ORDINANCE NO. 1582

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE RELATING TO DOGS AT LARGE, SERVICE ANIMALS, DOG LICENSES, AND DOG IMPOUNDMENT, TITLE V—SANITATION & HEALTH, AND TITLE X—PUBLIC PROPERTY

The City Council of the City of Arcata does ordain as follows:

SECTION 1. Article 1—Dogs—Generally, of Chapter 2—Animals, of Title V—Sanitation & Health, is hereby amended as shown by the following strikethrough for deleted text and bold double underscore for new text (unchanged text is omitted and is shown by "* * *"):

ARTICLE 1—DOGS—GENERALLY

SEC. 5201. Definitions.

Whenever in this Article the following terms are used, they shall be deemed and construed to have the meaning ascribed to them in this section, unless it is apparent from the context thereof that a different meaning is intended.

Animal Control Officer. The person charged by this Article with the administration and enforcement of the provisions hereof, and whose employment is provided for herein or otherwise by the City together with such deputies as may be allowed to the Animal Control Officer by the City Council. If this position is unfilled, the Animal Control officer shall be an assigned police officer.

Enclosure. "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 that may be taken by the owner or keeper, such as tethering the dog within the enclosure. The enclosure shall be securely locked and have secure sides, top, and bottom sufficient to prevent the animal from escaping.

Hearing Entity/Officer. For the purpose of this Article the Hearing Entity or Officer shall be the City Manager's appointee.

Impounded. Having been received into the custody of any Animal Control Officer.

Owner/Keeper. Any person keeping or harboring or having custody or control over any dog for fifteen consecutive days shall be deemed to be the owner of such dog within the meaning of this Article, except for a person temporarily fostering a dog up for adoption and except for any veterinarian duly licensed and practicing as such, and having in his possession or control any dog for the purpose of treatment.

Owner or Keeper's Property. For purposes of defining Potentially Dangerous, Vicious and Public Nuisance Dogs, the Owner or Keeper's property includes that property over which the owner or keeper has the exclusive possession and use.

Peace Officer. A person meeting the requirements of Penal Code section 830.

Potentially Dangerous Dog. "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 this Section 5201.

(c) Any dog which, when unprovoked, on two separate occasions within the prior thirty-six (36) month period, has killed, seriously bitten, inflicted injury or otherwise caused injury attacking a domestic animal off of the property of the Owner or Keeper of the dog.

Public Nuisance Dog. "Public Nuisance Dog" means any dog that gives offense to human senses or substantially interferes with the rights of persons, other than its owner or keeper, to the enjoyment of life or property. The term shall include, but not be limited to, any dog which:

(a) On three (3) separate occasions within a thirty-six (36) month period has been cited, or Impounded for being off its Owner or Keeper's Property in violation of any state or local law prohibiting the running at large of dogs.

(b) Causes damage to the property of anyone other than its Owner or Keeper.

(c) Harasses or intimidates persons on public property or private property other than owned or under the control of its Owner or Keeper.

(d) Repeatedly chases vehicles that are not on its Owner or Keeper's Property.

(e) Makes disturbing noises such as barking, howling, whining, or other utterances to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the dog is maintained.

(f) Has been allowed by its Owner or Keeper to produce odors that annoy, disturb or cause discomfort to persons in the vicinity of the property where the dog is maintained.

(g) Is one of a number of dogs or other animals maintained on the property owned or controlled by its Owner or Keeper so as to be offensive to persons or dangerous to the public health, safety or welfare.

(h) Has, when unprovoked, bitten any person who is lawfully on the Owner or Keeper's Property causing minor injury.

Service Animal. Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or task a service animal has been trained to provide must be directly related to the individual's disability. Emotional support or comfort animals are not service animals under the Americans with Disabilities Act (ADA) or this Article.

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

Unlicensed Dog. Any dog for which the license for the current year as provided in this Article has not been obtained, or any dog to which the tag provided for in this Article is not attached.

Vicious Dog.

"Vicious dog" means any of the following:

(a) Any dog owned or harbored for the purpose of dog fighting; or

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

(c) Any dog which, when unprovoked, in an aggressive manner inflicts Severe Injury or kills a human being.

(d) Any dog previously determined and currently listed as a Potentially Dangerous Dog, which, after its Owner or Keeper has been notified of this determination, continues the behavior defined as Potentially Dangerous or is maintained in violation of this Article.

* * *

SEC. 5207. Dogs not to run at large.

Whether or not a dog is licensed under this Article, it shall be unlawful for any owner of, or person in charge of or in control of, any dog, to suffer or permit a dog to be in the City unless such dog be securely enclosed in a pen, a fenced yard or other enclosure, or securely tethered, or on a leash.

This section shall not apply to any ~~official City of Arcata Police Dog while on patrol~~ dogs assisting Peace Officers engaged in law enforcement duties. This section shall not apply to areas within the city specifically set aside and posted for the exercise of animals. This section shall not apply to service animals when the handler of the service animal has a disability that prevents them using a harness, leash or tether, or these devices interfere with the service animal's safe,

effective performance of tasks; the service animal must be otherwise under the handler's control such as by voice control, signals, or other effective means.

* * *

SEC. 5210. Dogs not permitted in Downtown Areas.

A. It shall be unlawful for the owner or person in charge of or in control of a dog to permit such dog, either leashed or unleashed, to enter, or be in or upon the Downtown Business District. The Downtown Business District is defined as that area bordered by 7th Street to the South, 11th Street to the north, J Street to the west, and Highway 101 to the east. The bordering streets and their adjacent sidewalks are considered to be within the restricted area. This prohibition shall not apply to: ~~persons with seeing-eye dogs, police service dogs~~

1. service animals, including service animals not on a harness, leash, or tether when the handler of the service animal has a disability that prevents them using these devices, or these devices interfere with the service animal's safe, effective performance of tasks;

2. dogs assisting Peace Officers engaged in law enforcement duties; or

3. dogs on leashes who are passing through, directly en route to another destination, those portions of the Downtown Business District that lie outside the Plaza area delineated by the centerlines of 8th and 9th Streets and G and H Streets.

B. It shall be unlawful for the owner, or person in charge of, or in control of a dog to permit such dog, either leashed or unleashed, to enter, or be in or upon that area north of the Downtown Business District described as follows: Beginning at 11th Street, extending northward, from the westerly sides of H Street and Highway 101, to Sunset Avenue, inclusive of sidewalks, and additionally, including the 18th Street bridge and pathways crossing Highway 101 from G Street to L. K. Wood Boulevard. This prohibition shall not apply to: ~~persons with seeing-eye dogs, police service dogs~~

1. service animals, including service animals not on a harness, leash, or tether when the handler of the service animal has a disability that prevents them using these devices, or these devices interfere with the service animal's safe, effective performance of tasks;

2. dogs assisting Peace Officers engaged in law enforcement duties; or

3. dogs on leashes who are passing through the area defined herein directly en route to another destination.

SEC. 5211. Disposal of Dog Waste.

A. Any person owning, possessing, harboring or having the care, charge, control or custody of any dog shall immediately remove and thereafter dispose of any fecal matter deposited by said dog on public property or private property of another. For the purpose of this section, dog fecal matter shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it by depositing said matter in a trash receptacle, sanitary disposal unit or other closed or sealed container. The matter shall not be disposed of in a private trash container without the permission of the container's owner.

B. This section shall not apply to blind persons accompanied by a ~~dog~~ service animal used for their assistance.

C. Violation of this section shall be an infraction.

SECTION 2. Article 2—Licenses, of Chapter 2—Animals, of Title V—Sanitation & Health, is hereby amended as shown by the following strikethrough for deleted text and bold double underscore for new text (unchanged text is omitted and is shown by "* * *"):

ARTICLE 2—LICENSES

* * *

SEC. 5221. License required.

~~A.~~ It shall be unlawful for any person to own, keep or harbor any dog over six (6) months of age within the City for ~~a period of time~~ more than 15 days, unless they first procure a license therefor.

SEC. 5222. ~~Tax~~License fee amount.

A. The owner of every dog within the incorporated area of the City shall pay annually a license ~~tax~~ fee thereon at such rate as may be established by resolution of the City Council, except that any such license fee amount shall be reduced as specified in said resolution for a dog if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.

B. Exemptions from the license fee include the following:

1. Service animals, while so owned and used. Service animals are not exempt from the license requirement, or from obtaining any required vaccination or identification tag or device.

(a) Whenever a person applies for an assistance dog identification tag, the person must sign an affidavit stating as follows:

By affixing my signature to this affidavit, I hereby declare I fully understand that Section 365.7 of the Penal Code prohibits any person to knowingly and fraudulently represent themselves, through verbal or written notice, to be the Owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide dog, signal dog or service dog, as defined in subdivisions (d), (e), and (f) respectively, of Section 365.5 of the Penal Code and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, and that a violation of Section 365.7 of the Penal Code is a misdemeanor, punishable by imprisonment in a county jail not exceeding six months, by a fine not exceeding one thousand dollars ($1,000) or by both that imprisonment and fine.

(b) Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag must immediately return the identification tag to the department that issued the tag.

2. A license fee will not be levied for any dog license issued to a licensed service-animal training organization or dog owner when such dog is currently enrolled in a service-animal training program with a licensed training organization.

3. Dogs that are certified in writing by a licensed veterinarian as not being suitable subjects for sterilizing due to health or age reasons will be assessed the reduced altered license fee for as long as the licensed veterinarian deems the dog not suitable for sterilization. If the dog, at a later date, is determined by the veterinarian to be suitable for sterilization but the dog remains unsterilized, then the license fee will increase to the current standard license fee amount.

4. A license fee will not be collected or received for any dog license issued for a dog used in active duty status with a governmental law enforcement agency.

Nothing in this section may be construed to limit the access of any person in violation of the Americans with Disabilities Act of 1990.

SEC. 5223. Payment.

Each license ~~tax~~fee imposed by this Article shall be paid annually after the dog is first licensed within the City, and shall be paid to the ~~City Clerk~~Finance Department and shall be due and payable in advance on the day and month of the then current rabies vaccination date of each year. A grace period of thirty (30) days shall be allowed in the payment of this ~~tax~~fee.

SEC. 5224. Penalties for failure to pay ~~tax~~fee when due.

For failure to pay a license ~~tax~~fee when due, the ~~City Clerk~~Finance Department shall add on a ~~One Hundred Percent~~ one hundred percent (100%) penalty in addition to the regular license ~~tax~~fee amount, beginning on the thirty-first (31st) day after the day and month of the then current rabies vaccination date of each year, or on the thirty-first (31st) day after the dog is brought into the City.

SEC. 5225. Same—Duty to collect.

It shall be the duty of the ~~City Clerk~~Finance Department to collect the license ~~taxes~~fees provided for in this Article.

SEC. 5226. Same—Refunds.

No license ~~tax~~fee paid by virtue of the provisions of this Article shall be returned or refunded without the approval of the ~~City Clerk~~Finance Director.

SEC. 5227. Issuance.

It shall be the duty of the ~~City Clerk~~Finance Department to issue the licenses provided for in this Article.

* * *

SEC. 5231. Same—Duplicates.

A duplicate of a lost dog license tag may be procured upon exhibition of the original license document and payment of ~~twenty- five cents therefor~~ such rate as may be established by resolution of the City Council.

* * *

SEC. 5236. Records.

It shall be the duty of the ~~City Clerk~~Finance Department to keep a record of each license issued pursuant to this Article.

SECTION 3. Article 3—Impoundment, of Chapter 2—Animals, of Title V—Sanitation & Health, is hereby amended as shown by the following strikethrough for deleted text and bold double underscore for new text (unchanged text is omitted and is shown by "* * *"):

ARTICLE 3—IMPOUNDMENT

* * *

SEC. 5255. Right to redeem—Licensed dog.

Any licensed impounded dog may be redeemed by the owner thereof within ~~three (3)~~ four (4) business days after it is impounded.

SEC. 5256. Same—Unlicensed dog.

Any unlicensed impounded dog may be redeemed within ~~three (3)~~ four (4) business days

after it is impounded.

* * *

SEC. 5258. Destruction of impounded dogs.

The Animal Control Officer may, by humane methods, summarily destroy:

(1) Any impounded dog that is suffering from an incurable, dangerous or contagious disease;

(2) Any impounded unlicensed vicious dog;

(3) Any impounded licensed dog that is not redeemed within ~~three (3)~~ four (4) business days from the date of the notice given under Section 5253 of this Code, not including the day of impoundment. The dog shall, before the euthanasia of that animal, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue, or adoption organization if requested by the organization before the scheduled euthanasia of that animal;

(4) Any impounded unlicensed dog that is not redeemed within ~~three (3)~~ four (4) business days after notice has been given under Section 5254 of this Code, not including the day of impoundment. The dog shall, before the euthanasia of that animal, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue, or adoption organization if requested by the organization before the scheduled euthanasia of that animal.

SEC. 5259. Sale of impounded dogs—Authority—Licensed dogs.

If any licensed impounded dog is not redeemed within ~~three (3)~~ four (4) business days from the date of the notice given under Section 5253 of this Code the Animal Control Officer may sell such dog.

SEC. 5260. Same—Unlicensed dogs.

If any impounded unlicensed dog is not redeemed within ~~three~~ four (4) business days after notice has been given under Section 5254 of this Code, the Animal Control Officer may sell such dog.

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SECTION 4. Article 6—Other Animals, of Chapter 2—Animals, of Title V—Sanitation & Health, is hereby amended as shown by the following strikethrough for deleted text and bold double underscore for new text (unchanged text is omitted and is shown by "* * *"):

ARTICLE 6—OTHER ANIMALS

* * *

SEC. 5311. Livestock not to run at large.

The running at large of any horse, mule, donkey, cow, hog, sheep, goat or cattle of any kind, in or upon any street, avenue, alley or any public place, or upon the property of another where the same have no right to be, is hereby declared to be a nuisance, and it shall be unlawful for the owner or person in charge of any such animal to suffer or permit the same to so run at large. This section shall not apply to miniature horses under the Americans with Disabilities Act.

* * *

SECTION 5. Section 10008—Animals prohibited, of Chapter 1—Parks and Grounds, of Title X—Public Property, is hereby amended as shown by the following strikethrough for deleted text and bold double underscore for new text (unchanged text is omitted and is shown by "* * *"):

* * *

SEC. 10008. Animals prohibited.

Unless otherwise ~~prohibited~~ permitted by resolution of the City Council, it shall be unlawful for any person to ride, lead, or let loose any cattle, horse, mule, goat, sheep, swine or fowl or animal of any kind in any public park. However, it shall not be unlawful to ~~maintain~~ lead dogs that are maintained on a leash not in excess of six (6) feet.

This section shall not apply to areas within the city specifically set aside and posted for the exercise of animals. This section shall not apply to dogs assisting Peace Officers engaged in law enforcement duties. This section shall not apply to service animals when the handler of the service animal has a disability that prevents them using a harness, leash or tether, or these devices interfere with the service animal's safe, effective performance of tasks. This section shall not apply to miniature horses under the Americans with Disabilities Act.

* * *

SECTION 6. Section 10615—Leash Laws, of Chapter 3—Regulations for Use of the Arcata Marsh and Wildlife Sanctuary, of Title X—Public Property, is hereby amended as shown by the following strikethrough for deleted text and bold double underscore for new text (unchanged text is omitted and is shown by "* * *"):

* * *

SEC. 10615. Leash law.

The Arcata leash law for animals will be strictly enforced at the site. This section shall not apply to service animals when the handler of the service animal has a disability that prevents them using a harness, leash or tether, or these devices interfere with the service animal's safe,

effective performance of tasks. This section shall not apply to any dogs assisting Peace Officers engaged in law enforcement duties.

* * *

SECTION 7. Section 10715—Leash Laws, of Chapter 4—Regulations for Use of the Aldergrove Marsh, of Title X—Public Property, is hereby amended as shown by the following strikethrough for deleted text and bold double underscore for new text (unchanged text is omitted and is shown by "* * *"):

* * *

SEC. 10715. Leash law.

The Arcata leash law for animals will be strictly enforced at the site. This section shall not apply to service animals when the handler of the service animal has a disability that prevents them using a harness, leash or tether, or these devices interfere with the service animal's safe, effective performance of tasks. This section shall not apply to any dogs assisting Peace Officers engaged in law enforcement duties.

* * *

SECTION 8: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

SECTION 9: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within thirty (30) days of the date of adoption of this ordinance.

SECTION 10: CEQA. The proposed regulatory amendments clarify existing policy consistent with State law. The amendments provide clarity related to which types of animals are allowed in public places with an emphasis on service animals. The regulatory change does not directly or indirectly cause a physical change to the environment. As such, the amendments are not a "project" as defined by CEQA. Therefore, this action is not subject to CEQA.

SECTION 11: Effective Date. This ordinance shall become effective thirty (30) days from and after its final passage, provided it is published pursuant to Government Code section 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

DATE: _____, 2025

ATTEST: APPROVED:

_____ _____

City Clerk, City of Arcata Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1582, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the __ day of ____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

_____

City Clerk, City of Arcata