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2 **Section 7.02.010. Definitions.**

3 For the purpose of this title, the following words and phrases shall have the meanings given
4 herein, unless a more specific definition is provided in a chapter:

5 “Abused animal” shall mean any animal which is mistreated, beaten, tormented or teased, or is
6 deprived of water or food or shelter; or is kept under unsanitary conditions; or is abandoned; or is
trained for fighting other animals;

7 “Administrative hearing authority” or “hearing authority” or “hearing officer” shall have the same
8 meaning provided in Colton Municipal Code section 18.58.101.

9 “Adequate feed” means the provision at suitable intervals, depending upon the age of the animal,
10 at least once every twenty-four hours of a quantity of wholesome foodstuff suitable for the
species’ physical condition and age, sufficient to maintain an adequate level of nutrition in the
11 animal, which is served in a clean receptacle, dish or container.

12 “Adequate water” means the access to a constant source of clean, fresh, potable water suitable for
13 the species’ physical condition and age of the animal.

14 “Animal Control Department” or “Department” means the City of Colton Animal Control
Department, or whatever entity performs any of the animal control functions for the City of
15 Colton, whether internally or pursuant to contract with the City.

16 “Animal Control Director” means the person duly appointed by the City Manager to administer
17 the Animal Control Department and/or the animal control contract of the City;

18 “Animal Control Officer” means those duly appointed and acting deputies of the Animal Control
Director assigned to provide animal control field services within the corporate limits of the City
19 and enforce the provisions of this title.

20 “Animal” means any vertebrate creature, domestic or wild. “Animal” specifically includes, but is
21 not limited to the following categories of animals:

22 (A) Dog: Any *Canis familiaris*, over four months of age.

(B) Puppy: Any *Canis familiaris*, under four months of age.

23 (C) Cat: Any *Felis catus*, over four months of age.

(D) Kitten: Any *Felis catus*, under four months of age.

24 (E) Livestock: Horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls,
25 bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and
confined and domesticated hares and rabbits.

26 (F) Wild/exotic animals: Animals normally found in the wild state which are being kept
for exhibition purposes or as private pets.

27 “Animal hoarding” means a situation where an individual is housing more animals than he or she
28 can adequately care for. It is a complex issue that encompasses mental health, animal welfare and

1 public safety concerns. Animal hoarding is further defined by an inability to provide even
2 minimal standards of nutrition, sanitation, shelter and veterinary care often resulting in animal
starvation, illness and/or death.

3 “Barking dog” means a dog that barks, bays, cries, howls, or makes any noise audible beyond the
4 boundaries of the property on which the dog is situated for an extended period of time to the
5 disturbance of any person at any time of day or night, regardless of whether the dog is physically
6 situated in or upon private property. Such extended period of time shall consist of incessant
7 barking, baying, crying, howling, or making of any noise for 30 minutes or more in any 24-hour
8 period, or intermittent barking, baying, crying, howling, or making any noise for 60 minutes or
9 more during a 24-hour period. A dog shall not be deemed a "barking dog" for purposes of this
title, if at anytime the dog is barking, a person is trespassing or threatening to trespass upon
private property in or upon which the dog is situated, or when the dog is being teased or
provoked.

10 “Bite” means a puncture or tear of the skin inflicted by teeth of an animal.

11 “Breeder” means any person who, for pay or other compensation, causes the breeding of a male
12 or female dog or cat or makes a dog or cat available for breeding purposes, or any person who
13 sells or offers for sale any dog or cat. All breeders must obtain a City business license. For
14 purposes of this definition a hobby breeder who causes the breeding of male or females cats
and/or dogs without pay or other compensation shall not be considered a breeder and does not
require a license.

15 “Cat” means any male or female cat (*felis catus*). An adult cat is any cat older than four months of
16 age.

17 “City” means the City of Colton.

18 “City animal shelter” or “City contracted animal shelter” means the County of Riverside animal
19 shelter and/or the contracted animal shelter providing services to the City of Colton. The term
20 “City pound” as may be used in this title or this code shall mean the "City contracted animal
shelter.”

21 “Community cat” means a feral or free-roaming cat that is without visibly-discernible
22 identification of any kind and has been sterilized, vaccinated, and ear-tipped. Community cats are
23 exempt from licensing, feeding bans, and registration requirements. A community cat is not to be
classified as a public nuisance animal merely for being repeatedly found at large.

24 “Community cat caregiver” means a person who in accordance with trap-neuter-return program
25 (TNR), provides care, including food, shelter or medical care to a community cat. A community
26 cat caregiver shall not be considered the owner, harbinger, controller or keeper of a community
27 cat.

28 “Confined” means a condition whereby an animal is restricted to the property of the owner by an
enclosure or enclosed lot, secure enough so that the animal cannot bite, harm, or injure anyone by
the animal overreaching the top of the fence or other enclosure.

1 “County” means San Bernardino County.

2 “Department” means and include the administrative apparatus and those individuals that report to
3 the Animal Control Director;

4 “Dog” means any male or female dog (*canis familiaris*). An adult dog is any dog older than four
5 months of age.

6 “Ear tipped” and “tipped ear” refer to the process by which the tip of a cat's ear is cut to indicate
7 that the cat has been sterilized and vaccinated against rabies.

8 “Enclosed lot” means a parcel of land or portion thereof around the perimeter of which is a fence
9 or wall adequate to contain any animal kept therein.

10 “Enclosure” means a fence or structure suitable to prevent the entry of young children, which is
11 suitable to confine a vicious dog in conjunction with other measures which may be taken by the
12 owner or keeper of the dog. The enclosure shall be designed in order to prevent the animal from
13 escaping. The animal shall be housed pursuant to section 597(t) of the Penal Code.

14 “Feral cat” means a cat that:

15 (A) Has no apparent owner or identification; and

16 (B) Appears to be unsocialized, unmanageable or demonstrates characteristics normally
17 associated with wild or undomesticated animals.

18 “Feral cat colony” or “colony” means a group of cats that congregates, more or less, together as a
19 unit, whether or not every cat in the colony is a feral cat.

20 “Feral cat colony caretaker” or “colony caretaker” means any person who provides food, water,
21 shelter and medical care to and traps, sterilizes, and vaccinates a feral cat or cats and who is
22 approved by a sponsor to care for a feral cat colony.

23 “Nuisance” means, with respect to a stray animal or feral cat, behavior that:

24 (A) Disturbs the peace through habitual or continual howling or fighting; or

25 (B) Consists of habitual and significant destruction, desecration or soiling of property against the
26 wishes of the owner of the property.

27 “Official police dog” means any canine trained for law enforcement purposes and used by the
28 Police Department for such purpose, and so designated by the Police Chief by the issuance of
distinguishing tags;

“Official police horse” means any equine used by a police officer for law enforcement purposes;

“Owner” means any person, firm or corporation having title to any animal, or a person who has,
harbors, or keeps, or who causes or permits to be harbored or kept, an animal in his or her care, or
who permits an animal to remain on or about his or her premises for a period of seven
consecutive days;

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2 “Pet shop for animal rescue” or “animal rescue shop” means an establishment that offers dogs
3 and/or cats for a nonprofit adoption fee, and such dogs and/or cats are made available to the
4 establishment by nonprofit humane societies, animal shelters, bona fide animal rescue
5 organizations.

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7 “Quarantine” means the strict isolation of an animal in an approved location under proper care
8 and observation as approved by the Animal Control Officer. Animal quarantines must prevent
9 contact by the quarantined animal with any person or animal that has not already been in contact
10 with said animal, or any person who is responsible for the care of such animal while under
11 quarantine either in an approved quarantine location or an enclosure at the owner’s home. The
12 person charged with overseeing the animal's quarantine must provide for its daily care,
13 maintenance and protection from inclement weather as deemed appropriate for the animal
14 quarantined.

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16 “Stray animal” means any animal at large.

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18 “Substantial injury” means a substantial impairment of the physical condition of a person or
19 animal which requires professional medical treatment, including, but not limited to, loss of
20 consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily
21 member or organ; muscle tears, disfiguring lacerations, punctures, or a wound requiring multiple
22 sutures; or any injury requiring corrective or cosmetic surgery.

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24 “TNR program” means a “trap, neuter and return” program in which feral and stray cats are
25 humanely trapped, sterilized, vaccinated against rabies, ear tipped, and then returned to the
26 location that is their “territory.”

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**Section 7.02.020. Enforcement of title--Powers of Animal Control Director and Animal
Control Officers.**

The Animal Control Director and the Animal Control Officers shall be primarily responsible for
the enforcement of the provisions of this title. The Animal Control Director and the Animal
Control Officers shall have and are vested with the authority to issue a notice to appear as
prescribed by chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the California
Penal Code in the manner provided by Section 836.5 of the California Penal Code to any person
who violates the provisions of this title.

Section 7.02.030. Interference with officers.

It is unlawful for any person to interfere with or oppose or resist the Chief of Police or any of the
officers of the Colton Police Department, the Animal Control Director or any of the deputies of
the Animal Control Director while said officers are engaged in the performance of the duties
pertaining to the enforcement of this title. All of the aforementioned officers, deputies or
employees are empowered to enforce all of the provisions of this title.

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Section 7.02.040. Right of entry of certain officials.

The Animal Control Director, any Animal Control Officer, and any Police Officer of the City are empowered to enter upon any private property for the purpose of ascertaining whether any dog kept or harbored therein is afflicted with rabies or hydrophobia or whether or not a license tag has been secured for such dog; provided, however, that no such animal control director, animal control officer, or police officer shall have the right to enter an inhabited dwelling or a locked yard without first having obtained a warrant therefor.

Section 7.02.050. Disposition of money--Payment of expenses.

All money collected for licenses, tags or other fees shall be paid into the City treasury for the general fund. All expenses incurred in carrying out or enforcing the provisions of this title shall be paid out of the general fund.

Section 7.02.060. Prohibition on retail sale of dogs and cats.

A. No commercial establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City on or after the effective date of the ordinance codified in this section.

B. A pet shop that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred or disposed of dogs or cats in the City as of the effective date of this section, and whose operations complied with all applicable provisions of the this Code, may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer or dispose of dogs and cats until the one-year anniversary of the effective date of the ordinance codified in this section.

C. This section shall not apply to:

1. A commercial animal rescue shop that offers dogs or cats for an adoption fee;
2. A publicly operated animal control facility or animal shelter;
3. A private, charitable, nonprofit humane society or animal rescue organization; or
4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet shop.

D. Nothing in this section shall prevent a pet shop or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet shop for the purpose of adopting those animals to the public.

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2 **Chapter 7.04 – DOG LICENSING REQUIREMENTS.**

3 **Sections:**

- 4 **7.04.010. Dog License and Fee.**
5 **7.04.020 Dog License; Application Contents.**
6 **7.04.030 Dog License Exemptions.**
7 **7.04.040 Rabies vaccination required for license issuance.**
8 **7.04.050 License Application; Tag issuance; Duplicate license fee.**
9 **7.04.060 Dogs License Fee Waiver.**
10 **7.04.070. Unlicensed Dogs; Impoundment and Disposal.**
11 **7.04.080. Dogs; Control; Owner's duty.**
12 **7.04.090. Dogs; Running at large; Impoundment and Disposal.**
13 **7.04.100. Dogs claimed by owner; Fee paid to City.**
14 **7.04.110. Harming police dogs; Unlawful.**
15 **7.04.120. Harming police dogs; Penalty.**
16 **7.04.130 Number of dogs and cats allowed in dwelling units.**

17 **7.04.010. Dog License and Fee.** Every person, firm or corporation owning or harboring a
18 dog within the City for a period longer than thirty days shall pay to the City a license fee in an
19 amount to be determined by resolution of the City Council. No license to own or harbor a dog as
20 provided in this chapter shall be issued except on application in writing to the Finance Director of
21 the City as provided in Section 7.04.020.

22 **7.04.020. Dog License; Application Contents.**

23 No license to own or harbor a dog or similar type animal shall be issued except upon
24 application in writing to the City, setting forth the name and address of the owner or possessor of
25 the dog, or similar type animal and a brief description of the dog, together with a certificate of
26 vaccination from a licensed veterinarian, showing that the dog has been vaccinated with canine
27 rabies vaccine within a period of twelve months preceding date of application for license or that
28 such a vaccination might be fatal to the animal due to its physical condition.

7.04.030. Dog License Exemptions.

The license provisions of Sections 7.04.010 through 7.04.130 shall not be deemed to
apply to dogs under the age of four months and which are kept within an enclosure and not
permitted to run at large and to any dogs that are recovering as rescue dogs or being fostered.

7.04.040. Rabies vaccination required for license issuance.

In order to protect the public health and safety all dogs, cats, or similar type animals
within the City must be vaccinated with canine or feline rabies vaccine, as appropriate for the
species of the animal being vaccinated. It is unlawful for any person to own, have an interest in,
harbor and feed, or have the care, charge, custody or possession of a dog or cat over the age of
four months unless such dog or cat has been vaccinated with the appropriate rabies vaccine by
injection or other approved method by a duly qualified and licensed veterinarian, or unless such

1 veterinarian has issued a written certificate that such a vaccination might be fatal to the animal
2 due to its physical condition, and such certificate has been filed with the City, and, for dogs, a
3 license issued by the City for the animal.

4 **7.04.050. License Application; Tag issuance; Duplicate license fee.**

5 The Finance Director upon receipt of such application and the license fee as set out in
6 Section 7.04.020 shall issue and deliver to such owner or possessor of a license, a receipt
7 certifying the payment of the license fee and setting forth the name and address of the applicant
8 and a brief description of the dog, together with the fact that it has been vaccinated as provided in
9 this chapter and stating the number allotted to such dog, and he shall deliver or cause to be
10 delivered to the applicant a metallic tag which shall set forth the license number allotted to the
11 dog, which tag shall at all times be affixed to the collar, covering, harness or other article worn by
12 such dog.

13 The Finance Director shall make a charge in an amount to be determined by resolution of
14 the City Council for each duplicate license issued to replace any license issued under the
15 provisions of Sections 7.04.010 through 7.04.130 which has been lost or destroyed.

16 **7.04.060. Dogs License Fee Waiver.**

17 The Finance Director may, at his or her discretion, waive payment of the required license
18 fee to an owner, custodian or trainer of a dog, if such dog is, or is in training to be, a guide dog for
19 the blind, signal dog for the deaf, or service dog to the disabled. The owner, custodian or trainer
20 of such a dog may be requested to submit proof that the dog has been successfully trained as a
21 guide, signal or service dog, or is currently involved in such training.

22 **7.04.070. Unlicensed Stray Dogs; Impoundment and Disposal.**

23 Every stray dog found within the City for which a license has not been issued as provided
24 in this chapter, and which does not bear a tag or microchip, shall be impounded by the Animal
25 Control Officer after a reasonable attempt to ascertain ownership is made. Release of such animal
26 shall be in accordance with the City contracted animal shelter policies.

27 **7.04.080. Dogs; Control; Owner's duty.**

28 Every person owning, harboring, or having charge, custody, control or possession of any
dog, cat, or similar type animal shall not permit such animal to run loose or unrestrained in, along,
or upon any public street, sidewalk or place.

7.04.090. Dogs; Running at large; Impoundment and Disposal.

Every dog, cat or similar type animal, regardless of whether or not it has a license, which
is found running at large, loose or unrestrained in, along, or upon any public street, sidewalk or
place, shall be impounded by the Animal Control Officer after a reasonable attempt to ascertain
ownership is made. Release of such animal shall be in accordance with the City contracted animal
shelter policies.

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7.04.100. Dogs claimed by owner; Fee paid to City.

If any animal picked up by the Animal Control Officer or other public safety personnel, pursuant to this chapter, is claimed by any owner, the owner shall be liable for and shall pay to the City an apprehension fee in an amount determined by resolution of the City Council, together with any additional charges or fees levied by the City for the purpose of defraying expenses incurred by the City related to the apprehension of the animal.

7.04.110. Harming police dogs; Unlawful.

It is unlawful for any person to willfully or maliciously torture, tease, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Police Department of the City in the performance of the functions or duties of the Police Department or to unwarrantably interfere with or meddle with any such dog while being used by the Police Department or any Officer or member thereof in the performance of any of the functions or duties of the Police Department or of such Officer or member.

7.04.120. Harming police dogs; Penalty.

Any person violating any of the provisions of Section 7.04.110 is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500) or imprisoned in the City or County Jail for a period not exceeding three months or by being both so fined and imprisoned.

7.04.130. Number of dogs and cats allowed in dwelling units.

A. The number of dogs and cats that may be kept in any one dwelling unit or on any parcel of land used as a single family dwelling unit is limited as follows:

1. It is unlawful to keep more than ten (10) dogs, or more than ten (10) cats, or a combination of dogs and cats that total more than ten (10).

B. This section shall not apply to premises where the Planning Commission has issued a conditional use permit pursuant to Colton Municipal Code Title 18 (Zoning) and by such conditional use permit the premises are authorized for use as and for animal boarding, animal grooming, animal health care, or animal keeping (heavy or light).

C. Notwithstanding the penalty provisions in this code available to enforce this section, only administrative fines may be issued for violations of this section. Upon determining that a violation of this section exists, a person shall be given a minimum of thirty (30) days to comply with this section before accruing penalties.

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2 **Chapter 7.06. VICIOUS AND POTENTIALLY DANGEROUS DOG**
3 **DETERMINATIONS**

4 **Sections:**

- 5 **7.06.010. Definitions.**
6 **7.06.020. Nonapplication of chapter.**
7 **7.06.030. Seizure and impoundment pending hearing.**
8 **7.06.040. Hearing on declaration of dog as potentially dangerous or vicious.**
9 **7.06.050. Failure of owner or keeper to appear; Decision.**
10 **7.06.060. Determination and Orders; Notice; Compliance; Appeal.**
11 **7.06.070. Finality of determination.**
12 **7.06.080. Licensing and vaccination; Designation maintained in registration**
13 **records; Additional Fee.**
14 **7.06.090. Keeping and controlling vicious and potentially dangerous dogs.**
15 **7.06.100. Death, sale, transfer or permanent removal; Notice.**
16 **7.06.110. Removal from list of potentially dangerous dogs.**
17 **7.06.120. Destruction and Nondestruction, Conditions; Enclosures.**
18 **7.06.130. Prohibition of owning, possessing, controlling or having custody.**
19 **7.06.140. Penalty and fines.**

20 **7.06.010. Definitions.** For the purpose of this chapter, the following words and phrases
21 shall have the meanings given herein:

22 "Animal Control Department" or "Department" shall have the same meaning as the definition
23 contained in section 7.02.010 of this title.

24 "Chief of Police" means the Chief of the Colton Police Department, or designee.

25 "Enclosure" shall have the same meaning as the definition contained in section 7.02.010 of this
26 title.

27 "Hearing Authority" means the Code Enforcement Housing Advisory Appeals Board, or such
28 other person or entity designated by the City Manager of the City to administer hearings pursuant
to this chapter.

"Impounded" means taken into the custody of the animal shelter or Animal Control Department.

"Potentially Dangerous Dog" means any of the following:

1. Any dog that, when unprovoked, on two separate occasions within the prior twelve
(12) month period, engages in any behavior that requires a defensive action by any person to
prevent bodily injury when the person and the dog are off the property of the owner or keeper of
the dog;
2. Any dog that, when unprovoked, bites a person causing less than severe injury;

1 3. Any dog that, when unprovoked, on two separate occasions within the prior thirty-
2 six (36) month period, has seriously bitten, inflicted injury or otherwise caused injury attacking a
3 domestic animal off the Property of the owner or keeper of the dog;

4 4. Any dog that in a threatening or annoying manner barks, snarls or menaces a
5 person or persons within the City.

6 "Severe Injury" means any physical injury that results in muscle tears or disfiguring lacerations or
7 requires multiple sutures or corrective or cosmetic surgery.

8 "Vicious animal" or "dangerous animal" means an animal which

9 1. Has attacked or behaved in such a manner that the owner thereof knows or should
10 reasonably know that the animal has tendencies to attack or bite human beings; or

11 2. Has twice within a twelve (12) month period bitten, attacked, or shown the disposition,
12 tendency, or propensity to attack, bite, or otherwise cause injury or attempt to cause injury to a
13 person engaged in lawful activity; or

14 3. Has once attacked or bitten a person engaged in lawful activity, causing death or
15 substantial injury; or

16 4. Has been determined by a doctor of veterinary medicine, after observation thereof, as
17 posing a danger to humans or domestic animals if not enclosed or muzzled; or

18 5. Has attacked or behaved in such a manner that the owner thereof knows or should
19 reasonably know that the animal has tendencies to attack domestic animals without provocation;
20 or

21 6. Has been trained for fighting or as an attack animal, except such animals which are
22 employed by a government agency, including the Police Department of the City or County; or

23 7. Has been classified as dangerous, potentially dangerous or vicious by any other local,
24 county, or state animal control agency; or

25 8. When unprovoked has, on two separate occasions within the prior twelve (12) month
26 ~~thirty six (36) month~~ period, engaged in any behavior that required a defensive action by any
27 person to prevent bodily injury to himself or herself or another person, during which the person
28 who was attacked and the attacking animal were off the property of the owner or keeper of the
animal; or

9. Has been outfitted with a training device for fighting or attack, such as a weighted collar
around the neck of the animal, or found to be allowed to hang suspended from an object by biting
into and holding onto the object with its jaws, shall be presumed to be an animal trained as a
fighting or attack animal; or

10. Is a member of a species, breed, or kind (excluding dogs and cats), which in its wild or
untamed condition is capable of and, if aroused, is likely to cause death or serious injury to a
human being or which would cause serious fear or alarm to the average person if seen wandering
at large in an inhabited community; or

11. Meets the definition of "vicious animal" or "dangerous animal" contained in California
Food and Agriculture Code section 31626.

"Vicious animal" shall not include animals owned and used by a government entity, including,
but not limited to, public entities' police dogs, guard dogs or sentry dogs.

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2 **7.06.020. Nonapplication of chapter.**

3 A. This chapter shall not apply to:

4 1. Licensed kennels, humane society shelters, animal control facilities or veterinarians; or

5 2. Dogs while utilized by any police department or any law enforcement officer in the performance of police work.

6 B. In addition, no dog may be declared potentially dangerous or vicious if:

7 1. Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass with the intent to commit a crime or other tort (other than a mere trespass) upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime; or

8 2. The dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault; or

9 3. An injury or damage was sustained by a domestic animal which, at the time the injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog; or

10 4. 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 or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

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14 **7.06.030. Seizure and impoundment pending hearing.**

15 A. If upon investigation it is determined by the Animal Control Officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer or law enforcement officer may seize and impound the dog pending the hearings to be held pursuant to this chapter. In such event, the Animal Control Department or Chief of Police shall, not later than ten working days following the seizure and impoundment, petition the Hearing Authority for a determination of the dog as potentially dangerous or vicious at the next available regularly scheduled meeting of the Hearing Authority. The owner or keeper of the dog shall be liable to the Animal Control Department where the dog is impounded for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous or vicious.

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22 B. When a dog has been impounded pursuant to subsection (A) of this section and it is not contrary to public safety, the Animal Control Department shall permit the animal to be confined at the owner or keeper's expense in a Department approved kennel or veterinary facility.

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24 **7.06.040. Hearing on declaration of dog as potentially dangerous or vicious.**

25 If an Animal Control Officer or law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, an Animal Control Officer of the Animal Control Department or the Chief of Police may petition the Hearing Authority for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious. Whenever possible, any complaint received from a member of the public, which serves as the evidentiary basis for the Animal Control Officer or law

1 enforcement officer to find probable cause, shall be sworn to and verified by the complainant and
2 shall be attached to the petition. The Animal Control Department or the Chief of Police shall
3 notify the owner or keeper of the dog that a hearing will be held by the Hearing Authority, at
4 which time he or she may present evidence as to why the dog should not be declared potentially
5 dangerous or vicious. The owner or keeper of the dog shall be served with notice of the hearing
6 and a copy of the petition, either personally or by first-class mail with return receipt requested.
7 The hearing shall be held no fewer than five working days after service of notice upon the owner
8 or keeper of the dog.

9 For purposes of this section, service shall be deemed complete upon personal service on
10 the owner or keeper or, if service is effectuated by mail, the service shall be deemed complete
11 five days after deposit in the mail if the owner or keeper's address is within the State of
12 California, ten days if the owner or keeper's address is outside the State of California but within
13 the United States, and twenty days if the owner or keeper's address is outside the United States.
14 The hearing shall be open to the public. The Hearing Authority may admit into evidence all
15 relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of
16 discovery, subpoena witnesses and documents and shorten the time to produce records or
17 witnesses. The Hearing Authority may find, upon a preponderance of the evidence, that the dog is
18 potentially dangerous or vicious and make other orders authorized by this chapter.

19 **7.06.050. Failure of owner or keeper to appear; Decision.**

20 The Hearing Authority of original jurisdiction may decide all issues for or against the
21 owner or keeper of the dog even if the owner or keeper fails to appear at the hearing.

22 **7.06.060. Determination and Orders; Notice; Compliance; Appeal.**

23 A. After the hearing conducted pursuant to Section 7.06.040 of this chapter, the
24 owner or keeper of the dog shall be notified in writing of the determination and Orders issued,
25 either personally or by first-class mail postage prepaid by Hearing Authority. If a determination is
26 made that the dog is potentially dangerous or vicious, the owner or keeper shall comply with
27 Sections 7.06.080 to 7.06.130 of this chapter, and any other reasonable requirements designed to
28 protect the health, safety and welfare of the public or other animals, ordered by the Hearing
Authority in accordance with a time schedule established by the Animal Control Department or
the Chief of Police, but in no case more than thirty days after the date of the determination or
thirty-five days if Notice of the determination is mailed to the owner or keeper of the dog. If the
petitioner or the owner or keeper of the dog contests the determination, he or she may, within five
days of the receipt of the Notice of determination, appeal the decision of the Hearing Authority to
the Superior Court of the County. The contesting petitioner or the owner or keeper of the dog
shall serve personally or by first-class mail, postage prepaid, Notice of the Appeal upon the other
Party.

B. The Court hearing the Appeal shall conduct a hearing de novo, without a jury, and
make its own determination as to potential danger and viciousness and make other orders
authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in
the same manner and within the time periods set forth in Section 7.06.040 of this chapter and
subsection (A) of this section. The Court may admit all relevant evidence, including incident
reports and the affidavits of witnesses, limit the scope of discovery, subpoena witnesses and

1 documents and may shorten the time to produce records or witnesses. The issue shall be decided
2 upon the preponderance of the evidence. If the Court rules the dog to be potentially dangerous or
3 vicious, the Court may establish a time schedule to ensure compliance with this chapter, but in no
4 case more than thirty days subsequent to the date of the Court's determination or thirty-five days
5 if the service of the judgment is by first-class mail.

6
7 **7.06.070. Finality of determination.**

8 The determination of the Hearing Authority or, if contested pursuant to this chapter, shall
9 be final and conclusive upon all parties.

10 **7.06.080. Licensing and vaccination; Designation maintained in registration
11 records; Additional Fee.**

12 All Vicious Dogs and Potentially Dangerous Dogs shall be properly licensed and
13 vaccinated. The licensing authority shall include the Vicious Dog Designation and potentially
14 dangerous designation in the registration records of the dog, either after the owner or keeper of
15 the dog has agreed to the designation or the Court or Hearing Authority has determined the
16 designation applies to the dog. The Animal Control Department may charge a Vicious Dog Fee or
17 Potentially Dangerous Dog Fee, to be established and amended by the City Council by resolution,
18 in addition to the regular licensing fee to provide for the increased costs of maintaining the
19 records of the dog.

20 **7.06.090. Keeping and controlling vicious and potentially dangerous dogs.**

21 A vicious or Potentially Dangerous Dog, while on the owner or keeper's Property, shall, at
22 all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and
23 into which children cannot trespass. A vicious or potentially dangerous animal may be off the
24 owner or keeper's premises only if it is restrained by a substantial leash, of appropriate length, and
25 if it is under the control of a responsible adult.

26 **7.06.100. Death, sale, transfer or permanent removal; Notice.**

27 If the dog in question dies, or is sold, transferred or permanently removed from the City,
28 the owner or keeper of a vicious or Potentially Dangerous Dog shall notify the Animal Control
Department of the changed condition and new location of the dog in writing within two working
days.

7.06.110. Removal from list of potentially dangerous dogs.

If there are no additional instances of the behavior described in Section 7.06.010 of this
chapter within a thirty-six month period from the date of designation as a Potentially Dangerous
Dog, the dog shall be removed from the list of Potentially Dangerous Dogs. The dog may, but is
not required to be, removed from the list of Potentially Dangerous Dogs prior to the expiration of
the thirty-six month period if the owner or keeper of the dog demonstrates to the Animal Control
Department that changes in circumstances or measures taken by the owner or keeper, such as
training of the dog, have mitigated the risk to the public safety.

1 **7.06.120. Destruction and Nondestruction, Conditions; Enclosures.**

2 A. At the conclusion of any appeals, a dog determined to be a vicious dog may be
3 humanely euthanized by the Animal Control Department when it is found, after proceedings
4 conducted under Section 7.06.040 of this chapter, that the release of the dog would create a
significant threat to the public health, safety and welfare.

5 B. If it is determined that a dog is not vicious, it shall not be euthanized. The
6 Hearing Authority or, if appealed, the Court, may impose conditions upon the ownership and
keeping of the dog that protect the public health, safety and welfare.

7 C. Any enclosure that is required pursuant to subsection (B) shall meet the
8 requirements of Section 7.06.010 of this chapter.

9 **7.06.130. Prohibition of owning, possessing, controlling or having custody.**

10 The owner or keeper of a dog determined to be a Vicious Dog may be prohibited by the
11 Hearing Authority, or if contested, the Court, from owning, possessing, controlling or having
12 custody of any dog for a period of up to three years, when it is found, after proceedings conducted
under Section 7.06.040 of this chapter, that ownership or possession of a dog by that person
13 would create a significant threat to the public health, safety and welfare.

14 **7.06.140. Penalty and fines.**

15 The failure of an owner or keeper to comply with an Order issued by the Hearing
16 Authority shall be and is hereby declared a Public Nuisance. Such Public Nuisance may be
17 punished as a misdemeanor with a fine not to exceed one thousand dollars, remedied by way of a
civil action prosecuted by the City Attorney, or abated by the Animal Control Department. All
18 fines paid pursuant to this section shall be paid to the City for the purpose of defraying the cost of
the implementation of this chapter. Nothing contained in this chapter shall be construed as
19 limiting the authority of the City to pursue any other remedy or remedies provided at law or in
equity relating to vicious or Potentially Dangerous Dogs, including, without limitation, a criminal
20 action pursuant to Chapter 8.02 of this Code, the issuance of Administrative Citations pursuant to
Chapter 8.02 of this Code, or a civil action.

21
22 **Chapter 7.08. PROPER CARE OF ANIMALS**

23 **Sections:**

- 24 **7.08.010. General standards of care.**
25 **7.08.020. Tethering standards.**
26 **7.08.030. Animals trespassing on private property.**
27 **7.08.040. Duty to restrain dog on property.**
28 **7.08.050. Leash laws.**
 7.08.060. Female dog in season.
 7.08.070. Wild animals and reptiles.
 7.08.080. Prohibited conduct towards official police dogs and horses.

- 1 **7.08.090. Interference with official police dog or horse.**
- 2 **7.08.100. Mandatory spay/neuter for dogs and cats adopted from animal shelter.**
- 3 **7.08.110. Disposal of dead animals by owner.**
- 4 **7.08.120. Disposal of dead animals; Owner unknown.**
- 5 **7.08.130. Same - Notification of owner.**
- 6 **7.08.140. Abandonment.**
- 7 **7.08.150. Animals in unattended vehicle.**
- 8 **7.08.160. Reserved.**
- 9 **7.08.170. Animal sales in public places prohibited.**

7 **7.08.010. General standards of care.**

8
9 These standards are promulgated with the understanding that animals are sentient beings -
10 with consciousness, sentience, or in some contexts life itself. Sentient beings are composed of the
11 five aggregates - matter, sensation, perception, mental formations and consciousness. The City of
12 Colton recognizes that animals are sentient and can experience both positive and negative
13 emotions, including pain and distress. As a result, all animals deserve to be cared for in ways that
14 are respectful of these sentiments. Every person owning or occupying any property or premises
15 where any animal or bird is kept shall keep such premises clean and sanitary. Any feces, uneaten
16 food, or other matter that emits an offensive odor or encourages the breeding of flies or other
17 insects shall be collected daily and not allowed to accumulate. This provision shall not prohibit
18 the owner or occupant of any premises from storing such feces, uneaten food, or other matter in a
19 closed container prior to disposal. In addition, every person owning and animal shall also comply
20 with the following:

- 21 (A) An animal's owner shall keep the animal in a clean, sanitary, and healthy
22 condition.
- 23 (B) An animal's owner or handler shall provide for the animal:
 - 24 1. Regular and adequate amounts of nutritious food that is appropriate for the
25 species and that maintains the animal in good health;
 - 26 2. A constant and adequate supply of clean, fresh, potable water that keeps the
27 animal hydrated for environmental conditions; and
 - 28 3. Care and medical treatment for injuries, parasites, and diseases that is sufficient
 to maintain the animal in good health and minimize suffering.
- (C) An animal's owner shall provide the animal with shelter that:
 - 1. Is large enough for the animal to enter, stand, turn around, and lie down in a
 natural manner;
 - 2. Keeps the animal dry;
 - 3. Provides the animal with natural or artificial shade from direct sunlight;
 - 4. Protects the animal from excessive heat and cold and other adverse weather
 conditions; and
 - 5. Is adequately ventilated.

1 (D) An animal's owner may not confine the animal to the extent that it is forced to
stand, sit, or lie in its own excrement.

2 (E) An animal's owner shall regularly maintain the animal and its shelter to prevent
3 odor or a health or sanitation problem.

4 (F) An animal's owner shall provide the animal with exercise space that is large
enough to prevent injury and keep the animal in good condition.

5 (G) It is an affirmative defense to prosecution under this section that the animal's
treatment was as directed by a licensed veterinarian.

6 **Section 7.08.020. Tethering standards.**

7 It shall be unlawful to tether a dog, except as follows.

8 A dog may be restrained to an overhead running line, pulley, or trolley system under the
9 following conditions:

10 (1) The tether is attached to the dog by means of a suitable, properly-fitted collar or
11 harness not exceeding two inches in width. Choke or prong collars are not permitted. The tether
must have a swivel on both ends.

12 (2) The tether provides access to adequate space for the dog to move about freely and
13 cannot become entangled in such a way that would prevent the dog's mobility or cause
strangulation.

14 (3) At minimum, the tether should be four times the length of the dog from the tip of the
15 nose to the tip of the tail and the tether must allow the dog to lie down with its head flat on the
ground and provides an additional 12 inches of slack.

16 (4) The tether is made of a durable, lightweight material that will not cause unnecessary
17 stress on the dog. The tether shall not weigh more than three percent of the dog's total body
weight. Thick chains and other heavy lines are prohibited.

18 (5) The tether allows the dog to move at least 30 feet. Otherwise, the dog must be
19 removed from the tether at least twice a day for exercise and/or socialization for a minimum of 60
minutes each day.

20 (6) The tether does not inhibit the animal's access to shelter shade, food, and water; and

21 (7) Intact dogs may not be tethered under any circumstances.

22 **Section 7.08.030. Animals trespassing on private property.**

23 Every animal found running at large or trespassing upon any private property within the
24 City may be captured by the party owning, controlling or having possession of such property, or
25 by his representative, provided, however, that the only trap used in such capture shall be of a type
26 of trap approved by the Animal Control Officer. Such person(s) may make reasonable attempts
27 to ascertain ownership of the animal for up to seven (7) days. Thereafter, the party having
28 possession of the animal may avail themselves of California Civil Code, section 2080 or the
animal may be committed to the Animal Control Officer. This section shall not apply to
community cats, as defined in this title.

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Section 7.08.040. Duty to restrain dog on property.

It shall be the duty of any person owning or having charge, custody or control of any dog to ensure that reasonable care and precautions are taken to prevent the dog leaving, while not on leash, the real property upon which it is kept and that either (1) it is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition, which enclosure is securely locked or fastened at any time the dog is left unattended; or (2) it is securely and humanely restrained by a chain with swivel, cable or trolley or other tether of sufficient strength to prevent escape, provided that the dog while so chained or tethered cannot go beyond the boundaries of the real property upon which it is maintained or upon the public right of way; or (3) it is on leash and under the control of a competent person.

Section 7.08.050. Leash laws.

No person owning or having charge, care, custody or control of any dog shall, either intentionally or unintentionally, cause, permit or allow the same to be or run at large upon any street or other public place, or upon any unenclosed lot or place in the City or upon the private property of another without permission of the person owning or in possession of such property unless such dog is restrained by a substantial chain or leash and is in control of a competent person; provided, however, the provisions of this section shall not apply to any official police dog while such animal is on duty.

Section 7.08.060. Female dog in season.

It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him or her, to run at large in the City at any time during the period when the dog is in season or breeding condition.

Section 7.08.070. Wild animals and reptiles.

No person shall have, keep or maintain, or have in his or her possession or under his or her control on any residentially-zoned property any lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx, or any poisonous reptile, or any other dangerous or carnivorous wild animal or reptile; provided, however, such animals may be permitted on such residentially-zoned lots on the condition that a permit is obtained from the Development Services Director or his or her duly authorized representative.

Such permit shall only be granted upon a showing by the applicant that adequate safeguards have been established and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating any danger to individuals or property, and provided that the keeping or maintaining of such animal or reptile will in no way constitute a nuisance to the occupants of any surrounding property. The denial of the permit shall be in writing and shall specify the grounds for such denial. The applicant shall have ten days from the date the permit was denied in order to appeal such denial to the City Council.

1
2 **Section 7.08.080. Prohibited conduct towards official police dogs and horses.**

3 A. It is unlawful for any person to willfully and maliciously annoy, tease, taunt, torment,
4 strike, threaten to strike, startle, attempt to startle or throw any object at any official police dog or
5 any official police horse. The conduct prohibited hereby shall include, but not be limited to, the
6 use of any part of the body, including the voice, or the use of any object, including liquids, or a
7 vehicle with the intent to accomplish one or more of the above acts.

8 B. It is unlawful for any person, other than an authorized employee or agent of the Police
9 Department or a person authorized by the police officer in possession of said animal, to feed or
10 touch, or attempt to touch an official police dog or official police horse or the equipment attached
11 to or housing said animal while on duty.

12 **Section 7.08.090. Interference with official police dog or horse.**

13 It is unlawful for any person, other than the police officer in lawful possession of such
14 animal, to give commands or attempt to give commands to any official police dog or official
15 police horse or otherwise interfere with such animal while it is on duty.

16 **Section 7.08.100. Reserved.**

17 **Section 7.08.110. Disposal of dead animals by owner.**

18 The owner of any dead animal shall dispose of the carcass of such animal in a sanitary
19 manner as prescribed by the Animal Control Director or his or her designee within 24 hours after
20 said owner has knowledge of the animal's death. No person shall bury any dead animal in the City
21 unless approved by the Animal Control Director or his or her designee . It shall be the duty of the
22 Animal Control Director or his or her designee to take custody of all dead animals from the owner
23 when requested.

24 **Section 7.08.120. Disposal of dead animals; Owner unknown.**

25 The Animal Control Director or his or her designee shall be responsible for the disposal of
26 all dead animals whose ownership cannot be established.

27 **Section 7.08.130. Same - Notification of owner.**

28 Whenever deceased animals picked up by the Animal Control Officer carry identification
of any kind, the owner shall be notified and a notice posted at the shelter giving such information
in an easily visible location.

Section 7.08.140. Abandonment.

It is unlawful for any person to knowingly abandon any animal within the City. Any
person violating this section shall bear full costs and expenses incurred by said City in the care of
said abandoned animal and said person shall reimburse to the City all costs therefor as determined

1 by the Animal Control Officer and may be subject the provisions of California Penal Code,
2 section 597.

3 **Section 7.08.150. Animals in unattended vehicle.**

4 A. No person shall leave or confine an animal in any unattended motor vehicle under
5 conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate
6 ventilation, or lack food or water, or other circumstances that could reasonably be expected to
7 cause suffering, disability or death to the animal. Nor shall any person leave or confine an animal
in any unattended motor vehicle in such a manner as to endanger persons lawfully passing by the
vehicle.

8 B. The Animal Control Director or his or her designee are authorized to remove and
9 impound any animal found in violation of subsection A above if the animal's safety appears to be
10 in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other
11 circumstances that could reasonably be expected to cause suffering, disability, or death to the
12 animal, or that present an immediate threat to public safety. Animals impounded pursuant to this
section shall be taken to the City's animal shelter or, if deemed necessary, to a licensed
veterinarian for examination and/or treatment.

13 C. The Animal Control Director or his or her designee are authorized to take all steps
14 that are reasonably necessary for the removal of an animal from a motor vehicle, including, but
15 not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or
16 other person responsible is made. Any person authorized to enforce this section who removes an
17 animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor
vehicle, leave a written notice bearing his or her name and office, and the address of the location
where the animal can be claimed. The animal may be claimed by the owner only after payment of
all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the
animal.

18 D. Nothing in this section shall preclude prosecution under both this section and
19 Section 597 of the California Penal Code or any other provision of law, including any applicable
20 federal, state, or local law, regulation, or ordinance.

21 E. Nothing in this section shall be deemed to prohibit the transportation of horses,
22 cattle, pigs, sheep, poultry or other agricultural animals in motor vehicles designed to transport
such animals for agricultural purposes.

23 **Section 7.08.160. Reserved.**

24 **Section 7.08.170. Animal sales in public places prohibited.**

25 It shall be unlawful to offer for sale, exchange, or give away puppies or kittens in public
26 places such as in front of stores, at swap meets, or auctions.

1
2 **Chapter 7.10 - SPAY, NEUTER AND MICROCHIP**

3 **Sections:**

- 4 **7.10.010 Spay and neuter.**
5 **7.10.020 Penalties for failure to spay or neuter.**
6 **7.10.030 Microchipping of dogs and cats.**

7 **Section 7.10.010 Spay and neuter.**

8 **A.**

9 1. Requirement. No person may own, keep, or harbor an unaltered and unspayed dog or
10 cat over the age of seven months in violation of this section. An owner or custodian of an
11 unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain
12 an unaltered dog license in accordance with this chapter. An owner or custodian of an unaltered
13 cat must have the animal spayed or neutered, or provide a certificate of sterility.

14 2. Exemptions. This section shall not apply to any of the following:

15 a. A dog with a high likelihood of suffering serious bodily harm or death if spayed or
16 neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this
17 fact from a California Licensed Veterinarian. If the dog is able to be safely spayed or neutered at
18 a later date, that date must be stated in the written confirmation; should this date be later than
19 thirty (30) days, the owner or custodian must apply for an unaltered dog license.

20 b. A cat with a high likelihood of suffering serious bodily harm or death if spayed or
21 neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this
22 fact from a California Licensed Veterinarian. If the cat is able to be safely spayed or neutered at
23 a later date, that date must be stated in the written confirmation.

24 c. Animals owned by recognized dog or cat breeders, as defined by City policy.

25 **B. Denial or revocation of unaltered dog license and reapplication.**

26 1. The Animal Control Director or his/her designee may deny or revoke an unaltered dog
27 license for one or more of the following reasons:

28 a. The owner, custodian, applicant or licensee is not in compliance with all of the
requirements of this section;

b. The Department has received at least three complaints, verified by the Department, that
the owner, custodian, applicant, or licensee has allowed a dog to be stray or run at large or has
otherwise been found to be neglectful of his or her or other animals;

c. The owner, custodian, applicant, or licensee has been previously cited for violating a
State law, city code or other municipal provision relating to the care and control of animals;

1 d. The unaltered dog has been adjudicated by a court or an agency of appropriate
2 jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the
3 meaning of the Colton Municipal Code or under state law;

4 e. Any unaltered dog license held by the applicant has been revoked;

5 f. The license application is discovered to contain a material misrepresentation or
6 omission of fact.

7 2. Re-application for unaltered dog license:

8 a. When an unaltered dog license is denied, the applicant may re-apply for a license upon
9 changed circumstances and a showing that the requirements of this chapter have been met. The
10 department shall refund one-half of the license fee when the application is denied. The applicant
11 shall pay the full fee upon re-application.

12 b. When an unaltered dog license is revoked, the owner or custodian of the dog may apply
13 for a new license after a thirty (30) day waiting period upon showing that the requirements of this
14 chapter have been met. No part of an unaltered dog license fee is refundable when a license is
15 revoked and the applicant shall pay the full fee upon re-application.

16 C. Appeal of denial or revocation of unaltered dog license.

17 1. Request for hearing.

18 a. Notice of intent to deny or revoke. The Department shall mail to the owner, custodian,
19 licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered
20 dog which includes the reason(s) for the denial or revocation. The owner, custodian, licensee or
21 applicant may request a hearing to appeal the denial or revocation by filing such request with the
22 Police Chief and/or his/her designee. The request must be made in writing within fifteen (15)
23 days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written
24 hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.

25 b. Administrative Hearing Authority. shall be the same as described in section 7.06.040
26 with the qualifications and authority outlined in code section 7.020.010.

27 c. Notice and conduct of hearing. The Animal Control Director or his/her designee shall
28 mail a written notice of the date, time, and place for the hearing not less than ten (10) days before
the hearing date. The hearing date shall be no more than forty-five (45) days after the
Department's receipt of the request for a hearing. The hearing will be informal and the rules of
evidence will not be strictly observed. The Administrative Hearing Authority shall prepare and
mail a written decision to the owner or custodian after the hearing. The decision of the
Administrative Hearing Authority shall be the final administrative decision.

d. Judicial Review of Administrative Decision. Any person aggrieved by the order of the
Administrative Hearing Authority may obtain judicial review of that order by filing a petition for
review with the Superior Court of San Bernardino County in accordance with the timelines and
provisions set forth in California Code of Civil Procedure Section 1094.6.

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2 2. Change in location of dog. If the dog is moved after the department has issued a letter
3 of intent to deny or revoke, but has not yet denied or revoked the license, the owner, custodian,
4 licensee, or applicant must provide the department with information as to the dog's whereabouts,
5 including the current owner or custodian's name, address, and telephone number.

6 D. Transfer, sale, and breeding of unaltered dog or cat.

7 1. Offer for sale or transfer of unaltered dog. An owner or custodian who offers any
8 unaltered dog over the age of four (4) months of age for sale, trade, or adoption must include a
9 valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and
10 establish compliance with this section. An owner or custodian of an unaltered dog must notify the
11 department of the name and address of the transferee within ten (10) days after the transfer. The
12 unaltered license and microchip numbers must appear on a document transferring the animal to
13 the new owner.

14 2. Offer for sale or transfer of unaltered cat. An owner or custodian of an unaltered cat
15 must notify the department of the name and address of the transferee within ten (10) days after the
16 transfer. The microchip numbers must appear on a document transferring the animal to the new
17 owner.

18 E. Impoundment of unaltered dog or cat.

19 1. When an unaltered dog or cat is impounded pursuant to this title, in addition to
20 satisfying applicable requirements for the release of the animal, including but not limited to
21 payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the
22 following:

23 a. Provide written proof of the dog or cat's prior sterilization, if conditions cannot or do
24 not make this assessment obvious to Department personnel.

25 b. Have the dog or cat spayed or neutered by a Department veterinarian at the expense of
26 the owner or custodian. Such expense may include additional fees due to extraordinary care
27 required.

28 c. Have the dog or cat spayed or neutered by another California licensed veterinarian. The
owner or custodian may arrange for another California licensed veterinarian to spay or neuter the
animal, and shall pay to the Department the cost to deliver said animal to the chosen veterinarian.
The cost to deliver the animal shall be based on the Department's hourly rate established by the
auditor-controller. The veterinarian shall complete and return to the Department within ten (10)
days, a statement confirming that the dog or cat has been spayed or neutered or is, in fact,
incapable of breeding and shall release the dog or cat to the owner or custodian only after the
spay or neuter procedure is complete.

d. At the discretion of the Animal Control Director, the dog or cat may be released to the
owner or custodian if he or she signs a statement under penalty of perjury, representing that the
dog or cat will be spayed or neutered and that he or she will submit a statement within ten (10)
days of the release, signed by a California licensed veterinarian, confirming that the dog or cat
has been spayed or neutered or is incapable of breeding.

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2 2. Costs of impoundment.

3 a. The owner or custodian of the unaltered dog or cat shall be responsible for the costs of
4 impoundment, which shall include daily board costs, vaccination/medication, and any other
diagnostic or therapeutic applications as provided in this chapter.

5 b. The costs of impoundment shall be a lien on the dog or cat, and the unaltered animal
6 shall not be returned to its owner or custodian until the costs are paid or other arrangements are
7 made including, but not limited to, a payment plan. If the owner or custodian of an impounded
unaltered animal does not pay the lien against it in full within fourteen (14) days, the animal shall
8 be deemed abandoned and become the property of the Department.

9 F. Application of fees and fines collected. All costs and fines collected under this part and
10 the fees collected under this section shall be paid to the City of Colton for the purpose of
defraying the cost of the implementation and enforcement of this program.

11 **Section 7.10.020 Penalties for failure to spay or neuter.**

12 Penalties issued for failure to spay or neuter a dog or cat shall be enforced as set forth
13 below:

14 A. An administrative citation, infraction, or other such authorized penalty may be issued
15 to an owner or custodian of an unaltered dog or cat for a violation of this section only when the
16 owner or custodian is concurrently cited for another violation under State or local law pertaining
17 to the obligations of a person owning or possessing a dog or cat. Examples of such State law or
18 local ordinance violations include, but are not limited to, failure to possess a current canine rabies
19 vaccination of the subject dog; dog or cat at large; failure to license a dog; leash law violations;
20 kennel or cattery permit violations; tethering violations; unhealthy or unsanitary conditions;
failure to provide adequate care for the subject dog or cat in violation of the Penal Code; rabies
quarantine violations for the subject dog; operating a business without a license and/or lack of
State Tax ID Number; fighting dog activity in violation of Penal Code section 597.5; animals left
unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy
animals.

21 B. Should the owner or custodian of an unaltered dog or cat be found in violation of a
22 State or local law, as stated above, in subsection (1), the owner or custodian shall be required to
spay or neuter the unaltered animal in accordance with this section.

23 **Section 7.10.030 Microchipping of dogs and cats.**

24 A. All dogs and cats over the age of four (4) months must be implanted with an
25 identifying microchip. The owner or custodian is required to provide the microchip number to the
26 Department, and shall notify the Department of any change of ownership of the dog or cat, or any
27 change of address or telephone number. Nothing in this section supersedes, eliminates, or alters
any other licensing requirements of this Title.

1 An administrative citation, infraction, or other such authorized penalty may be issued to
2 an owner or custodian of an unmicrochipped dog for a violation of this section only when the
3 owner or custodian is concurrently cited for another violation under state or local law pertaining
4 to the obligations of a person owning or possessing a dog or cat. Examples of such State law or
5 local ordinance violations include, but are not limited to, failure to possess a current canine rabies
6 vaccination of the subject dog; dog or cat at large; failure to license a dog; leash law violations;
7 kennel or cattery permit violations; tethering violations; unhealthy or unsanitary conditions;
8 failure to provide adequate care for the subject dog or cat in violation of the Penal Code; rabies
9 quarantine violations for the subject dog; operating a business without a license and/or lack of
10 State Tax ID Number; fighting dog activity in violation of Penal Code section 597.5; animals left
11 unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy
12 animals.

13 B. Exemptions. The microchipping requirements shall not apply to any of the following:

14 1. A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with
15 the microchip identification, due to the health conditions of the animal. The owner or custodian
16 must obtain written confirmation of that fact from a California licensed veterinarian. If the dog or
17 cat is able to be safely implanted with an identifying microchip at a later date, that date must be
18 stated in the written confirmation.

19 2. A dog or cat that is kenneled or trained in the City of Colton, but is owned by an
20 individual that does not reside in the City of Colton. The owner or custodian must keep and
21 maintain the animal in accordance with the applicable laws and ordinances of the jurisdiction in
22 which the owner or custodian of the animal permanently resides, including but not limited to the
23 applicable licensing and rabies vaccination requirements of that jurisdiction.

24 3. A dog or cat over the age of ten (10) years.

25 C. Transfer, sale of dogs and cats.

26 1. An owner or custodian who offers any dog, over the age of four (4) months, for sale,
27 trade, or adoption must provide the microchip identification number and the valid dog license
28 number with the offer of sale, trade or adoption. The license and microchip numbers must appear
on a document transferring the dog to the new owner. The owner or custodian shall also advise
the Department of the name and address of the new owner or custodian in accordance with
subdivision (a) of this section. An owner or custodian who offers any dog, over the age of four (4)
months, for sale, trade, or adoption and fails to provide the Department with the name and address
of the new owner, is in violation of this chapter and shall be subject to the penalties set forth
herein.

2. An owner or custodian who offers any cat, over the age of four (4) months, for sale,
trade, or adoption must provide the microchip identification number with the offer of sale, trade
or adoption. The microchip numbers must appear on a document transferring the cat to the new
owner. The owner or custodian shall also advise the Department of the name and address of the
new owner or custodian in accordance with Subdivision (A) of this section. An owner or
custodian who offers any cat, over the age of four (4) months, for sale, trade, or adoption and fails
to provide the Department with the name and address of the new owner, is in violation of this
chapter and shall be subject to the penalties set forth herein.

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2 3. When a puppy or kitten under the age of four (4) months implanted with microchip
3 identification is sold or otherwise transferred to another person, the owner or custodian shall
4 advise the Department of the name and address of the new owner or custodian, and the microchip
5 number of the puppy or kitten within ten (10) days after the transfer. If it is discovered that an
6 owner or custodian has failed to provide the Department with the name and address of the new
7 owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to
8 the administrative remedies set forth in Chapter 1.17.

9 D. When an impounded dog or cat is without microchip identification, in addition to
10 satisfying applicable requirements for the release of the animal, including but not limited to
11 payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the
12 following:

13 1. Have the dog or cat implanted with a Department microchip by a Department registered
14 veterinarian technician or veterinarian or designated personnel at the expense of the owner or
15 custodian;

16 2. Have the dog or cat implanted with a department approved microchip by a California
17 licensed veterinarian. The owner or custodian may arrange for another California licensed
18 veterinarian to perform the implant, and shall pay to the department the cost to deliver the dog or
19 cat to the chosen veterinarian. The veterinarian shall complete and return to the Department
20 within ten (10) days, a statement confirming that the microchip has been implanted, provide the
21 Department with the number and shall release the dog or cat to the owner or custodian only after
22 the procedure is complete; or

23 3. At the discretion of the Animal Control Director, the dog or cat may be released to the
24 owner or custodian if he or she signs a statement under penalty of perjury, representing that the
25 dog or cat will be implanted with a microchip and that he or she will submit a statement within
26 ten (10) days of the release, signed by a California licensed veterinarian, confirming that the dog
27 or cat has been so implanted and provide the microchip number to the Department or allow the
28 Department to scan the dog or cat for the microchip to verify.

E. Fees for microchip identification device. The fee for an identifying microchip device
shall be included in the cost of adoption when adopting a dog or cat from an animal shelter
operated by the Department. If an animal has already been implanted with an identifying
microchip device by some other facility, there will be no fee to have the identification microchip
number entered into the Department's registry as required by subdivision (A) of this section.

F. Application of fees and fines collected. All costs and fines collected under this part and
the fees collected under this section shall be paid to the City of Colton for the purpose of
defraying the cost of the implementation and enforcement of this program.

1 **Chapter 7.12 - NOISY ANIMALS**

2 **Sections:**

- 3 7.12.010 **Purpose.**
4 7.12.015 **Definitions.**
5 7.12.020 **Administrative hearing authority.**
6 7.12.030 **Declaration of noisy animal as a public nuisance.**
7 7.12.040 **Noisy animal warning notice.**
8 7.12.050 **Declaration of complaint of noisy animal and petition for**
9 **administrative hearing.**
10 7.12.060 **Hearing.**
11 7.12.070 **Determination and order.**
12 7.12.080 **Administrative abatement measures.**
13 7.12.090 **Failure to comply with administrative order.**
14 7.12.100 **Civil action.**
15 7.12.110 **Not exclusive remedy.**
16 7.12.120 **Judicial review.**

17 **Section 7.12.010 Purpose.**

18 The disturbance caused by excessive, unrelenting or habitual noise of any animal is
19 disruptive of the public's peace and tranquility and represents an unwanted invasion of privacy of
20 the residents of the City. It is declared to be in the public interest to promote the health and
21 welfare of the residents of the City by providing for an administrative proceeding for the
22 abatement of such nuisances, which abatement procedures shall be in addition to all other
23 proceedings authorized by this Code or otherwise by law.

24 **Section 7.12.015 Definitions.**

25 For the purpose of this chapter, the following words and phrases shall have the meanings
26 given herein:

27 "Complaining Party" means that person or those persons who contact the Animal Control
28 Director to report a noisy animal or noisy animals.

 "Director" means the Animal Control Director.

 "Noisy animal" means any animal or animals maintained on the same premises or location
 whose excessive, unrelenting or habitual barking, howling, crying or other noises or sounds
 annoy or become offensive to a resident or residents in the vicinity thereby disturbing the peace
 of the neighborhood or causing excessive discomfort to any reasonable person of normal
 sensitivity hearing such sounds.

 "Responsible party" means that person or those persons in charge of the premises or
 location where any noisy animal is located and may include any of the following:

- 1 1. The person or persons who own the property where the noisy animal is located;
- 2 2. The person or persons in charge of the premises where the noisy animal is located;
- 3 3. The person or persons occupying the premises where the noisy animal is located;
- 4 4. The owner of the noisy animal. If any of those persons are minors, the parent or parents
or a guardian of such minor shall be the Responsible Party.

5 **Section 7.12.020 Administrative Hearing Authority.**

6 A determination whether an animal is violating this chapter shall be made by the
7 Administrative Hearing Authority. The Administrative Hearing Authority shall have the power to
8 hear testimony from witnesses including complainants, peace officers, animal control officers or
9 humane officers or other parties including the owner or person having charge, custody or control
of the animal allegedly causing the nuisance, to determine whether the maintenance of the animal
is a public nuisance as herein declared by the City Council, and to order the abatement of such
nuisance by taking such actions as set forth in this Chapter.

10 **Section 7.12.030 Declaration of noisy animal as a public nuisance.**

11 A. The City Council hereby determines and declares that it is unlawful and a public
12 nuisance for any person owning, keeping, harboring or having in his or her care, custody or
13 control any animal, to cause or suffer, or permit to be made or caused by such animal, barking,
14 howling, crying or making of any noises or other sounds, so as to annoy and become offensive to
15 a resident or residents in the vicinity in which the animal is kept thereby disturbing the peace of
the neighborhood or causing excessive discomfort to any reasonable person of normal sensitivity
residing in the area, unless such noise or sound is made by an official police dog while on duty.

16 B. If, in violation of the provisions of this declaration of nuisance, any person owns,
17 maintains, harbors, keeps or has any animal who persistently emits any noises or sounds in such a
18 manner as to annoy and become offensive to a resident or residents in the vicinity in which the
19 animal is kept, the maintenance of such animal may be declared a public nuisance by written
20 notice to the owner or person in charge, custody or control of the animal. If after the issuance of
such notice, the person owning, keeping, harboring or having in such person's care or custody any
animal has not abated the nuisance, such person shall be liable to enforcement of the provisions of
this Code.

21 C. It is unlawful for the Responsible Party, after being informed in writing that such
22 person's animal has been declared a noisy animal and that the maintenance of a noisy animal is a
23 public nuisance, to fail, refuse or neglect to take whatever steps or use whatever means are
24 necessary to assure that such animal does not again disturb residents in the vicinity in which the
animal is kept.

25 **Section 7.12.040 Noisy animal warning notice.**

26 A. When an Animal Control Officer or Police Officer of the City is notified or alerted of a
27 possible noisy animal which may constitute a nuisance and has personally confirmed the
28 existence of a potential nuisance, that Animal Control Officer or Police Officer shall issue a
Noisy Animal Warning Notice to the Responsible Party. Such notice shall specify that the
continued barking, howling or other noise or sounds of such animal is in violation of this Code

1 and that the noisy animal nuisance must be abated forthwith to avoid further City action. Such
2 notice shall be served upon the Responsible Party or, if such service cannot be safely made,
3 posted at the premises upon which the animal is located. A copy of the Noisy Animal Warning
4 Notice shall be filed with the Animal Control Director. The Director shall, within five days of the
5 issuance of said warning notice, make a reasonable attempt to speak personally or by telephone
6 with the Responsible Party concerning the matter, including what efforts have been made to abate
7 the nuisance.

8 B. If within five days of the issuance of the Noisy Animal Warning Notice the Director
9 determines that the barking, howling or other sound or cry was provoked and that such barking,
10 howling or other sound or cry was not excessive, unrelenting or habitual, the Director of Animal
11 Services shall cause the Noisy Animal Warning Notice to be voided and the person to whom it
12 was issued to be so notified. In the event a Noisy Animal Warning Notice has been voided, such
13 warning notice shall not be considered as having been issued for the purposes of Sections
14 7.12.050 or 7.12.090 of this chapter.

15 **Section 7.12.050 Declaration of complaint of noisy animal and petition for
16 administrative hearing.**

17 A. When the Director receives a subsequent verbal or written complaint concerning a
18 noisy animal at the same location within twelve months after the issuance of a Noisy Animal
19 Warning Notice, the Director shall determine whether the Noisy Animal Warning Notice went
20 unheeded. If the determination is made the nuisance was not abated, a Declaration of Complaint
21 of Noisy Animal and Petition for Administrative Hearing shall be issued by the Director to the
22 Complaining Party.

23 B. The Declaration of Complaint and Petition for Administrative Hearing shall be
24 completed under penalty of perjury by the Complaining Party and returned within ten (10) days to
25 the Director.

26 C. The Director, upon receipt of a timely executed Declaration of Complaint and Petition
27 for Administrative Hearing, shall set the case for hearing before the Administrative Hearing
28 Authority. The Director shall notify the Complaining Party and Responsible Party of the date,
time, and place for the hearing. The notice of hearing shall advise that the Complaining Party and
Responsible Party that they may present evidence at the hearing through witnesses and
documents. The notice of hearing shall be accompanied by a copy of the Declaration of
Complaint and Petition for Administrative Hearing form. The notice shall be served on all parties
and witnesses. If the notice cannot be safely served by personal service, then it may be posted
upon the premises where the animal is kept and sent by first-class mail. The Complaining Party
shall be informed that further action may not be warranted if the animal is controlled, but in any
case, no further action can be taken until the completed Declaration of Complaint and Petition for
Administrative Hearing form is received by the Director.

Section 7.12.060. Hearing.

The hearing before the Administrative Hearing Authority shall be open to the public. The
Administrative Hearing Authority may admit all relevant evidence, including incident reports and
affidavits of witnesses. The Administrative Hearing Authority may decide all issues even if the

1 Responsible Party for the animal fails to appear at the hearing. The Administrative Hearing
2 Authority may find, upon a preponderance of the evidence, that the animal is a noisy animal and
3 the maintenance of such noisy animal is a public nuisance. Upon the conclusion of the hearing,
4 the Administrative Hearing Authority shall orally announce the decision as to whether a public
5 nuisance has been found to exist on the premises.

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10 **Section 7.12.070. Determination and order.**

11 At the conclusion of the hearing conducted pursuant to Section 7.12.060, the hearing
12 authority shall, notify the Responsible Party of the Administrative Hearing Authority's
13 determination and any orders issued. If the Administrative Hearing Authority determines that the
14 animal is a noisy animal and the maintenance thereof, a public nuisance, the Responsible Party
15 shall comply with the Administrative Hearing Authority's order within five days after the date of
16 mailing of the determination and order. The decision of the Administrative Hearing Authority
17 shall be final.

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21 **Section 7.12.080. Administrative abatement measures.**

22 The Administrative Hearing Authority may, as part of his/her determination that the
23 animal is a noisy animal and a public nuisance, direct the Responsible Party to perform one or
24 more of the following actions:

- 25 A. Containment of the animal within an enclosed building on the premises of Responsible
26 Party;
- 27 B. Require that the animal wear a noise suppression device obtained at the expense of the
28 Responsible Party to reduce or eliminate the noise creating the nuisance;
- 29 C. Require that the animal undertake obedience training designed to abate the nuisance
30 problem when appropriate and under the conditions imposed by the Administrative Hearing
31 Authority and at the expense of the Responsible Party;
- 32 D. Restrict the time of day, days of the week and duration when the animal may be placed
33 out-of-doors on the premises of the Responsible Party;
- 34 E. Require the Responsible Party to permanently remove the animal from said property
35 and outside the City limits.
- 36 F. Any other reasonable means to accomplish the abatement.

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38 **Section 7.12.090. Failure to Comply with Administrative Order.**

39 It is unlawful for any person to fail, neglect or refuse to comply with an administrative
40 abatement order of the Administrative Hearing Authority within the time specified in said order.
41 Should any party to the order issued by the Administrative Hearing Authority fail to comply with
42 the order, in whole or in any part thereof, that party or those parties may be subject to
43 administrative remedies to enforce the order as set forth in this Code, including administrative
44 citations and administrative civil penalties, and any other lawful means necessary to gain
45 compliance, including a civil action.

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Section 7.12.100. Civil action.

In the event any person shall fail, neglect or refuse to comply with an administrative abatement order of the Administrative Hearing Authority within the time specified in said order and the public nuisance continues to exist, the City Attorney is authorized to commence civil action to obtain the abatement of such public nuisance.

Section 7.12.110. Not exclusive remedy.

The provisions of this chapter are to be construed as an added remedy of abatement of the nuisance hereby declared and not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by this title or other law.

Section 7.12.120 Judicial Review.

Any Responsible Party aggrieved by an Administrative Determination and Order may obtain judicial review of that order by filing a petition for review with the Superior Court of San Bernardino County in accordance with the timelines and provisions set forth in California Code of Civil Procedure section 1094.6.

Chapter 7.14 - RABIES CONTROL

Sections:

- 7.14.010 Vaccination of dogs.**
- 7.14.020 Revaccination.**
- 7.14.030 Certificate.**
- 7.14.040 Restraining of animal bitten by other animal with rabies.**
- 7.14.050 Quarantine of biting animals; Examination.**
- 7.14.060 Report of suspected rabid animals.**
- 7.14.070 Destruction of rabid animals.**
- 7.14.080 Duties of animal control officer as to animals held by him having or suspected of having rabies.**
- 7.14.090 Importation of unvaccinated dogs.**
- 7.14.100 Rabies vaccination reporting.**

Section 7.14.010 Vaccination of dogs.

Every person keeping, maintaining or having custody or control of a dog over the age of four months in the City shall cause said dog to be vaccinated with a type of canine rabies vaccine approved by the California Department of Health within a period of thirty days from the date such dog was first maintained, kept or had within the City, or within thirty days from the date the dog attains the age of four months. Evidence of such vaccine shall be provided to the City in order to license the dog in accordance with section 7.040.050.

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Section 7.14.020 Revaccination.

Every person keeping, harboring, or having a dog in the City, which dog has been vaccinated shall cause such dog to be revaccinated before the expiration of the period of immunity accepted by the California Department of Health for that type of canine rabies vaccine with which the dog was vaccinated.

Section 7.14.030 Certificate.

Every person keeping, harboring, or maintaining in the City any dog required by the provisions of this chapter to be vaccinated shall at all times, while such dog is kept, harbored or maintained, have in his or her possession a certificate issued by a duly licensed veterinary surgeon, which certificate shall specify that such dog has been vaccinated in accordance with the provisions of this chapter. Said certificate shall include the name, address and telephone number of the dog's owner; the name of the dog; a description of the dog, including breed, color, distinctive markings, and sex; date of immunization; the type of rabies vaccine administered; the name of the manufacturer; and the lot number of the vaccine used. Such certificates shall bear the signature of the veterinarian administering the vaccine or a signature authorized by him or her, and in addition such certificate shall be stamped, printed or typed with his name, address and telephone number for legibility.

Section 7.14.040 Restraining of animal bitten by other animal with rabies.

Whenever any dog or other animal has been bitten by an animal infected with or reasonably suspected of being infected with rabies, the owner of the animal so bitten shall immediately restrain or confine such animal in such a way as to make it impossible for such animal to bite any other animal or person and to forthwith notify the Animal Control Officer. The City health officer or Animal Control Officer shall have the power to quarantine any animal so bitten or suspected of having been bitten by a rabid animal for such period of time as he may determine not to exceed six months.

Section 7.14.050 Quarantine of biting animals--Examination.

Whenever any dog or other animal has bitten, scratched, or otherwise exposed any person or animal to the possible infection of rabies, the owner shall, upon order of the City health officer, any peace officer, or Animal Control Officer, quarantine such animal and keep it securely confined for a period of not to exceed fifteen days, during which period of time it shall be the duty of the City health officer or Animal Control Officer to make an examination of such animal.

Section 7.14.060 Report of suspected rabid animals.

Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which reasonably indicates that it may be infected with rabies, such owner shall forthwith isolate and restrain such animal and shall immediately notify the Animal Control Officer thereof.

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Section 7.14.070 Destruction of rabid animals.

If it appears to the Animal Control Director or his or her representative upon examination or otherwise of a dog or other animal that such animal has rabies, he or she may forthwith humanely euthanize such dog or other animal in accordance with the policies and procedures established by the City contracted animal shelter.

Section 7.14.080 Duties of Animal Control Officer as to animals held by him having or suspected of having rabies.

Upon the receipt by the Animal Control Director of any dog or other animal, if the Animal Control Director would have reason to believe that the same is afflicted with rabies or hydrophobia or has been bitten by any animal afflicted with or suspected of being afflicted with rabies or hydrophobia, the Animal Control Director shall separately confine and keep so confined such animal. If upon an examination, the Animal Control Director determines that such dog or other animal is afflicted with rabies, he shall humanely euthanize such animal at such time. It shall be the duty of the Animal Control Director to keep every such animal suspected of having rabies or hydrophobia so confined for such time as he deems necessary and such animal shall not be redeemed or released except upon an order in writing signed by the Animal Control Director. Nothing in this title shall be construed as permitting the redemption of any dog having or suspected of having been infected with rabies or hydrophobia.

Section 7.14.090 Importation of unvaccinated dogs.

No person shall bring an unvaccinated dog into the City from another city or town or other place in or outside of the County in which rabies exists or has existed within six months previously, nor shall any person take an unvaccinated dog or permit or encourage an unvaccinated dog to go from the City, at a time when rabies exists therein or has existed therein within six months previously, to any other city or town or other place in or outside of the County in which rabies does not exist or has not been known to be present within six months.

Section 7.14.100 Rabies vaccination reporting.

A. Any veterinarian who administers a rabies vaccination or supervises the administering of a rabies vaccination shall provide to the City of Colton Police Chief, or his or her designee, the following information:

1. The full name and residence address of the owner of all of vaccinated dogs;
2. The name, age, sex, species, breed and color of all dogs that have been vaccinated;
3. The date the vaccination was administered;
4. The type of vaccination used and the vaccine's expiration date;
5. The name of the veterinary clinic and veterinary license number of the veterinarian administering or supervising the vaccination;
6. Alternatively, a photocopy or other facsimile of the certificate required by Section 7.14.030 may be provided to the City.

B. Any such information requested in Section A shall be sent to the City of Colton Police Chief at 650 N La Cadena Drive, Colton, California, 92324, or his/her designee, within thirty (30)

1 days of the administering of the rabies vaccination. The information requested may be transmitted
2 in the form of a paper copy or in an electronic format approved by the City of Colton.

3 C. The information provided to the City of Colton in Section A shall be considered
4 confidential and shall not be used, released or distributed for any purpose except to ensure
5 compliance with existing federal, state, county, or city laws or regulations, as set forth in
6 California Health and Safety Code Section 121690.

7 D. Any veterinarian or person under this Chapter who fails to provide the information
8 requested may be subject to all lawful legal remedies to enforce this Chapter, including but not
9 limited to those set forth in Chapter 1.17 of this Code.

8 **Chapter 7.16 - COYOTE CONTROL**

9 **Sections:**

10 **7.16.010 Feeding of coyotes.**
11 **7.16.020 Control.**

12 **Section 7.16.010 Feeding of coyotes.**

13 A. Except as provided herein, no person shall feed or in any manner provide food for any
14 coyote which is not under the ownership or legal possession of such person.

15 B. A person may feed and provide food for a coyote which is trapped, unweaned or
16 injured during that period of time after said person notifies the Police Department or Animal
17 Control Department until said animal is picked up by the City or its designated agent or
18 contractor for animal control.

19 **Section 7.16.020 Control.**

20 The City, its agents and its contractor for the provision of animal control are hereby
21 authorized to use all legal means to control coyotes and to reduce their number in the City.

22 **Chapter 7.18 – COMMUNITY CAT INITIATIVE**

23 **Sections:**

24 **7.18.010 Purpose.**
25 **7.18020 Authority; Trap-Neuter Return program.**

26 **7.18.010 Purpose.**

27 The City recognizes the need for innovation in addressing the issues presented by
28 community cats. To that end, it recognizes that Trap-Neuter-Return is an effective and humane
method to manage, and over time, reduce the population of community cats.

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7.18.020 Authority; Trap-Neuter Return program.

A. Trap-Neuter-Return shall be permitted, and Community Cat Caregivers, organizations, City staff, Animal Control Officers, and hereby permitted to carry out Trap-Neuter-Return. Community Cat Caregivers shall be responsible for the costs(if any) associated with the Trap-Neuter-Return that they choose or cause to be performed.

B. An ear tipped cat received by local shelters will return to the location where trapped after neutering unless further veterinary care is required or a home is found for the cat.

C. Community Cat Caregivers may reclaim impounded Community Cats if ear tipped or for Trap-Neuter-return without proof of ownership.”

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance shall become effective thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED this 7th day of June, 2016.


Richard A. DeLaRosa, Mayor

ATTEST:


Carolina R. Padilla, City Clerk

APPROVED AS TO FORM:


Best Best & Krieger LLP
City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby
6 certify under penalty of perjury that the foregoing is a full, true and correct copy of
7 **ORDINANCE NO. O-09-16**, and was duly passed, approved, and adopted by the City
8 Council of the City of Colton at its Regular Meeting held on the **7th day of June, 2016**,
9 by the following vote to wit:

10
11 AYES: COUNCILMEMBER Toro, Navarro, Suchil and Mayor
DeLaRosa
12
13 NOES: COUNCILMEMBER Jorrin, González
14
15 ABSTAIN: COUNCILMEMBER None
16
17 ABSENT: COUNCILMEMBER Bennett

18 **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official
19 seal of the City of Colton, California, this ____ day of _____, _____.

20
21 _____
22 CAROLINA R. PADILLA
23 City Clerk
City of Colton, California

24 (SEAL)
25
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