in the city, and to impound all animals as otherwise provided in this Chapter 6.12. Before such animals shall be released to their owner, the owner shall pay the impound, boarding and other fees. The amount of such fees shall be established from time to time by resolution of the City Council. (98-03; 76-9; prior code § 4.30)

**6.12.310 Impounded animals--Redemption--Failure to redeem.**

A list of all impounded animals and a general description of the same shall be maintained, and where the owner, caretaker, or custodian is known, he shall be notified that his animal has been impounded. Such owner, caretaker, or custodian may redeem the animal(s) by payment of the required impound fees and if such animal has not been licensed and vaccinated as required by this Code, such animal may be redeemed by the payment of license fee and penalty required in this Code and obtaining a vaccination as required in this Code. Any such animal not redeemed by the owner, caretaker or custodian within seventy-two (72) hours after the posting of such notice shall thereupon become the property of the sheltermaster, except that animals with license or identification tags shall be held for five (5) days (one hundred twenty hours) before becoming the property of the sheltermaster. (98-03; Prior code § 4.29)

**6.12.320 Impounded animals--Recordkeeping.**

A record of impounded animals, those which have been redeemed, and dogs and cats which have been destroyed shall be kept by the sheltermaster, who shall keep a monthly report thereof, together with a monthly report of all fees collected by him. Such reports shall be made to the city manager upon written request. (98-03; Prior code § 4.31)

**6.12.330 Seizure and impoundment of stray or abandoned animals-hearings to determine whether seizure or impoundment is proper.**

Notwithstanding any other provision of this Code or State law, Penal Code section 597.1 (as amended from time to time, and any successor statute to Penal Code section 597.1 if one is enacted), relating to the seizure and impoundment of stray or abandoned animals, shall be operative and enforced in the City.

Notwithstanding any other provisions of this Code to the contrary, hearings authorized or required under Penal Code section 597.1, shall be conducted before a hearing officer designated or authorized by the city manager. The decision of the hearing officer shall be final when rendered. However, an owner may, within ten (10) days of the decision, file a request in writing with the city manager, that the city manager review the decision. The request for review shall set forth any claimed error. The city manager may, in his or her discretion, within ten (10) days after the request for review is filed, affirm, alter or set aside the decision of the hearing officer, or order that a new hearing take place. Unless the city manager acts on the request within such ten (10) days, the request for review shall be deemed denied. There shall be no appeal of the decision of the city manager. (98-03)

## Chapter 6.16

### RABIES CONTROL

#### Sections:

- 6.16.010 Immunization required when.**
- 6.16.020 Immunization periods--Certificate of immunization.**
- 6.16.030 Authority of licensed veterinarians.**
- 6.16.040 Dog showing rabies symptoms--Investigation--Action.**

#### **6.16.010 Immunization required when.**

Any person or persons having charge, care, control, custody or possession of any dog four months of age or older within the corporate limits of the city shall cause such dog to be vaccinated with rabies vaccine by a person licensed by the state of California, or other state, to practice veterinary medicine, on or before the latest of the following dates:

- A. One year after vaccination with tissue phenolized vaccine;
- B. Two years after vaccination with chick embryo vaccine;
- C. Fifteen days after first acquiring such dog;
- D. Fifteen days after bringing such dog within the incorporated territory of the city, unless such dog falls within the provisions of subsections A or B of this section. (Prior code § 4.32)

#### **6.16.020 Immunization periods--Certificate of immunization.**

Immunization shall be made every other year with chick embryo vaccine (a two-year vaccine) and a certificate of immunization presented to the sheltermaster at the time application is made for the issuance of the annual dog license tag. If chick embryo vaccine was used in such vaccination, it must have been completed within two years prior to the date such dog was kept, harbored or brought into the city. If tissue phenolized vaccine was used, such vaccination must have been completed within one year prior to the date such dog was kept, harbored, or brought into the city. (98-03; Prior code § 4.34)

#### **6.16.030 Authority of licensed veterinarians.**

Any veterinarian, who is licensed to practice by the state, is authorized to immunize dogs against rabies, and to issue a certificate of immunization to the dog owner and a copy to the agency or department responsible for the enforcement of animal control. (O84-18 § 3, 1984: prior code § 4.33)

#### **6.16.040 Dog showing rabies symptoms--Investigation--Action.**

Whenever a dog exhibiting the symptoms of rabies is found within the city, the health officer shall investigate the extent of the prevalence of the disease and if, in his opinion, an emergency exists, he shall take such steps as he deems necessary to prevent further spread of the disease. (Prior code § 4.35)

## Chapter 6.20

### LIVESTOCK, FOWL AND OTHER ANIMALS

#### Sections:

- 6.20.010 Definitions.
- 6.20.020 Exemption from provisions.
- 6.20.030 Permitted number of animals.
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#### **6.20.010 Definitions.**

- A. "Large animal" means horse, cow, sheep, goat, donkey or similar animal which is normally housed in a corral or stable.
- B. "Small animal" means rabbit, hamster, guinea pig, mouse, white rat or similar animal that is normally raised as a pet and housed in a cage or pen.
- C. "Fowl" means chicken, duck, goose, turkey or other bird normally raised for meat or egg production.
- D. "Birds" means canary, parakeet, finch, pigeon, dove or other bird normally raised as a household pet.
- E. "Fish" means goldfish, tropical fish and other such fish customarily maintained in a household aquarium, except piranhas.
- F. "Reptiles and amphibians" means snakes, salamanders, lizards, frogs, toads, turtles and tortoises, all nonpoisonous. (Prior code § 4.36)
- G. "Wild or Exotic Animal" means any animal which occurs naturally in the State of California or cannot be legally bought or sold in the State of California or requires special permitting by the California Department of Fish and Game or the United States Department of Agriculture. (98-03)

#### **6.20.020 Exemption from provisions.**

The provisions of this chapter shall not apply to animals, fowl or birds under four months of age, or to pet or animal shops or stores or for training or research purposes at educational institutions or hospitals. (Prior code § 4.38)

#### **6.20.030 Permitted number of animals.**

- A. The keeping of large animals shall be permitted only on a lot with a minimum net area of twenty thousand square feet, with one animal allowed for the first twenty thousand square feet, and one for each additional fifteen thousand square feet up to a maximum of four animals.
  - 1. Large animals shall be kept in a fenced corral area of at least five hundred seventy-six square feet for each animal. The corral and stable shall be located not less than fifty feet from all neighboring dwellings.

2. An overhead cover to screen direct sunlight, wind and rain shall be provided to serve all of the large animals which are maintained on the property; it shall be of such construction that it is waterproof and will not be damaged by wind or rain.
3. Any effects such as odors, dust, and flies which may be created from the keeping of such animals shall not be detectable from adjacent properties.
4. Animal stock shall not generate noise in a substantially continuous manner in the daytime or nighttime to the annoyance of people within the neighborhood. Such a disturbance may be declared a nuisance, which may be abated by the procedures provided in Chapter 6.12 of this code.
5. The enclosure and barn areas shall be of an appropriate size and type to accommodate the type of animal, and shall be maintained in a neat and orderly manner.
- B. Not more than three fowl (except as noted in Section 6.20.090) shall be kept or maintained on any single-family residential property as defined in the zoning code of the city. There shall be no prescribed limit to the number of birds (except pigeons), fish, reptiles, amphibians or small animals permitted on any property, provided that such animals are not used for commercial purposes. Pigeons shall be limited to twenty-four on any single-family residential property except as may otherwise be allowed under Section 6.20.090. (87-10; prior code § 4.37)

**6.20.040 Certain animals prohibited where.**

No large animals, fowl, pigeons, or doves may be maintained in any residence in the city other than in a single-family residence. (Prior code § 4.39)

**6.20.050 Swine prohibited.**

Under no circumstances shall any animal of the swine family be kept or maintained on any property in the city. (Prior code § 4.40)

**6.20.060 Roosters prohibited.**

The provisions of Section 6.16.030 notwithstanding, under no circumstances shall any rooster be kept or maintained on any property in the city. (Prior code § 4.41)

**6.20.070 Dangerous animals prohibited.**

No person shall own or keep any animal that is dangerous or a menace to the public or an individual. Upon a finding by the court that such animal is dangerous or a menace, it is unlawful for any person to keep, or cause to be kept, such animal within the city. Any license or permit pertaining to such animal shall be revoked. Unless such animal is removed from the city within twenty-four (24) hours after the court finds the animal to be dangerous or a menace, such animal shall be summarily destroyed by the sheltermaster in accordance with State law. (98-03; Prior code § 4.42)

**6.20.080 Wild animals--Prohibited.**

Except as provided in Sections 6.20.030 and 6.20.090, no species of animals defined as wild or exotic shall be kept or maintained on any property within the city. This section is to be construed liberally in determining which animals fall within the prohibition. (98-03; Prior code § 4.44)

**6.20.090 Wild animals--Permitted--Permit--Application.**

A. The sheltermaster may issue a yearly permit for wild or exotic animals provided the owner or custodian has all relevant permits from the California Department of Fish and Game and the United States Department of Agriculture. The application for permit shall have attached thereto:

1. A veterinarian certificate attesting to the health of each animal;
2. A list of the type and number of animals to be covered by the permit;
3. Purpose of keeping such animals, with particular emphasis on the knowledge of such person about the animals and experience of such person in handling the animals in question;
4. A detailed description of the quarters in which the animal will be kept;
5. Circumstances, if any, under which the animals will be removed from quarters;
6. Name and address of applicant and other person to be placed in charge of the animals;
7. Current California Fish and Game and United States Department of Agriculture Permits.

B. After review of all information available to him, including information on the permit application, the sheltermaster may issue a permit for the keeping of such animals. The animals must not in the opinion of the sheltermaster constitute a danger or nuisance to the general public.

C. The permit may be issued for a period of one year upon payment of a fifty dollar (\$50.00) fee. Renewal permits need not be subject to the application procedures unless additional animals have been added or the purpose of the animal keeping has substantially changed since the permit was last issued. (98-03; Prior code § 4.45)

**6.20.100 Wild animals--Exemption from permit fee.**

Where an animal is regulated by federal or state laws which require the payment of a permit fee or license fee, there shall be no permit fee required under the provisions of Section 6.20.090. (Prior code § 4.46)

**6.20.110 Riding animals prohibited where.**

No person shall ride or drive or cause, permit, or allow any horse or any animal to be ridden or driven upon any sidewalk, paved portion of a street or any portion of the public right-of-way which has been landscaped with grass, flowers, or shrubbery, or in any public park, unless specifically provided for and so posted. This section shall not, however, prohibit a horse or other animal from being ridden or driven along the unpaved portion or unlandscaped portion of a public right-of-way or from being led across a street in a designated pedestrian's crosswalk; nor shall it be construed to prohibit a horse or other animal from being ridden or driven across a public right-of-way where an equestrian trail crosses that public right-of-way, nor from a stabling area directly to an area where riding is permitted. This section shall have no application to parades, animal shows, and other types of exhibitions when proper permits have been obtained from the city or on an established equestrian trail designated by the city council. (Prior code § 4.49)

**6.20.120 Committing nuisances prohibited where.**

No owner or keeper or person having custody or control of any dog, cat or other animal shall allow or permit such animal to commit a nuisance on any public property or any improved private property other than that of the owner or keeper or person who has accepted custody or control of such animal. It shall be the duty of all persons having control of an animal to curb it in order to carry out the intent of this section. Nuisance as used in this section shall include, but not be limited to, urination and defecation. (00-07; Prior code § 4.43)

**6.20.130 Noxious enclosures prohibited.**

It is declared to be a nuisance and it is unlawful for any person, either principal, agent or employee to keep or permit to be kept at or upon any premises owned or occupied by him in the city any animal enclosure in a foul, noxious, or filthy condition. (Prior code § 4.47)

**6.20.140 Animals at large prohibited.**

It is declared a nuisance and no person shall permit any animal, fowl, bird, reptile or amphibian to run or fly at large or to go upon the premises of any other person without the consent of the owner of that property. The sheltermaster may approve certain animals, fowl, or birds to be released for competitive or sporting purposes. (98-03; Prior code § 4.48)

**6.20.150 Additional nuisances prohibited.**

The other provisions of this title notwithstanding, no person shall keep or permit to be kept any animal which constitutes a nuisance to either the neighborhood or the general public. Besides the nuisances specifically enumerated (Sections 6.12.180, 6.12.190, 6.12.290, 6.20.060, 6.20.110, 6.20.120 and 6.20.130), it shall be a nuisance for any person to maintain an animal in such condition so as to constitute a health hazard for either man or animal. Animals which create excessive noise, disruptive and disturbing to the neighborhood, or animals which constitute a clear threat, menace and danger to humans, shall be considered a nuisance. (Prior code § 4.50)

**6.20.160 Prior existing uses.**

Such animals as are kept and maintained prior to the adoption of this title which are not in conformance with the terms and provisions hereof and such animals as are kept and maintained on properties that

are not now within the corporate limits of the city which are hereafter annexed to the city, if the keeping and maintenance of such animals is not in conformance with the terms and provisions of this title, the keeping and maintenance of such animals in the circumstances as heretofore mentioned shall be terminated on the first of the following events to occur:

- A. Within one year from the adoption of this title for all properties that are within the corporate limits of the city and within one year after the annexation of these properties that are hereafter annexed to the city;
  - B. The failure to keep and maintain animals on any property as such nonconforming uses for any continuous period of six months;
  - C. Transfer of the animals from the specific site of such nonconforming use to any other site within the city;
  - D. Transfer of ownership of the property upon which the nonconforming use occurs;
  - E. Change of tenants upon the property upon which the nonconforming use occurs.
- (Prior code § 4.51)

**6.20.170 Coyotes.**

- A. Because it has been determined that the willful feeding or providing food for coyotes (*Canis latrans*) endangers the health and safety of the Claremont Community, it shall be unlawful for any person to willfully feed or in any manner provide food for one or more coyotes.
  - B. This section is not applicable to the owner of a coyote that is kept under a valid certificate/permit issued by the state of California Department of Fish and Game.
  - C. This section is not applicable to anyone who provides food and water for a trapped, unweaned, or injured coyote during the time the agency in charge is notified and the animal has been picked up.
  - D. Every violation of this section shall be an infraction punishable by a fine of twenty-five dollars.
- (81-19)

**6.20.180 Impoundment of livestock, fowl and other animals.**

Procedures concerning the impoundment of livestock, fowl and other animals shall be the same as those for any animal as set forth in Chapter 6.08 of this Code. (98-03)

## Chapter 6.24

### VECTOR CONTROL AND MANAGEMENT

#### Sections:

- 6.24.010 Purpose and authority**
- 6.24.020 Definitions**
- 6.24.030 Permit required for keeping bees**
- 6.24.040 Requirements of permit for keeping bees**
- 6.24.050 Infested building, structure, or premise a public nuisance**
- 6.24.060 Abatement of vectors by district**
- 6.24.070 Abatement of vectors by City**

#### **6.24.010 Purpose and authority.**

This chapter is intended to provide for the control and management of bees and other vectors, and to enable the San Gabriel Valley Mosquito & Vector Control District and certain authorized city representatives to abate or require abatement of feral bees and other vector infestations from public and private property and structures when necessary for the public health and safety. (04-04)

#### **6.24.020 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the same meanings respectively ascribed to them by this Section.

- A. "Apiaries" means a place where bees are kept.
- B. "Authorized city representative" shall mean, for the purposes of this chapter, an officer, director, employee, or agent of a licensed private pest control company with whom the City has entered into a contractual agreement for the control and abatement of vectors.
- C. "Bees" mean honey-producing insects of the species *Apis mellifera*, including the adults, eggs, larvae, pupae, or other immature states thereof, together with such materials as are deposited into hives by their adults, except honey and rendered beeswax.
- D. "District" shall mean the San Gabriel Valley Mosquito & Vector Control District.
- E. "Feral Bees" shall mean any wild bees, including, but not limited to, the Africanized Honey Bees.
- F. "Hives" mean any receptacle or container made or prepared for the intended use of bees and/or storage of honey or brood, or box or similar container of which bees have taken possession.
- G. "Vector" shall mean, for the purposes of this chapter, any insect that poses a nuisance or danger to the public health safety, and that potentially may transmit a disease-producing organism from one host to another, including, but not limited to, the Africanized and European honey bees, mosquitoes, midges (chironomids), and black flies (simuliids).
- H. "Wild swarms of bees" means any colony of bees which becomes established upon a lot or in anything other than a hive. (04-04)

#### **6.24.030 Permit required for keeping bees.**

The placement, keeping, or maintenance of an apiary or hive of bees on any lot or parcel within the City is permitted only in the Open Space (O) District and with the prior approval of a Special Use and Development Permit granted in accordance with Chapter 16.306 of the Claremont Municipal Code. (04-04)

#### **6.24.040 Requirements of permit for keeping bees.**

The approval of any Special Use and Development Permit for placement of an apiary or hive of bee shall be subject to the following conditions, and any failure to adhere to said conditions shall be a violation of this chapter.

- A. The applicant shall be registered as a beekeeper with the County of Los Angeles Department of Agricultural Commissioner.
- B. The applicant, if not the owner of the property, shall provide to the City written evidence that the property owner has granted permission to the applicant to maintain an apiary on the subject property.

- C. Any apiary or hive shall be located a minimum of 300 feet from all public streets.
- D. Any apiary or hive shall be located a minimum of 500 feet from all structures used as dwellings or as places of business. An apiary may be placed closer than 500 feet to such a structure if the owner and persons having control or possession of said structure gives written permission to the applicant to do so, and evidence of such permission is furnished to the City.
- E. Any apiary or hive shall be maintained in a manner or location that does not cause the bees to cross over adjacent property in such a number that endangers public health or safety, or creates unreasonable interference with the comfortable enjoyment of life or use of such property by others.
- F. The owner or person having control of any apiary or hive of bees shall at all times furnish and continuously keep available a plentiful supply of fresh water for such apiary or hive of bees. The supply of water shall be within 200 feet of the apiary or hive of bees.
- G. Any owner or person having control of an apiary or hive of bees shall prominently display a sign stating, in letters not less than one inch in height on a background of contrasting color, the name, address, and phone number of the owner or person having control or possession of the apiary or hive. Such sign shall be a maximum of 4 square feet in size and no more than four feet in height.
- H. The Community Development Director may apply additional conditions as part of the Special Use and Development Permit if determined necessary. (04-04)

**6.24.050 Infested building, structure, or premise a public nuisance.**

- A. No person shall maintain or permit a wild swarm of bees or other infestation of other vectors to exist on any property. The property owner shall clean all premises and apply effective pesticides as often as necessary to prevent the infestation of feral bees or other vectors. The district and/or the City may prescribe the type of pesticides, their manner and frequency of application, and the manner and frequency of cleaning for such purpose.
- B. Any buildings, structures, premises, or any parts thereof that are found or reported to be infested with feral bees or other vectors shall be deemed a public nuisance and shall be abated by the property owner or by the district or authorized city representative as set forth in this chapter at the expense of the property owner. The district and/or City are authorized to determine how and whether to abate the nuisance in the manner provided in this chapter. (04-04)

**6.24.060 Abatement of vectors by district.**

- A. The district is authorized pursuant to Section 2270(f) of the California Health and Safety Code to enter upon any property in the City without hindrance or notice for any of the following purposes.
  - 1. To inspect to ascertain the presence of vectors or their breeding places.
  - 2. To abate public nuisances either directly or by giving notice to the property owner to abate a nuisance.
  - 3. To ascertain if a notice to abate vectors has been complied with.
  - 4. To treat property with appropriate physical, chemical, or biological control measures.
- B. The district is authorized to abate and remove feral bees and other vectors on private property except in the event vectors are located within or attached to a private structure. Abatement of feral bees and other vectors within or attached to a private structure shall be referred to authorized city representatives. All or part of the district's cost of abatement shall be repaid to the district by the owner of the property subject to the abatement, as determined by the district. Provisions for recovery of the abatement costs are set forth in Sections 2283 through 2289 of the California Health and Safety Code. (04-04)

**6.24.070 Abatement of vectors by City.**

- A. The City's authorized representative may abate and remove feral bees and other vectors on a property pursuant to the City's public nuisance abatement procedures as set forth in Chapter 8.16 of this code. The expenses and costs of abatement shall be paid by the property owner. The City may utilize the cost recovery provisions of Chapter 8.16 or Chapter 1.15 of this code to recover expenses and costs incurred by the City in abating the bees or other vectors. (04-04)