

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Wheatland City Council will hold a hearing on Tuesday, November 14, 2023 at the Wheatland Community Center, 101 C Street, Wheatland, California to consider the following request. The City Council meeting is scheduled to begin at 6:00 p.m.

Discussion and consideration of the following item:

- Consideration to introduce and waive the first reading of the proposed ordinance amending Chapters 6.04 and 6.08 of the Wheatland Municipal Code regarding Animal Control and Dog Licensing.

Information on the proposed discussion item is available for review online at the City of Wheatland's website <http://www.wheatland.ca.gov/>.

\*\*The City encourages you to submit your comments on the approval associated with the proposed ordinance by email to the Wheatland City Clerk, Lisa Thomason, [lthomason@wheatlandca.gov](mailto:lthomason@wheatlandca.gov). To give the City Clerk adequate time to print out your comments for consideration at the meeting, please submit your written comments prior to 4:30 p.m.; or if you are unable to email, please call the City Clerk's Office at (530) 633-2761 by 4:30 p.m.

If you wish to have your comments read to the City Council Members during the appropriate Public Comment period, please indicate in the Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on.

Comments that you want read to City Council will be subject to the three-minute time limitation (approximately 350 words). Written comments that are only to be provided to City Council and not read at the meeting will be distributed to the City Council prior to the meeting.

If you challenge the approval of the proposed project in court, you may be limited to raising only those issues you or someone else raised during the public hearing described in this notice or in written correspondence delivered to the City at or prior to the public hearing (Government Code Section 65009).

\*\*Any individual with a disability who needs assistance or accommodation to participate in this video- and teleconference meeting should call the City Attorney, Jennifer Buckman, at 916-804-0173 or email her at [jtb@bkslawfirm.com](mailto:jtb@bkslawfirm.com).

Any person interested in any agenda item may contact the City Clerk prior to the meeting date for further information. If you have any questions regarding the items, please contact Bill Zenoni at (530) 633-2761 or at [bzenoni@wheatland.ca.gov](mailto:bzenoni@wheatland.ca.gov).

Date: October 30, 2023

For publication by November 3, 2023

\_\_\_\_\_  
Lisa Thomason, City Clerk  
City of Wheatland  
111 C Street  
Wheatland, CA 95692  
Phone: 530-633-2761  
Fax: 530-633-9102  
email: [lthomason@wheatland.ca.gov](mailto:lthomason@wheatland.ca.gov)



# CITY OF WHEATLAND

## CITY COUNCIL MEETING STAFF REPORT

November 14, 2023

**SUBJECT:** Introduction and First Reading of an Ordinance Amending Chapters 6.04 and 6.08 of the Wheatland Municipal Code Relating to Animal Control and Dog Licensing

**PREPARED BY:** Bill Zenoni, City Manager

### **Recommendation**

Staff recommends that the City Council conduct a public hearing on proposed amendments to the Wheatland Municipal Code relating to animal control and licensing, and upon closing the public hearing, introduce and waive the first reading of an ordinance amending Chapters 6.04 and 6.08 of the Wheatland Municipal Code relating to Animal Control and Dog Licensing. A notice of this public hearing has been published in the local newspaper and has been posted on the City website.

### **Background/Discussion**

Title 6, Chapters 6.04 and 6.08 of the Wheatland Municipal Code address animal control and dog licensing requirements within the City of Wheatland. Certain provisions within each of these chapters are outdated and are not consistent with current City practices.

Chapter 6.04 (Animal Control) states that stray, trespassing and noisy or vicious animals shall be reported to and may be impounded by the Police Department or the *City Clerk*. In practice, these functions are performed by the Police Department and not the City Clerk's office. It is therefore recommended that reference to the City Clerk be removed from this section of the Municipal Code.

Chapter 6.08 of the Wheatland Municipal Code addresses dog licensing procedures and assigns this function to the City Clerk. The City Council, in September 2000, authorized an agreement with Yuba County to provide animal shelter and dog licensing services. The Yuba County Animal Care Services Division of the Sheriff's Department processes dog license applications for Wheatland residents, collects and retains dog license fees and maintains all dog licensing records. Staff is recommending that the Municipal Code be updated to reflect the dog licenses process that has been in place now for many years.

Municipal Code Section 6.08.080 references a kennel license for "everyone owning or controlling a kennel or place where more than four dogs are kept for breeding, training, treating, sale or other commercial purposes..." In practice, the City has not issued, and does not have a separate fee

for a kennel license. It is recommended that this section of the Municipal Code be amended to define a kennel license as a business license. All individuals performing these activities would then be subject to the City's business licensing requirements.

Attached to this report is a redline version of Municipal Code Sections 6.04 and 6.08 with the proposed amendments noted.

Former Police Chief Damien Sylvester presented a report on animal control and dog licensing procedures to the City Council on April 11, 2023. At that meeting, the City Council directed staff to return with recommended updates to these sections of the Municipal Code. Staff is currently developing information to post on the City's website regarding dog licensing procedures. We have added a link to the Yuba County Animal Care Services Division, but will be adding additional information explaining the City's dog licensing requirements. While Police Department staff are not trained animal control officers, we have also recently purchased equipment which will assist our Police Officers when they are required to capture a stray or nuisance animal.

**Fiscal Impact**

None

**Attachments**

1. Ordinance
2. Wheatland Municipal Code Chapters 6.04 and 6.08 - redline with changes noted
3. . Agreement for Animal Control Services with Yuba County

**ORDINANCE NO. 492**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF WHEATLAND, CALIFORNIA,  
AMENDING CHAPTERS 6.04 AND 6.08 OF THE WHEATLAND MUNICIPAL CODE  
RELATING TO ANIMAL CONTROL AND DOG LICENSING**

The Wheatland City Council does ordain as follows:

**SECTION 1. Purpose and Authority.** The purpose of this ordinance is to amend Chapters 6.04 and 6.08 of the Wheatland Municipal Code pertaining to animal control and dog licensing. This ordinance is adopted pursuant to Art. 11, section 7 of the California Constitution, Government Code section 37100, and other applicable law.

**SECTION 2. Findings.**

The Wheatland City Council finds and determines as follows:

- A. The provisions relating to the City's animal control and dog licensing procedures are contained in the City of Wheatland Municipal Code, Chapters 6.04 "Animal Control" and 6.08 "Dog Licensing."
- B. On November 14, 2023 the City Council held a duly noticed public meeting concerning the adoption of a proposed ordinance amending Chapters 6.04 and 6.08 of the Wheatland Municipal Code.
- C. The proposed amendments to Chapters 6.04 and 6.08 of the Wheatland Municipal Code are consistent with the current operating practices of the City of Wheatland.
- D. The Wheatland City Council finds it necessary to pass and implement the proposed amendments to Chapters 6.04 and 6.08 of the Wheatland Municipal Code which will promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents within the city.

**SECTION 3. Amendments.**

Chapters 6.04 and 6.08 of the Wheatland Municipal Code are amended to read as follows:

**Chapter 6.04**

**ANIMAL CONTROL**

**Sections:**

- 6.04.010 Stray animals-Report to police department or city's designated animal control authority**
- 6.04.020 Unrestrained dangerous animals prohibited.**
- 6.04.030 Keeping animals causing nuisance prohibited.**
- 6.04.040 Trespassing or damaging property prohibited.**
- 6.04.050 Noisy or vicious animals declared nuisance--Abatement notice--Impoundment.**

- 6.04.060 **Animals defecating or littering on property prohibited.**
- 6.04.070 **Harboring vicious animals prohibited-Impoundment of biting animals.**
- 6.04.080 **Dogs running at large prohibited.**
- 6.04.090 **Sanitation requirements.**
- 6.04.100 **Keeping of dangerous animals.**
- 6.04.110 **Violation.**

**6.04.010 Stray animals-Report to police department or city's designated animal control authority.**

Any person discovering a stray or apparently lost animal shall report the same to the city police department or the city's designated animal control authority. Any person who apprehends or picks up an animal that appears to be stray or lost shall report the same to the city police department within twenty-four hours thereafter and shall release such to the city police department or the city's designated animal control authority upon the demand of such authority.

**6.04.020 Unrestrained dangerous animals prohibited.**

It is unlawful and a misdemeanor to permit any vicious dog or dangerous animal to go unrestrained.

**6.04.030 Keeping animals causing nuisance prohibited.**

The keeping or harboring of any dog, cat, or other animal or fowl, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys a considerable number of persons or a neighborhood is unlawful and a misdemeanor, and is a public nuisance, and each day that such act is continued shall constitute a separate offense.

**6.04.040 Trespassing or damaging property prohibited.**

It is unlawful and a misdemeanor to suffer or permit any animal or fowl to trespass on private or public property so as to damage or destroy any property or thing of value, or so as to commit any other act dangerous to public health or safety, and any animal committing any such act is a public nuisance and may be impounded by the city police department or the city's designated animal control authority.

**6.04.050 Noisy or vicious animals declared nuisance--Abatement notice--Impoundment.**

Whenever it is affirmed in writing by one or more persons having separate residences or regularly employed in the neighborhood that any animal is an habitual nuisance by reason of trespassing, howling, barking or other noise, or is causing damage to property, or is or acting or has acted in a vicious manner or in any way that causes or has caused undue annoyance, the city police department or the city's designated animal control authority may investigate, and if it is found by such authority that a nuisance exists, may serve notice upon the owner or custodian that such nuisance must be abated. If the owner or custodian does not abate the nuisance within

forty-eight hours after the giving of such notice, the city police department may impound the animal or fowl.

**6.04.060 Animals defecating or littering on property prohibited.**

It is unlawful and a misdemeanor for the owner or other person having custody or control of any animal to suffer or permit the animal or animals to defecate or litter upon any public or private property, and any animal allowed to so defecate or litter upon any public or private property is declared to be a public nuisance and may be impounded by the city police department or the city's designated animal control authority. In addition, the animal or animals shall be subject to the provisions which provide for the abatement of the nuisance.

**6.04.070 Harboring vicious animals prohibited-Impoundment of biting animals.**

It is unlawful for any animal owner or keeper to harbor any animal within the city which has been declared vicious or unsafe by the animal control authority of the city. Any animal, for the purposes of this section, is subject to impoundment by the animal control authority of the city if the animal has bitten, in an unprovoked manner, on one or more occasions. The animal's owner or keeper shall surrender the animal or animals upon demand by the animal control authority or city police department. It is unlawful and a misdemeanor for an owner to fail to surrender any animal or animals under his or her control after written demand to do so in the form of a citation. If the animal or animals are not surrendered upon such demand, each additional day thereafter shall constitute a separate and distinct violation of this chapter.

**6.04.080 Dogs running at large prohibited.**

It is unlawful for any person who owns or keeps a dog within the city to allow or permit such dog, whether licensed or unlicensed, to run at large in or upon any public place or premises, including, but not limited to, public parks, school grounds, commercial districts, or in or upon any private place or premises, except with the written consent of the owner or person in charge of such private place or premises. In all public places or premises, and in all private places or premises where the owner or person in charge has not consented for a dog to run at large, dogs must be securely restrained by a substantial leash of not more than eight feet in length and shall be under the control of a responsible person at all times.

**6.04.090 Sanitation requirements.**

It is unlawful to keep or maintain any premises, yard, coop or building in which fowl or animals are kept or maintained in an unclean or unsanitary condition or in any condition which constitutes a public nuisance due to odor or noise. (Ord. 449 §§ 2, 3, 2013; Ord. 268 § 13, 1988)

**6.04.100 Keeping of dangerous animals.**

It is unlawful for any person to harbor or keep any dangerous animal within the city that has been determined and declared to be dangerous by the county health officer, city police chief, or city's designated animal control officer. (Ord. 412 § 22, 2009)

**6.04.110 Violation.**

Any person who violates any provision of this chapter or who fails to comply with any of its requirements is guilty of a misdemeanor and shall be punishable as provided in Chapter 1.16. (Ord. 412 § 23, 2009)



## Chapter 6.08

### DOG LICENSING

#### Sections:

- 6.08.010 Title.**
- 6.08.020 Definitions.**
- 6.08.030 License-Application and tag requirements.**
- 6.08.040 License tag-Attachment to dog required.**
- 6.08.050 License tag-Replacement when lost-Fee.**
- 6.08.060 Impoundment-Dogs without tags.**
- 6.08.070 Impoundment-Redemption-Fees.**
- 6.08.080 Kennel-License required-Fees-Penalty for noncompliance.**
- 6.08.090 Kennel-Confinement of dogs-Maintenance requirement.**
- 6.08.100 Kennel-Condition for operation-License requirement for dogs removed.**
- 6.08.110 Prohibited acts.**
- 6.08.120 Quarantine of rabid dogs-Procedure.**
- 6.08.130 Dogs licensed in other cities.**

#### **6.08.010 Title.**

The ordinance codified in this chapter shall be known and may be referred to in all pleadings and proceedings as the dog license ordinance.

#### **6.08.020 Definitions.**

For the purposes of this chapter, the words set out in this section shall have the following meanings:

"Dog" means any domesticated animal of the canine family.

"Dog license" refers to the license required to be issued annually for each individual dog.

"Kennel license" means an annual business license issued to the owner or proprietor of each kennel wherein more than four dogs are maintained for breeding, training, treating, sale or other commercial purposes.

"Owner" means any person who controls, harbors, or keeps in his or her possession any dog over the age of four months.

#### **6.08.030 License---Application and tag requirements.**

The owner or owners of dogs, and persons who have dogs in their custody and control or who harbor dogs, shall obtain a dog license and dog license tag from the Yuba County Animal Care Services Division and the owner or person harboring, controlling, or having the custody of any dogs, as provided in this chapter, shall pay to the Yuba County Animal Care Services Division the applicable fees.

**6.08.040 License tag-Attachment to dog required.**

The license tag provided in Section 6.08.030 shall at all times be securely attached to the collar of the dog for which it is issued, and the owner of the dog who willfully fails, neglects, or refuses to attach the tag to the collar and the collar to the dog in such manner as to assure that the license remains attached to the dog at all times while such license is in force shall be guilty of a misdemeanor.

**6.08.050 License tag-Replacement when lost-Fee.**

In the event a license tag is lost, the owner of the dog for which the license was issued shall within ten days thereafter procure another license for such dog and shall pay the applicable fee for obtaining a replacement license. As often as any license is lost, the same shall be replaced in the same manner as provided in this chapter within the same license year. Any owner who fails to apply for a new license within ten days from the date of the loss of a license tag, or who otherwise violates any provision of this section, shall be guilty of a misdemeanor.

**6.08.060 Impoundment-Dogs without tags.**

Any dog having no license tag attached to its collar as provided in Section 6.08.040, whether a license has been issued for it or not, shall be seized and impounded by the police department or the city's designated animal control authority and be subject to all the penalties and requirements for redemption as provided in this title.

**6.08.070 Impoundment-Redemption-Fees.**

Any dog taken up and impounded under the terms of this title may be redeemed by the owner thereof within seventy-two hours after the dog has been impounded upon the payment by the owner of all license fees due under this title as well as any applicable redemption and other fees applicable to the redemption of the dog.

**6.08.080 Kennel-License required-Fees-Penalty for noncompliance.**

Every person owning or controlling a kennel or place where more than four dogs are kept for breeding, training, treating, sale, or other commercial purposes shall pay an annual business license fee set by resolution of the city council for such kennel. Whoever refuses to apply for and pay for the license as required in this section shall be guilty of a misdemeanor.

**6.08.090 Kennel-Confinement of dogs-Maintenance requirement.**

All kennels, or other places where dogs are kept in the city for breeding, training, treating, sale or other commercial purposes, shall be so constructed as to prevent dogs confined therein from running at large off the premises where the kennel is maintained; and shall be maintained and operated and constructed in a sanitary and proper manner so that the same shall not become a nuisance to the neighborhood thereof by virtue of odor, noise, or other factors. No dog shall at any time be taken from the premises whereon the kennel is operated except on leash and under the control of the owner or agent, and the owner or any agents who shall run or take dogs

off the premises of the kennel, or who permit them to be run or taken therefrom except as provided in this section, shall be guilty of a misdemeanor.

**6.08.100 Kennel-Condition for operation-License requirement for dogs removed.**

A. No kennel license shall be issued by the finance department until the police chief or his or her designee has found that the same is operated or is to be operated in accordance with the provisions of this chapter.

B. Whenever a dog is removed from any kennel, the owner thereof shall within forty-eight hours apply for and obtain an annual license as otherwise required by this chapter.

**6.08.110 Prohibited acts.**

It is unlawful and a misdemeanor for any person to commit any of the following acts:

A. If unauthorized, to remove from any dog any collar or harness or other device to which a license tag is attached for the current year, or to remove such license tag therefrom.

B. To attach to or keep upon, or cause or permit to be attached to or kept upon, any dog a license tag provided by this chapter that was not issued for such dog under the provisions of this chapter, or to attach to or keep upon, or cause or permit to be made or to have in possession any counterfeit or imitation of any tag provided by this chapter.

C. To have, harbor, control or keep, or to cause or permit to be harbored or kept, any unlicensed dog in the city, or to maintain, conduct or operate, or to cause or permit to be maintained or operated in the city, any unlicensed dog kennel.

D. To have, harbor, control or keep, or to cause or permit to be harbored or kept any dog over four months of age that has not been vaccinated for rabies and a certificate for such vaccination issued by a licensed veterinarian or agency authorized to administer rabies vaccination shots.

E. To interfere with, oppose or resist any person authorized under the provisions of this chapter to take up and impound dogs while such person is engaged in the performance of any act authorized by this chapter.

**6.08.120 Quarantine of rabid dogs-Procedure.**

It shall be the duty of the owner of any dog within the city to immediately notify the police chief of any symptoms or acts of such dog which would lead a reasonable person to suspect that the dog has rabies, and it shall thereupon be the duty of the police chief to contact the city's designated animal control authority to notify such authority to quarantine the dog, and the owner shall thereupon abide by all proper orders for the protection of the public and other dogs from infection by confining the dog for a period of fourteen days, during which time he or she shall allow any authorized official from the board of health or the city's designated animal control authority to make an inspection or examination, and if it appears to such official , upon examination, that the dog has rabies, the animal control authority is authorized to euthanize the dog forthwith.

**6.08.130 Dogs licensed in other cities.**

Notwithstanding anything to the contrary set forth in this chapter, it shall not be unlawful for any person to bring into the city a dog or dogs, for a period not exceeding twenty days in any one year, which has been licensed by a municipality or other political subdivision of the state; provided, however, the dog shall have the license attached to it as provided in Section 6.08.040 for the attaching of licenses issued under this chapter

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 6. Effective Date.** This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption.

**SECTION 7 Posting.** Within fifteen (15) days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the city.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and adopted at a regular meeting of the Wheatland City Council, held on the 14<sup>th</sup> of November, 2023, and passed and adopted at a regular meeting thereof, held on the 28<sup>th</sup> of November, 2023, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
Mayor of the City of Wheatland

**ATTEST:**

\_\_\_\_\_  
City Clerk of the City of Wheatland

## Chapter 6.04

### ANIMAL CONTROL

#### Sections:

- 6.04.010 Stray animals-Report to police department or city's designated animal control authority or city clerk.
- 6.04.020 Unrestrained dangerous animals prohibited.
- 6.04.030 Keeping animals causing nuisance prohibited.
- 6.04.040 Trespassing or damaging property prohibited.
- 6.04.050 Noisy or vicious animals declared nuisance--Abatement notice--Impoundment.
- 6.04.060 Animals defecating, urinating or littering on property prohibited.
- 6.04.070 Harboring vicious animals prohibited-Impoundment of biting animals.
- 6.04.080 Dogs running at large prohibited.
- 6.04.090 Sanitation requirements.
- 6.04.100 Keeping of dangerous animals.
- 6.04.110 Violation.

#### 6.04.010 Stray animals-Report to police department or city's designated animal control authority or city clerk.

Any person discovering a stray or apparently lost animal shall report the same to the city police department ~~or the city's designated animal control authority or to the city clerk.~~ Any person who apprehends or picks up an animal that appears to be stray or lost ~~animal~~ shall report the same to the city police department or the city's designated animal control authority or the city clerk within twenty-four~~eight~~ hours thereafter and shall release such to the city police department ~~or the city's designated animal control authority or the city clerk~~ upon the demand of such authority.

#### 6.04.020 Unrestrained dangerous animals prohibited.

It is unlawful and a misdemeanor to permit any vicious dog or dangerous animal to go unrestrained.

#### 6.04.030 Keeping animals causing nuisance prohibited.

The keeping or harboring of any dog, cat or other animal or fowl, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys a considerable number of persons or a neighborhood is unlawful and a misdemeanor, and is a public nuisance, and each day that such act is continued shall constitute a separate offense.

#### 6.04.040 Trespassing or damaging property prohibited.

It is unlawful and a misdemeanor to suffer or permit any animal or fowl to trespass on private or public property so as to damage or destroy any property or thing of value, or so as to commit any other act dangerous to public health or safety, and any animal committing any such act is a public nuisance and may be impounded by the city police department or the city's designated animal control authority or the city clerk.

#### 6.04.050 Noisy or vicious animals declared nuisance--Abatement notice--Impoundment.

Whenever it is affirmed in writing by one or more persons having separate residences or regularly employed in the neighborhood that any animal is an habitual nuisance by reason of trespassing, howling, barking or other noise, or is causing damage to property or is acting or has acted in a ~~being~~ vicious manner or by its actions potentially vicious, or in any way that~~manner~~ causing or has caused undue annoyance, the city

police department ~~or the city's designated animal control authority may investigate, and~~ ~~the city clerk,~~ if it is found by such authority that a nuisance exists, may serve notice upon the owner or custodian that such nuisance must be abated. If the owner or custodian does not abate the nuisance within forty-eight hours after the giving of such notice, the city police department may impound the animal or fowl.

**6.04.060 Animals defecating, ~~urinating~~ or littering on property prohibited.**

It is unlawful and a misdemeanor for the owner or other person having custody or control of any animal to suffer or permit the animal or animals to defecate, ~~urinate~~ or litter upon any public or private property, and any animal allowed to so defecate, ~~urinate~~ or litter upon any public or private property is declared to be a public nuisance and may be impounded by the city police department or the city's designated animal control authority~~or the city clerk~~. In addition, the animal or animals shall be subject to the provisions which provide for the abatement of the nuisance.

**6.04.070 Harboring vicious animals prohibited-Impoundment of biting animals.**

It is unlawful for any animal owner or keeper to harbor any animal within the city which has been declared vicious or unsafe by the animal control authority of the city. Any animal, for the purposes of this section, is subject to impoundment by the animal control authority of the city if the animal has bitten, in an unprovoked manner, on one or more occasions. The animal's owner or keeper shall surrender the animal or animals upon demand by the animal control authority or city police department. It is unlawful and a misdemeanor for an owner to fail to surrender any animal or animals under his or her control after written demand to do so in the form of a citation. If the animal or animals are not surrendered upon such demand, each additional day thereafter shall constitute a separate and distinct violation of this chapter.

**6.04.080 Dogs running at large prohibited.**

It is unlawful for any person who owns or keeps a dog within the city to allow or permit such dog, whether licensed or unlicensed, to run at large in or upon any public place or premises, including, but not limited to, public parks, school grounds, commercial districts or in or upon any private place or premises, except with the written consent of the owner or person in charge of such private place or premises. In all public places or premises, and in all private places or premises where the owner or person in charge has not consented for a dog to run at large, unless such dogs must be~~is~~ securely restrained by a substantial leash of not more than eight feet in length and~~All such dog or dogs~~ shall be under the control of a responsible person at all times.

**6.04.090 Sanitation requirements.**

It is unlawful to keep or maintain any premises, yard, coop or building in which fowl or animals are kept or maintained in an unclean or~~,~~ unsanitary condition or in any~~nuisance~~ condition which constitutes a public nuisance due to odor or noise. (Ord. 449 §§ 2, 3, 2013; Ord. 268 § 13, 1988)

**6.04.100 Keeping of dangerous animals.**

It is unlawful for any person to harbor or keep any dangerous animal within the city that has been determined and declared to be dangerous by the county health officer, ~~city animal control officer or~~ city police chief, or the city's designated animal control officer. (Ord. 412 § 22, 2009)

**6.04.110 Violation.**

Any person who violates any provision of this chapter or who fails to comply with any of its requirements is guilty of a misdemeanor and shall be punishable as provided in Chapter 1.16. (Ord. 412 § 23, 2009)

## Chapter 6.08

### DOG LICENSING

#### Sections:

- 6.08.010 Title.
- 6.08.020 Definitions.
- 6.08.030 License-Application and tag requirements.
- 6.08.040 License tag-Attachment to dog required.
- 6.08.050 License tag-Replacement when lost-Fee.
- 6.08.060 Impoundment-Dogs without tags.
- 6.08.070 Impoundment-Redemption-Fees.
- 6.08.080 Kennel-License required-Fees-Penalty for noncompliance.
- 6.08.090 Kennel-Confinement of dogs-Maintenance requirement.
- 6.08.100 Kennel-Condition for operation-License requirement for dogs removed.
- 6.08.110 Prohibited acts.
- 6.08.120 Quarantine of rabid dogs-Procedure.
- 6.08.130 Dogs licensed in other cities.

#### 6.08.010 Title.

The ordinance codified in this chapter shall be known and may be referred to in all pleadings and proceedings as the dog license ordinance.

#### 6.08.020 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

"Dog" means any domesticated animal of the canine family, ~~including domesticated coyotes, wolves, or other wild species of the same.~~

"Dog license" refers to the license required to be issued annually for each individual dog.

"Kennel license" means an annual business license issued to the owner or proprietor of each kennel wherein more than four dogs are maintained for breeding, training, treating, sale or other commercial purposes.

"Owner" means any person who controls, ~~or~~ harbors, or keeps in his or her possession any dog over the age of four months.

#### 6.08.030 License---Application and tag requirements.

~~The city clerk is authorized and directed to have prepared suitable application forms for dog licenses and license tags to be issued to~~ The owner or owners of dogs, ~~and~~ to persons who ~~haveing~~ dogs in their custody and control or who harbor dogs, ~~as required by this chapter. The tags shall obtain a dog license and dog license tag from the Yuba County Animal Care Services Division be metallic, and shall have a stamp thereon bearing the name of the city and the year of its issuance; they shall be numbered serially, and each tag shall have its number stamped thereon~~ and the owner or person harboring, controlling, or having the custody of any dogs, as provided in this chapter, shall pay to the Yuba County Animal Care Services Division city clerk the applicable fees. ~~to be set by resolution of the city council, and shall procure such license and tag and shall attach such tag to a collar to be permanently worn by the dog for which the license was issued. The application forms hereinabove referred to shall bear the name of the dog, if any, and the age, sex, color, and breed of the dog for which such license is applied, and shall be signed by the city clerk or his duly authorized agent. Upon the~~



issuance of the license, the city clerk shall endorse upon the license form the number of the license tag issued in pursuance thereof, and all

**6.08.040 License tag-Attachment to dog required.**

The license tag provided in Section 6.08.030 shall at all times be securely attached to the collar of the dog for which it is issued, and the owner of the dog who willfully fails, neglects, or refuses to attach the tag to the collar and the collar to the dog in such a manner as to assure that the license remains attached to the dog at all times while such license is in force shall be guilty of a misdemeanor.

~~such license forms so endorsed shall be filed in the office of the city clerk and shall be at all times open for public inspection. It is the duty of the city clerk to collect in advance of the issuance of such license the fee herein required. The cost of procuring the necessary tags and application forms for the licenses are to be charged against the city.~~

**6.08.050 License tag-Replacement when lost-Fee.**

In the event a license tag is lost, ~~from the body of any dog for which the same was issued,~~ the owner of the dog for which the license was issued shall within ten days thereafter procure another ~~and new~~ license for such dog ~~and for which he or she shall pay a the applicable fee for obtaining a replacement license set by resolution of the city council.~~ As often as any license is lost, the same shall be replaced in the same manner as provided in this chapter within the same license year. Any owner who fails to apply for a new license within ten days from the date of the loss of a license tag, or who otherwise violates any provision of this section shall be guilty of a misdemeanor.

**6.08.060 Impoundment-Dogs without tags.**

Any dog having no license tag attached to its collar as provided in Section 6.08.040, whether a license has been issued for it or not, shall be seized and impounded by the police department or the city's designated animal control authority~~city clerk~~ and be subject to all the penalties and requirements for redemption as provided in this title.

**6.08.070 Impoundment-Redemption-Fees.**

Any dog taken up and impounded under the terms of this title may be redeemed by the owner thereof within ~~a period of~~ seventy-two hours after the dog has been impounded upon the payment by the owner of all license fees due under this title as well as any applicable, a sum to be established by resolution of the city council for keeping and feeding the dog, and the additional sum to be established by the city council for each mile necessarily and actually traveled by the city clerk in pursuing, catching and impounding the dog, and also a sum to be established by the city council which is fixed as and for a redemption and other fees applicable to ~~for~~ the redemption of the dog.

**6.08.080 —Kennel-License required-Fees-Penalty for noncompliance.**

Every person owning or controlling a kennel or place where more than four dogs are kept for breeding, training, treating, sale or other commercial purposes, shall pay an annual business license fee, set by resolution of the city council, for such kennel, ~~which shall be the license for all dogs regularly kept therein. The license fee shall be paid between the first day of January and the fifteenth day of January of each year, and shall be a license for the kennel for the period of the year commencing the first day of January of said year, and if paid after the fifteenth day of January of each year shall be the sum of ten dollars for the kennel and~~ W ~~the owner or proprietor, his or her agent or employee;~~ whoever refuses to apply for and pay for the license as required in this section shall be guilty of a misdemeanor ~~and shall upon conviction be punished by a fine set by resolution of the city council, and if such fine is not paid, shall be imprisoned in an appropriate jail, one day for each two dollars of the fine remaining unpaid.~~

**6.08.090 — Kennel-Confinement of dogs-Maintenance requirement.**

All kennels, or other places where dogs are kept in the city for breeding, training, treating, sale or other commercial purposes, shall be so constructed as to prevent dogs confined therein from running at large off the premises where the kennel is maintained; and shall be maintained and operated and constructed in a sanitary and proper manner so that the same shall not become a nuisance to the neighborhood thereof ~~by virtue of odor, noise or other factors~~. No dog shall at any time be taken, ~~except under leash or under the control of the owner or agent,~~ from the premises whereon the kennel is operated ~~except on leash and under the control of the owner or agent,~~ and the owner ~~or any,~~ agents ~~or employees,~~ who shall run or take dogs off the premises of the kennel, or who permit them to be run or taken therefrom except as provided in this section shall be guilty of a misdemeanor.

**6.08.100 — Kennel-Condition for operation-License requirement for dogs removed.**

A. No kennel license shall be issued by the ~~finance department~~~~city clerk~~ until ~~the police chief or his or her designee he or she~~ has found that the same is operated or is to be operated in accordance with the provisions of this chapter.

B. Whenever a dog is removed from any kennel, the owner thereof shall within forty-eight hours apply for and obtain an annual license as otherwise required by this chapter.

**6.08.110 Prohibited acts.**

It is unlawful and a misdemeanor for any person to commit any of the following acts:

A. If unauthorized, to remove from any dog any collar or harness or other device to which a license tag is attached for the current year, or to remove such license tag therefrom.

B. To attach to or keep upon, or cause or permit to be attached to or kept upon, any dog ~~a any~~ license tag provided by this chapter ~~that was not except a tag~~ issued for such dog under the provisions of this chapter, or to attach to or keep upon, or cause or permit to be made or to have in possession any counterfeit or imitation of any tag provided by this chapter.

C. To have, harbor, control or keep, or to cause or permit to be harbored or kept any unlicensed dog in the city or to maintain, conduct or operate, or to cause or permit to be maintained or operated in the city any unlicensed dog kennel.

D. To have, harbor, control or keep, or to cause or permit to be harbored or kept any dog over four months of age that has not been vaccinated for rabies and a certificate for such vaccination issued by ~~a licensed the proper~~ veterinarian or agency ~~authorized to administer rabies vaccination shots~~.

~~E. — If an owner, as defined in Section 6.08.020, of any unspayed female dog causes or permits or allows the same to stray or run, or in any other manner be at large in or upon any public street, lane, alley, court or other public place in the city while such female dog is in the copulating season.~~

~~F.E.~~ To interfere with, oppose or resist ~~any the city clerk or other~~ person authorized under the provisions of this chapter to take up and impound dogs while such ~~city clerk or other~~ person is engaged in the performance of any act authorized by this chapter.

**6.08.120 Quarantine of rabid dogs-Procedure.**

It shall be the duty of the owner of any dog within the city to immediately notify the ~~police chief health~~

~~officer and the city clerk~~ of any symptoms or acts of such dog which would lead a reasonable person to suspect that the dog has rabies, and it shall thereupon be the duty of the police chief to contact the city's designated animal control authority health officer to quarantine the dog, and the owner shall thereupon abide by all proper orders for the protection of the public and other dogs from infection by confining the dog ~~and tying it up~~ for a period of fourteen days, during which time he or she shall allow any authorized official from the board of health or the city's designated animal control authority the health officer or representative of the board of health to make an inspection or examination, and if it appears to ~~such the health officer or other official of the board of health~~, upon examination, that the dog has rabies, the animal control authority city clerk is authorized ~~under the supervision and direction of the city health officer~~ to euthanize kill the dog forthwith.

**6.08.130 Dogs licensed in other cities.**

Notwithstanding anything to the contrary set forth in this chapter, it shall not be unlawful for any person to bring into the city a dog or dogs, for a period not exceeding twenty days in any one year, which has been licensed by a municipality or other political subdivision of the state; provided, however, the dog shall have the license attached to it as provided in Section 6.08.040 for the attaching of licenses issued under this chapter.

**Chapter 6.20 TRAPPING OF ANIMALS**

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**Traps prohibited.**  
**Applicability.**

**6.20.010 — Traps prohibited.**

It is unlawful for any person other than as permitted in Section 6.20.020 of this chapter, to place, use or maintain any trap to catch dogs or cats. The term "trap" includes any mechanical device intended to hold such an animal in a grip or any cage or confinement structure which is baited to attract such animals. (Ord. 321 § 1, 1988)

**6.20.020 — Applicability.**

The provisions of Section 6.20.010 of this chapter shall not apply to any peace officer or health or animal control officer employed by or pursuant to contract with the city or the county; nor shall any provision of Section 6.20.010 prohibit any person from impounding any cat or dog which presents an imminent threat to the health and safety of any person or any other animal or fowl. (Ord. 321 § 2, 1988)

## **AGREEMENT FOR ANIMAL CONTROL SERVICES**

This agreement is entered into by and between the County of Yuba and the City of Wheatland.

### **1. PURPOSE:**

1.1 This AGREEMENT will establish guidelines for the Yuba County Animal Control Office to provide specific services to the City of Wheatland.

### **2. TERM:**

2.1 This AGREEMENT commences with the approval of the Sheriff of Yuba County, the Yuba County Board of Supervisors, and the Wheatland City Council. This AGREEMENT will remain in effect until terminated by either party. Any decision to terminate this AGREEMENT will require a minimum sixty (60) day notice by either party.

2.2 Either party may immediately terminate this AGREEMENT if the other party fails to meet the standards and guidelines set forth herein.

### **3. ADMINISTRATIVE AGENT:**

3.1 The County of Yuba ("County") is designated as the party to administer this AGREEMENT by and through its Sheriff's Department.

### **4. DUTIES AND LEVEL OF SERVICE:**

4.1 Except as provided by law or other agreement, no employee or department of the County of Yuba shall perform for the City of Wheatland any animal control function not found within the scope of duties or functions outlined in this AGREEMENT. Rendition of services, standards of performance, discipline of employees, and other matters incident to performance of services and control of personnel shall remain with the County. In the event of dispute between the parties as to the extent of the duties and functions to be provided, the determination thereof made by the Yuba County Board of Supervisors shall be final and conclusive.

### **5. SPECIFIC SERVICES:**

5.1 The Yuba County Sheriff's Department agrees to provide base shelter service to the City of Wheatland to include:

5.2 Holding up to five (5) dogs per month for those periods prescribed by the Food and Agriculture Code.

5.3 Holding up to five (5) cats per month for those periods prescribed by the Food and Agriculture Code.

5.4 If the City of Wheatland does not use their five dog or cat allotment in any month the unused portion shall not be added or extended to another month.

5.5 The date any dog or cat is delivered to the animal shelter shall be used to determine which month's limit the animal is charged against.

5.6 In the event the City of Wheatland exceeds the five dog or cat limit, the City of Wheatland will pay the Sheriff's Department ten dollars (\$10.00) per additional animal, plus an additional five dollars (\$5.00) per day for each day the animal is held pursuant to law.

5.7 At the conclusion of the statutory holding periods, dogs or cats impounded from the City of Wheatland shall be entered into an adoption program or humanely euthanized as decided by the Yuba County Animal Control staff. The City of Wheatland will not be charged for animals held in excess of the lawful holding periods.

5.8 The City of Wheatland agrees to transport all animals they seize to the Yuba County Animal Shelter. If delivery is during non-business hours, City employees are responsible for properly placing the seized animals into the shelter.

## 6. **ANIMAL LICENSE:**

6.1 The Yuba County Sheriff's Department agrees to perform dog licensing services for the City of Wheatland. This service will include the issuance of license tags, distribution of renewal notices, fee collection, record maintenance, and the performance of other duties related to issuing licenses.

6.2 The Yuba County Sheriff's Department will collect all dog license fees from Wheatland City residents. All fees will be retained by the Sheriff's Department as revenue.

6.3 The City of Wheatland must guarantee a minimum of one hundred and twenty-five (125) licenses each year. If less than 125 licenses are issued to Wheatland City residents in any given year, the City of Wheatland agrees to pay ten dollars (\$10.00) per license to make up the difference in reaching the minimum amount.

6.4 The Yuba County Sheriff's Department shall make license and impound records available to the City of Wheatland upon request during normal business hours.

6.5 The City of Wheatland agrees to set City licensing fees at the same rate as Yuba County fees with the commencement of this AGREEMENT. In the event the County fees change, the City agrees to change its fees within thirty (30) days. If the City of Wheatland fails to modify its fees as outlined in this subsection, the City of Wheatland agrees to pay the difference in fees to the Sheriff's Department until the City's fees modifications go into effect.

6.6 All other fees associated with impounding, holding, and processing dogs and cats submitted to the Yuba County Animal Shelter by the City of Wheatland in compliance with this AGREEMENT shall be charged and retained by the County of Yuba.

#### **7. RECORDS:**

7.1 The City of Wheatland agrees to provide the Yuba County Sheriff's Department with all City records pertaining to animal licenses immediately upon the commencement of this AGREEMENT.

7.2 The City of Wheatland agrees to pay the Yuba County Sheriff's Department a fee of three hundred (\$300.00) dollars to convert City records into the Animal Control database.

#### **8. CITY ORDINANCES:**

8.1 The City of Wheatland agrees to amend Wheatland City Ordinance 6.08.030 to allow the Yuba County Animal Control Office to administer the City's licensing program. Language in the ordinance requiring license tags to contain the name of the City of Wheatland will be changed to the County of Yuba.

8.2 The City of Wheatland agrees to amend Wheatland City Ordinance 6.08.070 to align impound fees to those established by Yuba County and made payable to the County. Additionally, the seventy-two (72) hour holding period mentioned in this ordinance is no longer applicable. It is recommended this ordinance be amended to reflect the statutory holding periods specified in the Food and Agriculture Code.

8.3 The Yuba County Animal Control Office will not be responsible for the kennel licensing described in Wheatland City Ordinance 6.08.080.



**9. COOPERATION:**

9.1 To facilitate performance under this AGREEMENT, the City of Wheatland and the County of Yuba shall have the full cooperation and assistance from the City and County, their officers, agents and employees.

**10. LIABILITY:**

10.1 The City of Wheatland shall assume no liability for the payment of salary, wages, or other compensation to employees of the Yuba County Animal Control Office. The City shall not be liable for compensation or indemnity to employees of the Yuba County Animal Control Office for injury or illness arising out of performance of this AGREEMENT. The County agrees to indemnify, defend and hold harmless the City, its officers, agents and employees from any liability, claims and losses accruing or resulting to any person, firm or corporation for damage, injury or death arising out of or resulting from County's performance under this AGREEMENT.

**11. BILLING:**

11.1 The County will invoice the City after each fiscal quarter for any costs incurred during that quarter as a result of this AGREEMENT. The City agrees to pay the County in full for such services within thirty (30) days after receipt of such statement.

11.2 In the case of dog licenses, the City will not be billed for any costs incurred for failure to meet the minimum 125 license limit until the end of the fiscal year.

Virginia R. Black  
Virginia R. Black  
Yuba County Sherrif-Coroner

10-26-2000  
Date

John D. Meares  
John D. Meares  
Chief of Police, City of Wheatland

\_\_\_\_\_  
Date

Roy Crabtree  
Roy Crabtree  
Mayor, City of Wheatland

9-6-00  
Date

Dee Coggeshall  
Dee Coggeshall  
City Clerk, City of Wheatland

9-6-00  
Date

Brent Hastey  
Brent Hastey, Chairman  
Yuba County Board of Supervisors

12-12-00  
Date

Martha K. Wilson  
Approved as to Form:  
Daniel Montgomery  
County Counsel, County of Yuba  
By: Martha K. Wilson, Deputy

11-3-00  
Date

The foregoing instrument is a correct copy  
of the original on file in this office  
ATTEST: TERRY A. HARRIS  
Clerk of the Board of Supervisors of the  
County of Yuba, State of California

By: Terry A. Harris, Deputy Clerk

Date: December 13, 2000