

**DOG INTERFERENCE PROGRAM  
BAY-VALLEY PERFORMANCE CLUSTER  
Revised – February 23, 2007**

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**PURPOSE AND OBJECTIVES**

This program is intended to provide mail delivery employees a safe environment in which to perform their duties.

The objectives to be attained are:

- A. Eliminate placing postal employees in known hazardous dog interference situations.
- B. Attain full support from all employees in stopping mail delivery where a dog is present.
- C. Ensure that employees receive immediate medical attention, as needed, when bitten by a dog(s).
- D. Establish positive and effective communication between customers and the Postal Service to prevent animal interference.
- E. Establish a procedure to notify the Department of Animal Control in each instance of a dog bite or reported interference. Keep phone numbers updated.
- F. Establish a procedure to forward dog warning cards upon receipt of address changes of those owners who have aggressive dogs.

**FUNCTIONAL SCOPE**

The SOP is designed to control animal attacks and potential injuries to employees and requires the full cooperation of the District Manager, Manager, Customer Service Operation/Manager, District Safety Office, Postmasters, Station Managers, Delivery employees, Mail Delivery Supervisors, Unions and the Director, Department of Animal Control.

**PROCEDURES**

In order to attain the objectives of the program, these established procedures must be followed:

**Delivery Employee Responsibilities**

Every delivery employee must carry a satchel and dog spray (Halt), these are the only defensive tools allowed to help fend off a dog attack. Supervisors must also carry the satchel and dog spray whenever approaching a home for special deliveries, etc.

Delivery employees should **NEVER** feed dogs (dog biscuits, dog treats, etc.) and should **NEVER** pet any dogs on their route.

Delivery employees should case all dog warning cards each morning. The dog warning cards should only be used to warn others about dangerous dogs and not for any other messages, such as special instructions. Special instructions should be written on the yellow special instructions card.

Dog warning cards must be typed not handwritten.

The Dog Watch List should be posted on the side of each carrier case and dated when completed. Check the box on the list if there are not any dangerous dogs on the route. The Dog Watch List should be updated when a dog warning card is added to the route.

1. When animal interference occurs on the route:

- a. By-pass delivery when interference occurs, even if it means the entire block.
- b. Immediately report all dog incidents, being threatened by dogs, dog bites and/or any animal related injuries to your immediate supervisor. Call in the notification to the supervisor at the time of injury.
- c. Notify supervisor via telephone of loose dogs on the route when warranted, to have Animal Control contacted.
- d. Record date and time on back of the top piece of any mail withheld and band mail for return to office.
- e. Follow all instructions from your immediate supervisor.

2. Upon return to office:

- a. Present undelivered mail to supervisor, even if it is the entire block.
- b. Complete Dog Interference Report and give it to the Supervisor.
- c. Complete new Dog Warning Card and place it with the other dog warning cards so that they may be cased the next morning. Warning cards are to be placed three addresses before the problem address.
- d. Enter required information on "Dog Watch Sheet" located in the front of each route book and on the side of the case.
- e. Place all mail for affected address in "Vacation Hold" and label as dog interference mail.
- f. Do not resume delivery to affected addresses until instructed by management.

3. If a delivery person receives a notice of a change of address from a customer (on whom they are maintaining a Dog Warning Card), the delivery person must notify his/her supervisor and the dog warning card must be forwarded to the new address.

**Dog Warning Cards are to be cased by the carrier in the morning, each day!**

### **Manager Customer Service Responsibilities**

1. Train all carriers on the Animal Interference Program:

- a. Conduct safety talks on carrier responsibilities. Document these talks.
- b. Stress strict adherence with this Dog Interference SOP.

2. Upon receiving carrier's report:

- a. Provide support to the delivery employee, as appropriate in animal interference situations.
- b. Ensure timely medical treatment is provided as needed.
- c. CONTACT ANIMAL SHELTER IN ALL CASES.
- d. Contact the customer and attempt to get appropriate letter signed.

- e. Complete the interference report and forward within 24 hours to the appropriate animal shelter:
    1. Provide copy to Animal Shelter
    2. Retain one copy for supervisor's records.
    3. Return a copy to delivery employee for the route book.
  - f. Fully investigate all accidents and complete an Electronic Accident Report (e1769) within 24 hours and email it to the District Safety Office.
3. Instruct carrier to discontinue delivery to addresses. Resume delivery only after customer has met requirements of this SOP.
  4. Keep carrier advised of situation and instruct carrier to use "Vacation Hold" mail procedures for affected addresses.
  5. Promptly deliver animal interference letter and copy of the appropriate county/city animal regulations to the animal owner. If a dog has demonstrated a high level of potential future risk to employees by biting an employee, then:

**The customer MUST rent a post office box until acceptable evidence is received that the dog has been permanently removed from the owner's property.**
  6. Follow-up on the problem until situation is resolved.
  7. Spot check routes for compliance with program on a daily basis.
    - a. Dog Warning Cards are to be used and cased daily: There is no exception!
    - b. Dog Watch Sheets maintained in route books and on the side of the carrier case.
  8. Encourage injured employee to seek recovery from the third party responsible for the injury. Contact the Injury Compensation office for assistance.
  9. Forward Dog Warning Card under cover to gaining Postmaster/Manager Customer Service when a change of address request is received from a vicious dog owner.
  10. Review Dog letters for Spanish speaking customers.

#### **Postmaster/Manager Customer Service**

1. Brief all employees and supervisors on the program.
2. Provide support for delivery employees and supervisors in enforcing the animal interference policy.
3. Ensure mail delivery is stopped whenever animal interference occurs.
4. Monitor the Dog Interference SOP activity and make required call-ins and reports to appropriate manager (MPOO/MCSO). Report all serious or unusual situations.

5. Ensure letter(s) to customer is handled promptly.
7. May designate a manager/supervisor to maintain the program.
8. Assure Dog Warning Cards are forwarded when a customer moves.
9. Assure copies of all animal interference reports are submitted to the appropriate Department of Animal Control.
10. Assure that customers with problem dogs are provided copies of the appropriate county/city ordinances on animals.
11. Assure that appropriate records are kept to identify repeated attacks by same animal.

#### **Manager, Customer Service Operation & Manager, Post Office Operation**

1. Is the Program Manager with overall program accountability?
2. Is responsible for reviewing effectiveness of program in units of responsibility and making final decisions concerning correspondence to customers.
3. Makes the final determination when mail service is permanently curtailed.

#### **District Safety**

1. Monitors this program and assists where necessary.
2. Acts as a liaison for the USPS and Department of Animal Control in difficult cases.

### **SUMMARY**

Dog bites and dog incidents create unnecessary suffering to our employees and their families. In order for this Dog Interference SOP to develop into a genuine program, all employees (both craft and management) must do their part by following the established guidelines. The results will be a safer environment for all employees while delivering mail.



Date:

Name of Customer:

Address of Customer:

Dear

We were unable to deliver your mail recently because your dog was unrestrained, bit, or threatened your letter carrier while he/she was attempting your mail delivery.

We ask that you ensure your pet is under restraint during delivery hours. We regret any inconvenience that non-delivery of your mail may have caused. However, if you continue to fail to restrain your dog, you will have to choose one of the following options:

1. Rent a Post Office mail in which to receive mail.
2. Install a mail receptacle at the curbside at your residence.

**If you chose either one of these options, a Postal supervisor must approve the change.**

In order to continue mail delivery at your residence, I ask that you either visit your local post office and sign a statement stating you will restrain your dog in the future, or mail the enclosed statement to the Postal Service.

Your cooperation in having your pet under restrained during mail delivery hours will be appreciated.

If you have questions please call:

Station Name:

Telephone Number:

Sincerely,

Manager, Customer Service

cc: Animal Control



Date:

Name of Customer:

Address of Customer:

Dear

On \_\_\_\_\_, you or \_\_\_\_\_ were contacted by a Postal supervisor to inform you that your letter carrier was unable to deliver mail to your address due to an animal interference.

Your dog has again interfered with the mail delivery. In order to receive your mail in the future, you must:

**Install a mail receptacle at the curbside of your residence or rent a Post Office box. Prior to installing this mail receptacle or renting a Post Office box, you must discuss the change with a Postal supervisor.**

If you have questions please call the Station located at: \_\_\_\_\_  
at the following phone number: \_\_\_\_\_.

Sincerely,

Manager, Customer Service

cc: Manager, Customer Service Operation

DISTRICT MANAGER  
BAY-VALLEY CUSTOMER SERVICES AND SALES



Date:

TO: Manager, Customer Service Operations  
1675 7<sup>th</sup> St.  
Oakland, CA 94615-9997

SUBJECT: Discontinuance of Mail Delivery Service

I, \_\_\_\_\_ affirm that the animal(s) owned by myself and/or  
\_\_\_\_\_ kept on my premises, will be kept under control during  
delivery hours, Monday through Saturday. I understand that failure to control my (our) animals  
will result in the discontinuance of delivery service without further notice.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Address

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Telephone number

cc: City Of Oakland Animal Services  
Letter Carrier  
Customer  
File

DISTRICT MANAGER  
BAY-VALLEY CUSTOMER SERVICE AND SALES



Dear Postal Customer:

Under California State Law, if your dog bites or attacks a letter Carrier, you would be financially liable for that Letter Carrier's pain, suffering, medical expenses, lost wages and work days.

If your dog bites or threatens a Letter Carrier, the U.S. Postal Service can stop delivery of your mail until the dog is securely restrained during the times the Letter Carrier comes to your home. If your dog is running loose, mail delivery to your house, your neighbors, and perhaps your entire block can be curtailed.

Please keep your dog restrained and away from your mailbox. Help us to give you the good service we want to provide you with.

Thank you

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Estimado Cliente:

De acuerdo con las leyes del Estado de California, si su perro muerde o ataca a un cartero, usted será responsable económicamente por el sufrimiento, los gastos médicos, los días de desempleo y pérdida de sueldo incurridas por el cartero.

Si su perro muerde o amenaza a un cartero, el correo le puede suspender la entrega de su correspondencia hasta que dicho animal sea amarrado. Si su perro sigue suelto, la entrega de su correspondencia, la de sus vecinos y hasta de toda la cuadra puede ser suspendida.

Por favor mantenga a su perro amarrado y lejos del buzón. Ayúdenos a darle el buen servicio que queremos ofrecerle.

Gracias



Dear Postal Customer:

We were unable to deliver your mail recently because your unrestrained dog threatened our letter carrier. We are sorry for any inconvenience non-delivery of mail might have caused you. However, I am sure you can understand that we must protect our employees from potential injury.

If your carrier is threatened by your unrestrained dog again, we must take further action. That action will require you to either arrange to obtain your mail at a post office box or install a mail receptacle at the curb in front of your residence for home delivery.

To restore delivery at this time, please pick up your mail at our Post Office, which is located at: \_\_\_\_\_ . You will be asked to sign a statement assuring us that you will keep your dog restrained during normal delivery hours.

Thank you for your cooperation.

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Estimado Cliente:

Su correspondencia no pudo ser entregada recientemente debido a que su perro amenazo a su cartero. Sentimos mucho cualquier inconveniencia que esto le haya causado, pero, estoy seguro que usted entiende que tenemos el deber de proteger a nuestros empleados de peligros potenciales.

Si su cartero es amenazado nuevamente por su perro, debemos tomar ciertas medidas que requieran que usted haga arreglos para recoger su correspondencia de una casilla de correo o que instale un receptáculo en la banqueta frente a su casa.

Para reiniciar la entrega de su correspondencia, usted debe ir a nuestra oficina de correo ubicada en: \_\_\_\_\_. Se le pedirá que firme una declaración asegurándonos que guardara a su perro dentro de su casa o fuera del alcance del cartero durante las horas normales de entrega de correo a domicilio.

Muchas gracias por su cooperación.



Date:

Dear Postal Customer:

You were previously notified that your dog is considered to be a danger to your letter carrier.

On \_\_\_\_\_, your letter carrier was again threatened by your dog. As a result of this incident, I must ask you to choose within the next two (2) days from one of the following options in order to keep receiving your mail:

1. Rent a Post Office Box
2. Install a curbside receptacle at your residence

Until you have informed us of your decision, your mail will be held at: \_\_\_\_\_.

It will be available for pick up during normal business hours, which are: \_\_\_\_\_.

If you have not picked up your mail within \_\_\_\_\_ days, we will return it to the sender.

You will again be given the chance to restore home delivery by signing a statement that you will keep your dog restrained.

If you have any questions concerning this policy, please call:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Thank you



Fecha:

Estimado Cliente:

Previamente usted fue notificado de que su perro constituye un peligro para su cartero. El día \_\_\_\_\_, su cartero fue nuevamente amenazado por su perro. Como resultado de este incidente, tengo que pedirle que decida dentro de dos (2) días, tomar una de las siguientes opciones para continuar recibiendo su correspondencia:

1. Rentar una casilla de correo
2. Instalar un receptáculo en la banqueta frente a su residencia

Hasta ser informados de su decisión, usted deberá recoger su correspondencia de la oficina de correos ubicada en: \_\_\_\_\_, durante horas de oficina normales de \_\_\_\_\_ a \_\_\_\_\_. De no recoger su correspondencia dentro \_\_\_\_\_ días, esta será devuelta al remitente.

Nuevamente se le dará la oportunidad de restaurar el servicio de entrega de correspondencia a domicilio, cuando usted firme una declaración asegurándonos que tendrá a su perro asegurado.

Si tiene alguna pregunta acerca de esta regla, por llame a:

Nombre: \_\_\_\_\_

Teléfono: \_\_\_\_\_

Gracias

**THE FOLLOWING OAKLAND ZIP CODE AREAS ARE PATROLLED BY:**

**OAKLAND ANIMAL SERVICES  
1101 29<sup>TH</sup> AVE  
OAKLAND CA 94601**

**HOURS OF OPERATION  
MONDAY- FRIDAY 8:00 A.M. - 3:30 P.M.  
PHONE: (510) 535-5603**

94601 FRUITVALE STATION (AIRPORT)  
94602 DIMOND STATION (AIRPORT)  
94603 ELMHURST STATION (AIRPORT)  
94605 EASTMONT STATION  
94606 CIVIC CENTER STATION  
94607 CIVIC CENTER STATION  
94609 NORTH OAKLAND STATION  
94610 GRAND LAKE STATION (MAIN OFFICE)  
94612 CIVIC CENTER/WGCA STATION

94613 MILLS COLLEGE STATION (LAUREL)  
94614 AIRPORT STATION  
94615 OAKLAND MAIN POST OFFICE  
94618 WEST GRAND STATION  
94619 LAUREL STATION  
94621 FITCHBURG STATION (AIRPORT)  
94623 MAIN OFFICE  
94624 MARCUS FOSTER STATION (EASTMONT)  
94661 MONTCLAIR STATION (PIEDMONT)

**PIEDMONT ANIMAL CONTROL SERVICES  
403 HIGHLAND AVE  
OAKLAND CA 94611**

**HOURS OF OPERATION  
MONDAY- SUNDAY 7:00A.M. - 7:00 P.M.  
PHONE: (510) 420-3006**

94608 EMERYVILLE STATION  
94611 PIEDMONT STATION

**THE FOLLOWING SAN JOSE ZIP CODE AREAS ARE PATROLLED BY:**

**CITY OF SAN JOSE  
ANIMAL CARE AND SERVICES  
2750 MONTEREY HWY  
SAN JOSE CA 95111**

**HOURS OF OPERATION  
TUESDAY – SATURDAY 11:00 A.M. – 7:00 P.M.  
SUNDAY 11:00 A.M. – 5:00 P.M.  
PHONE: (408) 578-7297**

95103 ST. JAMES PARK  
95106 ST. JAMES PARK  
95108 ST. JAMES PARK  
95110 ST. JAMES PARK  
95111 SEVEN TREES  
95112 ST. JAMES PARK  
95113 ST. JAMES PARK  
95116 STATION D  
95117 WESTGATE  
95118 ROBERTSVILLE  
95119 BLOSSOM HILL  
95120 ALMADEN VALLEY  
95121 SEVEN TREES  
95122 HILLVIEW  
95124 CAMBRIAN PARK  
95125 WILLOW GLEN  
95126 PARKMOOR  
95128 PARKMOOR  
95129 WESTGATE  
95130 WESTGATE

95131 BAYSIDE  
95132 BERRYESSA  
95133 BERRYESSA  
95134 BAYSIDE  
95135 HILLVIEW  
95136 ROBERTSVILLE  
95138 SEVEN TREES  
95139 BLOSSOM HILL  
95140 BERRYESSA  
95151 ALMADEN VALLEY  
95152 BERRYESSA  
95153 BLOSSOM HILL  
95154 CAMBRIAN PARK  
95156 STATION D  
95157 WESTGATE  
95158 ROBERTSVILLE  
95159 PARKMOOR  
95160 ALMADEN VALLEY  
95164 BAYSIDE

**SILICON VALLEY  
ANIMAL CONTROL AUTHORITY  
3370 THOMAS RD**

**HOURS OF OPERATION  
MONDAY – FRIDAY 7:00 A.M. – 7:00 P.M.  
SATURDAY 8:00 A.M. – 5:00 P.M.**

95008 CAMPBELL  
95030 MONTE SERENO  
95050 SANTA CLARA  
95051 SANTA CLARA  
95053 SANTA CLARA  
95054 SANTA CLARA

**THE FOLLOWING MONTEREY ZIP CODE AREAS ARE PATROLLED BY:**

93940 MONTEREY  
93943 MONTEREY  
93944 MONTEREY

**THE FOLLOWING CONTRA COSTA ZIP CODE AREAS ARE PATROLLED BY:**

**CONTRA COSTA COUNTY ANIMAL SERVICES**

**4800 IMHOFF PLACE  
MARTINEZ CA 94553**

**HOURS OF OPERATION  
TUESDAY – SATURDAY 10:00 A.M. – 5:00 P.M.  
WEDNESDAY 10:00 A.M. – 7:00 P.M.  
PHONE: (925) 335-8300**

**PINOLE SHELTER\*  
910 SAN PABLO AVE  
PINOLE CA 94564**

**TUESDAY-SATURDAY 10:00 A.M.-5:00 P.M.  
WEDNESDAY 10:00 A.M. - 7:00 P.M.  
PHONE: (510) 374-3966**

94509 ANTIOCH  
94513 BRENTWOOD  
94511 BETHEL ISLAND  
94514 BYRON  
94516 CANYON  
94517 CLAYTON  
94520 CONCORD  
94525 CROCKETT  
94526 DANVILLE  
94528 DIABLO  
94530 EL CERRITO  
94548 KNIGHTSEN

94549 LAFAYETTE  
94553 MARTINEZ  
94556 MORAGA  
94561 OAKLEY  
94563 ORINDA  
94564 PINOLE\*  
94565 PITTSBURG  
94569 PORT COSTA  
94802 RICHMOND  
94583 SAN RAMON  
94596 WALNUT CREEK

**THE FOLLOWING NAPA COUNTY ZIP CODES ARE PATROLLED BY:**

**NAPA COUNTY ANIMAL SERVICES  
1125 THIRD ST  
NAPA CA 94559**

**HOURS OF OPERATION  
MONDAY – FRIDAY 10:00 A.M. – 5:00 P.M.  
SATURDAY 11:00 A.M. – 5:00 P.M.  
PHONE: (707) 253-4517**

94508 ANGWIN  
94515 CALISTOGA  
94558 NAPA  
94562 OAKVILLE  
94567 POPE VALLEY  
94573 RUTHERFORD  
94574 SAINT HELENA  
94599 YOUNTVILLE

**THE FOLLOWING SOLANO COUNTY ZIP CODES ARE PATROLLED BY:**

**SOLANO COUNTY ANIMAL CARE SERVICES**

**2510 CLAY BANK ROAD  
FAIRFIELD CA 94533**

**HOURS OF OPERATION  
MONDAY – FRIDAY 8:30 A.M. – 5:00 P.M.  
PHONE: (707) 784-1356**

94510 BENICIA  
94533 FAIRFIELD  
94571 RIO VISTA  
94585 SUISUN CITY  
94590 VALLEJO

**CALIFORNIA DANGEROUS DOG LAW**  
**THE PEOPLE OF THE STATE OF CALIFORNIA**  
**DO ENACT AS FOLLOWS:**

SECTION 1. Chapter 9 (commencing with Section 31601) is added to Division 14 of the Food and Agricultural Code, to read:

CHAPTER 9. POTENTIALLY DANGEROUS AND VICIOUS DOGS

Article 1. Findings, Definitions, and General Provisions

31601. The Legislature finds and declares all of the following:

(a) Potentially dangerous and vicious dogs have become a serious and widespread threat to the safety and welfare of citizens of this state. In recent years, they have assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed numerous dogs. Many of these attacks have occurred in public places.

(b) The number and severity of these attacks is attributable to the failure of owners to register, confine, and properly control vicious and potentially dangerous dogs.

(c) The necessity for the regulation and control of vicious and potentially dangerous dogs is a statewide problem, requiring statewide regulation, and existing laws are inadequate to deal with the threat to public health and safety posed by vicious and potentially dangerous dogs.

31602. 'Potentially dangerous dog' means any of the following:

(a) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.

(b) Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in Section 31604.

Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

31603. 'Vicious dog, means any of the following:

(a) Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.

(b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

(c) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 31642, or 31643.

31604. 'Severe injury' means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

31605. 'Enclosure' means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper of the dog. The enclosure shall be designed in order to prevent the animal from escaping. The animal shall be housed pursuant to Section 597t of the Penal Code.

31606. 'Animal control department' means the county or city animal control department. If the city or county does not have an animal control department, it means whatever entity performs animal control functions.

31607. 'Impounded' means taken into the custody of the public pound or animal control department or provider of animal control services to the city or county where the potentially dangerous or vicious dog is found.

31608. 'County' includes any city and county.

31609. (a) This chapter does not apply to licensed kennels, humane society shelters, animal control facilities, or veterinarians.

(b) This chapter does not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

## Article 2. Judicial Process

31621. If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the chief officer of the public pound or animal control department or his or her immediate supervisor or the head of the local law enforcement agency, or his or her designee, shall petition the municipal court within the judicial district wherein the dog is owned or kept, for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious.

A city or county may establish an administrative hearing procedure to hear and dispose of petitions filed pursuant to this chapter. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The chief officer of the public pound or animal control department or head of the local law enforcement agency shall notify the owner or keeper of the dog that a hearing will be held by the municipal court or the hearing entity, as the case may be, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous or vicious.

The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five working days nor more than 10 working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public. The court may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. A jury shall not be available.

The court may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and make other orders authorized by this chapter.

31622. (a) After the hearing conducted pursuant to Section 31621, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first-class mail postage prepaid by the court or hearing entity. If a determination is made that the dog is potentially dangerous or vicious, the owner or keeper shall comply with Article 3 (commencing with Section 31641) in accordance with a time schedule established by the chief officer of the public pound or animal control department or the head of the local law enforcement agency, but in no case more than 30 days after the date of the determination or 35 days if notice of the determination is mailed to the owner or keeper of the dog.

If the petitioner or the owner or keeper of the dog contests the determination, he or she may, within five days of the receipt of the notice of determination, appeal the decision of the court or hearing entity of original jurisdiction to a court authorized to hear the appeal. The fee for filing an appeal shall be twenty dollars (\$20.00), payable to the county clerk.

If the original hearing held pursuant to Section 31621 was before a hearing entity other than the municipal court of the jurisdiction, appeal shall be to the municipal court. If the original hearing was held in the municipal court, appeal shall be to the superior court within the judicial district wherein the dog is owned or kept.

The petitioner or the owner or keeper of the dog shall serve personally or by first-class mail, postage prepaid, notice of the appeal upon the other party.

(b) The court hearing the appeal shall conduct a hearing de novo, without a jury, and make its own determination as to potential danger and viciousness and make other orders authorized by this chapter, based upon the evidence presented.

The hearing shall be conducted in the same manner and within the time periods set forth in Section 31621 and subdivision (a). The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses.

The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be potentially dangerous or vicious, the court may establish a time schedule to ensure compliance with this chapter, but in no case more than 30 days subsequent to the date of the court's determination or 35 days if the service of the judgment is by first-class mail.

31623. The court or hearing entity of original jurisdiction or the court hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing.

31624. The determination of the court hearing the appeal shall be final and conclusive upon all parties.

31625. (a) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearings to be held pursuant to this article. The owner or keeper of the dog shall be liable to the city or county where the dog is impounded for

the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous or vicious.

(b) When a dog has been impounded pursuant to subdivision (a) and it is not contrary to public safety, the chief animal control officer shall permit the animal to be confined at the owner's expense in a department approved kennel, or veterinary facility.

31626. (a) No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon, premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.

No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

(b) No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

### Article 3. Disposition of Potentially Dangerous or Vicious Dogs

31641. All potentially dangerous dogs shall be properly licensed and vaccinated. The licensing authority shall include the potentially dangerous designation in the registration records of the dog, either after the owner or keeper of the dog has agreed to the designation or the court or hearing entity has determined the designation applies to the dog.

The city or county may charge a potentially dangerous dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog.

31642. A potentially dangerous dog, while on the owner's property, shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner's premises only if it is restrained by a substantial leash, of appropriate length, and if it is under the control of a responsible adult.

31643. If the dog in question dies, or is sold, transferred, or permanently removed from the city or county where the owner or keeper resides, the owner of a potentially dangerous dog shall notify the animal control department of the changed condition and new location of the dog in writing within two working days.

31644. If there are no additional instances of the behavior described in Section 31602 within a 36-month period from the date of designation as a potentially dangerous dog, the dog shall be

removed from the list of potentially dangerous dogs. The dog may, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 36-month period if the owner or keeper of the dog demonstrates to the animal control department that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety.

31645. (a) A dog determined to be a vicious dog may be destroyed by the animal control department when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that the release of the dog would create a significant threat to the public health, safety, and welfare.

(b) If it is determined that a dog found to be vicious shall not be destroyed, the judicial authority shall impose conditions upon the ownership of the dog that protect the public health, safety, and welfare.

(c) Any enclosure that is required pursuant to subdivision (b) shall meet the requirements of Section 31605.

31646. The owner of a dog determined to be a vicious dog may be prohibited by the city or county from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

#### Article 4. Penalties

31662. Any violation of this chapter involving a potentially dangerous dog shall be punished by a fine not to exceed five hundred dollars (\$500.00). Any violation of this chapter involving a vicious dog shall be punished by a fine not to exceed one thousand dollars (\$1,000.00).

31663. All fines paid pursuant to this article shall be paid to the city or county in which the violation occurred for the purpose of defraying the cost of the implementation of this chapter.

#### Article 5. Miscellaneous

31681. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

31682. The Judicial Council shall prepare all forms necessary to give effect to this chapter, including a summons or citation to be used by law enforcement agencies in the enforcement of this chapter. This chapter does not affect or change the existing civil liability or criminal laws regarding dogs.

31683. Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs, provided that no program shall regulate these dogs in a manner that is specific as to breed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

Moreover, no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

## **CITY OF OAKLAND ANIMAL CONTROL REGULATIONS**

### **Chapter 6.04 ANIMAL CONTROL REGULATIONS GENERALLY**

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#### **6.04.010 Short title.**

This title shall be known as the animal control ordinance. (Prior code § 3-9.01 (part))

#### **6.04.020 Definitions.**

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

“Adoption group” means an organized, licensed, insured, non-profit organization whose primary function is the adoption and placement of shelter animals.

“Animal” means any mammal, poultry, bird, reptile, fish, or any other dumb creature, including, but not limited to, horse, cow, goat, sheep, pig, pigeon, chicken, goose, rabbit, dog, cat. Animals are classified by weight: large animal, over fifty (50) pounds; medium animal, between twenty-five (25) and fifty (50) pounds; small animal, under twenty-five (25) pounds.

“Animal quarters” means the premises and all buildings, hutches, pens, coops, yards, and their appurtenances used for the keeping of animals, commercial fur-bearing animals, poultry including pigeons, game and show birds, fowl and birds, or any other kind not specifically mentioned, and dogs, and cats not kept in kennels and pet shops as herein defined; including, but not limited to, stables, poultry farms, pigeon farms, and rabbit farms.

“At large” means a dog off the premises of its owner and not under restraint by leash, or chain, or not otherwise controlled by a competent person.

“Chipping” means the injection of a microchip below the skin of an animal by a veterinarian, registered vet technician or other qualified shelter staff.

“Dog” means and includes female as well as male dogs. Dogs are classified by weight: large dog: over fifty (50) pounds, medium dog: between twenty-five (25) and fifty (50) pounds, small dog: under twenty-five (25) pounds.

“Foster” means a person who is willing to temporarily take and care for an animal until the time that animal becomes suitable for adoption as recognized by an adoption group and/or animal shelter management.

“Horse” means and includes mule, burro, pony, jack hinny, or jenny.

“Kennel” means any person, firm or corporation engaged in breeding, buying, selling, distributing or boarding dogs and/or cats.

Owner.

1. “Owner” means any person, firm or corporation owning, having an interest in, or having control or custody or possession of, any animal.

2. Any person keeping or harboring a dog for fifteen (15) consecutive days shall be deemed to be the owner thereof, within the meaning of this title.

“Person” means and includes any person, partnership, corporation, trust, and association of persons.

“Pet shop” means any person, firm, or corporation operating an establishment where live animals and/or birds are kept for sale, for hire, or sold.

“Unlicensed dog” as used in this title means a dog for which the license for the current year has not been paid, or to which the tag provided for in this title is not attached.

“Wild animal” means any animal not ordinarily and customarily domesticated, including, but not limited to, skunk, raccoon, opossum, squirrel, and fox.

Whenever any reference is made to any portion of this title, such reference applies to all amendments and additions thereto now or hereinafter made.

The present tense includes the past and future tenses and the future, the present. Each gender includes the other two genders.

The singular number includes the plural and the plural, the singular.

Whenever a power is granted to, or a duty is imposed upon the Animal Control Center, the power shall be exercised or the duty shall be performed by the Senior Animal Control Officer and/or the Animal Control Officer, or by any person or organization, its officers, agents, and employees, designated by contract or otherwise to enforce this title. (Rod. 12705 § 1, 2005: Prior code § 3-9.01 (part))

#### **6.04.030 Dog license.**

Except as herein provided, the owner of each dog four months old or older shall obtain a dog license from the city for the privilege of having and keeping such dog in the city. Each dog license issued shall expire on the expiration date of the anti-rabies vaccination and shall be issued upon payment of all required fees and penalties, and upon compliance with all conditions required for issuance of a dog license. Duplicate dog licenses may be issued upon the repayment of a fee. The city shall issue a metal tag plainly inscribed with words “Oakland Dog License” and bearing the license number. The city shall enter in a register kept for that purpose the name and address of the dog owner or person to whom the license is issued, a description of the dog, and the number and date of the license. If the owner or person having custody of the dog presents a certificate from a licensed veterinarian which shows that the dog has been neutered or spayed, the fee for said dog license shall be less than the regular fee. If the owner or person having custody presents identification showing that he or she is sixty (60) years of age or older, the fee for said license shall be less than the regular fee. In the event the owner or person having custody of a dog fails to renew the license within thirty (30) days of the expiration date, he or she shall pay a penalty fee, which shall be the same for all owners or persons having custody.

A finding or determination made by the City Manager or his or her designee or by a court that a dog is potentially dangerous or vicious as defined in this title shall be included in the dog’s license records. Further, all dogs found to be potentially dangerous or vicious pursuant to this title shall wear at all times a distinctive tag issued by the city. An annual potentially dangerous or vicious dog fee as established by the City Council, in addition to the regular licensing fee, shall be charged the dog’s owner. (Prior code § 3-9.02)

#### **6.04.040 Veterinarian’s responsibilities.**

Every veterinarian who vaccinates or causes or directs to be vaccinated in the city any dog with anti-rabies vaccine shall:

- A. Use a form provided by the licensing authority to certify that such animal has been vaccinated;
- B. Notify the licensing authority when such animal is vaccinated. (Prior code § 3-9.03(a))

#### **6.04.050 Anti-rabies vaccination and chipping required for license.**

As a condition for the issuance of a dog license, all applicants for such license shall procure and deliver a certificate issued by a duly licensed veterinarian, certifying that each dog to be licensed has been administered an anti-rabies vaccination and has had a micro-chip inserted prior to the issuance of said license, or has received an anti-rabies vaccination sufficient to immunize said dog against rabies for the current license period.

Currently licensed dogs are exempt from the chipping procedure for up to one year after the adoption of the ordinance codified in this chapter. (Ord. 12705 § 2, 2005: Prior code § 3-9.05)

#### **6.04.060 Keeping dogs not licensed, registered and tagged.**

It is unlawful for any person to have, harbor or keep, or to cause or permit to be harbored or kept, any dog in the city unless such dog shall be registered and licensed as provided in this title and shall have a collar or leather band attached thereon, on which there shall be a tag inscribed as required by this title; provided, however, that such collar or leather band need not be attached to such dog while such dog remains in the dwelling house of the owner or other person having custody thereof, or in an enclosed yard adjacent thereto.

Every dog, under four months of age shall be confined to the premises of, or kept under physical restraint by, its owner or harborer. Nothing in this title shall be construed to prevent the sale or transportation of a dog under four months of age. (Prior code § 3-9.06)

#### **6.04.070 Dogs at large.**

Except in the case of a "Seeing Eye dog" actually being used by a blind person, a "signal dog" actually being used by a hearing impaired person, or a "service dog" actually being used by a handicapped person, or a police dog being used by any federal, state, county, city or city and county law enforcement agency for any law enforcement purpose, it is unlawful for any person owning or having in charge, care, control, or custody any dog, to cause, allow or permit such dog, whether licensed or unlicensed, on or upon any public street, alley or other public place, unless such dog be kept securely confined by a rope, chain or other leash not over six feet in length securely and continuously held by a competent person, or to permit whether willfully or through failure to exercise due care or control, any such dogs to commit any nuisance on any property other than the street gutters outside of pedestrian ways or on any improved private property other than that of the owner or persons having charge, care, control or custody of such dog. For purposes of this section any dog confined within a vehicle shall be deemed to be on the enclosed premises of the operator thereof and any dog securely tied or chained so as to be confined within any unenclosed lot or premises shall be deemed to be on an enclosed lot or premises. It is unlawful for any person owning or having in charge, care, control or custody any dog to suffer or permit any such dog to trespass on private property. Nothing contained in this section shall prevent a dog from being used without a leash to herd, guard, gather or otherwise work domestic animals or fowls in or upon a public place or unenclosed lot or premises or from participating at obedience trials or dog shows or from being without leash upon any public street, alley or way so long as such dog is at heel and so long as such dog is

under the charge and control of a person competent to keep such dog under effective charge and control, and so long as such dog does not harm or damage, or threaten to harm or damage, any person on public or private property. (Prior code § 3-9.07)

#### **6.04.080 Dogs at large in parks.**

A. It is unlawful for any person owning or having in charge, care, control or custody any dog, except a "Seeing Eye dog" actually being used by a blind person, a "signal dog" actually being used by hearing impaired person, or a "service dog" actually being used by a handicapped person, or a police dog being used by any federal, state, county, city, city and county, city, or city and county enforcement agency for any law enforcement purpose, to permit or allow any such dog, whether leashed or unleashed, to be in a public park, school yard or public playground, or other place controlled by the Board of Education or the city Director of Parks and Recreation for special events or special occasions. Except in posted landscaped areas, this section shall not apply to Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park east of El Centro Avenue, Knowland Park east of Golf Links Road, Hardy Park dog run facility and Glen Daniel/King Estate Park, north of Fontaine Street.

B. Nothing herein shall prevent or limit the duly authorized use of trained dogs for special purposes, by the city or other government personnel.

C. Dogs are permitted to be off-leash in the Joaquin Miller dog play area, as authorized in a writing or resolution by the Parks and Recreation Advisory Commission. (Ord. 12748, 2006; Ord. 12296, 2000; Ord. 12032, 1998: prior code § 3-9.07(b))

#### **6.04.090 Dogs excepted from license requirements.**

The provisions of this title requiring dog license shall not apply to any dog owned by or in the charge or care of a nonresident of the city, traveling through the city, or temporarily sojourning therein for a period not exceeding thirty (30) days; nor to any dog brought to the city exclusively for the purpose of entering the same in a dog show or dog exhibition and entered for and kept at any dog show or dog exhibition; nor to any dog owned by a non-resident of the city, when such dog has been regularly licensed in accordance with the laws of the place of residence of such owner and shall have a collar or leather band attached thereon on which there shall be a tag evidencing the existence of an unexpired license for such dog in the place of residence of such owner; nor to dogs less than four months old which are kept confined in or upon the owner's premises. (Prior code § 3-9.08)

#### **6.04.100 Transferring, counterfeiting and removing dog tags.**

It is unlawful for any person to attach to or keep upon, or to cause or permit to be attached to or kept upon, any dog any tag provided for in Section 6.04.030 except a tag issued to him or her for such dog under the provisions of this title, or to attach to or keep upon, or to cause or permit to be attached to or kept upon, any dog, or to make or to have in possession any counterfeit or imitation of any tag provided for in said Section 6.04.030 or to take from any dog any collar or leather band or tag attached thereto, except as provided in Section 6.04.060. (Prior code § 3-9.09)

**THE ALAMEDA COUNTY ANIMAL SHELTER/POUND IS LOCATED AT:**

1590 Fortman Way  
Alameda, CA 94501  
(510) 337-8565

**ADDITIONAL SHELTERS**

Oakland Animal Services  
1101 29<sup>th</sup> Ave.  
Oakland, Ca 94601  
(510) 535-5603

Piedmont Animal Control Services  
403 Highland Ave.  
Oakland, CA 94611  
(510) 577-3206

**CITY OF SAN JOSE/SANTA CLARA ANIMAL CONTROL REGULATIONS:**

**Part 3  
ENFORCEMENT**

**Sections:**

**7.08.300 Authority of administrator and animal service officer.**

**7.08.310 Inspection by animal services officer.**

**7.08.300 Authority of administrator and animal services officer.**

A. The administrator and animal services officer are authorized to:

1. Enforce the provisions of this chapter and state laws relating to the care, treatment, impounding and destruction of animals.

2. Arrest any person who violates any provision of this chapter deemed a misdemeanor pursuant to Section 836.5 of the California Penal Code, as may be amended.

3. Issue citations pursuant to Section 14503 of the California Corporations Code, as may be amended.

4. Act as a public officer pursuant to Section 7 of the California Food and Agricultural Code, as may be amended.

B. The administrator is authorized to formulate rules and regulations in conformity with and for the purpose of carrying out the intent of this chapter. Such rules and regulations shall have the same force and effect as this chapter.

C. The animal services officer is authorized, during the course and within the scope of their employment, to arrest any person who violates this chapter and state law pursuant to Section 830.9 of the California Penal Code.

(Ords. 20128, 21735, 27162.)

**7.08.310 Inspection by animal service officer.**

An animal services officer shall have the power to enter upon and inspect any premises where any animal is kept or harbored when such entry is necessary to enforce the provisions of this chapter as allowed by law.

(Ords. 20128, 21735, 27162.)

**Part 4**

**POISONING, ABUSE AND PUBLIC NUISANCE**

**Sections:**

**7.08.400 Poisoning and abusing dogs, cats or other domestic animals.**

**7.08.405 Neglect of animals in vehicles.**

**7.08.410 Public nuisance.**

**7.08.400 Poisoning and abusing dogs, cats or other domestic animals.**

In addition to Penal Code Section 596, it shall further be unlawful for any person willfully to administer poison to any dog, cat or other domestic animals or willfully to place, expose or leave poisonous or harmful substances of any kind in any place with intent to injure or kill any dog, cat or other domestic animal. Further, it shall be unlawful for any person maliciously to kill, maim, wound, mutilate, torment, torture or physically abuse any animal (Ord. 20128.)

**7.08.405 Neglect of animals in vehicles.**

A. No person, other than an individual then actually in the process of working a dog or other animal ranching or law enforcement purposes, shall transport or carry the animal in a motor vehicle on any public highway or public roadway, unless the animal's safely enclosed within the vehicle by means of a container, cage or other device which will prevent the animal from falling from, jumping from, or being thrown from the motor vehicle.

B. No person shall leave any dog or other in an animal unattended motor vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which may adversely affect the health or well-being of the animal (Ord. 22468.)

**7.08.410 Public nuisance.**

A. No person owning or having a right to control any animal shall permit such animal to do any of the following:

1. Defecate or urinate on private property other than the private property of the owner or the person having a right to control the animal;

2. Defecate on public property without immediately cleaning or removing the excrement to a proper receptacle;

3. Permit an animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, barking, howling, baying, or making any other noise.

B. No person owning or having a right to control an animal shall:

1. Permit unsanitary conditions to exist on the premises where said animals kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health and safety; which would be offensive to the senses, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, community, or other persons;

2. Maintain a potentially dangerous, dangerous or vicious dog as defined in Part 9 of this chapter without meeting all the requirements specified therefore in Parts 10 and 11 of this chapter; or

3. Allow a dog to run at large.

C. Any violation of this section is hereby declared to be a public nuisance.

D. An animal services officer may seize and impound any animal causing a public nuisance.

E. Any private person may maintain an action under Section 3493 of the California Civil Code, as may be amended, for compliance with the requirements of this section.

**(07.08.590 Restraint of dogs.**

A. The owner or person with the right to control of any dog shall keep such dog confined to such person's own premises, or shall keep such dog confined behind a fence of sufficient height and construction to safely contain the dog.

B. The owner or person with the right to control any dog shall keep such dog under direct physical restraint by means of a leash not to exceed six feet in length when the dog is on any public street or other public place, or upon any private place or property or common area of any planned development cluster, townhouse or condominium project without the consent of the owner or person in control thereof.

C. The restraint requirements specified in Subsections A and B do not apply to:

1. Service dogs while such dogs are performing their duties;
2. Dogs assisting their owner/handler in legal hunting or in the herding of livestock.
3. Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;
4. Dogs being trained for any of the above purposes on private land with permission of the landowner, as long as such dogs are under direct control of the dog owners or persons with a right to control the dogs to assure that the dogs do not violate any other provisions of law.
5. Dogs subject to regulation as potentially dangerous, dangerous or vicious dogs under Parts 9, 10 and 11 of this chapter.
6. Dogs participating in field or obedience trials or exhibitions located on a public place and approved by the city; or
7. Dogs within a posted off-leash area located in any city-owned land, as established by resolution of the city council, provided however, that nothing herein shall relieve the owner or person having charge, custody, care or control of such dog from the responsibility to maintain proper control over the dog.

(Ords. 20128, 22619, 27163.)

**7.08.591 Dogs in posted off-leash areas.**

A. The exemption from the requirements for the restraint of dogs as set forth in Section 7.08.590.A.7 of this chapter shall apply only if all of the following conditions are met:

1. No dog shall be in a posted off-leash area except when in the charge, care, custody, or control of a person at least thirteen years old.
2. No animals other than dogs shall be in any posted off-leash area. Dogs are only permitted in the posted off-leash area during posted hours of operation.
3. No person shall have more than two dogs in a posted off-leash area at any one time.
4. Any dog in a posted off-leash area must be at least four months of age, vaccinated for rabies, and currently licensed by the city's animal services division or other jurisdictions. All persons entering the posted off-leash area are responsible for ensuring that their dog is not sick, in heat, injured, less than four months of age, or displaying aggressive behavior toward other dogs or humans in the posted off-leash area.
5. Any person having charge, care, custody, or control of a dog in a posted off-leash area shall:

a. Carry at all times a suitable container or other suitable instrument for the removal and disposal of dog feces;

b. Promptly remove and properly dispose of any waste deposited by the dog;

c. Quiet or remove the dog if it disrupts or disturbs the reasonable and comfortable use of the area;

d. Have in his or her possession a leash for such dog that shall be worn by the dog, and physically held by the owner, at all times the dog is not in the posted off-leash area; and

e. Comply with all other applicable state and local laws, including without limitation those contained in Title 7 of the San José Municipal Code that govern the health, safety and maintenance of dogs.

B. Compliance with this part shall not relieve any person of liability for damages arising out of his or her use of a posted off-leash area.

(Ord. 27163.)

rds. 20128, 22619, 27162.)

#### **7.08.900 Vicious dog.**

"Vicious dog" means any of the following:

A. Any dog seized under Section 599a of the Penal Code, as may be amended, where the owner or keeper has been convicted under subdivision (a) of Section 597.5 of the California Penal Code, as may be amended.

B. Any dog which has inflicted severe injury on or kills a human being.

C. Any dog previously determined to be, and currently designated as a dangerous dog which, after its owner or keeper has been notified of this determination:

1. Commits any of the behavior described in Section 7.08.901; or

2. Is maintained in violation of Section 7.08.1106.

(Ords. 22619, 27162.)

#### **7.08.901 Dangerous dog.**

"Dangerous dog" means any of the following:

A. Any dog that has killed or caused the death of another domestic animal.

- B. Any dog that has bitten a person, causing an injury that is less than a severe injury.
- C. Any dog declared a dangerous or vicious dog in another jurisdiction.
- D. Any dog previously determined to be, and is currently designated as a potentially dangerous dog which, after its owner or keeper has been notified of this determination:
  - 1. Commits any of the behavior described in Section 7.08.905; or
  - 2. Is maintained in violation of Section 7.08.1105.

(Ord. 27162.)

**7.08.905 Potentially dangerous dog.**

"Potentially dangerous dog" means any of the following:

- A. Any dog that on at least two occasions has shown a propensity to threaten the safety of persons that has required the threatened persons to take defensive action.
- B. Any dog that has injured a domestic animal to the extent that the domestic animal required veterinary care. (Ord. 27162.)

**CONTRA COSTA COUNTY ANIMAL ORDINANCES**

**416-4.402 Animals at large.**

- (a) No person owning, possessing, harboring, or controlling any animal shall allow such animal to be at large.
  - (b) As used in this section, "at large" means an animal which either:
    - (1) In the case of dogs, is not under effective restraint by a leash; or
    - (2) In the case of animals other than dogs or cats, is not in the immediate presence and under the effective control of such person; or
    - (3) Is tethered or leashed on any street, or other public place, not set aside for such tethering or leashing for a period of longer than fifteen minutes, or in such a way as to block a public walkway or thoroughfare; or
    - (4) Is pastured, tethered, tied, or otherwise present on private property or in any public building without the consent of the owner or occupant; or
    - (5) Is in any place or position with the capacity to injure persons or property; or
    - (6) Fights, bites, or causes harm to any other animal or person unless such animal or person has entered the private property owned by, or in the possession of the person owning or controlling the offending animal without permission when such property is properly fenced and posted as to the presence of the offending animal; or
    - (7) Is not on the private property owned by, or in the possession of, the person owning or controlling the animal and is not wearing a required license tag; or
    - (8) Is left at any place without provision for its care.
- Provided, nevertheless, that a dog is not required to be under restraint by a leash when the dog has not strayed from and is upon private property owned by, or in the possession of, the person owning or controlling the dog.

(c) Exemptions. A working dog, performing acts such as herding under the control and supervision of owner/handler shall not be considered at large while performing his duties. A hunting, obedience, tracking or show dog shall not be considered at large while performing in the above capacities. Dogs being exercised under the control of their owners in public areas designated for animal exercise shall not be considered at large.

(d) Females in Heat. In the case of female dogs or cats in heat and for the purposes of Food and Agricultural Code Section 30954, "at large" means outside a house, vehicle, or other secure enclosure adequate to prevent unplanned male access.

(e) Animals in Vehicles.

(1) A dog or any other animal in or upon a vehicle is deemed to be upon the property of the operator of such vehicle. No dog or any other animal shall be transported on any public thoroughfare in any vehicle unless such dog or animal is totally enclosed within such vehicle, within a secured container carried upon such vehicle, or securely cross-tethered to such vehicle in such a way as to prevent a falling out of or off such vehicle, and to prevent injury to the animal.

(2) No dog or any other animal shall be left completely enclosed in a parked vehicle without adequate ventilation, or in such a way as to subject the animal to temperatures sufficiently above ambient to affect the animal's health and welfare. (Ord. 80-97 §

## **NAPA/SOLANO COUNTY ANIMAL ORDINANCES**

### **6.04.190 Dogs at large prohibited.**

It is unlawful for any person who owns, harbors or keeps, or who has possession, charge, care, custody or control of any dog over the age of four months in the county to permit the dog to run at large upon any public street, highway or other place, or to permit such dog to run upon the property of another without the consent of the owner. (Prior code § 7026)

### **6.04.200 Other animals at large prohibited.**

It is unlawful for any person who owns, harbors or keeps, or who has possession, charge, care, custody or control of any other animal to willfully or negligently allow such animal to run at large. (Prior code § 7027)

### **6.04.250 Diseased or vicious animals.**

A. Whenever it appears that any animal in the county has bitten any person it shall be the duty of the owner, or any other person having knowledge of such fact, to report the same to the animal control officer, the county health officer, or other law enforcement officer of the county.

B. Whenever it appears to the owner, or any other person, that an animal in the county shows symptoms or signs of rabies, or acts in such manner that would lead a reasonable person to suspect that such animal might have rabies, it shall be the duty of such owner or other person to immediately notify the animal control officer, and it shall be the duty of the owner to immediately confine such animal.

C. Whenever there is reasonable cause to believe that any animal is diseased or has bitten any person, domestic animal, or livestock, the animal control officer is authorized to take custody of such animal and keep it confined or quarantined for such period of time as is

required in order to observe, examine and determine whether or not it is diseased or vicious or constitutes a menace to the public health or safety.

D. It shall be the duty of the county health officer to observe and examine any animal quarantined and determine whether the same is rabid, and if the county health officer so determines, he shall direct the animal control officer to destroy it forthwith.

E. Whenever any animal is bitten by an animal having or suspected of having rabies, the owner or person having custody or possession of the animal so bitten shall immediately notify the county health officer or the animal control officer, and shall restrain or confine such animal. The county health officer or the animal control officer is hereby authorized to quarantine any animal so bitten, or suspected of having been so bitten, for such period of time necessary to determine whether or not the animal has rabies.

F. Whenever any animal is quarantined, it is unlawful for the owner or any other person to violate the quarantine by removing the animal from the premises, allowing it to run at large, destroying it without authorization, concealing it from the county health officer or the animal control officer, or disobeying any other quarantine restrictions that may have been imposed by the health officer or animal control officer. (Ord. 1270 § 2, 2005: prior code § 7032)

6.04.250