BILL NO. 1059-C.S.
ORDINANCE NO. ___-C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA AMENDING TITLE IX, CHAPTER 91 SECTIONS 91.101 THROUGH 91.1105 AND ADDING SECTIONS 91.206 AND 91.1106 OF THE EUREKA MUNICIPAL CODE TO UPDATE ANIMAL REGULATIONS, INCORPORATE UNIFORM ADMINISTRATIVE HEARING PROCEDURES, AND REGULATE THE PRESENCE OF DOGS AND OTHER DOMESTIC ANIMALS AT DESIGNATED CITY-SPONSORED EVENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

WHEREAS, the City of Eureka is authorized under Article XI, Section 7 of the California Constitution to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general law; and

WHEREAS, the protection of public health, safety, and welfare is a fundamental municipal function and includes the regulation of animals within City limits; and

WHEREAS, Chapter 91 of the Eureka Municipal Code establishes regulations governing animals within the City, including provisions relating to animal control, public safety, and responsible ownership; and

WHEREAS, the City Council recently adopted uniform administrative hearing procedures codified in Title I, Chapter 10, Sections 10.110 through 10.118 of the Eureka Municipal Code, to establish consistent, fair, and efficient procedures for administrative hearings conducted by the City; and

WHEREAS, certain enforcement actions under Chapter 91 would benefit from alignment with the City's uniform administrative hearing procedures to ensure due process, consistency across departments, and clarity for members of the public; and

WHEREAS, the City sponsors and permits large public events, including but not limited to Friday Night Market and Fourth of July celebrations, which involve dense crowds, food vendors, amplified sound, fireworks, and other conditions that may present heightened safety risks when domestic animals are present; and

WHEREAS, the presence of dogs and other domestic animals in crowded event settings may create risks including animal bites, leash-related trip hazards, interference with emergency access, food safety concerns, and animal distress caused by loud noises and large crowds; and

WHEREAS, California Health and Safety Code Section 114259.5 restricts live animals in food facilities except as otherwise permitted by law, and the City finds that regulating animals within designated special event footprints promotes public health and compliance with state law; and

WHEREAS, nothing in this Ordinance is intended to restrict or impair the rights of individuals with disabilities who utilize service animals as defined under the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and applicable California law; and

WHEREAS, the City Council finds that establishing clear authority to regulate dogs and other domestic animals within designated special event areas, while providing appropriate exemptions for service animals, will promote public safety, reduce liability exposure, and improve the overall experience for event attendees; and

WHEREAS, the City Council finds that the regulations set forth in this Chapter are intended to apply uniformly to all persons within the City, regardless of housing status, and that consistent and equitable standards for the care, control, and ownership of animals are necessary to protect public health, safety, and welfare for all residents, including those who are housed and unhoused, while promoting humane treatment of animals and responsible ownership practices; and

WHEREAS, the City Council finds that excessive and prolonged animal noise, including barking, can constitute a public nuisance by unreasonably disturbing the peace, comfort, and repose of neighboring residents, and that clear standards and enforcement mechanisms are necessary to address such impacts and protect community quality of life; and

WHEREAS, the City Council further finds that updating Chapter 91 to incorporate cross-references to Title I, Chapter 10 administrative hearing procedures will promote procedural fairness and administrative efficiency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EUREKA DOES ORDAIN AS FOLLOWS:

BILL SECTION 1. Title IX, Chapter 91, Sections 91.001 through 91.999, is hereby *amended to read* as follows:

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§ 91.101 PURPOSE.

The purpose of this chapter is to regulate the keeping and handling of domestic animals within the city with an emphasis on public safety, quality of life, and responsible animal ownership.

§ 91.102 DEFINITIONS.

For purposes of this chapter, the following definitions apply, unless the context clearly indicates or requires a different meaning:

ABANDON. The act of leaving an animal without adequate food, adequate water, or adequate care for 24 hours or more; or leaving an animal in a situation where the conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal or to public safety. It also means to desert, forsake, or absolutely give up an animal on public property or on another's property without having secured another owner or custodian for the animal.

ALTER. To permanently render an animal incapable of reproduction.

ANIMAL. Includes any members of the kingdom Animalia, except for Homo sapiens.

ANIMAL CONTROL OFFICER. Any person who is appointed by the Chief of Police for the purpose of aiding in the enforcement of any ordinance or law relating to the welfare, licensing, control, quarantine, seizure, or impoundment of animals. The Chief of Police or his or her designee will supervise the Animal Control Officer.

AT LARGE. Any domestic animal away from the premises or property of its owner, and not under physical restraint, such as a leash no longer than six feet in length. A domestic animal will not be considered at large when: (1) the animal is assisting a peace officer who is engaged in law enforcement duties; or (2) the animal is enrolled in and actually participating in a training or obedience course, exhibition, or competition conducted by an organization on private or public property with the permission of the owner or operator of the grounds or facilities.

CARE. The responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, exercise, enrichment, and when necessary, euthanasia, that is appropriate for the age, species, condition, size, and type of animal. It also refers to the provision of veterinary care when needed to prevent suffering or impairment of health.

CARRIAGE. Any non-motorized vehicle with four wheels that carries people

CAT FANCIER. An owner who wishes to keep four or more cats four months of age or older on any enclosure, ~~premises,~~ building structure, dwelling unit, lot or area in their possession. Cat fanciers must obtain a cat fancier's license from the city.

CUSTODIAN. *Any person who undertakes the personal care and control of an animal. Excludes law enforcement officer, Animal Control Officer, Animal Shelter, or licensed veterinarian.*

DOG FANCIER. An owner who wishes to keep four or more dogs four months of age or older on any enclosure, ~~premises,~~ building structure, dwelling unit, lot or area in their possession. Dog fanciers must obtain a dog fancier's license from the city.

DOMESTIC ANIMAL. Includes dogs and cats, except feral animals, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, llamas, camels, rabbits, and fowl commonly kept or raised as farm or livestock animals.

ENCLOSURE. A fence or structure to prevent the entry of young children, and that 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. When in use, the enclosure must be securely locked and have secure sides and bottom, sufficient to prevent the animal from escaping.

ESTRUS. A regularly recurrent state of sexual receptivity during which the female of most mammals will accept the male and is capable of conceiving, often referred to as "heat" or "in season".

EXERCISE. The opportunity for an animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

EXOTIC ANIMAL. Any animal kept as a pet other than those species defined in this section as “household pet” or “livestock”. Reptiles, amphibians, arachnids and birds of the orders Psittaciformes, Passeriformes, and Piciformes are considered EXOTIC ANIMALS. This section is not meant to allow endangered, protected or wild animals to be kept as pets in violation of any federal or state law in the absence of legally required permits.

EXOTIC ANIMAL FANCIER. An owner who wishes to keep eleven or more exotic animals on any enclosure, premises, building structure, lot or area. Exotic animal fanciers must obtain an exotic animal fancier's license from the city.

FEED. Food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size, and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

HEARING ENTITY/OFFICER. An impartial hearing officer ~~A~~appointed by the City Attorney in accordance with the Administrative Hearing Procedures Ordinance, §§ 10.110 et seq~~The Chief of Police or the Chief of Police's designee~~.

HOUSEHOLD PETS. Includes cats, dogs, domesticated rodents, and other kindred animals usually and ordinarily kept as household pets. Birds of the orders Psittaciformes, Passeriformes, and Piciformes are considered exotic animals.

IMPOUNDMENT. Refers to the taking up and confining of an animal by an Animal Control Officer or peace officer in accordance with the provisions of this chapter or other applicable law or regulation.

LIVESTOCK. Any bovine animal, swine, horse, pony, mule, burro, sheep, goat, rabbit or other animal regularly raised for meat, fur, wool or milk. This term does not include miniature pigs or miniature goats kept as pets.

NUISANCE ANIMAL. Any animal that gives offense to human senses or ~~substantially~~ unreasonably interferes with the rights of persons, other than its owner, to the enjoyment of life or property. The term includes, but is not limited to, any animal that:

(1) On three separate occasions within a 36-month period has been cited and/or impounded for being off its owner's property in violation of any state or local law that prohibits running at large.

(2) Causes damage to the property of anyone other than its owner.

(3) Harasses or intimidates persons on public property or private property other than that owned by or under the control of its owner.

(4) Repeatedly chases vehicles that are not on its owner's property.

(5) ~~Excessive, continuous, or untimely~~Makes noises or other utterances that, by their amount, duration, or time of day, disturb a reasonable person of normal sensitivities~~to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the animal is maintained~~.

(6) Has been allowed by its owner to produce odors that annoy, disturb, or cause discomfort to a reasonable person~~s~~ in the vicinity of the property where the animal is maintained.

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

(8) Has, when unprovoked, bitten any person who is lawfully on the owner's property causing less than severe injury.

(9) Is unattended or at large while in estrus.

~~(9)~~(10) On three separate occasions within a 36-month period, has been cited for causing excessive noise in violation of any state or local law that prohibits excessive noise by animals,~~.~~ including violations of Section 91.206 of this Code.

OWNER. The primary or responsible person who possesses, has title to or an interest in, harbors, or has control, custody, or possession of an animal, or feeds the animal for 14 or more consecutive days. An owner must be a person 18 years of age or older.

POTENTIALLY DANGEROUS ANIMAL. Any animal, except a trained dog assisting a peace officer engaged in law enforcement duties, that because of its disposition, behavior, training or other characteristic constitutes a danger to person or domestic animal, as determined by the Animal Control Officer under the provisions of this chapter. A POTENTIALLY DANGEROUS ANIMAL includes all of the following:

(1) An animal that, 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 animal and person are off of the owner's property;~~.~~

(2) Any animal that, when unprovoked, bites a person causing a less than severe injury; or

(3) Any animal that, when unprovoked, on two separate occasions within the prior 36-month period, has killed or severely injured a domestic animal off the owner's property.

POULTRY. Pigeons, chickens, ducks, geese, turkeys, and all other domesticated fowl other than household pets and racing-homing pigeons.

RACING-HOMING PIGEONS. Those pigeons, identified by seamless leg bands that are kept and maintained for the specific purpose of racing or message carrying. Pigeons kept or raised for market or other commercial purposes are not racing-homing pigeons for the purposes of this chapter.

SEVERE INJURY. Any physical injury that results in one or more of the following: one or more broken bones; one or more disfiguring lacerations, avulsions, cuts, or puncture wounds requiring medical attention; two or more sutures or staples; permanent nerve damage; or transmittal of an infectious or contagious disease.

SHELTER. Shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal to express normal behavior for its species, age, condition, size, and type of each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters with wire, grid, or slat floors that permit the animal's feet to pass through the openings, sag under the animal's weight, or otherwise do not protect the animal's feet or toes from injury are not adequate shelter. Materials not suitable for shelters include, but are not limited to:

(1) Metal or plastic drums;

(2) Abandoned vehicles;

(3) Uncovered porches or decks;

(4) Lean-tos; or

(5) Any other structure that fails to provide sufficient protection from the elements.

SPECIAL EVENT. Any assembly, public assembly, meeting, festival, concert, street fair, arts and craft show, parade, carnival, block party, derby, athletic event, and any other event, including but not limited to events permitted under section 96.01 et seq., which occurs on a city street, sidewalk or other city-owned land and improvements.

UNLICENSED DOG. Any dog for which a registration fee has not been paid to the city for the current year or to which a metal tag has not been attached as required by this Code.

UNPROVOKED. An aggressive act by an animal that is not prompted by torment, physical abuse, or injury to the animal. It ~~will~~ also refers to an aggressive act by an animal where the animal was not protecting itself, another animal, its owner, or another person from being assaulted. It ~~will~~ also refers to an aggressive act by an animal where the animal was not protecting real property belonging to its owner from a crime being committed on the owner's property at that time. An incident will also be considered unprovoked if an animal injures law enforcement personnel while they are lawfully carrying out their duties.

VICIOUS ANIMAL. Any animal that, when unprovoked, inflicts severe injury, inflicts multiple bites, injures multiples parties in the same incident, kills a person, or any animal previously determined to be a dangerous animal that, after its owner has been notified of this determination, continues or escalates the behavior of a potentially dangerous animal or is involved in a subsequent incident, as determined by the Animal Control Officer in accordance with this chapter.

WATER. Clean, fresh, and potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size, and type of each animal. Except as prescribed by a veterinarian, animals must have access to water at all times. Water must be provided in clean and durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests.

§ 91.103 SCHEDULE OF FEES AND CHARGES.

Fees and charges referred to in this chapter will be as set forth in a resolution adopted by the City Council and on file in the City Clerk's office.

§ 91.105 INTERFERENCE WITH ANIMAL CONTROL OFFICER.

It is unlawful to resist or interfere with the Animal Control Officer in the performance of their official duties, or to fail or refuse to exhibit the registration of any Animal required to be licensed by this chapter when requested by the Animal Control Officer.

§ 91.106 RIGHT OF ENTRY.

A. In the administration and enforcement of the provisions of this chapter the Animal Control Officer has authority to enter any premises upon which any animal is kept for the purpose of picking up, seizing, or impounding any animal found running at

large, or staked, herded, or grazing thereon, contrary to the provisions of this chapter, or for the purpose of ascertaining whether such animal is registered or licensed as provided in this chapter, or for the purpose of inspecting the premises to ascertain whether any law of the city or state relating to the care, treatment, or impounding of animals or birds, or to the prevention of cruelty to animals or birds, is being violated; provided, however, the right of entry will be exercised only during the hours of 8:00 a.m. to 6:00 p.m., and no building will be entered without the consent of the owner or tenant, unless exigent circumstances exist.

B. If any owner or tenant objects to such entry into any building, the Animal Control Officer may secure a warrant authorizing entry to search the building and arrest any person there present violating, or attempting to violate, any law of the city or state relating to the care, treatment, or impounding of animals or birds or to the prevention of cruelty to animals or birds.

§ 91.107 SEVERABILITY.

If any provision of this chapter is held invalid it will not invalidate~~offset~~ other provisions that can be given effect without the offending provision.

§ 91.108 CONSTRUCTION OF CHAPTER.

Nothing in this chapter is intended to authorize the keeping, maintaining, or handling of any animal that is otherwise prohibited or restricted by law, regulation, or permit requirement.

DUTIES OF ANIMAL OWNERSHIP

§ 91.201 ADEQUATE CARE.

An owner or custodian of an animal must provide that animal with adequate feed, water, shelter, exercise, and veterinary care. No owner or custodian of an animal can keep or permit to be kept upon any premises or in any vehicle any animal~~s~~ in foul, offensive, obnoxious, filthy, or unsanitary conditions.

A. An owner or custodian must, when ordered to do so by an Animal Control Officer, provide care, feed, water, shelter, exercise, or veterinary care.

B. An owner or custodian must, when ordered to do so by an Animal Control Officer, clean or disinfect any stable, barn, stall, pen, coop, enclosure, building, or other place where any animal is kept, and/or any box, bin, or receptacle used for the accumulation of manure or waste.

C. The provisions of this section are applicable to any place where domestic animals are kept, including animal shelters, pounds, dealers, pet shops, exhibitors, kennels, catteries, groomers, boarding and establishments with a dog and/or cat fancier's license. An Animal Control Officer or law enforcement officer

may enter any of these facilities at any time during the hours of 8:00 a.m. to 6:00 p.m. to inspect such facility for compliance with the provisions of this chapter.

D. Violations of this section will be grounds for immediate impoundment by the Animal Control Officer. Any seized animal will be subject to impound procedures ~~pursuant to~~under §§ 91.301 et seq.

§ 91.202 PARENTAL LIABILITY.

The parent or guardian of a minor is responsible for all actions required of an owner under this chapter. The parent or guardian, not the minor, will be liable for any violations of this chapter.

§ 91.203 ABANDONMENT OF ANIMALS.

No person may abandon any animal in any public place, including but not limited to the right-of-way of any public highway, road, or street, or on the property of another.

§ 91.204 SCOOP LAW.

An owner or custodian is responsible for immediately removing and properly disposing of their animal's feces by placing it in a closed or sealed container or bag and depositing it in a garbage receptacle. This section does not apply to guide, service, or signal dogs as defined by Cal. Civil Code, § 54.1. This section does not authorize any person to enter or allow their animal to enter upon the private property of another.

§ 91.205 ANIMALS AT LARGE.

A. —No owner or custodian may allow any domestic animal under their control to run at large on public property or the private property of another. This section does not apply to domestic cats.

B. Any animal found at large is subject to immediate seizure and impoundment by an Animal Control Officer or peace officer. Any seized animal will be subject to regular impound procedures pursuant to §§ 91.301 et seq.

C. Violations. Any violation of this section is an infraction punishable as set forth in § 10.99 of this code of ordinances, and may subject the animal or owner to the procedures set forth in §§ 91.801 et seq. to designate a nuisance animal or irresponsible owner.

§ 91.206 ~~[RESERVED~~EXCESSIVE NOISE~~.]~~

A. No owner or custodian ~~shall~~may permit any animal under their charge, care, custody or control to emit any excessive noise. For the purposes of this section, "excessive noise" ~~shall~~ means noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the rights of persons, other than its owner, to the enjoyment of life or property, within reasonable proximity to where the animal(s) are kept.

B. Upon receipt of a signed, written complaint, an Animal Control Office or peace officer may investigate and, upon making a determination that an animal violated this section, issue a citation to the owner or custodian.

C. Violations. Any violation of this section is an infraction punishable as set forth in § 10.99 of this code of ordinances, and may subject the animal or owner to the procedures set forth in § 91.801 et seq. to designate a nuisance animal or irresponsible owner.

§ 91.207 [RESERVED.]

§ 91.208 TETHERING.

A. No person is allowed to tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object unless one of the following apply:

1. The dog is attached to a running line, pulley, or trolley system by means other than a choke collar or pinch collar.

2. The dog is tethered, fastened, chained, or tied pursuant to the requirements of a camping or recreation area.

3. The dog is tethered, fastened, chained, or tied no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period. In no event may this period be more than 230 minutes.

4. The dog is tethered, fastened, chained, or tied while actively engaged in conduct that is directly related to shepherding livestock or other agricultural activity if the restraint is necessary to accomplish such conduct.

B. Violations of this chapter are enforced in accordance with Cal. Health & Safety Code, § 122335.

§ 91.209 ANIMALS IN VEHICLES.

A. No person is allowed to transport or carry, on any public highway or public roadway, any animal in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a cab or container, cage, or other device that will prevent the animal from falling, being thrown, or jumping from the motor vehicle.

B. No person is allowed to leave an animal in any unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures that adversely affect or have the potential to imminently affect the animal's health or welfare. If an animal is left unattended in violation of this division, any Animal Control Officer, firefighter, fire marshal, or law enforcement officer is authorized to remove the animal from the vehicle if they determine the

animal is being confined in a manner that is detrimental to its health and safety, and after making a reasonable attempt to contact the owner.

C. ~~The~~An animal found to be transported, left or confined in violation of this subdivision ~~will~~may be impounded and taken to a veterinarian for any care needed and then placed at an animal shelter. A written notice will be left attached to the vehicle with the impounding officer's name, badge number, and contact information, as well as the time, date, and location where the animal is being held.

D. Any person who violates this subdivision will be responsible for all costs and expenses incurred by the city resulting from the violation, including, but not limited to, animal care and medical treatment, impound costs, and removal costs.

IMPOUNDMENT

§ 91.301 AUTHORIZATION TO IMPOUND.

An animal may be impounded at the discretion of the Animal Control Officer for good cause. ~~Instances~~ Events warranting impoundment include, but are not limited to, the following:

A. The owner or custodian of the animal consents to the impoundment.

B. The animal is at large.

~~B.~~C. The animal is unlicensed.

~~C.~~D. The Animal Control Officer has reasonable grounds to believe that the animal may be rabid.

~~D.~~E. The Animal Control Officer has reasonable grounds to believe that the animal is a dangerous or vicious animal as defined in this chapter.

~~E.~~F. To protect an animal that is injured, sick, starving or suffering from heat, cold or confinement or needs immediate care.

~~F.~~G. When the Animal Control Officer has reasonable grounds to believe that immediate impoundment of the animal is necessary to protect the public health or safety of any person or animal.

~~G.~~H. The impoundment is authorized by the Chief of Police.

~~H.~~I. Any other violation of the provisions of this chapter warranting, in the discretion of the Animal Control Officer and for good cause.

§ 91.302 NOTICE.

If there is a known address or owner for the animal, the Animal Control Officer will when possible serve a notice of impoundment within 24 hours of the impoundment,

either in person or by attaching to the owner's door if the owner has been ascertained and located. The notice will state:

A. The date of impoundment and the place where the animal is impounded;

B. The grounds for impoundment; and

C. The action to be taken by the owner to retrieve the animal from impoundment, if any.

§ 91.303 CARE OF IMPOUNDED ANIMALS.

The Animal Control Officer or designee will ensure that all impounded animals receive suitable and adequate food, water and shelter. Designee in this case will include a veterinarian, the Humboldt County Animal Shelter, or any other responsible caretaker.

§ 91.304 RECLAIMING IMPOUNDED ANIMALS.

The owner or person entitled to the custody of any animal taken up, seized, or impounded byat the Police Department may redeem suchthe animal by paying to the Police Department the charges and fees, including impound and registration fees, accruing up to the time of such redemption.

§ 91.305 IMPOUND FEES.

The Animal Control Officer may charge, receive, and collect fees and charges for services and impounding animals as established from time to time by resolution of the City Council. All such monies will be paid into the city treasury to be credited to the general fund.

REQUIREMENTS AND LIMITATIONS OF ANIMAL OWNERSHIP

§ 91.401 LIMITATIONS ON OWNERSHIP.

A. Rabbits. No person may keep, harbor, or maintain more than 20 rabbits upon any property within the city that is smaller than 5,000 square feet. No person may keep, harbor, or maintain more than 40 rabbits on any property.

B. Livestock. Unless otherwise expressly permitted by this chapter or by variance obtained from the city, no person may keep, harbor, or maintain on any premises within the city any bovine animal, swine, horse, pony, mule, burro, sheep, goat, or other domestic livestock.

C. Prohibited animals.

1. No person may keep animals belonging to the following orders, with the exception of a properly permitted and licensed zoo.

a. Anseriformes - (e.g., swans and screamers) except ducks and geese;

b. Artiodactyla - (e.g., cattle, goats, sheep, pigs, deer, elk, alpacas and llamas), except: miniature pigs or miniature goats with a current, valid license;

c. Carnivora or hybrids of these - (e.g., otters, wolves, bears, coyotes, foxes, tigers, leopards, cougars, lions, lynx, mink, skunks, weasels, badgers, mongooses and raccoons), except domestic dogs and domestic cats; wolf hybrids of any type are prohibited;

d. Chiroptera - (e.g., bats, myotis and flying foxes);

e. Crocodylia - (e.g., alligators, crocodiles, gavials and caimans);

f. Lithobates catesbeianus - commonly known as the American bullfrog;

g. Marsupialia - (e.g., koalas, kangaroos, opossums, sugar gliders and wallabies);

h. Perissodactyla (e.g., donkeys, jackasses, mules, and zebras) - with the exception of horses, ponies and miniature horses;

i. Primates - old world, new world and primitive primates (e.g., chimpanzees, gorillas, monkeys, lorises and lemurs);

j. Raptors - (e.g., eagles, hawks, falcons and owls) except as allowed by Title 14 CCR § 670;

k. Rodentia - (e.g., porcupines, prairie dogs, and nutria) except rodentia: (a) where neither the female nor the male of the species exceeds or will exceed 4 pounds in weight before or at maturity; and (b) that are derived from a self-sustaining captive population;

l. Reptilia - (e.g., lizards, snakes, turtles) are allowed with the following exceptions: (a) front fanged venomous snakes and (b) heloderma and (c) lizards where either the female or the male of the species exceeds or will exceed eight feet in length from nose to tip of tail before or at maturity; (d) Trachemys scripta elegans commonly known as the Red Eared Slider;

m. Struthioniformes - (e.g., ostriches, rheas, cassowaries, emus and kiwis);

n. Order Xenarthra-Sloths - (e.g., anteaters, armadillos, etc.);

2. It is unlawful for any person to keep or permit any animal permitted under this division except in an escape-proof enclosure.

D. Extraordinary relief. If any person believes that they are entitled to extraordinary relief from the provisions of this section or the enforcement thereof because enforcement of this section in the particular instance would be unreasonable and result in unreasonable hardship or damage to that person, such person may request a hearing for the grant of extraordinary relief in accordance with the

Administrative Hearing Procedures Ordinance, §§ 10.110 et seq~~before the City Manager or their designee~~. If~~, after a hearing held after seven days' notice to the applicant, the City Manager or their designee~~ the Hearing Officer finds that enforcement of this section in the applicant's case would be unreasonable or unnecessary and would result in unreasonable hardship or damage, any of the provisions or regulations of this section may be modified or abated in harmony with the general purposes and objectives ~~hereof~~of this section.~~ The decision of the City Manager is final as to the city.~~

E. Violations. Any person found in violation of this section may be provided with up to 30 days to remove any excess or prohibited animals from the premises, unless the keeping of the animals is deemed a public safety hazard, in which case the Animal Control Officer can require the immediate removal of the animal(s) or seize the animal(s), at the Animal Control Officer's discretion. If 30 days' notice is given, at the end of the 30-day period, if ~~any excess or prohibited animals are still present on the premises~~the violation remains uncured, a fine will be levied for each ~~excess or prohibited animal~~violation of this section, and any Animal Control Officer or peace officer will have authority to seize any animal kept in violation. Any seized animal will be subject to regular impound procedures pursuant to § 91.301 et seq~~excess or prohibited animals. Any seized animal will be subject to regular impound procedures~~. The owner of the animal may claim the animal if the owner is able to pay the required impound fees and provide proof the owner will no longer keep, harbor, or maintain any animals in violation of this section.

§ 91.402 LIVESTOCK.

No person may keep, harbor, or maintain on any premises within the city any livestock as defined in this ~~subchapter~~ sectionb unless that person can ~~abide by~~comply with the following provisions.

A. No livestock may be kept, harbored, or maintained ~~kept~~ on property with a multifamily housing unit or complex.

B. No person may keep, harbor, or maintain a horse, pony, miniature horse or bovine on any property within the city that is smaller than 21,000 square feet in size. The property must be an additional 11,000 square feet in size for each additional horse, pony, miniature horse or bovine.

C. No person may keep, harbor, or maintain a goat, sheep or pig on any property within the city that is smaller than 11,000 square feet in size.

D. Two goats, sheep or pigs may be kept on a property that is 11,000 square feet or larger. The property must be an additional 11,000 square feet in size for each additional goat, sheep or pig. This does not apply to properly licensed miniature goats and miniature pigs.

E. All feed must be stored and waste disposed of in a manner that prevents the attraction of rodents, flies, and other pests.

~~E.~~F. Violations. Any person found in violation of this section may be provided with up to 30 days to cure the violation, unless the keeping of the animals is deemed a public safety hazard, in which case the Animal Control Officer can require the immediate removal of the animal(s) or seize the animal(s), at the Animal Control Officer's discretion. If 30 days' notice is given, at the end of the 30-day period, if the violation remains uncured, a fine will be levied for violation of this section, and any Animal Control Officer or peace officer will have authority to seize any animal kept in violation. Any seized animal will be subject to regular impound procedures pursuant to § 91.301 et seq. The owner of the animal may claim the animal if the owner is able to pay the required impound fees and provide proof the owner will no longer keep, harbor, or maintain any animals in violation of this section.

§ 91.403 POULTRY.

Keepers of poultry within city limits must ~~abide by~~comply with the following provisions:

A. No poultry may be kept, harbored~~,~~ or maintained ~~kept~~ on property with a multifamily housing unit or complex.

B. No person may keep, harbor, or maintain more than ten total poultry on any property within the city that is smaller than 5,000 square feet in size.

C. No person may keep, harbor, or maintain more than 20 birds on any property larger than 5,000 square feet in size.

D. All poultry must be provided a coop consisting of a covered, predator-proof shelter that is thoroughly ventilated, provides adequate protection from the elements, is designed to be easily cleaned, and provides a feeder and watering space sufficient for the number of birds being kept.

E. All coops must be maintained in orderly and working condition at all times and must be cleaned regularly so as to prevent odors from being perceptible from other properties. All feed must be stored and waste disposed of in a manner that prevents the attraction of rodents, flies, and other pests.

F. Coops must be kept at least 15 feet away from any property line and any dwelling unit.

G. No person may keep, harbor, or maintain on any premises in the city any crowing rooster.

~~G.~~H. Violations. Any person found in violation of this section may be provided with up to 30 days to cure the violation, unless the keeping of the animals is deemed a public safety hazard, in which case the Animal Control Officer can require the

immediate removal of the animal(s) or seize the animal(s), at the Animal Control Officer's discretion. If 30 days' notice is given, at the end of the 30-day period, if the violation remains uncured, a fine will be levied for violation of this section, and any Animal Control Officer or peace officer will have authority to seize any animal kept in violation. Any seized animal will be subject to regular impound procedures pursuant to § 91.301 et seq. The owner of the animal may claim the animal if the owner is able to pay the required impound fees and provide proof the owner will no longer keep, harbor, or maintain any animals in violation of this section.

§ 91.404 DOGS.

A. No person may keep, harbor, or maintain on any premises in the city more than three dogs~~, each of which is~~ over the age of four months, unless that person possesses a valid dog fancier's license from the city, ~~with the exception of~~provided that in a premises operating as shared-housing, defined for this section only as the renting out of ~~single~~individual rooms in a ~~single-family~~ home with shared common areas, ~~in which case~~ the limit ~~shall me~~is one dog per unit, ~~for~~up to a maximum of six dogs on the premises. ~~.~~

B. Every owner of a dog over the age of four months must register the dog with the city and pay an annual dog license fee within 30 days of the dog becoming four months old or within 30 days of ~~of~~ acquiring the dog.

C. Every owner of a dog must thereafter pay an annual dog license fee to the city within 30 days of the anniversary of the dog's initial registration with the city.

D. The amounts of both the initial and subsequent dog license fees are established by resolution of the City Council.

E. The provisions of this section do not apply to any dog owned by, or in the custody of, a nonresident of the city who is visiting or temporarily residing in the city for a period not exceeding 30 days.

F. A dog license will not be issued unless the applicant shows the license clerk a valid certificate of canine anti-rabies vaccination, which adequately describes the physical features of the dog and the date of vaccination, and bears the signature of a licensed veterinarian.

G. With each dog registration, the city will issue a license tag bearing an identification number and the date of expiration, together with the words "Eureka Dog License" plainly inscribed thereon. Such license tag must be securely fixed to a collar, harness, or other device to be worn at all times by the dog for whom the registration is issued, except while such dog remains indoors or in an enclosed yard or pen.

H. A license tag or decal issued for one dog cannot be transferred or attached to any other dog.

I. If a license tag is lost or stolen, the owner ~~can~~may apply for a replacement tag. The city will require a declaration regarding the circumstances and payment of a fee prior to issuing a replacement.

J. It is unlawful for an unauthorized person to remove a current license tag from any dog.

K. Pursuant to the city's Schedule of Fees, the cost of licensing will be reduced for any dog that is altered if the owner provides a veterinary certificate as proof of surgical altering.

L. Violations. Dogs kept, harbored, or maintained in violation of this section are subject to immediate impoundment by any Animal Control Officer or peace officer. Any seized animal will be subject to impound procedures pursuant to § 91.301 et seq.

~~K.~~

§ 91.405 EXCEPTIONS AND DISCOUNTS.

A. A license fee will not be levied for any dog license issued for any assistance dog. As used in this chapter, "assistance dogs" are dogs specially trained as guide dogs, signal dogs or service dogs. Owners of assistance dogs may apply for an assistance dog license free of charge. All active applications that have been endorsed will be kept on file with the Director of Finance.

1. 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.

2. 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.

B. A 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.

C. 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 altered license fee for one year. If the dog, at a later date, is determined by the veterinarian to be suitable for sterilization, then the current standard license fee amount will apply.

D. A 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.

E. Nothing in this section may be construed to limit the ~~access~~ rights of any person in violation of the American~~'~~s with Disabilities Act of 1990.

~~E. Violations. Pigs kept, harbored, or maintained in violation of this section are subject to immediate impoundment by any Animal Control Officer or peace officer. Any seized animal will be subject to impound procedures pursuant to § 91.301 et seq.~~

§ 91.406 MINIATURE PIGS.

A. No person may keep, harbor, or maintain on any premises in the city more than two miniature pigs over the age of four weeks, and only if that person has a valid license or permit from the city.

1. No miniature pig may be kept on property with a multi-family housing unit or complex.

2. No breeding of miniature pigs is permitted in the city.

3. The owner or keeper of any miniature pig must maintain proper hoof and tusk care for the animal.

B. The owner of a miniature pig ("pig") must obtain a license for the miniature pig within 30 days of entry of any miniature pig into the city. The owner must pay a license fee in an amount established by resolution of the City Council. To obtain a license the owner must also present, to the satisfaction of the license clerk, the following:

1. Proof that the pig is spayed or neutered; except those miniature pigs that are certified in writing by a licensed veterinarian as not being suitable subjects for sterilizing due to health or age reasons.

2. The address of the real property where the pig will be kept; a description of the physical location where the pig will be kept. No miniature pig may be kept on property with a multifamily housing unit or complex.

3. Written permission from the owner of such land or dwelling unit in which a miniature pig is kept or maintained.

~~3.~~C. Violations. Pigs kept, harbored, or maintained in violation of this section are subject to immediate impoundment by any Animal Control Officer or peace officer. Any seized animal will be subject to impound procedures pursuant to § 91.301 et seq.

§ 91.407 MINIATURE GOATS.

A. No person will keep, harbor, or maintain upon any premises in the city more than two miniature goats, each of which is over the age of four weeks, and only if that person has a valid license or permit from the city.

1. No miniature goat may be kept on property with a multifamily housing unit or complex or on a property of less than 6,000 square feet.

2. No breeding of miniature goats is permitted in the city.

3. The owner or keeper of any miniature goat must maintain proper hoof care for the animal.

B. Every owner of a miniature goat ("goat") must obtain a valid license from the city for each goat within 30 days of acquiring the goat. To obtain a license the owner must present, to the satisfaction of the license clerk, the following:

1. Certification by a licensed veterinarian that the goat has current vaccinations and, if male, is neutered; except those miniature goats that are certified in writing by a licensed veterinarian as not being suitable subjects for sterilizing due to health or age reasons.

2. Written permission from the owner of such land or dwelling unit in which a miniature goat is kept or maintained.

3. The address of the real property where the goat will be kept; proof the property is 6,000 square feet or greater and a description of the physical location where the goat will be kept. No miniature goat may be kept on property with a multifamily housing unit or complex.

~~3.~~C. Violations. Goats kept, harbored, or maintained in violation of this section are subject to immediate impoundment by any Animal Control Officer or peace officer. Any seized animal will be subject to impound procedures pursuant to § 91.301 et seq.

§ 91.408 PERMITS FOR PET DEALERS, GROOMING SALONS, AND PET SHOPS.

A. Any person operating a pet shop or grooming salon, boarding facility or pet day care or operating as a dealer in domestic animals, including birds, fish, and reptiles, or offering for commercial sale any domestic animal ("permittee"), is required to obtain a permit ("permit") from the Animal Control Officer no later than January 31 of each year.

B. An Animal Control Officer will inspect any such facility prior to permit issuance. The permit must be renewed each year thereafter on the anniversary of issuance, subject to the approval of the Animal Control Officer.

C. The amount of the fee to obtain an initial permit and to renew any permit will be established by resolution of the City Council.

D. Any permittee ~~will~~must maintain records as specified by the city on an application form that has been approved by the city for permit issuance.

E. Any Animal Control Officer or public health officer will be allowed to inspect any facility at which the permittee is engaging in activities requiring a permit during regular hours of operation without prior notice to the permittee.

F. Any permit must be conspicuously displayed in an area within public view of any place where the permittee is engaging in activities requiring a permit.

G. Applications to obtain and renew permits may be denied by the Animal Control Officer if any Animal Control Officer determines an applicant or permittee has demonstrated fraudulent practices, inhumane treatment of animals, or violation of local, state, or federal laws.

H. An applicant may appeal any denial for a permit or renewal in accordance with the Administrative Hearing Procedures Ordinance, §§ 10.110 et seq~~to the City Manager or the City Manager's designee~~.

I. A permit may be revoked after investigation by the Animal Control Officer and hearing in accordance with §§ 91.801 et seq.

§ 91.409 DOG FANCIER'S LICENSE.

A. Any person who seeks to own or keep four or more dogs within the city ("licensee") must first apply for a dog fancier's license ("license") and pay an annual license fee in an amount prescribed by resolution of the City Council. No person who has been denied a license may keep more than three dogs ~~on any~~ in any enclosure, building structure, dwelling unit, vehicle, lot or area in their possession ~~property~~ for any reason.

B. Any dog fancier license fee must be paid prior to obtaining a fourth dog and thereafter on or before the first day of July of every year. If a license fee is not paid on or before the 31st day of July, the licensee will be required to pay an additional late fee as prescribed by resolution of the City Council.

C. If a license fee is not paid by August 31st, an Animal Control Officer may give the licensee 30 days to remove any excess animals from its property or in their possession or bring their license status into compliance.

D. Any Animal Control Officer or peace officer ~~will be~~is authorized to seize any excess animals at the end of the 30-day period. The animal(s) will be subject to

~~regular~~ the impound procedures specified in § 91.301 et seq., and the licensee may claim the animal(s) if it pays the required impound fees and shows proof it has paid all outstanding license fees.

E. An Animal Control Officer may at any time Monday through Friday during the hours of 8:00 a.m. to 6:00 p.m. enter onto the premises of any licensee to inspect the premises. The purpose of such inspection will be to ensure that the licensee's premises are being maintained in a sanitary and proper condition, and that the premises have not been permitted to become a nuisance or detriment to the community. Nothing in this section may be construed to supersede the Fourth Amendment or state law regarding search and seizure.

F. If the Animal Control Officer finds that the licensee's premises are not maintained in a sanitary and proper manner, the Animal Control Officer may revoke the license for the premises. Once the license has been revoked, the licensee will have 30 days to remove any excess animals from the premises or resolve the issue. If the issue remains unresolved after 30 days, then any animal kept, harbored, or maintained in violation of this section is subject to immediate impoundment by any Animal Control Officer or peace officer. Any seized animal will be subject to impound procedures pursuant to § 91.301 et seq.

§ 91.410 CAT FANCIER'S LICENSE.

A. Any person who seeks to own or keep four or more cats within the city ("licensee") must first apply for a cat fancier's license ("license") and pay an annual license fee in an amount prescribed by resolution of the City Council. No person who has been denied a license may keep more than three cats in any enclosure, building structure, dwelling unit, vehicle, lot or area in their possession~~on any property~~ for any reason.

B. Any cat fancier license fee must be paid prior to obtaining a fourth cat and thereafter on or before the first day of July of every year. If a license fee is not paid on or before the 31st day of July, the licensee will be required to pay an additional late fee as prescribed by resolution of the City Council~~If a license fee is not paid by August 31st, an Animal Control Officer may give the licensee 30 days to remove any excess animals from its property or bring their license status into compliance~~.

~~B.~~C. If a license fee is not paid by August 31st, an Animal Control Officer may give the licensee 30 days to remove any excess animal from its property or their possession, or bring their license status into compliance.

~~C.~~D. Any Animal Control Officer or peace officer ~~will be~~is authorized to seize any excess animals at the end of the 30-day period. The animal(s) will be subject to the impound procedure specified in § 91.301 et seq., and the licensee may claim the animal(s) if it pays the required impound fees and shows proof it has paid all outstanding license fees~~The animals will be subject to regular impound~~

~~procedures, and the licensee may claim the animals if it pays the required impound fees and shows proof it has paid all outstanding license fees~~.

~~D.~~E. An Animal Control Officer may at any time Monday through Friday during the hours of 8:00 a.m. to 6:00 p.m. enter onto the premises of any licensee to inspect the premises. The purpose of such inspection will be to ensure that the licensee's premises are being maintained in a sanitary and proper condition, and that the premises have not been permitted to become a nuisance or detriment to the community. Nothing in this section may be construed to supersede the Fourth Amendment or state law regarding search and seizure.

~~E.~~F. If the Animal Control Officer finds that the licensee's premises are not maintained in a sanitary and proper manner, the Animal Control Officer may revoke the license for the premises. Once the license has been revoked, the licensee will have 30 days to remove any excess animals from the premises or resolve the issue. If the issue remains unresolved after 30 days, then any animal kept, harbored, or maintained in violation of this section is subject to immediate impoundment by any Animal Control Officer or peace officer. Any seized animal will be subject to impound procedures pursuant to § 91.301 et seq.

~~F. Any license fee must be paid prior to obtaining a fourth cat and thereafter on or before the first day of July of every year. If a license fee is not paid on or before the 31st day of July, the licensee will be required to pay an additional late fee as prescribed by resolution of the City Council.~~

~~G. If a license fee is not paid by August 31st, an Animal Control Officer may give the licensee 30 days to remove any excess animals from its property or bring their license status into compliance.~~

~~H. Any Animal Control Officer or peace officer will be authorized to seize any excess animals at the end of the 30-day period. The animals will be subject to regular impound procedures, and the licensee may claim the animals if it pays the required impound fees and shows proof it has paid all outstanding license fees.~~

~~I. An Animal Control Officer may at any time Monday through Friday during the hours of 8:00 a.m. to 6:00 p.m. enter onto the premises of any licensee to inspect the premises. The purpose of such inspection will be to ensure that the licensee's premises are being maintained in a sanitary and proper condition, and that the premises have not been permitted to become a nuisance or detriment to the community. Nothing in this section may be construed to supersede the Fourth Amendment or state law regarding search and seizure.~~

~~J. If the Animal Control Officer finds that the licensee's premises are not maintained in a sanitary and proper manner, the Animal Control Officer may revoke the license for the premises. Once the license has been revoked, the licensee will have 30 days to remove any excess animals from the premises or resolve the issue.~~

§ 91.411 EXOTIC ANIMAL FANCIER'S LICENSE.

A. Any person who seeks to own or keep eleven or more exotic animals within the city ("licensee") must first apply for an exotic animal fancier's license ("license") and pay an annual license fee in an amount prescribed by resolution of the City Council. No person who has been denied a license may keep more than ten exotic animals on any property or otherwise in their possession for any reason.

B. Any license fee must be paid prior to obtaining an eleventh exotic animal and thereafter on or before the first day of July of every year. If a license fee is not paid on or before the 31st day of July, the licensee will be required to pay an additional late fee as prescribed by resolution of the City Council.

C. If a license fee is not paid by August 31st, an Animal Control Officer may give the licensee 30 days to remove any excess animals from its property or otherwise in their possession or bring their license status into compliance.

D. Any Animal Control Officer or peace officer will be authorized to seize any excess animals at the end of the 30-day period. The animal(s) will be subject to the impound procedure specified in § 91.301 et seq., and the licensee may claim the animal(s) if it pays the required impound fees and shows proof it has paid all outstanding license fees.~~The animals will be subject to regular impound procedures, and the licensee may claim the animals if it pays the required impound fees and shows proof it has paid all outstanding license fees.~~

E. An Animal Control Officer may at any time Monday through Friday during the hours of 8:00 a.m. to 6:00 p.m. enter onto the premises of any licensee to inspect the premises. The purpose of such inspection will be to ensure that the licensee's premises are being maintained in a sanitary and proper condition, and that the premises have not been permitted to become a nuisance or detriment to the community. Nothing in this section may be construed to supersede the Fourth Amendment or state law regarding search and seizure.

F. If the Animal Control Officer finds that the licensee's premises are not maintained in a sanitary and proper manner, the Animal Control Officer may revoke the license for the premises. Once the license has been revoked, the licensee will have 30 days to remove any excess animals from the premises or resolve the issue. If the issue remains unresolved after 30 days, then any animal kept, harbored, or maintained in violation of this section is subject to immediate impoundment by any Animal Control Officer or peace officer. Any seized animal will be subject to impound procedures pursuant to § 91.301 et seq.

§ 91.412 REGISTRATION RECORDS.

A. Each registration required by this chapter will state the name and current residence address of the person to whom it is issued, the nature of the

registration, the amount paid, the date issued, and the date the registration expires.

B. In the case of a dog registration, the registration will also contain the name and description of the dog, the number of the metal tag accompanying the registration certificate, and the date of rabies vaccination.

C. In the case of a dog fancier's and cat fancier's registration, the registration will also state the maximum number of dogs or cats that may be kept under the authority of the registration.

D. The city will keep a record of the name and address of each person to whom a registration certificate or certificate and tag are issued pursuant to the provisions of this chapter, the date of issuance, the number of the metal tag, and a description of the animal or fancier's license for which it is issued.

E. All moneys received for registrations or licenses under the provisions of this chapter will be paid to the city treasury and credited to the general fund.

F. Every dog owner will be required to provide proof of licensing upon the request of an Animal Control Officer or any other law enforcement officer.

DAIRIES

§ 91.501 MAINTENANCE.

The provisions of this ~~subchapter~~ section will not be retroactive so as to apply to dairies in actual operation on January 1, 1960. No extensions or additions will be permitted to be made to any such dairies except such alterations or repairs as may be required to be made therein to fulfill any requirements of the Animal Control Officer, and in such event such alterations or repairs may be made only upon the express permission of the Planning Commission of the city, issued upon written approval of the Animal Control Officer, stating the necessity therefor; and provided, further, no enlargement of any existing dairy will be permitted by adding to the number of animals kept upon any premises in the city in connection with such use without the approval of the Planning Commission and the Animal Control Officer.

§ 91.502 ABANDONMENT.

Any cessation of operations of existing dairies, coupled with a change in the use of the premises for other purposes, will be construed to be an abandonment of the premises for such original purpose.

HORSE DRAWN CARRIAGES

§ 91.601 OPERATIONS.

A. No person may operate a horse-drawn carriage in any manner that impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for safe operation or in compliance with law.

B. Whenever a horse-drawn carriage is not available for hire, that horse-drawn carriage must be stored at a place and in a manner as approved by the city.

C. There should be no operation along any street that is configured so as to force motor vehicles to cross a centerline or make any other unsafe maneuver in order to get around a slow-moving carriage.

D. Horse-and-carriage standing areas (while awaiting a fare) must be in a location that does not impede free flow of motor vehicles and/or access to designated parking stalls as approved by the city as a part of the permit application process.

E. An Animal Control Officer may at any time during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday enter onto the premises of any stable keeping carriage horses to inspect the stable's premises after first giving the business owner 24 hours written notice. The purpose of such inspection will be to ensure that the stable's premises are being maintained in a sanitary and proper condition and that the stable has not been permitted to become a nuisance or detriment to the community.

F. The driver of a carriage will not stop such vehicle upon any public street for the purpose of loading or unloading passengers other than at a designated horse-drawn carriage stand, other than in the case of an emergency, or by special permit issued pursuant to this chapter.

G. The City Manager is authorized to establish set hours of operation for horse-drawn carriages if in the determination of the City Manager such hours are reasonably necessary for the preservation of health, safety or property.

§ 91.602 CARE.

In addition to any other rules related to animal care and ownership under this chapter, all horses used for the purpose of drawing a carriage must:

A. Be in good health; an Animal Control Officer or Law Enforcement Officer may require that the driver provide a written statement from a licensed veterinarian stating that the horse is fit to work.

B. Be acclimatized to the conditions (i.e., sights, sounds, movement, etc.) inherent in the intended job.

C. Be properly shod.

D. Be properly cleaned, with no offensive odors or caked dirt or mud.

E. Be worked no more than six days per week.

F. Be kept in an approved location while not at work.

§ 91.603 CARRIAGES.

A. Carriages must be kept in good working order and maintained in a clean and attractive manner.

B. All carriages will have no less than one and one-fourth inch spoked wheels with a rubber covering thick enough to protect the streets from damage and to keep noise to a minimum.

C. Warning taillights must be mounted at the rear of the carriage and be operated in a flashing mode continuously while the carriage is in traffic and conform to all applicable requirements of the California Vehicle Code.

D. All carriages must be fitted with reflected decals on both shafts of the carriage at the shoulder of the horse.

E. All carriages must have the rated seating capacity posted on the vehicle.

F. Carriages may not ferry more people than the carriage was designed to hold.

G. No one other than the driver, a company employee or apprentice may sit in the driver's seat.

H. All carriages must be equipped with a horn or warning device in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 40 feet, but may not emit an unreasonably loud or harsh sound.

I. Carriages/animals must be able to immediately remove any and all horse droppings from the streets or public rights-of-way, or to prevent such droppings on the streets and public rights-of-way.

J. Carriages may not travel at a speed faster than a slow trot.

K. Each carriage must be equipped with hydraulic brakes capable of stopping the carriage and adjusted so as to provide equal braking to each wheel without locking.

L. It is unlawful for any person to molest, distract or interfere with any horse, driver, or carriage. (Ord. 914-C.S., passed 4-20-21)

§ 91.604 OPERATORS AND DRIVERS.

A. No person under the age of 18 years may drive a horse-drawn carriage.

B. No person may operate a horse-drawn carriage while under the influence of alcoholic beverages or drugs.

C. Every person operating a horse-drawn carriage will be subject to all applicable laws, rules, and regulations of this code and the California Vehicle Code.

D. Each driver must demonstrate their ability to drive and care for the horse and equipment.

E. Each driver must have his or her valid driver's license in their possession while operating a carriage.

F. Drivers are prohibited from smoking, wearing headphones, or using cellphones while the carriage is in motion for optimum safety and control of the horse and carriage.

G. No driver may abandon their carriage, permit another to drive the carriage, except an apprentice, or permit any passenger to ride on the driver's seat.

RABIES CONTROL

§ 91.701 RABIES VACCINE FOR DOGS AND CATS.

It is unlawful for any person to own or harbor any dog or cat over the age of three months that has not been vaccinated against rabies by a licensed veterinarian, except those dogs and cats that are certified in writing by a licensed veterinarian as not being suitable subjects for vaccination due to health or age reasons. The written certification must be renewed at least once a year.

§ 91.702 REPORTING ANIMAL BITES.

Any person 18 years of age or older must report being bitten by any animal to the local law enforcement agency. Any guardian or parent of a person under the age of 18 ("minor") must report to the Animal Control Officer if the minor is bitten by any animal. Any person 18 years of age or older who owns an animal ~~will be~~is required to report to the Animal Control Officer if the animal has bitten any human being.

§ 91.703 SUSPICION OF RABIES.

A. Whenever the owner or person having the custody or possession of any animal observes or learns that such animal has shown symptoms of rabies, or has acted in a manner that would lead a reasonable person to suspect that it might have rabies, that owner or person having the custody or possession of such animal must immediately notify an Animal Control Officer or Health Officer or his representative and must permit the Animal Control Officer or Health Officer to make an inspection or examination of such animal.

B. Whenever it appears to an Animal Control Officer or Health Officer that there is reason to believe that any dog or other animal has rabies, or has been exposed to rabies, the Animal Control Officer or Health Officer may quarantine such animal until it can be established to the satisfaction of the Animal Control Officer

or Health Officer that such animal either does not have rabies, or that the owner is capable of quarantining the animal on the owner's property.

§ 91.704 QUARANTINE OF ANIMALS ON OWNER'S PROPERTY.

A. Isolation of a biting animal may be allowed on the owner's property or in the owner's possession when the owner can provide proof that the animal has been vaccinated against rabies, and in the judgment of an Animal Control Officer or their designee adequate facilities are provided to ensure adequate confinement and the owner is able and willing to satisfy the requirements of this ~~subchapter~~section. The Animal Control Officer may revoke this determination at any time during the quarantine period.

B. When, in the judgment of an Animal Control Officer or Health Officer, adequate facilities for confinement do not exist or the owner is unable or unwilling to properly supervise confinement of the animal, confinement must occur at an approved veterinary hospital or kennel, at the expense of the owner.

C. In cases where the owner does not desire to quarantine the biting animal, the owner may authorize euthanasia of the biting animal for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in the health department laboratory at the owner's expense.

§ 91.705 DISPOSITION OF RABID ANIMALS.

If it appears to any Animal Control Officer or any official of the Board of Health ("Health Officer"), upon examination, that an animal has rabies, the Animal Control Officer or Health Officer may, after a quarantine period as provided in this chapter, ~~kill~~ destroy the animal forthwith.

POTENTIALLY DANGEROUS, VICIOUS, AND NUISANCE ANIMALS

§ 91.801 PROCEDURE.

A. If an Animal Control Officer or other law enforcement officer ("officer") has investigated and determined that there exists probable cause to believe that an animal is potentially dangerous, vicious, or a nuisance, the Animal Control Officer, or his or her designee, may petition ~~the Chief of Police, or his or her designee,~~ for an administative hearing by a Hearing Officer pursuant to §§ 10.110 through 10.118 od this Code for the purpose of determining whether or not the animal in question should be declared a potentially dangerous, vicious, or a nuisance animal.

B. Whenever possible, any complaint received from a member of the public that serves as the evidentiary basis for the officer to find probable cause must be ~~sworn to and~~ verified by the complainant and attached to the petition.

C. The Animal Control Officer will notify the owner or keeper of the animal that a hearing will be held by the Hh~~h~~earing Oo~~e~~fficer at which time he or she may present evidence as to why the animal should not be declared a potentially dangerous, vicious, or nuisance animal. This evidence may be offered in either written or oral form by the owner of the animal or any interested citizen, including Animal Control Officers, humane officers, or peace officers, and be sworn to under penalty of perjury.

§ 91.802 SEIZURE AND IMMEDIATE IMPOUNDMENT.

A. If upon investigation it is determined by an Animal Control Officer or other law enforcement officer ("officer") that probable cause exists to believe the animal in question poses an immediate threat to public safety or safety to the animal, the officer may seize and impound the animal pending the hearing or determination provided for in this chapter.

B. The owner or keeper of the animal is liable to the city for the costs and expenses of keeping the animal if the animal is later determined to be a ~~public~~ potentially dangerous, vicious, or nuisance~~, potentially dangerous or vicious~~ animal.

C. ~~If public safety is adequately assured,~~ Tthe officer may permit the animal to be confined at the owner's expense in an approved kennel or veterinary facility or on the owner's premises, or to be ~~on the owner's premises~~released to the owner, if public safety is adequately assured.

§ 91.803 LIMITATIONS.

A. No animal may be declared a potentially dangerous, vicious, or nuisance animal 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 animal, or was teasing, tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime.

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

C. No animal may be declared a potentially dangerous, vicious, or nuisance animal if any injury or damage was sustained by a domestic animal that at the time the injury or damage was sustained was teasing, tormenting, abusing or assaulting the animal.

§ 91.804 REQUIREMENTS FOR OWNERSHIP OF A POTENTIALLY DANGEROUS OR VICIOUS ANIMAL.

A. All animals that have been determined by the Hearing Officer to be potentially dangerous or vicious must be properly licensed and vaccinated. The status of the

animal will be included in the licensing records either after the owner has agreed to the designation or the Hearing Officer has determined the designation applies to the animal. An additional fee of twice the applicable license fee will be charged for maintaining this additional information in the records.

B. A potentially dangerous or vicious animal must be kept indoors or in an enclosure while on the owner's property. A potentially dangerous animal may be off the owner's property only if it is restrained by a substantial leash no longer than four feet in length or within an enclosed vehicle.

C. The owner of a potentially dangerous or vicious animal must notify the Animal Control Officer, in writing, within two working days if the animal dies, is sold, transferred, or permanently removed from the city. If the animal is sold or transferred the owner must provide the name, number, and address of the new owner.

D. Owners of potentially dangerous or vicious animals must notify in writing any person to whom the animal is sold that the animal is potentially dangerous or vicious.

E. The owner or keeper of a vicious animal will have 30 days from the date of the determination to provide the Animal Control Officer with proof from a licensed veterinarian of the animal's sterilization and microchipping or a signed letter from a licensed veterinarian describing the reason why altering or microchipping is not possible.

F. The Hearing Officer may impose any additional conditions upon the ownership of a potentially dangerous or vicious animal that protects public health, safety, or welfare.

§ 91.805 REQUIREMENTS FOR CONTINUED OWNERSHIP OF A VICIOUS ANIMAL.

A. The owner of a vicious animal must be at least 18 years of age or older.

B. The owner of a vicious animal must provide proof to the Animal Control Officer that the owner has procured liability insurance in the amount of at least $100,000 covering any damage or injury that may be caused by the vicious animal during the 12-month period for which the license is sought. Liability insurance must be maintained so long as the owner keeps the vicious animal within city limits.

C. The owner or keeper must, at his or her own expense, and within two working days of receipt of notice of determination that the dog is vicious, provide the Animal Control Officer with two current color photographs of the animal that show the animal in a standing position.

D. All animals determined to be vicious must be confined inside the owner's residence or in an enclosure. It is unlawful for any owner or keeper to maintain a vicious animal upon any property that does not have an enclosure.

E. It is unlawful for any vicious animals to be on public property without written permission from the Animal Control Officer with the exception of transporting the animal to seek out veterinary treatment due to a medical emergency.

F. In any case where a vicious animal is lawfully outside the enclosure, except in cases where it is inside the dwelling of the owner or keeper, the animal must be securely muzzled and/or restrained, with a lead sufficient to restrain the animal no more than four feet in length, and the animal must be under the direct control and supervision of its owner or keeper.

§ 91.806 REQUIREMENTS FOR CONTINUED OWNERSHIP OF A ~~PUBLIC~~ NUISANCE ANIMAL.

A. The Hearing Officer may impose any reasonable conditions upon the ownership of the dog that will correct the circumstances that create the nuisance.

B. The owner or keeper of an animal determined to be a ~~public~~ nuisance will have 30 days from the date of the determination to provide the Animal Control Officer with proof from a veterinarian of the animal's sterilization and microchipping.

§ 91.807 PROCEDURE FOR DESTRUCTION OF VICIOUS ANIMALS.

A. An animal determined to be vicious may be humanely destroyed by any Animal Control Officer or peace officer when any of the following occur:

B. After proceedings conducted under §§ 91.1001 et seq., it is determined that the release of the animal would create a significant threat to the public health, safety, or welfare.

C. An owner of an animal that has previously been determined to be a vicious animal violates the provisions of this ~~subchapter~~ section relating to the keeping of vicious animals.

D. An animal that has previously been determined to be a vicious animal, when unprovoked, attacks, wounds, bites, or otherwise injures or kills any person.

E. An animal may not be destroyed ~~pursuant to divisions (A)(2) and (3) hereof~~ without a hearing pursuant to §§ 91.1001 et seq.

§ 91.808 REMOVAL FROM LIST.

A. If there are no additional instances of the behavior described in the definitions of potentially dangerous animal and ~~public~~ nuisance animal as defined in this chapter, within a 36-month period from the date of designation as a potentially dangerous or ~~public~~ nuisance animal, the animal will be removed from the list of potentially dangerous or ~~public~~ nuisance animals.

B. The animal may be removed from the list of potentially dangerous or ~~public~~ nuisance animals prior to the expiration of the 36-month period if the owner or

keeper of the animal demonstrates to the Animal Control Officer that changes in circumstances or measures taken by the owner or keeper, such as training of the animal, have mitigated the risk to the public safety.

§ 91.809 PENALTY.

A. Any violations relating to potentially dangerous animals will result in a ~~minimum~~ maximum fine of $500~~; the maximum fine will be set by the Fee Schedule as amended from time to time~~.

B. Any violations relating to vicious animals will result in a ~~minimum~~ maximum fine of $1,000~~; the maximum fine will be set by the Fee Schedule as amended from time to time,~~

C. Any violation relating to nuisance animals will be an infraction, punishable as set forth in § 10.99 of this code of ordinances.

IRRESPONSIBLE OWNER

§ 91.901 DETERMINATION.

Any owner or keeper of an animal will be determined an irresponsible owner ("irresponsible owner") when any of the following occurs:

A. The owner is administratively cited for violations of this chapter on three separate occasions within a 36-month period.

B. The owner's animal(s) are impounded for being off its owner's property in violation of any state or local law prohibiting the running at large of animals on three separate occasions within a 36-month period.

C. The owner's animal harasses or intimidates persons on public property or private property that is not owned or controlled by its owner or keeper.

D. The owner's animal is found at large while in estrus, on two separate occasions within a 36-month period.

E. When unprovoked, the owner's animal while off the owner's property has bitten or caused less than severe injury to another animal ~~off its owner's property,~~ on two separate occasions within the prior 36-month period.

F. When unprovoked, the owner's animal while off the owner's property has caused severe injury or death to another animal~~ off its owner's property~~.

G. Two or more of the owner's animals have been declared a ~~public nuisance,~~ potentially dangerous~~ or~~ vicious, or nuisance animal within a 36-month period.

§ 91.902 PENALTY.

An owner meeting the criteria of an irresponsible owner is subject to the following penalties:

A. A first offense will result in a maximum fine of $500, ; and the irresponsible owner will be prohibited from obtaining any new license or permit to own, harbor, or maintain any animal within the city for a period of one year; the maximum fine will be set by the Fee Schedule as amended from time to time.

B. A second offense will result in a maximum fine of $1,000, ; and the irresponsible owner will be prohibited from obtaining any new license or permit to own, harbor, or maintain any animal within the city for a period of two years; the maximum fine will be set by the Fee Schedule as amended from time to time.

C. A third offense will result in a maximum fine of $1,500, and the irresponsible owner will be prohibited from being unable to obtaining any city license or permit to own, harbor, or maintain any animal within the city for a period of five years; the maximum fine will be set by the Fee Schedule as amended from time to time.

HEARINGS

§ 91.1001 PURPOSEPROCEDURE.

This subchapter contains the requirements for all hearings called for in this chapterHearings conducted pursuant to this chapter will be held in accordance with the Administrative Hearing Procedures Ordinance, §§ 10.110 et seq., except as specified in this section. .

§ 91.1002 NOTICE OF HEARING.

A. The owner, licensee, or permittee will be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested, at least five working days but no more than (i) ten working days before the hearing if the animal is impounded or (ii) 30 calendar days if the animal is not impounded.

B. The hearing will be held promptly within no less than five working days nor more than ten working days after service of notice upon the owner, licensee, or permittee.

C. The hearing will be open to the public.

D.B. The Hearing Officer 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.

§ 91.1003 NOTICE OF DETERMINATIONWRITTEN DECISION.

After the hearing the Hearing Officer will notify the owner, licensee, or permittee in writing of the determination and orders issued, either personally or by first-class mail,

~~postage prepaid~~issue a written decision in compliance with § 10.115 of this Code. If the Hearing Officer finds against the owner, licensee, or permittee, the owner, licensee, or permittee must comply with the provisions of this chapter in accordance with a time schedule established by the Hearing Officer, but in no case more than 30 days after the date of the ~~determination~~ decision or 35 days if ~~notice of the determination~~the decision is mailed.

§ 91.1004 APPEAL.

If any owner, licensee, or permittee disagrees with the determination of the H~~h~~earing O~~o~~fficer they may appeal the decision to the Humboldt County Superior Court under Cal. Food & Agric. Code, § 31622.

MISCELLANEOUS PROVISIONS

§ 91.1101 ANIMALS AS PRIZES, PROMOTIONS, AND NOVELTIES.

Subject to the exception that organizations with a current Section 501(c)(3) tax status may apply to the city for a one-time permit, no person may sell, exchange, raffle, auction, give away, or offer to sell, exchange, raffle, auction, or give away any animal as a prize, an inducement to enter a place of amusement or a business establishment, or an inducement to participate in a charitable fund-raising event.

§ 91.1102 SALE OF ANIMALS.

No person may sell, exchange, barter, give away, or offer to sell, exchange, barter, or give away any animal from any public property or from any property to which the public has access that does not have a valid certificate of occupancy or business license allowing the sale of animals on the property.

§ 91.1103 ANIMAL WASTE: KEEPING; RECEPTACLES; CLEANING.

A. Animal waste cannot be kept within 35 feet of any window or door of any inhabited structure or within 100 feet of any church, school, hospital, or place where food products are kept, stored, manufactured, or served to the public.

B. Every person owning or occupying premises where any manure from any horse, pony, mule, cow, or other animal accumulates must provide for the removal of the manure daily.

C. Manure accumulated on any premises must be removed daily. Alternatively, boxes, bins, or receptacles of a design and construction acceptable to the Animal Control Officer must be provided by the owner or occupant of the premises, and these boxes, bins, or receptacles must be used only for the purpose of containing the accumulation of manure and be kept tightly closed at all times except when manure is placed or removed.

D. This section does not apply to manure that is spread as fertilizer over or around cultivated plants, vines, vegetables, lawns, bushes, shrubs, or trees or to manure

kept by any nursery for commercial fertilizer purposes unless that manure creates a nuisance, either from fly breeding or excessive, obnoxious odors.

E. Acceptable boxes, bins, or receptacles will be constructed of brick, stone, concrete, metal, or wood lined with metal or other sound materials and be proofed against by flies.

F. The contents of these boxes, bins, or receptacles must be removed at least once a week.

G. This section does not apply to manure kept on the premise of a properly permitted and licensed zoo, so long as the zoo maintains sanitary conditions that do not become a public nuisance or health hazard.

§ 91.1104 BURIAL OF DECEASED ANIMALS.

Any person with a deceased animal on their premises, or the owner or possessor of any animal dying within the city, must bury the animal so that it is covered by at least two feet of mineral soil to grade either on their premises or in a designated area outside the inhabited portion of the city within 24 hours after the animal has died. Alternatively, the deceased animal may be taken to a veterinarian for cremation within 24 hours of death. An animal may not be buried if it is euthanized chemically. The owner or keeper must arrange to have the remains disposed of properly at their expense.

§ 91.1105 FEEDING WILDLIFE.

It is unlawful to feed any wildlife within city limits either intentionally or by allowing wildlife access to food intended for humans or domestic animals, except in areas designated for that purpose. This section does not apply to bird feeders.

§ 91.1106 SPECIAL EVENTS.

A. Notwithstanding any other provision of the Municipal Code, no person may~~shall~~ allow any animal, whether with or without a leash (except in an enclosed vehicle, trailer or RV), to be on any portion of a public street, alley, lane, sidewalk, or other public property used for a special event.

B. The boundaries and the interior consist of any area that is part of a special event and ~~shall~~ include any public street, sidewalk, right-of-way or other publicly owned area. The City must~~shall~~ cause to be posted during the special event signs evidencing the prohibition set forth in this section.

C. The City Manager or their designee is authorized to waive this section for any special event, in which case no sign will~~shall~~ be posted.

D. This section ~~shall~~does not apply to: (1) any guide dog, signal dog, service dog, or other animal individually trained to provide assistance to an individual with a disability; (2) animals used by or under the authority of police or law enforcement agencies for law enforcement purposes; (3) animals which are part

of the special event or an exhibit at the special event; or (4) or licensed horse drawn carriages.

E. Violations. Any violation of this section is an infraction punishable as set forth in § 10.99 of this code of ordinances, and the subsequent refusal to remove any animal from a special event is grounds for immediate impoundment of the animal by an Animal Control Officer or peace officer.

BILL SECTION 2. The City Clerk will certify to the adoption of this Ordinance and will cause the same or a summary thereof to be published as required by law.

BILL SECTION 3. This Ordinance takes effect and will be in full force and effect thirty (30) days after the date of its final passage and adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 3rd day of March, 2026, by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

_____
Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ___ day of _____, 2026, and hereby approved.

_____
Kim Bergel, Mayor

Approved as to Administration: *Approved as to form:*

_____ _____
Miles Slattery, City Manager Robert N. Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the____ day of _____, 2026.

_____
Pamela J. Powell, City Clerk