

CITY OF SACRAMENTO



DEPARTMENT OF LAW
812 TENTH STREET SACRAMENTO, CA 95814
SUITE 201 TELEPHONE (916) 449-5346

JAMES P. JACKSON
City Attorney
THEODORE H. KOBEY, JR.
Assistant City Attorney
LELIAND J. SAVAGE
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
DIANE B. BALTER
CHRISTINA PRIM
Deputy City Attorneys

March 1, 1983

Hon. City Council
Council Chambers
Sacramento, CA 95814

APPROVED
BY THE CITY COUNCIL

MAR - 1 1983

Re: DOG LEASH ORDINANCE

OFFICE OF THE
CITY CLERK

Members in Session:

An amendment has been suggested to the dog leash ordinance by Ms. Alice Woodyard. Ms. Woodyard testified at the Law and Legislation Committee hearings. Her proposed amendment would change Section 6.2(d)(1) to read as follows:

A dog shall not be considered to be at large if it is enrolled in and actually participating in a dog training or obedience class, exhibition or competition conducted by an organization on private or public property with the permission of the owner or operator of the grounds or facility.

In the present draft, this subsection reads as follows:

A dog shall not be considered to be at large if it is enrolled in and actually participating in City of Sacramento-sponsored or affiliated dog training or obedience classes or competitions, or in dog training or obedience classes or competitions conducted by organizations with the permission of the Department of Community Services.

The difference between the two drafts is that in Ms. Woodyard's draft it would be necessary to secure only the permission of the owner of the private or public property to conduct the dog training, etc., class. In the draft originally given to the Council, the classes or competitions would require the additional permission of the Department of Community Services.

Very truly yours,

JAMES P. JACKSON
City Attorney

JPJ/p

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CITY OF SACRAMENTO

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JAMES P. JACKSON
City Attorney
THEODORE H. KOBEY, JR.
Assistant City Attorney
LELIAND J. SAVAGE
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
DIANE B. BALTER
CHRISTINA PRIM
Deputy City Attorneys

February 23, 1983

APPROVED
BY THE CITY COUNCIL

MAR - 1 1983

OFFICE OF THE
CITY CLERK

as amended

Hon. City Council
City Hall
Sacramento, CA 95814

Re: ORDINANCES RELATING TO CONTROL OF ANIMALS

Members in Session:

SUMMARY

The Law and Legislation Committee held hearings on the attached animal control ordinances on January 20 and February 3, 1983. The Committee unanimously recommends approval of the ordinances. The ordinances are summarized below.

BACKGROUND INFORMATION

Following is a summary of the changes made in the attached two ordinances:

1. An amendment is proposed in the definition of "at large" set forth in City Code Section 6.2. One of the attached ordinances shows the changes in underline and strikeout. The present law provides, when an animal is off the premises of its owner, that it be on a leash or tether "or under the control and in the immediate presence of its owner." The proposed ordinance would require, when the animal is off the premises of its owner, that it be restrained by "leash, tether or adequate enclosure." The leash or tether could not exceed eight feet in length.

There are several exceptions to the leash requirement which are set forth in subsection (d) of the "at large" definition. These relate to obedience and training classes, dogs being used in hunting activities pursuant to a permit, and dogs assisting police officers in law enforcement activities. In addition, a dog is not considered at large if it is upon the private property of its owner or keeper, is unleashed, and has not strayed from such private property. This last requirement is compelled by Government Code Section 53074, a copy of which is attached. The impact of this state law is to make the existing ordinance less restrictive as it pertains to dogs. At present an unleashed dog is not at large when on the property of its owner if it is in the immediate presence and control of its owner. However, the Government Code

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section dictates that an unleashed animal may not be impounded nor its owner cited so long as the animal does not stray from its owner's property. The owner does not need to be in the presence and control of the animal.

2. Section 6.40(b) is amended to clarify that trespass is prohibited only on public property which is closed to the public at large. The present language is unclear because it can be argued that it prohibits trespass upon all public property including the streets, sidewalks, etc.

3. Section 6.80 is amended in order to comply with the above-referenced provisions of Government Code Section 53074.

4. Sections 6.101 through 6.108, relating to vicious animals, are amended as indicated in the attached draft. The change in Section 6.101 would more specifically define the term "vicious animal." The change in Section 6.105 would describe the types of conditions which might be imposed upon an owner of an animal after a public hearing concerning the actions of the animal. The above changes are modeled after an ordinance from Santa Clara County. Section 6.104 is amended to require that an owner be given ten days' notice (rather than five days) of the Chief Animal Control Officer's decision to destroy the animal.

5. A second ordinance is attached which makes a minor change in subsection (k) of Section 27.50 of the City Code. The subsection prohibits animals in parks unless they are leashed. A new exception has been added to permit unleashed animals which are participating in City-sponsored or approved dog training or obedience classes.

The Chief Animal Control Officer and City Engineer support the above ordinance amendments.

RECOMMENDATION

The Law and Legislation Committee recommends the attached ordinances be approved.

Very truly yours,

James P. Jackson
JAMES P. JACKSON
City Attorney

JPJ/p

Recommendation approved:

Walter J. Slize
City Manager

March 1, 1983
All Districts

§ 53074. Seizure and impoundment of dogs on private property

Notwithstanding any other * * * provision of law or any local ordinance, an officer or employee of any animal control agency shall not seize or impound a dog for the violation of an ordinance requiring a dog to be leashed or issue citations for the violation of such ordinance 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, 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.

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.

ORDINANCE NO. 83-031

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING PORTIONS OF ARTICLES I,
AND IV, AND AMENDING ARTICLE IX OF THE SACRAMENTO
CITY CODE RELATING TO ANIMAL CONTROL LAW

APPROVED
BY THE CITY COUNCIL

MAR - 1 1983

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

OFFICE OF THE
CITY CLERK

SECTION 1.

Article I, Section 6.2 of the Sacramento City Code is hereby amended to read as follows:

Article I. General Provisions

Sec. 6.2 Definitions.

For purposes of this chapter, unless provisions or the context indicate otherwise, the following terms and words have the following meanings:

Animal: Animal means any domestic animal and any animal commonly kept and maintained by the public as a household pet. The term animal shall include chickens, turkeys, geese, ducks, doves, pigeons, guinea fowl and all other poultry.

Animal control center: The animal control center means the facilities provided by the city for the impounding of animals.

At large: An animal is at large in the following situations:

(a) When it is off the premises of its owner, and not under restraint by leash, tether or adequate enclosure, ~~and not under the control and in the immediate presence of the owner or, in the alternative,~~

(b) When it is on the premises of its owner and not restrained by leash, tether, fence or adequate enclosure, or not under the control and in the immediate presence of the owner.

(c) The leash or tether required under subsections (a) and (b) of this definition shall not exceed eight (8) feet in length and shall be of sufficient strength to restrain the animal should it try to run from the owner or keeper.

(d) The following exceptions shall apply to the provisions of subsections (a), (b) and (c) of this definition:

(1) A dog shall not be considered to be at large if it is enrolled in and actually participating in City of Sacramento-sponsored or affiliated dog training or obedience classes or competitions, or in

dog training or obedience classes or competitions conducted by organizations with the permission of the Department of Community Services.

(2) A dog shall not be considered at large if it is assisting a peace officer who is engaged in law enforcement duties.

(3) A dog shall not be considered at large if it is under the control of a person engaged in hunting pursuant to a permit issued under Section 26.23 of this Code.

(4) A dog shall not be considered at large if the dog is unleashed but has not strayed from and is upon private property of the owner or keeper.

SECTION 2.

Article IV, Sections 6.40 and 6.80 of the Sacramento City Code is hereby amended to read as follows:

Article IV. Control and Care of Animal

Sec. 6.40 Prohibited conduct.

No owner of any animal, wild or domestic, except the domestic cat, shall permit or suffer such animal to do any of the following things:

(a) ^{Run} Be/at large. The definition of "at large" is set forth in Section 6.2.

(b) Trespass upon public property, unlawfully on public property closed to the public at large, or upon any private property without consent of the owner of the property.

(c) Habitually make loud noise or act in such other manner as to constitute a public nuisance.

Sec. 6.80 Duty of chief animal control officer.

The chief animal control officer shall:

(a) Take up and impound all animals found to be in violation of the provisions of this chapter.

(1) When a dog has strayed from the property of its owner or keeper and has returned to same, animal control officers shall not impound the dog unless the owner or keeper is not at home. If the owner or keeper is at home, the animal control officer may issue a citation to the owner or keeper. When the owner or keeper is not at

home, the dog may be impounded providing notice of impoundment is posted on the front door of the owner's or keeper's living unit. Such notice shall state the following: That the dog has been impounded, 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. 18

(b) Provide all entitled animals with sufficient shelter, food and water.

(c) Remove and dispose of the carcass of any animal found dead in or on any public highway, street, alley or other public place by such appropriate means as may be at his disposal.

(d) Remove and dispose of the carcass of any animal found dead on private property when the owner of such property or the owner of such animal cannot be immediately located by the chief animal control officer, or when such owner or owners refuse to dispose of the carcass within such period of time as may be reasonable under the circumstances.

SECTION 3.

Article IX of the Sacramento City Code relating to Vicious Animals is hereby amended to read as follows:

Article IX. Vicious Animals

Sec. 6.101 "Vicious animal" defined.

~~For the purposes of this article, the term "vicious animal" shall mean any animal which has, on one or more occasions, attacked, bitten, mauled or otherwise injured any person or other animal without provocation by such person or other animal. (Ord. No. 3211, § 3)~~

Any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behavior is rebuttably presumed vicious:

(a) An attack, without provocation, which requires a defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peaceably and lawfully.

(b) An attack without provocation on another animal or livestock which occurs off the property of the owner of the attacking animal.

(c) An attack, without provocation, that results in an injury to a person in a place where such person is conducting himself peaceably and lawfully.

(d) Any behavior, without provocation, that constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself peaceably and lawfully.

For purposes of this section, a person is peaceably and lawfully upon the private property of an owner of the animal when he is on such property in the performance of any duty imposed upon him by the laws

or postal regulations of the United States, or when he is on such property upon invitation, express or implied.

Sec. 6.102 Impoundment--Notification of owner.

The chief animal control officer shall cause any vicious animal to be impounded and shall, within seventy-two hours after such impoundment notify the owner, if known, that the animal has been impounded under the provisions of this section.

Sec. 6.103 Same--Disposition of animal.

The chief animal control officer may do any of the following with regard to a vicious animal:

- (a) Retain such animal for purposes of observation for a period of not to exceed thirty days.
- (b) Release such animal to the control of its owner upon such conditions as may be reasonably required to insure the public safety.
- (c) Cause such animal to be destroyed if, in his opinion, the release of such animal would create a threat to the public safety.

Sec. 6.104 Same--Destruction of animal--Notice; appeal.

(a) In the event the chief animal control officer determines that a vicious animal is to be destroyed pursuant to the provisions of section 6.103(c) he shall notify the owner of such animal at least ^{five} ~~ten~~ (10) days in advance of his intended action, and further inform such owner of his right to appeal as provided by this section.

(b) The owner of such animal may, prior to the date upon which the animal is to be destroyed, appeal the determination of the chief animal control officer to the city council by filing a notice of such appeal with the city clerk.

(c) After receipt of the notice of appeal the city clerk shall calendar the same for hearing by the city council and shall notify the owner and the chief animal control officer of such action.

(d) The chief animal control officer shall not thereafter destroy such animal until the city council shall have first heard the appeal and rendered its decision.

(e) Any owner of a vicious animal failing to appear after notice as herein provided shall be deemed to have waived any right in or claim upon such animal or to claim any damages or other relief by reason of any action by the chief animal control officer pursuant to this article.

Sec. 6.105 Same--Same--Decision of city council.

After hearing testimony from all interested parties as it may deem proper, the city council may:

(a) Uphold the decision of the chief animal control officer and order the animal destroyed.

(b) Order the return of the animal to its owner and impose such conditions upon such return as may be reasonably necessary to insure the public safety. Conditions such as, but not limited to, the following may be ordered:

(1) To keep the animal confined on his premises in an enclosure approved by the administrator;

(2) To keep the animal securely muzzled, leashed and under the control of a person 18 years of age or older, and who is physically capable of restraining the animal when the animal is off his property;

(3) A violation of this agreement will result in the animal being impounded and destroyed;

(4) To prove financial responsibility by posting a bond or certificate of insurance for the amount of \$10,000 or more;

(5) To inform, along with animal control, any city, county, postmaster, utility company, meter readers, and anyone else who comes on the property with implied consent or peaceably and lawfully of the animal's viciousness if the animal is moved into an area.

(c) Take such other action as it may reasonably find necessary to protect the public safety, including a continuation of the impoundment of such animal for a period not to exceed 30 days from the date of the hearing.

Sec. 6.106 Same--Same--Further action by chief animal control officer.

After the decision of the city council has been rendered as provided in section 6.105, the chief animal control officer shall take action as is necessary to carry out such decision.

Sec. 6.107 Same--Fees.

No fee shall be charged for the impoundment of any animal under section 6.102; provided, however, that in the event the animal is impounded pursuant to other provisions of this chapter, the fees applicable to those provisions shall apply for the period during which the animal was or could have been impounded solely under such other provisions.

Sec. 6.108 Harboring prohibited.

No person shall knowingly harbor or hide or cause to be harbored or hidden any known vicious animal and shall surrender any such animal to the chief animal control officer, his assistants or deputies upon demand.

PASSED FOR PUBLICATION:
ENACTED:
EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

8

ORDINANCE NO. 83-032

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF
AN ORDINANCE AMENDING SACRAMENTO CITY CODE
SECTION 27.50 RE PARK USE REGULATIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 27.50 of the Sacramento City Code is hereby amended to read as follows:

APPROVED
BY THE CITY COUNCIL

Sec. 27.50 Park Use Regulations.

MAR - 1 1983

No person shall:

OFFICE OF THE
CITY CLERK

(a) conduct or carry on an assembly of more than fifty (50) people in a park, which assembly is intended or can reasonably be expected to last more than thirty (30) minutes or which does in fact last more than thirty (30) minutes, unless a park use permit has been first issued therefor;

(b) conduct or carry on any organized activity in the park facilities designated as McKinley Park Rose Garden, William Carroll Memorial Amphitheatre, Callahan Memorial Band Shell, or Land Park Village Green, unless a park use permit has first been issued therefor;

(c) use any amplified sound without first obtaining an amplified sound permit. This prohibition shall not apply to the use of any radio, tape player, tape recorder, record player or television in compliance with Section 25.19-1 or Section 66.302(m) of the City Code or to broadcasts from any vehicle to which the provisions of Sections 25.20 through 25.29 of the City Code are applicable;

(d) engage in any commercial activity in any park, except a nonprofit organization pursuant to a fund raising permit therefor or pursuant to a lease or concession contract issued under Chapter 12 of the City Code, or pursuant to any exemption to Chapter 12;

(e) engage in any fund raising activity in any park, except pursuant to a permit issued therefor; provided, however, that funds may be raised without first securing a permit for organizational dues

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or to defray the cost of the activity by a nonprofit organization or in connection with a City sponsored or co-sponsored activity;

(f) engage in any business activity in any park;

(g) interfere with the use of any park or portion thereof which at the time is reserved by permit for the use of any other person or group;

(h) ride bicycles, smoke, drink alcoholic beverages or picnic in children's playground areas;

(i) no person eighteen (18) years or older shall remain in or enter a children's playground area unless actually engaged in the care, custody or supervision of a person younger than eighteen (18) years of age who is using the facilities in the area;

(j) bring any wild or domesticated animal or pet into or upon grounds of the zoo, Fairytale Town, any swimming pool, any golf course, commercial amusement area or children's playground area;

(k) in park areas other than those designated in subdivision (j) of this section, no person shall bring any domesticated animal or pets unless they are leashed except as provided in Chapter 6, §6.2(d)(1);

(l) possess, discharge or shoot any firearm or bow and arrow in any park, except in areas designated for such use. Slingshots, airguns, fireworks, and other devices potentially harmful to park visitors are prohibited in all parks;

(m) play or practice golf in any area not designated for such use;

(n) swim or wade except in supervised swimming or wading pools;

(o) engage in horseback riding, except on designated bridle paths;

(p) kill, chase, wound, or capture any wild or domestic bird, or animal in a park. This subsection shall not apply to the chasing or capturing of one's own animal;

(q) intentionally remove, break, injure, deface, or disturb any plant material, structure, or improvement;

(r) contaminate in any way any water, fountains, pools, lakes, rivers, other water supply, or wash any clothing or cooking utensils in any such waters;

(s) dispose of trash or garbage not accumulated within park areas; no person shall dispose of trash or garbage accumulated within park areas other than in receptacles provided for this purpose;

(t) start or maintain fires in parks other than in "on-site" barbecue pits or personal portable barbecues within designated picnic areas. No person shall fail to extinguish live coals or fires before leaving the picnic area;

(u) open, expose, or interfere with any water system or utility, provided that this prohibition shall not apply to the use of any drinking fountain for its intended purpose;

(v) use or operate any vehicle or other motorized objects in the following ways:

(1) operating gasoline or other fuel powered vehicles (except golf carts where authorized) in any park, except upon streets, parking lots or other areas designated for such use, unless expressly permitted in writing by the Director. This subsection shall not apply to City employees on official business;

(2) operating or parking any vehicle as defined in the California Vehicle Code within a park, except upon areas designated for such use, unless expressly permitted in writing by the Director. This subsection shall not apply to City employees on official business;

(w) camp in any park without a park use permit;

(x) the playing of softball or baseball by any male person fifteen (15) years of age or older on any softball or baseball field where signs are posted which prohibit such play by such person; and,

(y) do the following acts in Garcia Bend Park, Miller Park, or the Sacramento Boat Harbor;

(1) park outside the areas designated for parking or double-park at any time;

(2) park any vehicle or trailer in a boat launch area other than while putting a boat in or taking a boat out of the water;

(3) park any trailer in any section posted "NO TRAILER PARKING".

PASSED FOR PUBLICATION:
ENACTED:
EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

18A ~~182~~

CITY OF SACRAMENTO



DEPARTMENT OF LAW
812 TENTH STREET SACRAMENTO, CA 95814
SUITE 201 TELEPHONE (916) 449-5346

JAMES P. JACKSON
City Attorney
THEODORE H. KOBEY, JR.
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LELIAND J. SAVAGE
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
DIANE B. BALTER
CHRISTINA PRIM
Deputy City Attorneys

February 17, 1983

CITY MANAGER'S OFFICE
RECEIVED
FEB 17 1983

Hon. City Council
Council Chambers
Sacramento, CA 95814

Re: AN ORDINANCE AMENDING PORTIONS OF ARTICLES I AND IV
AND AMENDING ARTICLE IX OF THE SACRAMENTO CITY CODE
RELATING TO ANIMAL CONTROL LAW

Members in Session:

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter Section 38.

BACKGROUND

The amendment to the Animal Control Act covers two basic areas. The first of these areas concerns the definition of animals at large; it adds a leash requirement for an animal taken off its owner's property. The second area deals with vicious animals. Essentially, the amendment redefines a "vicious animal." It also adds five suggested conditions that may be imposed upon an owner to whom a vicious animal is returned. Upon violation of those conditions, the animal then may be destroyed, or further action taken.

RECOMMENDATION

It is recommended the item be passed for publication of title and continued to March 1, 1983.

Very truly yours,

RICHARD ANTOINE
Deputy City Attorney

RA/p

RECOMMENDATION APPROVED:

Asst
City Manager

PASSED FOR
PUBLICATION
& CONTINUED
TO 3-1-83

February 22, 1983
All Districts

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING PORTIONS OF ARTICLES I,
AND IV, AND AMENDING ARTICLE IX OF THE SACRAMENTO
CITY CODE RELATING TO ANIMAL CONTROL LAW

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Article I, Section 6.2 of the Sacramento City Code is hereby amended to read as follows:

Article I. General Provisions

Sec. 6.2 Definitions.

For purposes of this chapter, unless provisions or the context indicate otherwise, the following terms and words have the following meanings:

Animal: Animal means any domestic animal and any animal commonly kept and maintained by the public as a household pet. The term animal shall include chickens, turkeys, geese, ducks, doves, pigeons, guinea fowl and all other poultry.

Animal control center: The animal control center means the facilities provided by the city for the impounding of animals.

At large: An animal is at large in the following situations:

- (a) When it is off the premises of its owner, and not under restraint by leash, tether or adequate enclosure.
- (b) When it is on the premises of its owner and not restrained by leash, tether, fence or adequate enclosure, or not under the control and in the immediate presence of the owner.
- (c) The leash or tether required under subsections (a) and (b) of this definition shall not exceed eight (8) feet in length and shall be of sufficient strength to restrain the animal should it try to run from the owner or keeper.
- (d) The following exceptions shall apply to the provisions of subsections (a), (b) and (c) of this definition:
 - (1) A dog shall not be considered to be at large if it is enrolled in and actually participating in City of Sacramento-sponsored or affiliated dog training or obedience classes or competitions, or in



CITY OF SACRAMENTO

18B ~~18A~~

DEPARTMENT OF LAW
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JAMES P. JACKSON
City Attorney
THEODORE H. KOBEY, JR.
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February 17, 1983

CITY MANAGER'S OFFICE
RECEIVED
FEB 17 1983

Hon. City Council
Council Chambers
Sacramento, CA 95814

Re: ORDINANCE AMENDING SACRAMENTO CITY CODE
SECTION 27.50 RE PARK USE REGULATIONS

Members in Session:

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter Section 38.

BACKGROUND

The park use regulation amendment is merely to provide for internal consistency within the City Code. This will provide that a dog leash is not required when the dog is enrolled and participating in a City of Sacramento-sponsored or affiliated dog obedience or dog training class or dog competition.

RECOMMENDATION

It is recommended the item be passed for publication of title and continued to March 1, 1983.

Very truly yours,

Richard Antoine
RICHARD ANTOINE
Deputy City Attorney

RA/p

RECOMMENDATION APPROVED:

Solon Wilson, Jr.
Asst. City Manager

PASSED FOR
PUBLICATION
& CONTINUED
TO 3-1-83

February 22, 1983
All Districts

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF
AN ORDINANCE AMENDING SACRAMENTO CITY CODE
SECTION 27.50 RE PARK USE REGULATIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 27.50 of the Sacramento City Code is hereby amended to read as follows:

Sec. 27.50 Park Use Regulations.

No person shall:

(a) conduct or carry on an assembly of more than fifty (50) people in a park, which assembly is intended or can reasonably be expected to last more than thirty (30) minutes or which does in fact last more than thirty (30) minutes, unless a park use permit has been first issued therefor;

(b) conduct or carry on any organized activity in the park facilities designated as McKinley Park Rose Garden, William Carroll Memorial Amphitheatre, Callahan Memorial Band Shell, or Land Park Village Green, unless a park use permit has first been issued therefor;

(c) use any amplified sound without first obtaining an amplified sound permit. This prohibition shall not apply to the use of any radio, tape player, tape recorder, record player or television in compliance with Section 25.19-1 or Section 66.302(m) of the City Code or to broadcasts from any vehicle to which the provisions of Sections 25.20 through 25.29 of the City Code are applicable;

(d) engage in any commercial activity in any park, except a nonprofit organization pursuant to a fund raising permit therefor or pursuant to a lease or concession contract issued under Chapter 12 of the City Code, or pursuant to any exemption to Chapter 12;

(e) engage in any fund raising activity in any park, except pursuant to a permit issued therefor; provided, however, that funds may be raised without first securing a permit for organizational dues

18A
3-1-83

83-031

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING PORTIONS OF ARTICLES I,
AND IV, AND AMENDING ARTICLE IX OF THE SACRAMENTO
CITY CODE RELATING TO ANIMAL CONTROL LAW

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At large: An animal is at large in the following situations:

- (a) When it is off the premises of its owner, and not under restraint by leash, tether or adequate enclosure.
- (b) When it is on the premises of its owner and not restrained by leash, tether, fence or adequate enclosure, or not under the control and in the immediate presence of the owner.
- (c) The leash or tether required under subsections (a) and (b) of this definition shall not exceed eight (8) feet in length and shall be of sufficient strength to restrain the animal should it try to run from the owner or keeper.
- (d) The following exceptions shall apply to the provisions of subsections (a), (b) and (c) of this definition:
 - (1) A dog shall not be considered to be at large if it is enrolled in and actually participating in a dog training or obedience class, exhibition or competition conducted by an organization on private or public property

with the permission of the owner or operator of the grounds or facility.

(2) A dog shall not be considered at large if it is assisting a peace officer who is engaged in law enforcement duties.

(3) A dog shall not be considered at large if it is under the control of a person engaged in hunting pursuant to a permit issued under Section 26.23 of this Code.

(4) A dog shall not be considered at large if the dog is unleashed but has not strayed from and is upon private property of the owner or keeper.

SECTION 2.

Article IV, Sections 6.40 and 6.80 of the Sacramento City Code is hereby amended to read as follows:

Article IV. Control and Care of Animal

Sec. 6.40 Prohibited conduct.

No owner of any animal, wild or domestic, except the domestic cat, shall permit or suffer such animal to do any of the following things:

(a) Be at large. The definition of "at large" is set forth in Section 6.2.

(b) Trespass unlawfully on public property closed to the public at large, or upon any private property without consent of the owner of the property.

(c) Habitually make loud noise or act in such other manner as to constitute a public nuisance.

Sec. 6.80 Duty of chief animal control officer.

The chief animal control officer shall:

(a) Take up and impound all animals found to be in violation of the provisions of this chapter.

(1) When a dog has strayed from the property of its owner or keeper and has returned to same, animal control officers shall not impound the dog unless the owner or keeper is not at home. If the owner or keeper is at home, the animal control officer may issue a citation to the owner or keeper. When the owner or keeper is not at

home, the dog may be impounded providing notice of impoundment is posted on the front door of the owner's or keeper's living unit. Such notice shall state the following: That the dog has been impounded, 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.

(b) Provide all entitled animals with sufficient shelter, food and water.

(c) Remove and dispose of the carcass of any animal found dead in or on any public highway, street, alley or other public place by such appropriate means as may be at his disposal.

(d) Remove and dispose of the carcass of any animal found dead on private property when the owner of such property or the owner of such animal cannot be immediately located by the chief animal control officer, or when such owner or owners refuse to dispose of the carcass within such period of time as may be reasonable under the circumstances.

SECTION 3.

Article IX of the Sacramento City Code relating to Vicious Animals is hereby amended to read as follows:

Article IX. Vicious Animals

Sec. 6.101 "Vicious animal" defined.

Any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behavior is rebuttably presumed vicious:

(a) An attack, without provocation, which requires a defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peaceably and lawfully.

(b) An attack without provocation on another animal or livestock which occurs off the property of the owner of the attacking animal.

(c) An attack, without provocation, that results in an injury to a person in a place where such person is conducting himself peaceably and lawfully.

(d) Any behavior, without provocation, that constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself peaceably and lawfully.

For purposes of this section, a person is peaceably and lawfully upon the private property of an owner of the animal when he is on such property in the performance of any duty imposed upon him by the laws

or postal regulations of the United States, or when he is on such property upon invitation, express or implied.

Sec. 6.102 Impoundment--Notification of owner.

The chief animal control officer shall cause any vicious animal to be impounded and shall, within seventy-two hours after such impoundment notify the owner, if known, that the animal has been impounded under the provisions of this section.

Sec. 6.103 Same--Disposition of animal.

The chief animal control officer may do any of the following with regard to a vicious animal:

(a) Retain such animal for purposes of observation for a period of not to exceed thirty days.

(b) Release such animal to the control of its owner upon such conditions as may be reasonably required to insure the public safety.

(c) Cause such animal to be destroyed if, in his opinion, the release of such animal would create a threat to the public safety.

Sec. 6.104 Same--Destruction of animal--Notice; appeal.

(a) In the event the chief animal control officer determines that a vicious animal is to be destroyed pursuant to the provisions of section 6.103(c) he shall notify the owner of such animal at least ten (10) days in advance of his intended action, and further inform such owner of his right to appeal as provided by this section.

(b) The owner of such animal may, prior to the date upon which the animal is to be destroyed, appeal the determination of the chief animal control officer to the city council by filing a notice of such appeal with the city clerk.

(c) After receipt of the notice of appeal the city clerk shall calendar the same for hearing by the city council and shall notify the owner and the chief animal control officer of such action.

(d) The chief animal control officer shall not thereafter destroy such animal until the city council shall have first heard the appeal and rendered its decision.

(e) Any owner of a vicious animal failing to appear after notice as herein provided shall be deemed to have waived any right in or claim upon such animal or to claim any damages or other relief by reason of any action by the chief animal control officer pursuant to this article.

Sec. 6.105 Same--Same--Decision of city council.

After hearing testimony from all interested parties as it may deem proper, the city council may:

(a) Uphold the decision of the chief animal control officer and order the animal destroyed.

(b) Order the return of the animal to its owner and impose such conditions upon such return as may be reasonably necessary to insure the public safety. Conditions such as, but not limited to, the following may be ordered:

(1) To keep the animal confined on his premises in an enclosure approved by the administrator;

(2) To keep the animal securely muzzled, leashed and under the control of a person 18 years of age or older, and who is physically capable of restraining the animal when the animal is off his property;

(3) A violation of this agreement will result in the animal being impounded and destroyed;

(4) To prove financial responsibility by posting a bond or certificate of insurance for the amount of \$10,000 or more;

(5) To inform, along with animal control, any city, county, postmaster, utility company, meter readers, and anyone else who comes on the property with implied consent or peaceably and lawfully of the animal's viciousness if the animal is moved into an area.

(c) Take such other action as it may reasonably find necessary to protect the public safety, including a continuation of the impoundment of such animal for a period not to exceed 30 days from the date of the hearing.

Sec. 6.106 Same--Same--Further action by chief animal control officer.

After the decision of the city council has been rendered as provided in section 6.105, the chief animal control officer shall take action as is necessary to carry out such decision.

Sec. 6.107 Same--Fees.

No fee shall be charged for the impoundment of any animal under section 6.102; provided, however, that in the event the animal is impounded pursuant to other provisions of this chapter, the fees applicable to those provisions shall apply for the period during which the animal was or could have been impounded solely under such other provisions.

Sec. 6.108 Harboring prohibited.

No person shall knowingly harbor or hide or cause to be harbored or hidden any known vicious animal and shall surrender any such animal to the chief animal control officer, his assistants or deputies upon demand.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK