ARTICLE 2 - ANIMALS

SEC. 10-201. - DEFINITIONS.

The following terms as used in this article shall have the meaning ascribed to them in this section as follows:

(1) The term "rabbit" shall include hares and the unprocessed meat of all such animals.

(2) The term "poultry" shall include chickens, turkeys, geese, ducks, pigeons, squabs, guineas, peafowls and game birds of every kind whether wild or domesticated and the unprocessed meat thereof.

(3) The word "sell" shall include display for sale, keep for sale, offer for sale, or transport for the purposes of sale, to the general public or to any wholesaler or retailer.

(4) The term "health officer" shall mean the Health Officer of the City of Fresno and his authorized assistants.

(5) The term "certificate of sanitation" shall mean such certificate as may be prepared by the health officer in the form prescribed by him certifying to the sanitation and suitability of any premises or facilities used for the slaughter, storage and transportation of rabbits or poultry.

(6) The word "permit" shall mean a permit issued by the health officer authorizing the bringing into the City of Fresno slaughtered rabbits or poultry for purposes of sale within the city. (Orig. Ord. 3602).

SEC. 10-202. - KEEPING WILD ANIMALS AND BEES PROHIBITED.

No person shall keep, transport, or allow to be kept or transported in the city any cheetah, jaguar, bear, lion, tiger, leopard, panther, cougar, lynx, wildcat, ocelot, wolf, or other mammal or reptile belonging to a wild and predatory species, or any animal of a species known to be vicious or dangerous; provided, however, that the Council may by resolution grant a permit for the keeping or transporting in the city of any wild animal or animals, or reptile, solely for exhibition or experimental purposes under such conditions as may be imposed and for such period of time as may be allowed. No person shall keep bees within the city, except in
connection with bona fide schools, colleges, universities, research organizations and laboratories engaged in the field of scientific research and education, or as specifically permitted in a district established by the zoning ordinance. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Am. Ord. 5780, 1960; Rep. and Added Ord. 6769, 1966, based on former Secs. 8-207, 8-209.1).

SEC. 10-203. - ANIMAL ENCLOSURES.

All enclosures or premises wherein any animals or fowl are kept shall be maintained in a clean and sanitary condition, free from obnoxious smells and substances. No person shall maintain any enclosure or other place for the housing or keeping of fowl or animals (except dogs) within thirty-five feet of any building used for human habitation, unless such building is occupied by the owner or keeper of the fowl or animals. (Orig. Ord. 2898; Am. Ord. 6769, 1966).

SEC. 10-204. - INSPECTIONS; HEALTH OFFICER.

All places and premises upon which any animals or fowl are kept or maintained shall be open at all times for inspection by the Health Officer of the city or his deputy. If upon such inspection any person is found to be violating any of the provisions of this article, he shall be given a written notice of such violation or violations, said notice to specify the particular violations charged and require such person to remedy such conditions within ten days from receipt of such notice. No person receiving such a notice shall fail to comply with its requirements. (Orig. Ord. 2898; Am. Ord. 6769, 1966).

SEC. 10-205. - FEEDING AND ENCLOSURES; REQUIREMENTS.

All animals and fowl described in Section 10-201 of this article shall be kept and fed in enclosures complying with the following requirements:

(1) The said enclosure shall be entirely surrounded by a fence or wall sufficient to confine such animals or fowl within such enclosure.

(2) The said fowl and animals shall be confined to said enclosures at all times, excepting that homing pigeons banded by the American Racing Pigeon Union official band may be liberated for exercise and official races sanctioned by the American Racing Pigeon Union. (Orig. Ord. 2898; Am. Ord. 5426, 1958; Am. Ord. 6769, 1966).

SEC. 10-206. - SALE OF SLAUGHTERED POULTRY OR RABBITS.

(a) No person shall sell within the City of Fresno any slaughtered rabbit or poultry of any kind which has been slaughtered, stored or transported within the City of Fresno other than upon premises and by facilities for which there existed at the time of such slaughter, storage and transportation a valid, unrevoked certificate of sanitation issued by said Health Officer.

(b) The Health Officer shall issue without charge and upon the application of any person therefor, a certificate of sanitation for any premises and facilities for the slaughter, storage and transportation of rabbits or poultry within the City of Fresno upon the showing by applicant that said premises and facilities are such and that sanitary practices, as required by the Health Officer are such as in the opinion of the Health Officer will insure such rabbits and poultry reaching the market in a clean, sanitary and
Every person who brings slaughtered rabbits or poultry of any kind into the City of Fresno for the purposes of sale within said city shall have first acquired from the health officer a permit to do so, which permit shall be issued by the said health officer upon a showing that said person is equipped to properly kill, store and transport such rabbits or poultry and that such sanitary practices are being observed as in the opinion of the health officer will insure such products reaching the market in a clean, sanitary and undeteriorated condition.

The health officer may summarily revoke any certificate of sanitation or permit where he finds that the condition under which it was originally issued no longer exists or that such sanitary practices as he prescribes are not being observed.

Every person selling slaughtered rabbits or poultry to the general public within the City of Fresno shall at all times have in his possession and display the same to the Health Officer upon demand a true copy of the certificate of sanitation or permit as the case may be which may have been issued by the Health Officer for the slaughter or transportation of such rabbits or poultry which such person then has on hand.

No person shall sell any slaughtered rabbits or poultry of any kind within the City of Fresno, the carcass or meat of which has been immersed in water other than for a period of not to exceed one-half hour immediately after slaughter.

(Orig. Ord. 3602).
ARTICLE 3 - ANIMAL SHELTER

SEC. 10-301. - DEFINITIONS.
SEC. 10-302. - DUTIES OF POUNDMASTER.
SEC. 10-303. - LICENSING OF DOGS.
SEC. 10-304. - INFRACTION.
SEC. 10-305. - VACCINATION REQUIRED.
SEC. 10-306. - LICENSING OF DOG KENNELS.
SEC. 10-307. - LOST OR STOLEN DOG LICENSE TAGS.
SEC. 10-308. - ANIMALS AT LARGE.
SEC. 10-309. - INFRACTION.
SEC. 10-310. - IMPOUNDING ANIMALS AT LARGE.
SEC. 10-311. - REDEEMING IMPOUNDED ANIMALS.
SEC. 10-312. - RELEASE OF IMPOUNDED DOGS; LICENSE AND VACCINATION.
SEC. 10-313. - UNREDEEMED UNLICENSED DOGS.
SEC. 10-314. - UNREDEEMED LICENSED DOGS.
SEC. 10-315. - SALE OF UNREDEEMED DOGS.
SEC. 10-316. - TITLE TO DOGS SOLD.
SEC. 10-317. - AUTHORITY OF POUNDMASTER.
SEC. 10-318. - PROHIBITED ACTS.
SEC. 10-319. - INFRACTION.
SEC. 10-320. - ANIMALS TO BE IMPOUNDED.
SEC. 10-321. - ANIMALS TRESPASSING UPON PRIVATE PROPERTY.
SEC. 10-322. - REPORTING DOG BITES.
SEC. 10-323. - RECORDS TO BE KEPT BY POUNDMASTER.
SEC. 10-324. - NUMBER OF ANIMALS PERMITTED.
SEC. 10-325. - ANIMALS AT LARGE; BITING OR ATTACKING.
SEC. 10-326. - IMPOUNDMENT; BITING OR ATTACKING ANIMAL.
SEC. 10-327. - DANGEROUS ANIMAL; PROCEDURES.
SEC. 10-328. - BREEDING, TRANSFER AND SALE OF DOGS AND CATS.
SEC. 10-329. - PET RESPONSIBILITY ACT.

SEC. 10-301. - DEFINITIONS.

The following terms as used in this article shall have the meaning ascribed to them in this section as follows:

(a) The term "owner" when referring to an animal shall mean the owner or custodian of any animal of either sex or of any age.

(b) The term "at large" shall mean an animal in or upon any public street, public alley or other public place or in or upon an unenclosed lot or premises, unless the animal is securely confined to the lot or premises by a suitably strong leash or is securely and continuously held by the owner or custodian of such animal by a
strong leash suitable for maintaining control of the animal, or the animal is
confined within an automobile.

(c) The term "habitually at large" shall mean an animal, other than a cat, that the
Hearing Officer, after an administrative hearing is held pursuant to Section 1-401
et seq., finds has been at large three times or more during any twelve month
period.

(d) The term "dangerous animal" shall mean any animal that has bitten, injured or
aggressively pursued any human being or other animal who the Poundmaster,
after conducting an investigation pursuant to subsection 10-327(a), or Hearing
Officer, after an appeal hearing is held pursuant to Section 10-327(f) and Chapter
1, Article 4, finds that because of its behavior, temperament and physical
characteristics combined with the manner in which it is maintained will probably
cause great bodily harm to a human being or other animal in the future. No animal
shall be found to be a dangerous animal if any of the circumstances set forth in
subsection 10-327(h) apply.

(e) The term "potentially dangerous animal" shall mean any animal that has bitten,
injured or aggressively pursued any human being or other animal who the
Poundmaster, after conducting an investigation pursuant to subsection 10-327(a), or
Hearing Officer, after an appeal hearing is held pursuant to Section 10-327(f)
and Chapter 1, Article 4, finds that because of its behavior, temperament and
physical characteristics combined with the manner in which it is maintained there
is a substantial possibility that it will cause injury or great bodily harm to a human
being or other animal in the future. No animal shall be found to be a potentially
dangerous animal if any of the circumstances set forth in subsection 10-327(h)
apply.

(f) The term "kennel" shall mean any lot, building, structure, enclosure, or premises
where any animal is boarded, trained, or kept for the purpose of sale or breeding
whether in special buildings or runways or not.

(g) The term "unlicensed dog" shall mean any dog for which the license for the
current year has not been paid.

(h) The term "vaccination" or "vaccination against rabies" shall mean the inoculation
of a dog with a rabies vaccine approved by the health officer of the city or the

(i) The term "poundmaster" shall mean the employee of the city responsible for the
performance of pound services. When the city has contracted for the performance
of such services, "poundmaster" shall mean the party with whom the city has so
contracted. The poundmaster shall have the authority to delegate any of its
responsibilities set forth in Chapter 10, Article 3 to persons the poundmaster has
determined are qualified to perform said responsibilities.

(k) The term "animal shelter" shall mean the animal shelter operated by the
poundmaster.

(l) The term "guide" dog shall mean any dog trained to lead a blind person.

(m) The term "signal" dog shall mean any dog trained to lead or assist a deaf person.

6345, 1963; Am. Ord. 69-68, 1969; Am. Ord. 71-97, 1971; Am. Ord. 74-9, § 2, eff. 2-17-74; Am. Ord. 88-41, §
1, eff. 4-8-88; Am. Ord. 88-61, §§ 1, 2, eff. 5-27-88; Am. Ord. 91-35, § 1, eff. 5-24-91; Am. Ord. 99-40, § 1, eff.
7-30-99; Am. Ord. 2001-39, § 1, eff. 5-28-01; Am. Ord. 2006-33, § 1, eff. 5-18-06; Am. Ord. 2006-34, § 1, eff. 5-
18-06).
SEC. 10-302. - DUTIES OF POUNDMASTER.

The poundmaster shall operate the city animal shelter and shall pick up and impound animals as provided in this article. The poundmaster shall also enforce the dog licensing provisions of this article and other sections of this Code relating to animals. The poundmaster shall designate one or more employees of the poundmaster to be charged with the duties of enforcement provided in this section, and such employee or employees, when approved in writing by the Controller, shall be deemed officers of the City for the purpose of enforcing the provisions of this article and any other section of this Code relating to animals. Such approval by the Controller may be revoked at any time by written notice to the poundmaster. (Orig. Ord. 4789; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am. Ord. 6341, 1963; Am. Ord. 6447, 1964).

SEC. 10-303. - LICENSING OF DOGS.

(a) The owner or custodian of any dog over the age of four months shall procure a city dog license and pay therefor the license fee designated in the Master Fee Resolution. The license fee shall be due and payable on or before the expiration of the vaccination against rabies. Any person failing to procure and pay for such license prior to the expiration of the vaccination shall pay the penalty for such delinquency as designated in the Master Fee Resolution. With respect to dogs first brought into the city, no penalty shall be payable if the owner or custodian procures a license within thirty days after the dog is brought into the city, or within thirty days after the dog reaches the age of four months, as the case may be.

(1) Every person owning a guide, signal or service dog shall be exempt from the license fee payment requirement of this section. Upon application to the Controller and presentation of a vaccination certificate as prescribed by the provisions of subsection (c) of this section, every owner of a guide dog shall receive, at no charge, a dog license.

(2) Before a city dog license may be issued for the lower license fee for a dog which has been spayed or neutered, the owner or custodian of such dog shall provide evidence that the dog has been spayed or neutered. Such evidence shall be a certificate signed by a doctor of veterinary medicine, on his or her letterhead stationery or on a form provided by the city for such purpose, or by the sworn statement of the owner or custodian on a form provided by the city. Any such form or certificate shall state the name of the doctor of veterinary medicine who performed the operation or the name of the clinic where such operation was performed, the street address of such doctor of veterinary medicine or clinic, the telephone number thereof if available, the precise or approximate date when the operation was performed, and a sufficient description of the dog.

(3) The Council finds that persons over age 62 have special needs for dogs to provide warning of or protection from forcible or surreptitious entry into their homes; and that it is therefore in the public interest to encourage dog ownership for warning and protection purposes among this class of city residents by reduced dog license rates. To qualify for the reduced rates authorized by this subsection the owner or custodian over age 62 of any dog shall execute, prior to issuance of a dog license at such reduced rate, a declaration under penalty of perjury on a form provided by the Controller, containing the following:

(i) The name, place of residence, and age of the applicant;
(ii) A statement that the dog for which reduced-rate licensing is sought is permanently housed at applicant's place of residence, and that the applicant is the owner or permanent custodian of the dog (if custodian only, the name of the owner shall be given);

(iii) A statement that the applicant or the applicant's spouse owns, rents, or otherwise has the exclusive right to possession of such premises or such place of residence; and

(iv) A statement that no adult person under age 62, other than the applicant's spouse, housekeeper, or nurse, who may be under age 62, regularly resides with the applicant at such place of residence.

(b) All dog licenses shall be issued for a period terminating on or before the expiration of the rabies vaccination. The Controller, in order to ensure payment or facilitate collection of dog license fees, may require the renewal of a license for other than the time periods specified herein.

(c) The amount of such license fee shall be paid to the Controller, and upon the payment thereof, there shall be issued to the person making such payment a dog tag in a form as prescribed by the Controller; provided that the owner or custodian of the dog shall have the dog vaccinated and shall present, and the Controller shall issue a dog license only after presentation of, a vaccination certificate signed by a licensed veterinarian. The vaccination certificate need not be presented whenever the dog has a condition or illness which renders it unfit to be vaccinated, and this is proved to the satisfaction of the Controller, who must require written proof thereof to be made by a licensed veterinarian upon a form approved by the Controller.

(d) The Controller shall honor a dog license issued by authority of another government and shall issue a City of Fresno dog license for the nominal fee designated in the Master Fee Resolution, when the following facts exist:

   (1) The dog license to be honored is current and effective and this fact is established by proof of a dog license tag, certificate or receipt of the other government which shows the period for which the license is issued.

   (2) The dog has been vaccinated against rabies and this fact is established by the presentation of a vaccination certificate signed by a doctor of veterinary medicine or a dog license tag, receipt or certificate which on its face establishes the date and type of vaccination.

   (3) The request to so honor the license is made within thirty days after the dog is brought into the city.

   (4) The dog owner or custodian pays the license fee designated in the Master Fee Resolution for the issuance of a City of Fresno dog license under these conditions.

(e) It shall be the duty of the Controller to enter in a register kept by him for that purpose the name and address of the owners or custodians of all dogs licensed, and the description of such dogs, the number of the tag, and the date of its issuance. A similar register for all operators of kennels shall also be kept by the Controller.

(f) The dog license tag issued to any person upon the payment of the license fee herein
provided for shall be securely attached to a collar or harness on such dog. The poundmaster shall impound any dog not bearing a Fresno city dog license tag. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Am. Ord. 5308, 1958; Rep. and Added Ord. 5757, 1960; Am. Ord. 6443, 1964; Am. Ord. 6593, 1965; Am. Ord. 6888, 1966; Am. Ord. 68-94, 1968; Am. Ord. 71-87, 1971; Am. Ord. 71-97, 1971; Am. Ord. 74-50, § 1, eff. 7-1-74; Am. Ord. 78-64, § 1, eff. 7-1-78; Am. Ord. 80-115, §§ 91, 92, eff. 8-8-80; Am. Ord. 88-61, § 3, eff. 5-27-88; Am. Ord. 99-40, § 2, eff. 7-30-99).

SEC. 10-304. - INFRACTION.

Violation of Section 10-303 is an infraction. (Added Ord. 75-105, § 1, eff. 11-9-75).

SEC. 10-305. - VACCINATION REQUIRED.

(a) Every person who keeps or harbors any dog over the age of four months shall have such dog vaccinated against rabies by a duly licensed veterinarian. Such vaccination shall be at intervals of at least twelve months.

(b) Every person bringing any dog into the city which has not been vaccinated prior to importation shall cause such dog to be vaccinated within thirty days after its arrival in the city.

(c) On demand of the poundmaster, every person keeping or harboring any dog over four months of age shall exhibit to the poundmaster a certificate of a duly licensed veterinarian certifying that said dog has been vaccinated, the date of the vaccination, and the type of vaccine used.

(d) The poundmaster shall impound any dog which has not been vaccinated as required by this section.

(e) Every person practicing veterinary medicine in the city who vaccinates a dog with rabies vaccine shall issue to the owner of the dog a duplicate original of a certificate signed by said veterinarian which states:

(1) The name and address of the owner or harborer of the vaccinated dog;

(2) The kind of vaccine used, the name of the manufacturer and the manufacturer's serial or lot number, and the date of the vaccination;

(3) The breed, age, color and sex of the vaccinated dog;


SEC. 10-306. - LICENSING OF DOG KENNELS.

(a) Every person owning or operating a kennel shall pay the annual license fee designated in the Master Fee Resolution which shall be the license fee for all dogs regularly kept therein. Such license fee shall be due and payable on and after the first day of July of each year, and said license shall be for the period of one year commencing on the first day of July.

(b) Any owner or operator of a kennel failing to procure and pay for such kennel license until after the twentieth day of September of any year shall pay the penalty designated in the
Master Fee Resolution for such delinquency, provided that if the twentieth falls on a Saturday, a Sunday or a legal holiday, the license fee may be paid without penalty on the first succeeding business day. The penalty provided for in this section shall not apply in any case if the owner or operator of such kennel applies for and obtains a kennel license not later than thirty days after the beginning of the operation of such kennel.

(c) All kennels shall be so constructed as to prevent dogs confined therein from running at large off the premises where said kennels are maintained. All kennels shall be operated and constructed in a sanitary and proper manner so that the same will not become a nuisance to the neighborhood thereof.

(d) No kennel license shall be issued until the health officer shall have first issued a certificate that the same is constructed and operated in accordance with the provisions of this article. Such certificate shall be presented to the Controller with an application for a kennel license. Any kennel constructed after December 1, 1956, may not be issued a certificate by the health officer unless said kennel shall have been constructed under a valid building permit of the City of Fresno. The operation of all kennels shall at all times be subject to the general supervision of the health officer. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Am. Ord. 5308, 1958; Rep. and Added Ord. 5757, 1960; Am. Ord. 5982, 1961; Am. Ord. 80-115, §§ 93, 94, eff. 8-8-80).

SEC. 10-307. - LOST OR STOLEN DOG LICENSE TAGS.

If a license tag is lost or stolen from the body of any dog for which the tag was issued, the owner shall, within thirty days thereafter, procure a new license tag for such dog which he shall pay the fee designated in the Master Fee Resolution. As often as any license tag is lost or stolen within the same license year, the same shall be replaced in the manner provided by this section. No person, other than the owner, shall remove or destroy a collar or license tag from a dog. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am. Ord. 6443, 1964; Am. Ord. 80-115, § 95, eff. 8-8-80).

SEC. 10-308. - ANIMALS AT LARGE.

(a) No person owning, or having possession, charge, custody or control of, any animal, except a cat, shall cause, permit, or allow, such animal to be at large.

(b) If within the twelve month period after the date the poundmaster has issued a written warning or citation for violation of subsection (a) to the person who owns or has possession, charge, custody or control of the offending animal, that offending animal is found at large on two additional separate occasions, the poundmaster may request an administrative hearing before the Hearing Officer, pursuant to Section 1-401 et seq., to seek a finding that the animal is habitually at large.

(c) If after hearing the evidence and argument presented at the administrative hearing held pursuant to Chapter 1, Article 4, the Hearing Officer finds that the animal is habitually at large, the Hearing Officer may order any of the following:

(1) the animal be permanently altered to prevent reproduction;

(2) the animal be secured in an enclosure approved by the poundmaster at all times specified by the Hearing Officer;
(3) the animal be tethered with a rope or cable approved by poundmaster at all times specified by the Hearing Officer;

(4) the person owning or having possession, charge, custody or control of the animal repair or replace any structure or fence used to secure the animal to the satisfaction of the poundmaster;

(5) the animal be permanently forfeited to another person who the Hearing Officer has determined would be a responsible owner of the forfeited animal;

(6) the animal be permanently removed from the City;

(7) the animal be forfeited to the poundmaster.

The Poundmaster shall place any animal forfeited pursuant to this subdivision up for adoption if the poundmaster determines the forfeited animal's temperament and physical condition make the animal an appropriate candidate for adoption. If the poundmaster determines that the forfeited animal is not an appropriate candidate for adoption, the poundmaster shall humanely destroy the forfeited animal.

(d) The Council finds that permitting an animal, other than a cat, to be at large or maintaining one's property in a condition that permits an animal, other than a cat, to become at large is a public nuisance because of the potential threats to the public's health, safety and welfare resulting from at large animals and the potential for uncontrolled breeding that results in animal overpopulation. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am. Ord. 6341, 1963; Am. Ord. 2006-33, § 2, eff. 5-18-06; Am. Ord. 2006-34, § 2, eff. 5-18-06).

SEC. 10-309. - INFRACTION.

Violation of Section 10-308 is an infraction. (Added Ord. 75-44, § 3, eff. 6-2-75; Am. Ord. 88-41, § 3, eff. 4-8-88; Am. Ord. 2006-33, § 3, eff. 5-18-06; Am. Ord. 2006-34, § 3, eff. 5-18-06).

SEC. 10-310. - IMPOUNDING ANIMALS AT LARGE.

The poundmaster shall not seize or impound an animal for a violation of Section 10-308 or issue citations for the violation of Section 10-308 when the dog has not strayed from and is upon private property owned by the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has a right to control the dog has a right of possession.

A dog that has strayed from but then returned to the private property of his owner or the person who has a right to control the dog shall not be seized or impounded, but in such a case a citation may be issued; provided, however, that if in such a situation the owner or person who has a right to control the dog is not home, the dog may be impounded, but the officer or employee of any animal control agency shall post a notice of such impounding on the front door of the living unit of the owner or person who has a right to control the dog. Such notice shall state the following: that the dog has been impounded, the location where the dog is being held, the name, address, and telephone number of the agency or person to be contacted regarding release of the dog, and an indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to
control the dog.

This section shall not otherwise affect existing authority to seize or impound a dog or issue citations, as a result of a dog's being on property other than that owned by its owner or the person who has a right to control the dog, or impounding a dog pursuant to any other provision of this article providing for the impounding of and [an] animal.

This section shall not be construed as prohibiting any person from killing a dog in the situations authorized by Sections 31102, 31104, and 31152 of the Food and Agricultural Code. (Added Ord. 2001-39, § 2, eff. 5-28-01).

SEC. 10-311. - REDEEMING IMPOUNDED ANIMALS.

(a) The owner or person entitled to the possession of any impounded animal other than those impounded pursuant to section 10-326 may at any time before the sale or disposition thereof redeem the same. Upon proof satisfactory to the poundmaster that said person is the owner of said animal, upon payment of the redemption fee and maintenance charges, upon proof of payment of any outstanding citations relating to the impounded animal or proof of the timely filing of an appeal of said citations with the City Hearing Officer, and in the case of a dog, upon compliance with Section 10-312, said animal shall be turned over and delivered to said owner, together with a receipt for all fees so paid, which receipt shall contain a description of the animal redeemed, the date of redemption, the name and address of the redemptioner and a statement that such animal has been redeemed.

(b) Redemption fees and maintenance charges for impounded animals shall be as designated in the Master Fee Resolution.

(c) The State Brand Inspector of the Bureau of Livestock Identification of the State of California shall be notified when any horses or cattle are impounded within twenty-four hours after such impounding.

(d) The poundmaster is authorized in the exercise of sound discretion to hold for a period of ten days any impounded female dog in heat prior to redemption or sale. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am. Ord. 5982, 1961; Am. Ord. 69-68, 1969; Am. Ord. 74-19, § 1, eff. 2-7-74; Am. Ord. 80-58, § 1, eff. 5-9-80; Am. Ord. 80-69, § 1, eff. 5-30-80; Am. Ord. 80-115, § 96, eff. 8-8-80; Am. Ord. 88-41, § 4, eff. 4-8-88; Am. Ord. 2006-33, § 4, eff. 5-18-06; Am. Ord. 2006-34, § 4, eff. 5-18-06).

SEC. 10-312. - RELEASE OF IMPOUNDED DOGS; LICENSE AND VACCINATION.

(a) An impounded dog, other than one impounded pursuant to section 10-326, that has been vaccinated against rabies may be released to the owner or other person desiring to possess the dog only upon payment of the current city license fee for the dog if such owner or person resides within the city. The dog license shall be issued by the poundmaster in accordance with procedures prescribed by the Controller.

(b) An impounded dog, other than one impounded pursuant to section 10-326, that has not been vaccinated against rabies may be released by the poundmaster to an owner or purchaser who resides within the city only on condition that such owner or purchaser:

(1) Pays the dog license fee required by this article if one is payable;
(2) Furnishes to the poundmaster at the time of the release a signed statement
that he will have the dog vaccinated within ten days;

(3) Has the dog vaccinated within ten days; and

(4) Exhibits a certificate of vaccination to the poundmaster within ten days, at
which time the poundmaster shall issue the license in those instances when the license
has been withheld.

(c) No person who has obtained release from the pound of an unvaccinated dog, as
provided in subsection (b), shall fail to have the dog vaccinated within the specified ten-day
period. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am. Ord. 88-41, § 5, eff. 4-8-88).

SEC. 10-313. - UNREDEEMED UNLICENSED DOGS.

If any unlicensed dog, or any dog bearing no license tag, is taken up and impounded
under the provisions of this article, other than section 10-326, and is not redeemed within a
period of three days, the poundmaster may, in his discretion, at any time thereafter, humanely
destroy such dog or sell the same for cash at private sale without notice. (Orig. Ord. 3755; Am.
Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am. Ord. 88-41, § 6, eff. 4-8-88).

SEC. 10-314. - UNREDEEMED LICENSED DOGS.

If any licensed dog, bearing a license tag, taken up and impounded under the provisions
of this article other than section 10-326, is not redeemed within a period of six days, the
poundmaster may, in his discretion, at any time thereafter, humanely destroy such dog or sell
the same for cash at private sale without notice; provided, that the poundmaster shall mail a
notice of such impounding of such dog within three days after such dog is impounded, in a
sealed envelope directed to the licensee at the address shown by the application therefor on
file in the Finance Department. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Rep. and Added Ord.
5757, 1960; Am. Ord. 88-41, § 7, eff. 4-8-88).

SEC. 10-315. - SALE OF UNREDEEMED DOGS.

When any dog is sold by the poundmaster as hereinbefore provided, it shall be his duty
to deliver to the purchaser of such dog a certificate of sale. No impounded dog shall be sold to
any person residing within the City of Fresno unless the purchaser complies with Section 10-

SEC. 10-316. - TITLE TO DOGS SOLD.

All sale of dogs made under the provisions of this article shall convey a good and valid
title to the purchaser, and the owner of the dog so sold shall thereafter be barred from all right
to recover the same. (Orig. Ord. 3756; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960).

SEC. 10-317. - AUTHORITY OF POUNDMASTER.

Whenever the poundmaster is authorized to take up and impound any animal under the
provisions of this article, he shall have the authority, in the exercise of a sound discretion, to
shoot any such animal which attacks him while he is in the act of seizing it for impounding, and
to shoot any dog at large which has no known owner or home and which cannot be
safely caught. (Orig. Ord. 3756; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am.

SEC. 10-318. - PROHIBITED ACTS.

(a) No unauthorized person shall remove any current, valid license tag from any dog.

(b) No person shall attach to or keep upon any dog any license tag provided for in this
article, except a tag issued for such dog under the provisions of this article.

(c) No person shall attach to or keep upon any dog or make or have in his possession
any counterfeit or imitation of any license tag provided for in this article.

(d) No person shall harbor or keep any dog which is not licensed in accordance with the
requirements of this article.

(e) No person shall interfere with, oppose, or resist any poundmaster who is taking up or
impounding dogs while such poundmaster is engaged in the performance of any act authorized
by this article. (Orig. Ord. 3756; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am.
Ord. 5982, 1961).

SEC. 10-319. - INFRACTION.

Violation of subsections (a), (b), (c) and (d) of Section 10-318 is an infraction. (Added
Ord. 75-105, § 2, eff. 11-9-75).

SEC. 10-320. - ANIMALS TO BE IMPOUNDED.

The poundmaster shall have the authority to take up and impound any animal at large,
except a cat. (Orig. Ord. 3756; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am.
Ord. 5982, 1961; Am. Ord. 6341, 1963; Am. Ord. 88-41, § 8, eff. 4-8-88).

SEC. 10-321. - ANIMALS TRESPASSING UPON PRIVATE PROPERTY.

The owner of private property, or his representative, may take up and detain any animal
found trespassing upon such private property. Any person taking up and detaining any animal
pursuant to this section shall immediately notify the poundmaster of the address where the
animal is detained and shall turn over the animal to the poundmaster upon demand for
impounding. Upon the written complaint of the owner of private property setting forth the
violation, the poundmaster shall take up and impound any animal found trespassing upon such
private property. (Orig. Ord. 3756; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960; Am.

SEC. 10-322. - REPORTING DOG BITES.

(a) It shall be the responsibility of the owner or custodian of a dog that has bitten a
person to report the act to the health officer, and to confine or retrain [restrain] such dog in such
a manner that it cannot come in contact with any person other than the one responsible for its
care, for a period of fifteen days and until notified by the health officer to release it. (Orig. Ord.
SEC. 10-323. - RECORDS TO BE KEPT BY POUNDMASTER.

The poundmaster shall keep a daily record of the number, and a description, of all animals taken into his custody, with the date of their impounding. (Orig. Ord. 3756; Am. Ord. 5005, 1957; Rep. and Added Ord. 5757, 1960).

SEC. 10-324. - NUMBER OF ANIMALS PERMITTED.

No person shall keep, harbor, or maintain, or cause or allow to be kept, harbored, or maintained, a total number of more than four dogs or four cats or a combination of dogs and cats totalling more than four such animals over four months of age or more than fifty permitted animals (other than fish) on any premises other than in a commercial establishment or kennel operating in accordance with a valid city business license, or in a zoo. (Repealed Ord. 5757, 1960; Added Ord. 72-147, 1973; Am. Ord. 91-35, § 2, eff. 5-24-91).

SEC. 10-325. - ANIMALS AT LARGE; BITING OR ATTACKING.

A person who owns or is in charge of or controls or who possesses a dog or other animal, other than a dog used in law enforcement or a guide, signal, or service dog, who permits, allows or causes the dog or other animal to be at large is guilty of a misdemeanor if said dog or other animal bites, attacks or causes injury to any human being or other animal. The minimum fine imposed for such misdemeanor shall be one hundred dollars. Any person convicted under this section shall not own, possess, control or be in charge of any animal of the species which caused the bite, attack or injury for a period of three years from the date of conviction. The Controller shall not issue or renew any license or permit for said species of animal, except that upon the written request of the person so convicted, the Controller, in his discretion, may authorize the issuance of a dog license. (Added Ord. 88-41, § 9, eff. 4-8-88; Am. Ord. 88-61, § 4, 5-27-88).

SEC. 10-326. - IMPOUNDMENT; BITING OR ATTACKING ANIMAL.

(a) The poundmaster shall have the power to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten or injured any human being or other animal pending any court or dog license or animal permit revocation proceeding arising from the attack, bite or injury. The poundmaster or his duly authorized representative may enter and inspect private property to enforce the provisions of this section.

Failure to surrender to the poundmaster upon demand a dog or other animal which is subject to being impounded pursuant to this section is a misdemeanor.

A dog or other animal, impounded pursuant to the authority of this section, shall be returned to the owner or custodian as provided by section 10-327 or when it is no longer required as evidence, or if a notice of an investigation to determine if an animal is dangerous or potentially dangerous pursuant to section 10-327 has not been served on the owner or custodian within seven days after the impoundment.

(b) In lieu of impoundment pursuant to this section, the poundmaster may permit the dog or other animal to be confined at the owner's or custodian's expense in a dog kennel by the poundmaster or veterinary facility within the city or at the owner's or custodian's residence in an enclosure described in subsection (d) provided that the owner or custodian:

(1) shall not remove the dog or other animal from the kennel, veterinary facility or
residence without the prior written approval of the poundmaster or his authorized representative; and

(2) shall make the dog or other animal available for observation and inspection by the poundmaster and members of law enforcement or their authorized representatives;

(3) shall verify to the poundmaster that the dog or other animal will be confined in such a way as to prevent its coming into contact with members of the public other than the immediate family of the owner or custodian.

(c) The poundmaster or his designated representative may have a dog or other animal, impounded or confined as provided in subsections (a) or (b), identified by means of permanent marking prior to release from impound or confinement.

(d) For purposes of this section, "enclosure" shall mean a fence or structure of at least six feet in height, forming a confined area sufficient to prevent the entry of young children, and effective in containing the dog or other animal. Such enclosure shall be securely enclosed and locked and equipped with secure sides, top and bottom, and shall be designed to prevent the dog or other animal from escaping from the enclosure. (Added Ord. 88-41, § 10, eff. 4-8-88; Am. Ord. 2006-33, § 5, eff. 5-18-06; Am. Ord. 2006-34, § 5, eff. 5-18-06).

SEC. 10-327. - DANGEROUS ANIMAL; PROCEDURES.

(a) Investigation and Declaration. The poundmaster shall conduct an investigation to determine whether or not a dog or other animal confined or impounded pursuant to section 10-326 is a dangerous or potentially dangerous animal. Within seven days of the date of impounding the dog or other animal pursuant to section 10-326, the poundmaster shall serve upon the owner or custodian of the dog or other animal by regular and certified mail a notice of investigation to determine if the animal is dangerous or potentially dangerous. This notice shall describe the purpose of the investigation, how the investigation will be conducted, the factors the poundmaster will consider in making a finding and a deadline for completing the investigation. The investigation may include interviewing the owner(s) of the dog or other animal, witnesses, reviewing records of citations and reports of previous incidents involving the dog or other animal and evaluating the temperament of the dog or other animal through behavioral testing. In making a finding regarding whether the dog or other animal is dangerous or potentially dangerous, the poundmaster shall consider the factors set forth in subsection (c). If after completing the investigation the poundmaster finds that the dog or other animal is dangerous or potentially dangerous, the poundmaster shall serve by regular mail and certified mail a notice of declaration as described in subsection (b). If after completing the investigation the poundmaster determines that the dog or other animal is not dangerous or potentially dangerous, the poundmaster shall inform the owner of the dog or other animal of this finding and release the dog or other animal to the owner. The investigation shall be completed and any declaration served within twenty-one calendar days of the date the dog or other animal was impounded pursuant to section 10-326.

(b) Dangerous or Potentially Dangerous Animal; Notice of Declaration. The notice of declaration finding that a dog or other animal is dangerous or potentially dangerous shall contain:

(1) a physical description of the animal, including the breed, if known, and the animal's license number, if any;
(2) a statement informing the owner of the animal that the poundmaster has declared the animal a dangerous animal or a potentially dangerous animal, including a brief and concise description of the facts that form the basis for the declaration of the animal as a dangerous animal or a potentially dangerous animal;

(3) a statement informing the owner of the animal of the possible consequences should a declaration of dangerous animal or potentially dangerous animal become final;

(4) a statement informing that the owner or custodian of the animal may appeal the declaration provided that the appeal is made in writing as provided in subsection 10-327(f).

(5) a statement that the appeal request must be in writing and filed with the City Manager's Office within five calendar days of service of the notice of declaration;

(6) if the animal is declared dangerous, an order that the animal be humanely destroyed as provided for in subsection (d);

(7) if the animal is declared potentially dangerous, an order setting forth any or all of the conditions set forth in subsection (e);

(8) a statement that failure to appeal the notice of declaration will constitute a waiver of all rights to an administrative hearing and will be a final determination of the matter, and if after ten days from the date of the issuance of the notice of declaration finding the animal potentially dangerous, the owner or custodian has failed to inform the poundmaster of an intent to comply with the conditions set forth in the notice of declaration, the animal will be deemed abandoned and may be humanely destroyed or otherwise disposed of;

(9) a statement that failure to comply with all of the conditions set forth in the notice of declaration will result in the poundmaster proceeding with impounding and destroying or otherwise disposing of the animal.

(c) **Determination of Dangerous or Potentially Dangerous Animal; Evidence.** In making a determination that a dog or other animal is or is not dangerous, evidence of the following shall be considered:

(1) any previous history of the dog or other animal attacking, biting or causing injury to a human or other animal;

(2) the nature and extent of injuries inflicted and the number of victims involved;

(3) the place where the bite, attack or injury occurred;

(4) the presence or absence of any provocation for the bite, attack or injury;

(5) the extent to which property has been damaged or destroyed;

(6) whether the dog or other animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;

(7) whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals;
whether the dog or other animal can be effectively trained or retrained to change its temperament or behavior;

(9) the manner in which the dog or other animal had been maintained by its owner or custodian;

(10) any other relevant evidence concerning the maintenance of the dog or other animal;

(11) any other relevant evidence regarding the ability of the owner or custodian, or the poundmaster, to protect the public safety in the future if the dog or other animal is permitted to remain in the city.

(d) Disposition of Dangerous Animal.

(1) It shall be unlawful for any person to own, possess, harbor or keep any dog or other animal declared by the hearing officer, after a hearing, to be dangerous.

(2) Any dog or other animal declared to be dangerous, if not already impounded by the poundmaster, shall be immediately surrendered to the poundmaster, and it is the duty of the poundmaster to take up and impound any such dog or other animal.

(3) Any dog or other animal declared to be a dangerous animal shall be humanely destroyed.

(e) Dog or Other Animal Found Potentially Dangerous; Procedure. If the notice of declaration states that the dog or other animal is potentially dangerous, in the notice of declaration the poundmaster may set forth any or all of the following as conditions to owning, possessing, controlling or being in charge of the animal declared to be potentially dangerous:

(1) the animal shall be confined on the owner's premises in an enclosure approved by the poundmaster;

(2) the animal shall be kept securely muzzled, leashed and under the control of a person eighteen (18) years of age or older, and who is physically capable of restraining the animal when the animal is off the owner's property;

(3) the animal shall be photographed, microchipped or permanently marked by the poundmaster for purposes of identification;

(4) the animal shall be altered to prevent reproduction;

(5) the owner of the animal shall notify in writing any public or corporate entity, including but not limited to, the City of Fresno, County of Fresno, the postmaster, utility companies, or any other organization that sends out employees to the residence, that a potentially dangerous animal resides at that property. The poundmaster may also set a time period by which such notices must be given, and when copies of such notices must be provided to the poundmaster;

(6) The owner shall post signs on the premises where the animal is being kept that are clearly visible from points of entry to the property which state that an animal which has been declared to be potentially dangerous is on the property. Such signs shall be provided by the poundmaster, but the costs of the sign(s) shall be the responsibility of the animal owner. The language of such signs shall be determined by the poundmaster.
and may be required to be in a language other than English. The poundmaster may require that such signs are posted before an impounded animal is returned to its owner or within ten days from the date the animal was declared to be a potentially dangerous animal;

(7) An animal which has been declared potentially dangerous may not be transferred to reside either temporarily or permanently at another location within the City of Fresno without prior written authorization of the poundmaster. Said authorization shall not be issued unless every term set forth in the notice of declaration can be met at the proposed new location;

(8) the owner shall allow inspections of the animal and its enclosure by the poundmaster or any law enforcement agency and produce upon demand proof of compliance with all conditions set forth in the final notice of declaration;

(9) In the event of the animal's death, the owner shall notify the poundmaster no later than forty-eight hours thereafter and, upon request, produce evidence of the animal's death to the satisfaction of the poundmaster;

(10) In the event that the animal escapes, the owner shall immediately notify the poundmaster. In addition, the owner and poundmaster shall make every reasonable effort to recapture the animal;

(11) the animal shall be permanently removed from the City of Fresno and the owner shall provide proof of said removal to the satisfaction of the poundmaster; and,

(12) the owner shall pay all impound and shelter fees incurred by the poundmaster to impound the animal during the investigation to determine whether the animal is dangerous or potentially dangerous.

If the owner fails to comply with all of the conditions ordered by the poundmaster or the hearing officer through the appeal process described in this chapter, the poundmaster shall proceed to impound and destroy or otherwise dispose of the animal.

(f) Appeal of Notice of Declaration.

(1) The owner of the animal may appeal the notice of declaration by filing a written appeal with the City Hearing Officer within five days from the date of service of such notice. The written appeal shall contain all of the following:

(i) a brief statement setting forth the legal interest of each of the appellants regarding the animal involved in the notice of declaration;

(ii) a brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested notice of declaration should be reversed, modified, or otherwise set aside;

(iii) The signatures of all parties named as appellants and their official mailing addresses, with statement from each appellant that each agrees to accept service of the written notice of the time and place of the appeal hearing and the decision of the City Hearing Officer at such address;

(iv) the declaration under penalty of perjury of at least one appellant as to the truth of the matters stated in the appeal.
If the owner fails to file an appeal of the notice of declaration within five days of service of the notice of declaration, the notice of declaration shall become final and fully enforceable.

(2) An owner appealing a notice of declaration finding an animal dangerous or potentially dangerous shall be required to pay the office of the City Hearing Officer, at the time the written notice of appeal is filed, an appeal fee set forth in the Master Fee Schedule. Such fee shall be refunded to the appellant if the Hearing Officer determines that imposition of the fee is not warranted or is not in the interest of justice. No notice of appeal is valid unless accompanied by the appeal fee.

(3) Upon receipt of any appeal the office of the City Hearing Officer shall calendar it for hearing and notify the appellants and the poundmaster in writing of the date, time and location for the hearing.

(4) The appeal hearing shall be noticed and conducted under this section and Chapter 1, Article 5, except that the deadline for filing an appeal and the requirements for the contents of the appeal set forth in subsection 1-406(b) shall not apply.

(g) Any person whose dog or other animal has been declared dangerous or potentially dangerous shall not own, possess, control or be in charge of another animal of the same species declared to be dangerous or potentially dangerous for a period of three years from the date of the final notice of declaration of order after appeal. The Controller shall not issue or renew any license or permit for said species of animal, except that upon the written request of the person whose dog or other animal has been declared dangerous or potentially dangerous, the poundmaster may in his discretion authorize the issuance of a dog license.

(h) No dog or other animal may be declared dangerous that inflicts injury or damage on a person committing a willful trespass or other tort upon premises occupied by the owner of the dog or other animal, or teasing, tormenting, abusing or assaulting the dog or other animal, or committing or attempting to commit a crime. No dog or other animal may be declared dangerous if it inflicts injury or damage on a domestic animal that was teasing, tormenting, abusing or assaulting the dog or other animal. No dog or other animal may be declared dangerous for taking any action to defend or protect a human being within the immediate vicinity of the dog or other animal from an unjustified attack or assault.

(i) The Council finds that dangerous animals and potentially dangerous animals are a public nuisance because of the potential threats to the public’s health, safety and welfare resulting from these animals attacking, biting, injuring or killing other persons or animals. (Added Ord. 88-41, § 11, eff. 4-8-88; Am. Ord. 88-61, §§ 5, 6, eff. 5-27-88; Am. Ord. 98-65, § 21, eff. 10-1-98; Am. Ord. 2005-14, § 39, eff. 4-9-05; Am. Ord. 2006-33, § 6, eff. 5-18-06; Am. Ord. 2006-34, § 6, eff. 5-18-06).

SEC. 10-328. - BREEDING, TRANSFER AND SALE OF DOGS AND CATS.

The Council of the City of Fresno finds and declares that there exists a serious pet overpopulation problem within the City of Fresno that has resulted in a threat to public safety and health, inhumane treatment of animals, mass killing of animals at the local animal shelter and escalating costs for animal care and control. The Council finds that uncontrolled breeding is a cause and, without further action aimed at the source, this problem and its serious consequences will remain unabated and will increase in severity.
The Council finds that part of the solution is for all dogs over the age of five months to be spayed or neutered, unless their owners purchase the appropriate license for the privilege of maintaining the animal intact and allowing it to breed. Further, the Council finds that regulation of the transfer of dogs and cats will help alleviate the City’s pet overpopulation crisis by allowing increased City control over enforcement of the dog licensing provisions and limiting the means of obtaining a dog or cat.

(a) The Unaltered Dog License shall contain the following terms and conditions:

(1) The Owner of an unaltered female dog shall not allow the whelping of more than one litter within the permit year.

(2) No offspring may be sold, adopted, bartered or otherwise transferred, whether for compensation or otherwise, until such offspring has reached the age of at least eight (8) weeks.

(3) The Owner must prominently display their Unaltered Dog License number in any advertisement to the public for the sale, adoption or transfer (whether for compensation or otherwise) of the offspring. The Owner must provide the Unaltered Dog License number to any person who purchases, adopts or receives the offspring and include the Unaltered Dog License number on any receipt of sale or transfer document.

(4) The Owner shall provide to all persons who receive any offspring, whether for compensation or otherwise, an application for a City of Fresno dog license, as well as written information regarding the City of Fresno's dog license requirements. The Owner shall obtain these documents from the poundmaster or the controller.

(b) Sale and Other Transfer of Dogs and Cats.

(1) No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game or competition.

(2) No person shall give away any dog or cat as an inducement to enter a place of business.

(3) No person shall sell or give away any dog or cat in any public place or in front of any business not owned by him/her or at any swap meet.

(4) No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen years, without the written permission of one of the minor’s parents or legal guardians.

(c) Enforcement of Dog License Provisions. Any violation of this section shall be an infraction.

(Added Ord. 2006-34, § 7, eff. 5-18-06).

SEC. 10-329. - PET RESPONSIBILITY ACT.

The Council of the City of Fresno finds and declares that a contributing cause of the serious dog overpopulation problem within the City of Fresno is the number of unaltered dogs found at large. The Council wishes to promote responsible pet ownership as a means for promoting the public health, safety, and welfare of humans and pets in the City of Fresno. The Council finds and declares that mandatory spaying or neutering of dogs is appropriate when dog owners fail to act responsibly to prevent their animals from being at large.

(a) Title. This Section shall be known as the "Pet Responsibility Act."
(b) **Applicability.** This Section shall apply to all persons whose dogs are found to be at large in violation of Section 10-308(a) of this Code and any requirements imposed by this Section shall be cumulative to any requirements or penalties otherwise imposed by this Code.

(c) **Definitions.** The following terms used in this section shall be defined as follows:

(1) "At large" shall mean an animal in or upon any public street, public alley or other public place or in or upon an unenclosed lot or premises, unless the animal is securely confined to the lot or premises by a suitably strong leash or is securely and continuously held by the owner or custodian of such animal by a strong leash suitable for maintaining control of the animal, or the animal is confined within an automobile.

(2) "Owner" shall mean the owner or custodian of any animal.

(d) **Enforcement.** This Section shall be enforced as follows:

(1) Upon a first violation of Section 10-308(a), the owner shall be issued a written warning prior to the issuance of a citation or initiation of further enforcement action.

(2) Upon a second violation of Section 10-308(a) an owner shall be issued an administrative citation with a penalty in the amount of $100.00;

(3) Upon a third or subsequent violation of Section 10-308(a) an owner shall be issued an administrative citation in the amount of $200.00.

(4) Upon a third or subsequent violation of Section 10-308(a) an owner shall be issued an order to comply with one or both of the following requirements:

(A) Spay or neuter all dogs possessed by that person and provide proof of compliance to the poundmaster within sixty (60) days;

(B) Implant a microchip identification device in all dogs possessed by that person.

(e) **Responsibility for Enforcement.** The poundmaster shall be responsible for enforcement and administration of this section.

(f) **Cost Recovery.** The City may collect abatement, actual, administrative and enforcement costs, as well as penalties and administrative expenses pursuant to the provisions of Chapter 1, Article 5 of this Code.

(g) **Appeals.** Any person receiving an administrative citation, order to spay/neuter an animal, or order to microchip an animal may appeal the issuance of the administrative citation or order pursuant to Chapter 1, Article 4 of this Code.

(Added Ord. 2010-15, § 1, eff. 6-24-10).