

ORDINANCE NO. 57

AN ORDINANCE CONCERNING DOG CONTROL WITHIN THE CITY OF UKIAH

THE CITY OF UKIAH ORDAINS AS FOLLOWS:

Section 1.

This chapter shall be known as the “City of Ukiah Dog Control Ordinance”.

Section 2.

The purpose of this chapter is to provide for the safety and well-being of the citizens of the city of Ukiah by placing certain restrictions upon dogs.

Section 3. Definitions.

A. Livestock. As used in this chapter, “livestock” means horses, cattle, sheep, goats, swine, ducks and geese, turkeys, chickens and fur-bearing animals reared and maintained commercially or otherwise, within pens, cages and hutches.

B. Running at Large. A dog is considered to be “running at large” when it is off or outside of the premises of the owner or keeper or not in company of and under the control of its owner or keeper.

C. Personal Property. Dogs are declared to be personal property.

D. Owner. For purposes of this chapter, all adult persons residing in a household in which a dog is kept shall be considered a joint owner thereof.

Section 4. Enforcement Authority.

The city council may appoint a dog control officer who shall have authority to issue citations under this chapter and shall have all powers vested in the dog control officer.

Section 5. Dogs Running At Large.

It is unlawful for any person owning or keeping a dog in the city of Ukiah to allow a dog to run at large, as the same is defined in Section 3.

Section 6. Nuisances.

No person owning or having control, custody or possession of a dog shall allow the dog to be a nuisance. A dog is a nuisance if it bites a person or shows propensity to do so; habitually chases vehicles or persons; injures or kills livestock; damages property of others; scatters garbage; habitually trespasses on private property, other than the property of the owner; disturbs any person by frequent or long continued noises. In addition to the above, a female in heat running at large is considered a nuisance. The owner or person in control of the dog is responsible for the creation of the nuisance.

Section 7. Dangerous Dogs; Determination of Status.

A. The following definitions apply:

“Dangerous dog” means a dangerous dog, as used herein, includes any of the following:

1. A dog that when approached by a person does any of the following: snarls, growls, displays bared fangs, lays back ears or raises hackles, whether while at large, while under the control of any persons or while restrained on the property of its owner or keeper; and
2. A dog that bites, attacks or menaces any person, whether while at large, while under the control of any person or while restrained on the property of its owner or keeper.

“Adequate holding facility” means an adequate holding facility includes an enclosure with the following:

1. A floor or wood or other impervious material adequate to prevent the dog from digging a tunnel under a side wall or side fence;
2. Side walls or side fences of wire or constructed in a manner to prevent the dog from escaping through the same due to clawing, biting, jumping or pushing;
3. A roof, of solid or wire materials, adequate to prevent the dog from climbing or jumping over the sides of the enclosure; and,
4. Which is constructed in a manner to be effective to prevent escape by a dog determined to do so.

B. Any dog control officer of the city of Ukiah, who observes or has reasonable cause to believe that a dog is a dangerous dog, as defined herein, may impound such a dog if said dog is not restrained in an adequate holding facility, as defined herein. Such power of impoundment extends to dogs kept or confined on the property of its owner or keeper, if the dog is not confined to an adequate holding facility.

C. At the time of the impoundment of a dangerous dog pursuant to subparagraph B., or as soon thereafter as is practicable, the owner or keeper of said dog shall be served with or otherwise provided a notice of determination that dog is dangerous, which notice shall contain the following:

1. A heading entitled “Notice of Determination that Dog is Dangerous”;
2. A description of the dog to which the notice pertains and the name of the owner and/or keeper of the dog. If the owner of the dog is not the keeper, a copy of the notice shall be provided to the owner, if known to the city;
3. A statement that the dog has been determined to be dangerous, as the term is defined herein;
4. A statement that the owner and/or keeper of the dog may request a hearing before the Ukiah City Council to contest the officer’s determination that said dog is a dangerous dog and instructions as to the manner of requesting such hearing. The notice shall contain a section to be signed by the owner or keeper to request such hearing. An extra copy of the notice shall be provided the owner or keeper to be utilized in request such hearing; and

5. A statement prominently displayed that if no request for hearing is filed with the Ukiah City Council within the time provided, that the determination that the dog is dangerous will be final.

D. The owner and/or keeper of a dog who has received a notice of determination that a dog is dangerous may request a hearing before the Ukiah City Council pertaining to whether the dog in question is a dangerous dog by filing a written request for hearing (on a form provided by the city) with the city clerk within five calendar days from the date of service or receipt of such notice by the owner and/or keeper of the dog. The request for hearing must be received by the city clerk within said five-day period. The City Council shall schedule an evidentiary hearing within five days of the date of such notice, if practicable. If a hearing within such period is not practicable, the matter shall be scheduled on an expedited basis as soon as is reasonable possible. The burden of proof shall be upon the city of Ukiah to prove the dogs status as a dangerous dog by a preponderance of the evidence. After hearing, the City Council shall make a determination as to whether the dog is dangerous, as defined in this chapter.

E. If the owner and/or keeper fails to timely file a request for hearing before the Ukiah City Council, the determination that the dog is dangerous shall be final.

F. Upon complaint of any interest person or of a dog control officer of the city of Ukiah, a dog who has previously attacked or bitten any person may be ordered destroyed by the City Council upon a finding that such dog constitutes an unreasonable danger to the public. Said destruction shall be ordered only after notice and an opportunity for a hearing by the owner or keeper of said dog. After such complaint, said dog shall be immediately impounded and shall be held pending final determination of the matter.

Section 8. Restrictions Upon Keeping of Dangerous Dogs.

A. A dog determined to be dangerous under this chapter shall be kept at all times in an adequate holding facility, as defined herein, and may only be outside of such facility while muzzled, securely leashed and under the direct control of its owner or keeper.

B. After a dog has been determined to be dangerous, violation of the rules set forth in subparagraph A. pertaining to keeping of a dangerous dog constitutes a violation of this section and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), provided however that if the violation consists of a dangerous dog running at large a fine of one thousand dollars (\$1,000.00) shall be imposed.

C. A dog which has previously been determined to be dangerous, and which is subsequently found running at large, shall be impounded, if feasible, and shall be released to the owner or keeper only if a security deposit of one thousand dollars (\$1,000.00) is posted. The security deposit, if posted, shall be applied first to the impound fees and if convicted of a violation to the fine imposed for such conviction. Any amount remaining in excess thereof shall be refunded to the owner or keeper after disposition of all charges relating to the incident. If release of the dog is sought after disposition of all such charges, payment of all fines and impound charges shall be made prior to the release of such dog. If a dog previously determined to be dangerous is impounded for running at large, it shall be destroyed if not claimed within five days of the date of a final court determination of the matter.

D. In the event that an owner or keeper is convicted a second time of allowing a dog previously determined to be dangerous to run at large, in addition to the fine imposed under this section, the dog shall be ordered destroyed.

Section 9. Impoundment.

When a dog is found running at large or when a dog is a public nuisance or a vicious or dangerous dog, any police officer or dog control officer may impound it. Dogs so impounded will be held at least five days before disposing of the animal unless claimed by the owner within this period. A notice of impoundment with the date of posting will be posted on the bulletin board of Ukiah City Hall.

Until such time as adequate facilities are available to the city to hold the impounded dogs, dogs running at large will not be routinely impounded. The dog control officer shall act in accordance with the general directives of the council as to the circumstances in which dogs will be impounded; however, noncompliance with a directive of the council shall not render an impoundment unlawful if the same is made in compliance with the provisions of Section 4.

Section 10. Damages to Livestock.

A. The owner of any livestock which has been damaged by being wounded or killed by any dog shall have cause of action against the owner of the dog for the full amount of the damage. Such action may be tried as an action of law in any court competent jurisdiction.

B. No person shall own, harbor or keep any dog with knowledge that it has killed or wounded any livestock. However, no person shall be liable for harboring such a dog, with knowledge that it has killed or wounded chickens, unless the owner fails to pay full damages for the chickens within three days after receipt of demand for such damages from the owner.

Section 11. Right to Kill a Dog.

A. Except as provided in subsection C of this section, any dog, whether licensed or not, which, while off the premises of its owner, wounds or injures any livestock not belonging to the master of such dog, is a public nuisance and may be killed immediately. However, nothing in this section applies to any dog acting under the direction of its master or the agents or employees of such master.

B. If any dog not under the control of its owner or keeper is found chasing stock not the property of such owner or keeper, it shall be deemed prima facie as engaged in killing, wounding or injuring livestock.

C. No person shall kill any dog for killing, wounding, injuring or chasing chickens upon a public place, highway or within the corporate limits of any city.

Section 12. Abandoned Dogs.

The dog control officer will endeavor to find a home for stray or abandoned dogs. Such dogs must be licensed by the owner as required. Any person who willfully abandons or deserts a dog, cat, or other domestic animal shall be punished upon conviction by a fine of not more than five hundred dollars (\$500.00).

Section 13. Rabies Vaccination.

Section 10 Declaration of Emergency.

Inasmuch as it is necessary for the welfare and public health of the City of Ukiah, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its passage by the City Council if passage is by a unanimous vote thereof. If the vote is not unanimous, then this ordinance shall take effect 30 days after its passage.

Adopted this 7 day of June, 2022, by the following polled votes:

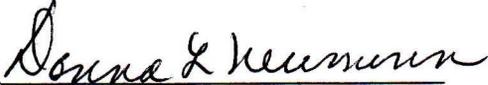
Ayes 25

Nays _____



Mayor

ATTEST:



City Recorder

ORDINANCE 57 DOG CONTROL