

## **Title 6**

### **ANIMALS**

#### **Chapters:**

- 6.04 Animal Control Regulations**
- 6.08 Animal Control Director**
- 6.12 Dogs**
- 6.14 Potentially Dangerous and Vicious Dogs**
- 6.16 Pet Shops**
- 6.20 Exotic Animal and Animal Fancier Permit**
- 6.24 Impoundment of Animals**
- 6.28 Protection Dogs**
- 6.30 Permit Revocation and Appeal**



## Chapter 6.04

### ANIMAL CONTROL REGULATIONS

#### Sections:

- 6.04.010 Definitions.
- 6.04.020 Fowl and livestock – Permit required.
- 6.04.030 Fowl and rabbits.
- 6.04.040 Livestock.
- 6.04.050 Care of animal required.
- 6.04.060 Nuisances by animals.
- 6.04.070 Vicious animal – Presumed when.
- 6.04.080 Vicious animal investigation.
- 6.04.090 Confinement of vicious animal.
- 6.04.100 Findings – Public nuisance.
- 6.04.110 Biting animals to be quarantined.
- 6.04.120 Stray animals to be taken up – Notice to owner.

#### 6.04.010 Definitions.

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

A. “Animal control director” or “director” means the chief of police of the city who shall direct the enforcement of the provisions of this title and other state and local laws relating to animals.

B. “Animal control officer” or “officer” means the person designated by the animal control director to enforce the provisions of this title and other state and local laws relating to animals.

C. “Animal fancier” means any person that wishes to keep:

1. More than the allowable number of household pets;
2. Livestock; or
3. Exotic animal(s).

D. “Animal shelter” means the animal services and placement center owned, operated or under contract with the city for the care, boarding, confinement, or detention of animals.

E. “Dangerous or vicious animal” means any animal which represents a physical threat to other animals or human beings.

F. “Exotic animal” means any of the following:

1. The following members of the Class Reptilia: Order Phidia (such as, but not limited to racers, boas, water snakes and pythons) over six feet in length, and Order Loricata (such as, but not limited to, alligators, caymans and crocodiles) over two feet in length;

2. The following members of the Class Aves: Order Falconiformes (such as, but not limited to, hawks, eagles and vultures which are not kept pursuant to federal or state permit) and Subdivision Ratitae (such as, but not limited to, ostriches, rheas, cassowaries and emus);

3. The following members of the Class Mamalia: Order Carnivora, expressly excepting the domestic dog (canis familiares) and the domestic cat (felis catus) and including, but not limited to the Family Felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), the Family Canidae (such as wolves, dingoes, coyotes and jackals), and Order Marsupialia (such as kangaroos and common opossums (Didelphis marsupialial)), and Order Chiroptera (bats), and Order Edentata (such as sloths, anteaters and armadillos), and Order Proboscidea (elephants), and Order Primata (including, but not limited to, monkeys, chimpanzees and gorillas), and Order Ungulata (including, but not limited to, antelope, deer, bison and camels);

4. Any species of animal which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means.

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

H. “Household pet” means cats and dogs.

I. “Livestock” means domestic animals customarily kept, used, maintained or raised on a farm or ranch, for commercial purposes or otherwise, including, but not limited to, horses, ponies, burros, mules, donkeys, cows, steers, sheep, goats, swine, rabbits, chicken, ducks, geese, or other fowl except roosters.

J. “Owner” means any person owning, having an interest in, harboring or having control, custody or possession of any animal.

K. “Person” includes any individual, partnership, business, corporation, trust or association.

L. “Pet shop” means a commercial establishment where live animals are sold or kept for sale or hire.

M. “Protection dog” means any dog specifically trained or used to guard, protect, patrol, or defend any person or property, with or without direct human supervision.

N. “Unlicensed dog” means a dog for which the license of the current year has not been paid or a dog to which the tag provided for in this title is not attached to the dog’s collar. (Ord. 1244 § 2, 1987)

## 6.04.020

### 6.04.020 Fowl and livestock – Permit required.

A. It is unlawful for any person to keep any fowl or livestock without first obtaining an animal fancier permit.

B. Upon application, a blanket permit may be issued to a bona fide animal husbandry program sponsored by the Future Farmers of America or 4-H clubs. The application shall be made by and the permit issued only to an adult supervisor in charge of the program. (Ord. 1244 § 2, 1987)

### 6.04.030 Fowl and rabbits.

A. It is declared to be a nuisance, and no person shall permit any fowl or rabbits owned or controlled by him to run or fly at large or go upon the premises of any other person in the city.

B. It is unlawful for any person to give away baby rabbits, chicks, ducklings or other fowl as a novelty, promotion or prize, whether or not dyed, colored or otherwise artificially treated. No person shall sell or barter any baby rabbit, chick, duckling or other fowl as a pet unless, as a condition thereof, the person acquiring such rabbit, chick, duckling or other fowl may return such within 30 days without cost or charge. Every person displaying or offering for sale any baby rabbit, chick, duckling or other fowl as a pet shall conspicuously post the following notice: "Any rabbit or fowl purchased may be returned" in letters at least one inch in height. (Ord. 1244 § 2, 1987)

### 6.04.040 Livestock.

No owner of any livestock shall:

A. Permit such animal to run at large in the city;

B. Cause or permit any such animal to be pastured, herded, staked or tied in any public place;

C. Fail to provide the necessary sustenance, drink, shelter or protection from the weather or otherwise. (Ord. 1244 § 2, 1987)

### 6.04.050 Care of animal required.

The owner of any animal shall:

A. Keep the stable, barn, stall, pen, cage, coop, building or place in which such animal is kept in a clean and sanitary condition.

B. Provide adequate shelter and protection for such animal from the weather and elements.

C. Provide such animal with food and water daily. The food shall be free from contamination

and shall be wholesome, palatable, and of sufficient quantity and nutritive value. (Ord. 1244 § 2, 1987)

### 6.04.060 Nuisances by animals.

It is unlawful and a nuisance for:

A. The owner of any animal to knowingly permit such animal by barking or other noise or sound, to disturb any other person's peace and quiet. The owner of any animal creating such a nuisance shall take immediate steps to quiet such animal whenever it creates such a nuisance. The owner of such an animal shall not leave such animal unattended on a premises in a place where its barking, noise or sound, if prolonged or repeated an undue number of times, disturbs any other person's peace and quiet.

B. The owner of any animal to permit such animal to damage or destroy the property of another person or public property, or to repeatedly deposit its body waste fluid or matter upon such property.

C. The owner of any animal to permit such animal to molest, attack, or otherwise interfere with the freedom of lawful movement of persons or to chase vehicles or to attack other domestic animals. (Ord. 1244 § 2, 1987)

### 6.04.070 Vicious animal – Presumed when.

Any animal, except one assisting a peace officer engaged in a law enforcement duty, which demonstrates any of the following behavior is presumed vicious:

A. An unprovoked attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;

B. An unprovoked attack which results in property damage or in an injury to a person when such person is conducting himself or herself peacefully and lawfully;

C. An unprovoked attack on another animal protected by this title which occurs on property other than that of the owner of the attacking animal.

D. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

For the purpose of this section, a person is conducting himself peacefully and lawfully upon the private property of the owner of the animal when he is on such property in the performance of any duty

imposed on such person by state or local law or by the laws of postal regulations of the United States, or when he is on such property upon invitation, either expressed or implied. (Ord. 1244 § 2, 1987)

**6.04.080 Vicious animal investigation.**

An animal control officer shall investigate any reported incident concerning a vicious animal or any animal quarantined pursuant to this chapter. If the investigating officer concludes, based upon available evidence, that there is probable cause to believe that the animal is vicious, he shall so certify to the owner of the animal in writing within 10 days following completion of the investigation. (Ord. 1244 § 2, 1987)

**6.04.090 Confinement of vicious animal.**

If the officer's investigation indicates there is probable cause to believe that the animal is vicious, the officer may enter upon private premises in order to seize any such vicious animal, whether running at large or not, and shall confine the animal at an appropriate animal shelter or an approved kennel supervised by a veterinarian. The officer shall bring an action in municipal court in accordance with Civil Code Section 3342.5 to determine whether or not the animal is vicious. Confinement of the animal shall continue pending the decision of the court hearing. The cost of the confinement shall be paid by the owner of such animal. The animal shall not be released until such costs have been paid in full. (Ord. 1244 § 2, 1987)

**6.04.100 Findings – Public nuisance.**

If the court finds that the animal is vicious, the animal shall be deemed a public nuisance and shall be, pursuant to the order of the court, humanely destroyed or removed from the city or otherwise abated by means including, but not limited to, confinement, fencing, muzzling or leashing. (Ord. 1244 § 2, 1987)

**6.04.110 Biting animals to be quarantined.**

Whenever it is shown that the dog or other animal has bitten any person or animal, or exhibits evidence of rabies, no owner or person having custody or possession thereof, upon order of an animal control officer, shall fail, refuse or neglect to quarantine such animal and keep it tied up or confined for a period of 14 days, or shall fail, refuse or neglect

to allow an officer to make an inspection or examination thereof at any time during such period. No such dog or animal shall be removed without written permission of an animal control officer. (Ord. 1244 § 2, 1987)

**6.04.120 Stray animals to be taken up – Notice to owner.**

A. Every person, except the animal control director or his officers, taking up any stray animal or any such animal which is running at large contrary to the provision of this chapter shall, within eight hours thereafter give notice to the director of:

1. The fact that he has such animal in his possession;
2. The complete description of such animal including tattoo(s) and/or other descriptive markings;
3. The license number of such animal, if any, and by what county or municipal corporation issued; if such animal has no license, such person shall so state;
4. The place where such animal is confined.

B. Every such person, and any person in whose custody such animal may in the meantime be placed, shall deliver such animal to the director without fee or charge, and the director shall thereupon hold and dispose of such animal in the same manner as though such animal had been found at large and impounded by him or his officers. (Ord. 1244 § 2, 1987)

**Chapter 6.08**

**ANIMAL CONTROL DIRECTOR**

Sections:

- 6.08.010 Powers and duties – Enforcement of state regulations – Peace officer powers.
- 6.08.020 Enforcement of LMC Title 6 provisions.
- 6.08.030 Delegation of powers.
- 6.08.040 Inspection – Right of entry.
- 6.08.050 Exhibition of licenses required when.

**6.08.010 Powers and duties – Enforcement of state regulations – Peace officer powers.**

A. The animal control officer shall be vested with peace officer powers while in the performance of his duties. The officer’s duties shall include, but are not limited to, enforcing all state and city laws relating to the care, treatment and impounding of animals. The officer shall also be vested with the powers of deputy health officer pursuant to state law.

B. The animal control officer shall make necessary arrests for violations of any of the provisions of this title. He shall enforce state laws relating to animals. (Ord. 1244 § 2, 1987)

**6.08.020 Enforcement of LMC Title 6 provisions.**

It is made the duty of the director to enforce any other sections of this chapter, whether enumerated as a duty or not. (Ord. 1244 § 2, 1987)

**6.08.030 Delegation of powers.**

Whenever a power is granted to, or a duty is imposed upon, the director or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless expressly provided otherwise by this title. (Ord. 1244 § 2, 1987)

**6.08.040 Inspection – Right of entry.**

Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the animal control director or an animal control officer has reasonable cause to believe that there exists in any building or upon any premises

any condition which is in violation of this title, he may enter such building or premises at any reasonable time to inspect the same or to perform his duties as outlined in this chapter; provided, that if such building or premises is occupied, he shall first present proper credentials and demand entry, and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or some other person having charge or control of the building or premises, and demand entry. If such entry is refused, the enforcing official, or his representative shall have recourse to every remedy provided by law to secure entry. (Ord. 1244 § 2, 1987)

**6.08.050 Exhibition of licenses required when.**

No person shall fail or refuse to exhibit the registration of any animal required to be licensed by this chapter when required to do so by the director or an officer. (Ord. 1244 § 2, 1987)

**Chapter 6.12****DOGS**

## Sections:

- 6.12.010 License – Required.
- 6.12.020 License – Rabies treatment prerequisite to issuance.
- 6.12.030 License – Fee.
- 6.12.040 License – Time for fee payment.
- 6.12.050 Original license requirements – Penalty for late payment.
- 6.12.060 Renewal licenses – Penalty for late payment.
- 6.12.070 Tags and certificates – Tag to be worn by dog.
- 6.12.080 Duplicate tags.
- 6.12.090 Exhibition of tags required when.
- 6.12.100 Removal of tags prohibited.
- 6.12.110 Counterfeit tags prohibited.
- 6.12.120 Police department dogs – Special Provisions.
- 6.12.130 Duty to report bites.
- 6.12.140 Running at large prohibited.
- 6.12.150 Impounding and quarantine required when.
- 6.12.160 Transportation of animals.
- 6.12.170 Animal restraints.

**6.12.010 License – Required.**

Every owner of any dog within the limits of the city shall procure a license for each such dog, except where:

- A. The dog is less than four months of age;
- B. The dog is owned by a nonresident of the city who is visiting the city for less than 45 days; or
- C. The dog is a police dog used by the police department pursuant to LMC 6.12.160. (Ord. 1244 § 2, 1987)

**6.12.020 License – Rabies treatment prerequisite to issuance.**

As a condition for the issuance of a license, all applicants for such license shall procure and deliver to the administrative services director a certificate issued by a duly licensed veterinarian certifying that the dog to be licensed has been administered an antirabies treatment within 30 days prior to the issuance of the license, or has received antirabies treatment sufficient to immunize such dog against rabies for the current license period. (Ord. 1895 § 7, 2010; Ord. 1244 § 2, 1987)

**6.12.030 License – Fee.**

The annual dog license fee shall be set by resolution of the city council. (Ord. 1244 § 2, 1987)

**6.12.040 License – Time for fee payment.**

A. The dog owner shall pay the license fee required by this chapter on an annual basis. The annual period can commence on January 1st, April 1st, July 1st or October 1st.

B. Licenses may be issued for a period of either one or three years. However, the license period shall not extend beyond the period of validity for the current rabies vaccination.

C. Licenses issued between January 1st and March 31st of each year will be effective until and including December 31st of the ensuing year, or in the case of a three-year license, the 31st day of the third year. Likewise, licenses issued between April 1st and June 30th will be effective until March 31st of the ensuing year or the third year, licenses issued between July 1st and September 30th will be effective until June 30th of the ensuing year or the third year, and licenses issued between October 1st and December 31st of each year will be effective until September 30th of the ensuing year or the third year.

D. Proration of fees may apply in special circumstances. (Ord. 1449 § 1, 1995; Ord. 1244 § 2, 1987)

**6.12.050 Original license requirements – Penalty for late payment.**

License fees for the original license shall be due and payable within 45 days after any dog within the corporate limits of the city comes into the charge, care or control of any person within the city. A penalty, as set by city council resolution, shall be charged for failure to obtain a license within the required 45-day period and collected at the time the license is issued. However, no such penalty shall be charged or collected during the months of January, April, July or October. If a citation is issued for violation of this section, a penalty, as set by city council resolution, shall be charged and collected at the time the license is issued. (Ord. 1449 § 1, 1995; Ord. 1244 § 2, 1987)

## 6.12.060

### 6.12.060 Renewal licenses – Penalty for late payment.

A. Each owner of a dog shall pay the required license fee within such time as designated in the following schedule:

1. Licenses with an expiration date of December 31st shall be renewed and the fees due paid by January 31st of the following year. On February 1st of the following year, a penalty, as set by resolution of the city council, shall be charged in addition to the license fees and collected upon the issuance of a renewal license.

2. Licenses with an expiration date of March 31st shall be renewed and the fees due paid by April 30th. On May 1st, a penalty, as set by city council resolution, shall be charged in addition to the license fees and collected upon the issuance of a renewal license.

3. Licenses with an expiration date of June 30th shall be renewed and the fees due paid by July 31st. On August 1st, a penalty, as set by city council resolution, shall be charged in addition to the license fees and collected upon the issuance of a renewal license.

4. Licenses with an expiration date of September 30th shall be renewed and the fees due paid by October 31st. On November 1st, a penalty, as set by city council resolution, shall be charged in addition to the license fees and collected upon the issuance of a renewal license.

B. If a citation is issued for violation of this section, a penalty, as set by city council resolution, shall be charged and collected at the time the renewal license is issued. (Ord. 1449 § 1, 1995; Ord. 1244 § 2, 1987)

### 6.12.070 Tags and certificates – Tag to be worn by dog.

A metallic tag and license certificate with corresponding numbers shall be furnished by the administrative services director to any person upon payment of the appropriate fee. The administrative services director shall keep a record of the name of the owner or person making payment of the license fee, to whom a certificate and tag have been issued, and the number and date of such certificate and such tag. Such metal tag issued shall 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. The administrative services director shall twice yearly supply the animal control officer with a list of all delinquent dog licenses. (Ord. 1895 § 7, 2010; Ord. 1244 § 2, 1987)

### 6.12.080 Duplicate tags.

When a tag, issued for the then-current year by the administrative services director, has been stolen or lost, the owner of the dog for which the same was issued may, upon the payment of \$0.50 to the administrative services director, and upon making and subscribing to an affidavit of such loss and filing the same with the administrative services director, receive a duplicate tag from the administrative services director for the remaining portion of the then-current year. (Ord. 1895 § 7, 2010; Ord. 1244 § 2, 1987)

### 6.12.090 Exhibition of tags required when.

No owner of a dog shall fail or refuse to show to any police officer of the city the license certificate and the tag for any duly registered dog owned by him. (Ord. 1244 § 2, 1987)

### 6.12.100 Removal of tags prohibited.

No unauthorized person shall remove from any dog any collar, harness or other device to which is attached an unexpired registration tag, or remove such tag therefrom. (Ord. 1244 § 2, 1987)

### 6.12.110 Counterfeit tags prohibited.

No person shall imitate or counterfeit the tags provided for in this chapter, or use any imitation or counterfeit of such tag. (Ord. 1244 § 2, 1987)

### 6.12.120 Police department dogs – Special Provisions.

A. It is unlawful for any person to willfully harm, meddle or interfere with any dog used by the police department in the performance of official police duties.

B. The provisions of LMC 6.12.010 shall not apply to dogs which have been trained for official police duties and which are used for such purposes by the police department. (Ord. 1244 § 2, 1987)

### 6.12.130 Duty to report bites.

Whenever the owner of any dog has knowledge that such dog has bitten any person or animal, the

owner of such dog shall immediately report such fact to the animal control director. The report shall state the name and address of the person bitten, a description of the animal bitten, if any, and the time and place which such person or animal was bitten. (Ord. 1244 § 2, 1987)

**6.12.140 Running at large prohibited.**

A. No owner of any dog shall cause or permit

*This page left intentionally blank.*

such dog to be or run at large upon any public place or any private property other than that of such owner except with the prior consent of the person in charge of such private property, unless such dog is securely restrained by a substantial leash not to exceed six feet in length and is under the charge and control of a person competent to keep such dog under effective charge and control. Exception: Nothing in this section shall prevent a dog from being used without a leash (1) to hunt wild birds or game or to herd, guard, gather, or otherwise work domestic animals or fowl or (2) for obedience training or exercise, in or upon a public place so long as such dog is under the charge and control of a person competent to keep such dog under effective charge and control and so long as such dog does not wrongfully harm or damage or threaten to harm or damage any person in public or private property.

B. The owner of any female dog shall keep such dog confined in a secure enclosure during any time that such dog is in heat to prevent the attraction of other dogs. (Ord. 1244 § 2, 1987)

**6.12.150 Impounding and quarantine required when.**

It shall be the duty of the director to take up all licensed and unlicensed dogs found running at large in a public place or upon any property contrary to the provisions of this title. All such dogs shall be impounded in the city pound or pound designated by the city council. (Ord. 1244 § 2, 1987)

**6.12.160 Transportation of animals.**

Any animal while being transported by vehicle within the city shall be secured by a restraining device of sufficient strength and stability to insure that such animal cannot escape from such vehicle. (Ord. 1244 § 2, 1987)

**6.12.170 Animal restraints.**

When a restraint is used to tether an animal, it shall be placed or attached so that it cannot become entangled with the restraining device of any other animal or with any other object. It shall be affixed by means of a well-fitted collar, and shall be at least four times the length of the animal as measured from the tip of its nose to the base of its tail and shall allow the animal convenient access to food, water and shelter adequate to protect the animal from the elements. (Ord. 1244 § 2, 1987)

**Chapter 6.14**

**POTENTIALLY DANGEROUS  
AND VICIOUS DOGS**

Sections:

- 6.14.010 Purpose.
- 6.14.020 Definitions.
- 6.14.030 Determination of potentially dangerous and vicious dogs and possible actions.
- 6.14.040 Hearing.
- 6.14.050 Control of vicious dogs.
- 6.14.060 Exceptions.

**6.14.010 Purpose.**

Within the city of Livermore there are potentially dangerous and vicious dogs. Such dogs have become a threat to the safety and welfare of the citizens of Livermore. The provisions of this chapter set forth the procedures for finding a dog potentially dangerous or vicious and subjecting the dog to appropriate controls and enforcement actions. This chapter is intended to supplement rather than supplant any other remedies available under this code or state law. (Ord. 1643 § 1, 2001)

**6.14.020 Definitions.**

A. "Animal control officer" means a city of Livermore animal control officer.

B. "Hearing officer" means the Livermore city manager or his or her designee.

C. "Owner" of a dog shall include a keeper, custodian, handler, or a person having immediate control of the dog.

D. "Potentially dangerous" describes a dog meeting any of the following criteria:

1. Any dog which, when unprovoked, on two separate occasions within the prior 36 months, engages in aggressive behavior including but not limited to growling, barking, chasing, lunging, or behaves in a manner that requires a defensive action by a person to prevent bodily injury when the person is off the property of the owner of the dog.

2. Any dog which, when unprovoked, bites a person inflicting a less severe injury than that defined in subsection E of this section.

3. Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner of the dog.

## 6.14.030

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

F. "Vicious" describes a dog meeting any of the following criteria:

1. Any dog which, when unprovoked, inflicts severe injury on or kills a human being.

2. Any dog previously determined to be a potentially dangerous dog which, after its owner has been notified of this determination, continues to behave in the manner described in subsection D of this section.

3. Any dog seized under Section 599aa of the California Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the California Penal Code. (Ord. 1643 § 1, 2001)

### **6.14.030 Determination of potentially dangerous and vicious dogs and possible actions.**

A. Any dog that the animal control officer believes to be potentially dangerous or vicious shall be impounded by or surrendered to the animal control officer, or quarantined upon the owner's property in an approved enclosure, as directed by the animal control officer.

B. The animal control officer shall take the severity of the injury and the number of attacks and the circumstances into consideration in making his or her determination. If the animal control officer determines a dog to be potentially dangerous or vicious, he or she may take any of the following actions or a combination thereof:

1. Take no further action against the dog and its owner;

2. Require that the dog be permanently removed from the city;

3. Determine that the owner or the custodian will lose all rights of ownership and control of the dog;

4. Restrict the owner's future ownership of a dog;

5. Order that the dog be put on a leash not to exceed six feet long whenever accessible to public and/or be securely tied or chained or muzzled as ordered by the animal control officer;

6. Order the animal destroyed;

7. Order any other appropriate action;

8. In addition to any of the above, the officer may order the owner to reimburse the city for the cost of maintaining the dog, if applicable.

C. The animal control officer shall notify the owner of the dog in writing of his or her determination as well as the owner's right to appeal the officer's decision within five business days, either in person or by first class mail with return receipt requested.

D. If a dog has been determined to be potentially dangerous or vicious under this section, the owner may appeal such a determination in writing within five business days of receipt of the animal control officer's notification. (Ord. 1643 § 1, 2001)

### **6.14.040 Hearing.**

The hearing officer shall hold a hearing within 10 days, not including weekends or holidays, after receipt of the request if the dog has been surrendered or impounded by the animal control officer. Where the animal has not been surrendered to or impounded by the animal control officer, the hearing officer shall promptly set a time and place for the hearing and shall cause notice of the hearing to be personally delivered to the owner or deposited in the mail.

The hearing officer may uphold, modify or dismiss the determination of the animal control officer on the basis of evidence produced at the hearing. Subsequently, the hearing officer shall give written notice of his or her decision within 15 days of the hearing to the owner. This decision shall be final. (Ord. 1643 § 1, 2001)

### **6.14.050 Control of vicious dogs.**

A. A person owning or having custody of a dog determined to be vicious shall confine it within a building or secure enclosure, as described below.

B. A vicious dog shall be kept securely confined indoors or in a securely enclosed escape-proof locked kennel or pen other than when on a leash as described below. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen shall be constructed in a manner so that it cannot be broken down by any action of the confined dog. All structures used for confinement of vicious dogs must be locked with a key or combination lock of sufficient strength to ensure confinement of the dog. Such structures must be erected upon a secure bottom or

floor constructed of concrete or other material sufficient to prevent the dog from digging free. Vicious dogs enclosed in a house, apartment, building or similar structure shall be allowed only where the windows and doors of said structure are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such animal.

C. A vicious dog may be permitted off the owner's premises only when it is securely muzzled and is leashed on a leash not to exceed three feet in length and under the control of a person 18 years of age or older, who is physically capable of restraining the animal. This leash must be capable of restraining four times the weight of the dog. Moreover, the leash must be attached to an escape-proof commercial quality walking harness which fastens securely across the shoulders and mid-chest encompassing the rib area and upper abdomen of the dog. No collar of any type or material will be sufficient to satisfy the above requirements. Vicious dogs shall not be leashed or tethered at any time to inanimate objects such as trees, posts, or buildings. The muzzling device for vicious dogs must be constructed so that it is impossible for the dog to remove it without human assistance.

D. A sign advising of the presence of a vicious dog shall be posted at the entrance to every place wherein any such vicious dog is confined. The sign shall be capable of being understood by a child. This sign must be approved by or provided by the animal control officer.

E. Transportation of a vicious dog shall only be in locked animal carriers equivalent in construction quality to those used by commercial air carriers. Moreover, a vicious dog shall not be left unattended or loose in or about any motor vehicle.

F. The owner must notify the city prior to any change in location of the dog or new ownership at least 48 hours prior to any change. (Ord. 1643 § 1, 2001)

#### **6.14.060 Exceptions.**

A. No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon the owner's premises, or the injured party was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a

crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time of the injury or damage was sustained was tormenting, abusing or assaulting the dog.

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

C. This chapter does not apply to humane society shelters, animal control facilities, or veterinarians or to dogs while utilized by any police department or any law enforcement officer in the performance of police work; guide dogs for the blind or deaf while performing their duties; dogs participating in field or obedience trials or conformation exhibitions; dogs assisting their owner in legal hunting activities or in the herding of livestock. (Ord. 1643 § 1, 2001)

**6.16.010**

**Chapter 6.16**

**PET SHOPS**

Sections:

- 6.16.010 Permit – Required when.
- 6.16.020 Exemptions – Animal shelters.
- 6.16.030 Permit – Issuance conditions.
- 6.16.040 Annual license fee designated – Renewal.

year, or any part thereof, during which such kennel is maintained, and shall be due and payable in advance on the first day of January of each year, and shall expire on the thirty-first day of December of the same year; provided, that the permit required by this chapter has not been revoked. (Ord. 1908 § 22, 2010; Ord. 1244 § 2, 1987)

**6.16.010 Permit – Required when.**

It is unlawful for any person to erect, establish or maintain any pet shop without first obtaining a permit from the animal control director. (Ord. 1244 § 2, 1987)

**6.16.020 Exemptions – Animal shelters.**

The provisions of this chapter requiring the payment of an annual license fee shall not apply to an animal shelter maintained and operated by a society for the prevention of cruelty to animals duly incorporated under Title 1, Division 2, part 4 of the Corporations Code of the state, or to the city pound. (Ord. 1244 § 2, 1987)

**6.16.030 Permit – Issuance conditions.**

A. The granting of the permit required by LMC 6.16.010 shall be in the discretion of the director, who shall take into consideration the type of construction to be employed as it relates to sanitation and the manner in which animals are to be housed, and such zoning regulations as may be in effect or adopted from time to time; provided, that:

1. No permit shall be granted for a pet shop that is not in compliance with the zoning ordinance or other federal, state, or local law; or
2. The application for a permit shall show that odor, noise, dust and drainage from the kennel or pet shop shall not contribute a nuisance or hazard to the public. (Ord. 1244 § 2, 1987)

**6.16.040 Annual license fee designated – Renewal.**

Upon approval of the animal control director, the administrative services director, upon the payment of an annual license fee as set by resolution of the city council, shall issue to the applicant a license in such form as he may prescribe, and deliver a copy thereof to the animal control director. Such annual license shall be for the calendar

## Chapter 6.20

### EXOTIC ANIMAL AND ANIMAL FANCIER PERMIT

#### Sections:

- 6.20.010 Purpose of provisions.
- 6.20.020 Exemptions from chapter applicability.
- 6.20.030 Animal fancier permit – Requirements.
- 6.20.040 Permit – Application approval procedure.
- 6.20.050 Renewal of permit – Delinquency penalty.
- 6.20.060 Inspection of permits.
- 6.20.070 Rules and regulations – Animal control director authority.

#### **6.20.010 Purpose of provisions.**

The city council finds, determines and declares that it intends to provide for the public health, safety and welfare through the regulation and control of exotic animals and household pets not otherwise regulated and controlled by federal, state, or local laws, as provided in this chapter. (Ord. 1244 § 2, 1987)

#### **6.20.020 Exemptions from chapter applicability.**

The provisions of this chapter are not applicable to the following:

- A. Owners who use animals for diagnostic purposes or research, and who have a valid permit issued by a governmental agency, and whose animals are kept on the premises specified in the permit;
- B. Owners who use animals for teaching purposes in recognized educational institutions and whose animals are kept on the premises of the institution or other authorized place;
- C. Owners of establishments which treat or board animals on the premises, and which are owned or operated by a veterinarian licensed by the state;
- D. Owners who are engaged in agriculture as a permitted use pursuant to the zoning ordinance, and in connection therewith on the premises affected keep animals as beasts of burden (such as horses, dairying and animal and poultry husbandry);
- E. Owners of horseriding academies and public and private horse stables and premises on which they are operated, as a conditional use pursuant to the zoning ordinance; and

F. Owners of licensed pet shops. (Ord. 1244 § 2, 1987)

#### **6.20.030 Animal fancier permit – Requirements.**

A. No person shall own or keep any exotic animal or six or more household pets, provided the number of dogs does not exceed three, over 12 weeks of age without first applying to and receiving from the administrative services director an animal fancier permit.

B. The application for an animal fancier permit shall include the following:

1. The applicant's name, address and telephone number.
2. The address of the proposed location where the animals will be maintained.
3. Name, address, telephone number of the property owner of the proposed location if different from the applicant.
4. Name of educational organization and name, address, and telephone number of the project leader where applicable.
5. Name of species of animals to be maintained and the number of animals to be maintained and the number of animals.
6. Description of the housing facilities and the proposed location on the lot where the housing facilities will be placed,
7. Purpose for the keeping of such animals on the property.
8. Any other information the director deems necessary.

C. Fees for animal fancier permits shall be established by resolution of the city council. The administrative services director, upon payment of the annual fee, shall issue to the applicant a permit in such form as he may prescribe, and shall deliver a copy thereof to the animal control director. Such annual permit shall be for the calendar year, or any portion thereof, and shall be due and payable in advance.

D. The fee may cover either one animal or a collection thereof, and the maximum number of specimens permitted to be kept shall be specified in the permit. Whenever a new animal or collection is added so as to exceed the maximum number permitted, a new permit must be secured and a new fee shall be due and payable at the time of issuance of the permit.

## 6.20.040

E. Whenever, in any given permit year, there are new animals in a collection due to the reproduction of members of the collection or due to trade, exchange or replacement in the same number and of the same zoological order as the members of the collection traded, exchanged or replaced, the new animals do not require an additional permit during that year, provided the director is notified in writing of the new animals within 30 days of acquisition or birth. Exception: This provision shall not apply to household pets. An animal fancier permit shall be applied for by an owner of household pets regulated by this chapter when such household pets attain the age of 12 weeks old. (Ord. 1908 § 23, 2010; Ord. 1244 § 2, 1987)

### 6.20.040 Permit – Application approval procedure.

A. Upon receipt of an application for an initial permit by the administrative services director, he or she shall request the animal control director to make any investigation he deems proper. The director shall approve an application if he makes all of the findings specified in this section. The application may initially be forwarded to the public works, planning and public health departments of the city or Alameda County, if the animal control director, in his discretion, concludes that the assistance of such departments is necessary in order for him to approve the application. Designated employees of these departments shall ascertain and inform the animal control director whether or not the applicant's plan is in conformity with the law administered by these departments.

B. Upon approval by such departments of the application for an initial permit or upon the receipt of an application for a renewal permit, the animal control director shall make any investigation he deems proper. He shall approve an application if he finds all of the following:

1. The keeping of the animal at the location specified in the application will not violate any federal, state or local law.
2. Odor, noise, dust and drainage from the keeping and maintenance of the animal will not contribute a nuisance or hazard to the public.
3. The keeping and maintenance of the animal will not endanger the peace, health or safety of persons in the immediate vicinity, or in the city as

a whole. (Ord. 1908 § 24, 2010; Ord. 1244 § 2, 1987)

### 6.20.050 Renewal of permit – Delinquency penalty.

A. Each succeeding year a renewal permit shall be obtained by a holder of an animal fancier permit. The fee for the issuance of a renewal permit shall be the same as that fee currently chargeable for an initial permit, and it is due and payable in advance each year on the first day of January. If, during the preceding year or years, more than one initial permit has been issued to an applicant, the former permits may be consolidated so that only one renewal permit is required.

B. A renewal fee for an animal fancier permit shall become delinquent 30 days after it becomes due and payable, and upon delinquency, an additional delinquent fee established by resolution of the city council shall be added to the regular fee. An unpaid delinquent fee shall be added to the succeeding year's renewal fee. (Ord. 1244 § 2, 1987)

### 6.20.060 Inspection of permits.

A. Permits issued pursuant to the provisions of this chapter shall be surrendered for inspection by the permittee upon the request of the director or an officer.

B. The premises on which an animal is maintained shall be open at any reasonable hour for inspection by an animal control officer. (Ord. 1244 § 2, 1987)

### 6.20.070 Rules and regulations – Animal control director authority.

The director may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of this chapter. Compliance with such rules and regulations shall be a prerequisite to the issuance and continued validity of any permit provided for in this chapter. (Ord. 1244 § 2, 1987)

**Chapter 6.24****IMPOUNDMENT OF ANIMALS**

## Sections:

- 6.24.010 City to provide animal shelter.
- 6.24.020 Animals to be impounded when.
- 6.24.030 Notification to owner of animal.
- 6.24.050 Fines and charges for impoundment.
- 6.24.060 Redemption of animals.
- 6.24.070 Disposition of unredeemed animals and dogs.
- 6.24.080 Destruction of animals authorized when.

**6.24.010 City to provide animal shelter.**

There shall be provided by the city council, or by the director a suitable building or enclosure to keep and safely hold all animals impounded pursuant to this title, which shall be known and designated as the animal shelter; all references to “pound” contained in this chapter mean the animal shelter. The director may enter into contract with an outside public agency or private persons to provide suitable facilities that meet the criteria set forth in this chapter. (Ord. 1244 § 2, 1987)

**6.24.020 Animals to be impounded when.**

It shall be the duty of the director to take up, impound and safely keep any animal found running at large, staked, tied or being herded or pastured in any public place or upon any private property in the city contrary to the provisions of this title. (Ord. 1244 § 2, 1987)

**6.24.030 Notification to owner of animal.**

The director or person appointed by him or the city council, shall immediately upon impoundment of an animal, make every reasonable effort to notify the owner of such animal impounded, and inform the owner of the conditions whereby he may regain custody of the animal. (Ord. 1244 § 2, 1987)

**6.24.050 Fines and charges for impoundment.**

The director shall charge, receive and collect charges for impounded animals as established pursuant to Article V, relating to fees, of Chapter 3 of Title 3, relating to animal control, of the Alameda County Ordinance Code. (Ord. 1244 § 2, 1987)

*This page left intentionally blank.*

**6.24.060 Redemption of animals.**

The owner of any impounded animal shall have the right to reclaim the same at any time prior to the lawful disposition thereof, upon payment to the director the costs and charges provided in LMC 6.24.050 for the impounding and keeping of such animals. (Ord. 1244 § 2, 1987)

**6.24.070 Disposition of unredeemed animals and dogs.**

A. Unless unlicensed animals shall have been redeemed within five days after being impounded, or licensed animals within 10 days after notification provided for in LMC 6.24.030, they may be sold by the animal shelter; provided, that the purchaser shall not be given possession of any dog until he has paid to the licensing authority the license fee or fees prescribed. If any dog or other animal impounded by the director has not been redeemed within such period and cannot be sold within a reasonable time thereafter, it may be destroyed in a humane manner. In lieu of destruction, the animal shelter may release animals, without charge, to any humane organization that provides an animal adoption service. The shelter shall maintain a file describing each animal impounded therein, for at least the prescribed period beginning on the day any such animal is taken or delivered into the possession of the shelter. The owner must, within five days, show proof of a current, valid antirabies vaccination.

B. The owner of any impounded animal may, at any time within 30 days after sale by the shelter redeem from the purchaser by paying him the amount of the purchase price paid by him to the shelter and any license fees paid, and in addition thereto the sum equal to the rates established in LMC 6.24.050 per day for the number of days from the date of sale to and including the date of such redemption.

C. Notwithstanding any provisions in Chapters 6.04 through 6.28 LMC to the contrary, the Agriculture Code of the state, Division 3, Chapter 5, shall be complied with in reference to stray bovine animals, horses, mules or burros. (Ord. 1244 § 2, 1987)

**6.24.080 Destruction of animals authorized when.**

It shall be the duty of the director, and he is authorized, to humanely destroy any animal lawfully impounded which is, by reason of age, disease or other cause, unfit for further use, or which is dangerous to keep impounded. (Ord. 1244 § 2, 1987)

**Chapter 6.28**

**PROTECTION DOGS**

Sections:

- 6.28.010 Limitation on number – Required.
- 6.28.020 Application of state law.
- 6.28.030 Protection dog at large – Restraints required.
- 6.28.040 Dog registration.
- 6.28.050 Application of Livermore Municipal Code.

**6.28.010 Limitation on number – Required.**

A. It is unlawful for any person to own, or keep more than two protection dogs upon any property any one time without first obtaining an animal fancier permit from the city.

B. All rules, regulations and requirements which apply to animal fancier permits, shall apply to persons owning, keeping and having care and custody of protection dogs.

C. At the time the application for an animal fancier permit for protection dogs is filed the applicant shall write “Protection Dogs” across the top of the permit application, along with the number and date of issue of the applicant’s state protection dog operator’s license.

D. The director may formulate rules and regulations pertaining to animal fancier permits for protection dogs. (Ord. 1244 § 2, 1987)

**6.28.020 Application of state law.**

Any owner of any protection dog is subject to all applicable state laws including, but not limited to, Sections 7512 through 7573 of the Business and Professions Code. (Ord. 1244 § 2, 1987)

**6.28.030 Protection dog at large – Restraints required.**

A. No protection dog shall, at any time, be running at large.

B. When upon any public place or any private place without prior permission, a protection dog will at all times be restrained by a leash not exceeding six feet in length with a tensile strength of not less than 300 pounds and shall be wearing a well-fitting muzzle which shall prevent the protection dog from biting.

C. While any protection dog is being transported within the city, it shall be restrained within

a kennel, cage or other substantial enclosure which will prevent the protection dog’s escape from the vehicle. (Ord. 1244 § 2, 1987)

**6.28.040 Dog registration.**

A. In addition to complying with the license requirements of Chapter 6.12 LMC, any owner of a protection dog within the city shall notify the police department of the location of the protection dog, the duration of the assignment at that location, and the name, address and phone number of the person responsible for the protection dog.

B. Such notification shall be made by mail not more than 15 days nor less than seven days prior to the protection dog’s arrival at any location. (Ord. 1244 § 2, 1987)

**6.28.050 Application of Livermore Municipal Code.**

All other sections of the Livermore Municipal Code applicable to animals which are not expressly superseded by this chapter shall apply to the owner of any protection dog. (Ord. 1244 § 1, 1987)

**Chapter 6.30**

**PERMIT REVOCATION AND APPEAL**

Sections:

6.30.010 Permit – Revocation conditions.

6.30.020 Appeals procedure.

**6.30.010 Permit – Revocation conditions.**

A. Any permit issued pursuant to this title may be revoked if, after investigation and duly noticed hearing, the director finds any or the following to be true:

1. The permittee, his agent or employee has been convicted of any offense involving the violation of Sections 596 to 599, inclusive, of the Penal Code or is in violation of any zoning, health and safety, building or other law relating to the keeping of animals; and

2. The permittee has changed the location of his residence or his place of business, or is no longer the owner of the animal for which the permit was issued.

B. If, after investigation, the director concludes that it is probable that one or more of the above grounds for revocation has occurred, he shall cause written notices thereof to be transmitted by certified mail to the address of the permittee. Such notice shall specify the grounds of possible revocation of the permit, and shall specify a date and time for an informal hearing to be held before the director thereon. The date shall not be less than five days following the date of deposit of the notice in the mail.

C. After the informal hearing, the director may revoke the permit and modify the terms thereof, depending upon the permittee’s ability and/or willingness to comply with the requirements of this chapter.

D. No person shall operate a business or maintain animals in the city during any time in which the permit for such business or maintenance has been revoked. (Ord. 1244 § 2, 1987)

**6.30.020 Appeals procedure.**

Any person aggrieved by any decision or action resulting from the application of this chapter may appeal to the city manager within five days from the date of permit denial. The filing of an appeal shall stay the decision or actions appealed from; pro-

vided, that the filing of an appeal shall not stay any order of suspension or revocation. (Ord. 1244 § 2, 1987)

