



# CITY OF WHEATLAND

## CITY COUNCIL MEETING STAFF REPORT

November 28, 2023

**SUBJECT:** Second 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 waive the second reading of, and adopt an ordinance amending, Chapters 6.04 and 6.08 of the Wheatland Municipal Code relating to Animal Control and Dog Licensing.

### **Background/Discussion**

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 Certain provisions within each of these chapters are outdated and are not consistent with current City practices.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

On November 14, 2023, the Wheatland City Council conducted a public hearing, and upon close of the public hearing, introduced and waived 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. The City Council will again consider the proposed ordinance at this meeting. Should the City Council adopt the ordinance, the changes to the Wheatland Municipal Code will take effect 30 days thereafter.

**Fiscal Impact**

None

**Attachments**

1. Ordinance

**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 authority. (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