

**ORDINANCE NO. 817**

**AN ORDINANCE OF THE CITY OF ANDERSON AMENDING TITLE 6 OF THE ANDERSON MUNICIPAL CODE AMENDING CHAPTERS 6.04 AND 6.28 AND ADDING CHAPTER 6.29 TO REGULATE DOGS WITHIN THE ANDERSON CITY LIMITS**

WHEREAS, the City of Anderson presently maintains regulations over animals; and

WHEREAS, the City of Anderson desires to amend its animal regulations regarding dogs and dangerous or vicious dogs:

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ANDERSON DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.**

Title 6, Chapter 6.04 of the Anderson Municipal Code is hereby amended to read as follows:

**Title 6 - ANIMALS**

**Chapters:**

**Chapter 6.04 - GENERAL PROVISIONS AND DEFINITIONS\***

**Sections:**

**6.04.010 - Title designation.**

This title shall be known as and may be cited as "The Animal Title."

**6.04.020 - Definitions.**

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Animal" means any domesticated creature, i.e., dog, cat, horse, cow, fowl, pig, goat, sheep, mule, burro, or rabbit, etc.

"Cat" means any cat over four months of age.

"Designee" means any person or any duly authorized agent of the Police Chief.

"Dog" means any dog over four months of age.

"Enclosure" means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous or vicious dog in conjunction with other measures, which may be taken by the owner or keeper of the dog. The enclosure shall be designed in order to prevent the animal from escaping.

"Impounded" means having been received into the custody of any animal shelter authorized under the provisions of this title.

"Pigeon" means a member of the family Columbidea, and shall include "racing pigeons," "fancy pigeons" and "sporting pigeons" as defined in this section.

- A. "Racing pigeon" means a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. Also, commonly known as racing homer, homing pigeon, or carrier pigeon.
- B. "Fancy pigeon" means a pigeon which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: fantails, pouters, and trumpeters, etc.
- C. "Sporting pigeon" means a pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: rollers, tipplers, tumblers, etc.
- D. "Loft" means the structure(s) for the keeping or housing of pigeons permitted by this chapter.
- E. "Mature pigeon" means a pigeon aged six months or older.

"Owner" means the owner of animals subject to this chapter.

"Police Chief" means the sworn police officer in charge of the police department of the city or any public agency, body or individual, or any private agency, body or individual with whom the city has entered into a contract or hereafter enters into a contract for doing all things necessary and proper under this title.

"Puppy" means any dog under the age of four months of age.

"Run at large" means to be off the animal owner's property without a leash or other physical restraint attached to the animal and either affixed to a stationary object or being held by a competent person.

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

For the purposes of this title, a person is peacefully and lawfully upon the private property of the owner or possessor of the animal when he is performing any duty imposed upon him by the laws of the state, city or county, or by the postal regulations of the United States, or when he is on such property upon the invitation, expressed or implied.

No dog may be considered potentially dangerous or vicious if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog; or was teasing, tormenting, abusing, or assaulting the dog; or has in the past been observed or reported to have teased, tormented, abused, or assaulted the dog; or was committing or attempting to commit a crime.

"Unlicensed dog" means any dog for which the license for the current year has not been paid, or to which the tag for the current year provided for in this title is not attached.

"Working hours" means hours during which the office or place of business of any animal shelter is open for the receiving of, impounding of, or caring for animals and does not include any time during which such office or place of business is closed.

## **SECTION 2.**

Title 6, Chapter 6.28 of the Anderson Municipal Code is hereby amended to read as follows:

### **Chapter 6.28 – DOGS- GENERALLY\***

#### **Sections:**

#### **6.28.010 - Ownership.**

Any person keeping or harboring any dog for fifteen consecutive days shall be deemed to be the owner thereof within the meaning of this chapter.

#### **6.28.015 - Barking dogs.**

- A. It is unlawful and an infraction for the owner or keeper of any dog, whether licensed or not, to allow said animal to disturb the peace and comfort of any other person by persistent (meaning repeated occurrences in excess of ten minutes) howling, yelping, barking or by the making of other loud and unreasonable noise which disturbs or annoys residents of reasonable sensitivity of nearby properties; and interfere with their reasonable and comfortable enjoyment of life or property.

- B. The Police Chief, or his designee, shall not be required to act upon an anonymous complaint or upon any other barking dog complaint unless the complainant first certifies under a written declaration executed under penalty of perjury that satisfies the scope of subsection D of this section. The Police Chief may require the complainant to first make such written declaration before investigating.
- C. Unless the Police Chief, or his designee, actually observes the dog barking as specified in subsection A of this section, no criminal citation shall be issued by that officer. A complainant shall first make a written declaration and initiate a citizen arrest for the reasonable person, following which the Police Chief, or his designee, shall then issue the citation effecting the citizen arrest. The Police Chief, or his designee, may initiate an administrative action without prior notification should the complainant decline to affect a citizen arrest but has made a written declaration.
- D. In order for a violation to be recognized and be processed under either subsection B or C of this section, the following requirements need to be established:
  - 1. That the complainant has made at least one reasonable and civil verbal or written request to the owner or the person responsible for the custody and possession of the dog to either stop the dog from barking, or to eliminate the cause for the dog's disturbances. (This requirement may be waived for good cause where it may appear that there is a potential and credible threat to the physical well-being of the complainant);
  - 2. That the dog can be heard audibly from an adjoining public right-of-way or at the exterior of any building on any immediately contiguous property adjacent to the property on which the dog is kept;
  - 3. That the dog:
    - a. Was not acting in defense of its property against a trespasser; and
    - b. Was not being provoked by any person other than the owner of the property upon which the dog was situated or the person responsible for the dog.

A person who is merely a lawful passerby on a public street or sidewalk shall not be considered a source of provocation;

- 4. If complaints are received from three or more persons having separate residences or places of employment, that a dog is engaging in or has engaged in any of the activities described in subsection A of this section, there shall be a rebuttable presumption, not affecting the burden of proof, that a public nuisance exists or has occurred.

- E. At the time of a first complaint, the complainant may be instructed to maintain a log to establish the following:
  - 1. Date and time of barking episodes;
  - 2. Duration of barking;
  - 3. Address of violation;
  - 4. Any factors, or the nonexistence of factors, which may have contributed to the barking, howling or yelping.
  
- F. It shall not be a defense for a violation of subsection A of this section that there was no one at the premises at the time the dog was barking if the dog was left outdoors.
  
- G. A violation of this section shall be an infraction.

**6.28.016 - Abatement of barking dogs.**

- A. A dog that meets the criteria for a barking dog, established above, is presumed, not affecting the burden of proof, to be a public nuisance and is subject to abatement under the following terms and conditions:
  - 1. The complainant must be a person other than the Police Chief or his designee.
  - 2. The complainant must execute a written declaration under penalty of perjury establishing facts that bring the dog within the scope of Section 6.28.015 and request that proceedings to abate the barking dog be initiated. A nonrefundable fee set by resolution of the City Council shall be deposited by the dog owner with the city to defray the city's reasonable costs of processing the abatement.
  - 3. The Police Chief, or his designee, shall serve written notice upon both the complainant and the owner or handler of the dog, sent by both first class mail and certified mail, setting a hearing at which the owner or handler may show cause why the dog should not be abated as a public nuisance. The hearing shall be no sooner than five days, nor more than fourteen days from the date of the mailing. The hearing shall be informal and the rules of evidence shall not apply.
  - 4. If a hearing officer appointed by the Police Chief determines that the dog is a public nuisance as defined as above, any of the following may be ordered:
    - a. The owner shall keep the dog indoors, within the residence, except for periods when the dog is supervised outdoors by a handler; and/or
    - b. The owner shall provide, attach and maintain an activated anti-barking collar device to be worn by the dog as specified by the hearing officer, and/or

- c. Alternatively, the owner may elect to construct and maintain a sound proofed enclosure; or to have the dog's vocal cords surgically altered to eliminate the intensity of the bark, using a licensed veterinarian to perform the procedure; or to place the dog up for adoption with the Police Chief or his designee.
- B. During such time as the owner complies with the terms of the abatement conditions in subsection (A)(4) of this section, no further criminal or administrative actions shall be taken. If the above measures are ineffective, the owner shall be issued a second written notice and be given a period not to exceed fifteen days to correct the animal's behavior. Further administrative or criminal actions may then be taken if the nuisance is not abated.

**6.28.020 - Running at large—Prohibited.**

No person owning or having charge, care, custody or control of any dog shall cause, permit or allow the same to be or to run at large upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody or control of such dog, in the city, unless such dog is restrained by a substantial chain or leash not exceeding six feet in length and is in the charge, care, custody or control of a competent person. Violation of this section shall be an infraction, punishable by a fine of thirty dollars if there have been no previous violation within a twelve-month period. For the second violation within a twelve-month period, the fine shall be seventy-five dollars. For the third and any further violations within a twelve-month period, the fine shall be one hundred fifty dollars.

**6.28.030 - Running at large—Permitted where.**

The provisions of this title do not prohibit permitting or allowing dogs to run at large on the premises of the owner or person having charge, care, custody, or control of such dogs, or prohibit permitting or allowing dogs, other than unspayed female dogs during the copulating season, to run at large on any ranch or undeveloped property when, within a radius of five hundred feet therefrom, there are situated not to exceed five residential or commercial establishment other than the residence of the person owning or having charge, care, custody or control of such dogs. The provisions of Section 6.28.020 shall not apply to the operations of police officers in the use of official police dogs while on duty.

**6.28.031 - In public parks.**

Dogs are permitted in the city's public parks but must be kept and maintained upon a leash. A violation of this section shall be punishable as an infraction.

**6.28.032 - Excreta nuisance prohibited.**

- A. It is unlawful and an infraction for the owner or person having charge, custody, or control of any dog or other animal to fail to immediately remove and dispose of fecal matter in a sanitary manner, by placing in a closed or sealed container or depositing in a trash receptacle, any feces deposited by such animal upon public or private property, without the consent of the public or private owner or person in lawful possession of the property, other than the property owned or controlled by the owner or person having custody of such animal. This subsection does not apply to domestic cats.
- B. Any person who has charge, custody, or control of an animal in a location other than on the property of such person or the property of the owner of the animal, shall have in possession a suitable wrapper, bag or container other than articles of clothing) for the purpose of complying with the requirements of this section.
- C. The provisions of this section shall not apply to the unsighted persons being accompanied by a guide dog.

**6.28.040 - Dog licenses required.**

No person shall have, harbor, or keep, or cause or permit to be harbored or kept, any unlicensed dog within the city. A violation of any of the provisions of this section shall constitute an infraction, punishable as set forth in Section 1.20.010 of this code.

**6.28.050 - Individual licenses—Fees/term.**

- A. A license fee shall be paid for each dog over four months old. The license period shall be for thirty-six months or less, twenty-four months or less, or twelve months or less, commencing on the day the license is issued. The license renewal fee shall be due and payable on the same day the rabies vaccination expires.
- B. The license fee is delinquent sixty days after it becomes due and payable and an additional fee may be collected for the issuance of the license if the fee is delinquent. This additional fee may be waived by the Police Chief or his designee but only on a showing of good cause and only if the dog is not being held as a stray or the owner has not been cited for the dog not being licensed.
- C. The amount of the fees provided for in this chapter shall be established by resolution of the City Council.
- D. Notwithstanding the fee requirement set forth in subsection A of this section, no fees shall be charged for:

1. A dog of either sex which has been honorably discharged from the armed forces of the United States; or for
2. A dog of either sex owned by a blind person, if a certificate is filed with the police department executed by some recognized dog-training institution which certifies that such dog has been successfully trained to lead the blind.

**6.28.060 - License—Fees—Payable in advance.**

The fees provided for in this chapter shall be paid in advance to the Haven Humane Society.

**6.28.061 - Reserved.**

**6.28.070 - License—Anti-rabies**

vaccination certificate required.

Before any license may be issued under the provisions of this title, a certificate in writing signed by some person duly licensed to practice veterinary medicine or surgery in the state, describing such dog and certifying that such dog has been vaccinated with a canine anti-rabies vaccine prescribed by the state department of public health, shall be exhibited to the Police Chief or his designee.

**6.28.080 - Rabies vaccination required.**

- A. It is unlawful and an infraction to own or possess a dog or cat over four months old unless it has been vaccinated against rabies and unless said vaccination is current.
- B. It is unlawful and an infraction for any owner or possessor of a dog or cat over four months old to bring it into the city unless it is currently vaccinated against rabies.
- C. A dog or cat is exempt from rabies vaccination during the time a veterinarian has verified in writing that vaccination would endanger the health of the animal.

**6.28.090 - License—Tags—Inscription.**

A license for an individual dog shall be in the form of a tag with the serial number thereof and the year for which issued, together with the words "City of Anderson." Other words or description may be inscribed by the Police Chief or his designee on the dog license with the approval of the City Council. If the Police Chief or his designee is the county



sheriffs' department, the usual county dog license may be used for the city license, provided there is in addition thereon in some noticeable place the words "City of Anderson."

**6.28.100 - License—Tags—To be worn.**

A license tag for an individual dog shall be securely affixed to a collar, harness or other device which shall at all times be worn by such dog except while such dog remains indoors or in any enclosed yard or pen. Failure of the owner so such dog to comply with the provisions of this section shall be an infraction, punishable as set forth in Section 1.20.010 of this code.

**6.28.110 - License—Tags—Duplicates.**

In case any license tag for an individual dog is lost or destroyed, a duplicate thereof may be procured from the Haven Humane Society upon submission of such proof as they may require and upon the payment thereof of the sum to be established by resolution of the City Council.

**6.28.120 - License—Tags—Unauthorized removal prohibited.**

An unauthorized person shall not remove from any dog any collar or harness or other device to which is attached a license tag for the current year or remove such tag therefrom. A violation of any of the provisions of this section shall constitute an infraction, punishable as set forth in Section 1.20.010 of this code.

**6.28.130 - License—Tags—Counterfeits—Prohibited.**

No person shall use any tag for any dog except a tag issued for such dog under the provisions of this chapter. A violation of any of the provisions of this section shall constitute an infraction, punishable as set forth in Section 1.20.010 of this code.

**6.28.140 - License—Exemptions.**

The provisions of this chapter do not apply to:

- A. Any dog found within the city when the owner thereof resides in the unincorporated areas of the county or within another municipality within the county, and such dog is wearing or has attached to it a license tag for the current year issued by such county or municipality;
- B. Any dog owned by or in the care or custody of a nonresident of the city and is traveling through the city or temporarily sojourning therein for a period of not exceeding thirty days;
- C. Any dog brought into the city and kept therein for not to exceed thirty days for the exclusive purpose of entering the same in any show or dog exhibition or field trial or competition;

- D. Any dog brought or sent into the city from any point outside thereof for the exclusive purpose of receiving veterinary care in any dog hospital, in the event that such dog is kept at all times strictly confined within such hospital.

**6.28.150 - License—Refusal to exhibit—Infraction.**

Any person upon whom any demand is made under authority of this chapter for the exhibition of any dog license or tag who fails or refuses to exhibit the same if he has it in his possession is guilty of an infraction.

**6.28.160 - License—Register.**

The Police Chief, or his designee, shall procure the number of license forms and tags needed each year and shall keep a register wherein shall be entered the name and address of each person to whom any dog license is issued, the number of such tag and the date of issuance thereof, and a description of the dog for which the license is issued.

**6.28.170 - Right of entry for chapter enforcement.**

The Police Chief or his designee authorized under the provisions of this chapter, may enter upon any premises that any dog is kept or harbored or upon which he has reason to believe any dog is kept or harbored and demand the exhibition by the person owning or having charge or control of any such dog of any license or license tag for such dog for the current year provided for by this title.

**SECTION 3.**

Title 6, Chapter 6.29 of the Anderson Municipal Code is hereby added to read as follows:

**CHAPTER 6.29 - POTENTIALLY DANGEROUS DOG AND VICIOUS DOG**

**Sections:**

**6.29.010 – Purpose and Intent**

There have been and will be in the future, dogs which are potentially dangerous or vicious and which, as such, constitute a public nuisance which should be abated. The provisions of this chapter are intended to provide a process whereby dogs determined to be a public nuisance, following a hearing at which oral and documentary evidence is considered, may be abated.

### **6.29.020 - This Chapter Governs**

The provisions of this chapter shall control over any contrary provisions of this title. When other provisions of this title impose further penalties and requirements beyond this chapter, those additional requirements shall remain applicable except where a contrary intention is clearly evident.

### **6.29.030 – Definitions**

For purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

"Potentially dangerous dog" means:

- A. Any dog, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior is presumed to be potentially dangerous:
  - 1. An attack which requires a defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peacefully and lawfully;
  - 2. An attack which results in an injury to a person in a place where such person is conducting himself peacefully and lawfully;
  - 3. Any behavior that constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself peacefully and lawfully;
  - 4. Any attack causing injury to another domestic animal or livestock;
  - 5. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

"Vicious dog" means:

- A. Any dog which in an aggressive manner, inflicts severe injury on or kills any domestic animal or human being;
- B. Any dog previously determined by the city to be a potentially dangerous dog which repeats any of the behavior which formed the basis for such determination.

"Severe injury" means:

- A. Any physical injury to a human being that results in muscle tears, disfiguring lacerations, broken bones, or requires multiple sutures, or cosmetic, reconstructive or corrective surgery.

**6.29.040 - Potentially dangerous or vicious dogs—Public nuisance.**

Dogs designated as Potentially dangerous or vicious dogs are hereby declared to be a public nuisance and subject to abatement according to law.

**6.29.050 - Impoundment.**

- A. Any dog which bites, attacks or causes injury to any human being or domestic animal may be immediately seized by the Police Chief or his or her designee and impounded pending a hearing and determination pursuant to this Chapter. The costs of any impoundment shall be paid by the dog owner in addition to any fines imposed for violation of this chapter. Payment for impoundment shall be made at time of the release of the dog, or within fifteen (15) days following a final determination of the dog as a dangerous or vicious pursuant to this Chapter.
- B. The Police Chief or his or her designee may continue to impound any dog under this Section until a hearing has been conducted as set forth in Section 6.29.060, and a determination made by the hearing officer.

**6.29.060 – Notice and Hearing**

Upon reasonable information, the police chief or his designee shall provide notice and initiate a hearing in accordance with the following procedures to determine whether a dog is potentially dangerous or vicious:

- A. Notice of hearing under this section, or any other provision of this Chapter, shall be served in any of the following means:
  - 1. Personal Service on the owner;
  - 2. Certified mail at the last known address of the owner, postage prepaid, return receipt requested.
  - 3. Posting the notice conspicuously on or in front of the property where the dog was last to be kept.
- B. The failure of the owner or keeper to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this Chapter.
- C. The hearing must be held promptly not less than five (5) working days or more than ten (10) working days after service of the notice on the owner of the dog.

- D. The Police Chief, or his or her designee, shall act as the hearing officer at the hearing to determine whether the dog is a potentially dangerous or vicious dog. A nonrefundable fee as set by resolution of the City Council shall be deposited by the dog owner, with the city to defray the city's reasonable costs of processing the dangerous dog hearing. The owner or custodian of the dog and any interested parties may present testimony and relevant evidence helpful to a determination. The testimony presented shall be sworn testimony and shall be tape-recorded. Following submission of all evidence, the hearing officer shall make a determination, which decision shall be final and not subject to appeal except by petition or application to a court of law. The hearing officer shall issue the determination within ten (10) days from the date of the hearing.
- E. If the hearing officer determines that the dog is potentially dangerous or vicious, impoundment of the dog under 6.29.050 may be continued until a determination becomes final and disposition of the dog is resolved. If legal proceedings challenging the decision are instituted and a notice is served within the time set forth in section 6.29.130, then administrative enforcement shall be suspended pending a final determination by the court.

**6.29.070 - Determination of Potentially Dangerous Dog or Vicious Dog**

- A. If there has been a final determination pursuant to Section 6.29.060 that the dog is potentially dangerous, then the hearing officer shall order that within no more than fifteen days from receipt of the determination by the hearing officer, the owner of the potentially dangerous dog comply with the conditions of maintenance and control of the dog set forth in section 6.29.080. If the owner or custodian of a dog determined to be potentially dangerous or vicious is unable to demonstrate to the satisfaction of the Police Chief, or his or her designee, within fifteen days of receipt of such determination that all of the conditions set forth in Section 6.29.080 can be met, then the Police Chief, or his or her designee, has discretion to either require the permanent removal of the dog from the jurisdiction under terms and conditions designed to protect public safety and welfare or to order that the dog be humanely destroyed.
- B. If there has been a final determination pursuant to Section 6.29.060 that the dog is a vicious dog, then the Police Chief, or his or her designee, shall determine either (1) that within no more than fifteen days the owner of the vicious dog must comply with the conditions of maintenance and control of the dog set forth in Section 6.29.080; or (2) the subject animal is found to be dangerous and such a threat to public safety that even if reasonable conditions were imposed to release the animal to the owner it would create a significant threat to the public health, safety, or welfare, and that the subject animal shall be destroyed as permitted under California Food and Agricultural Code Section 31645 or its successor provisions.

- C. Any determination that a dog is potentially dangerous or vicious will exist for the life of the dog, unless the owner can establish to the Police Chief, or his or her designee, that changes in circumstances or measures taken by the owner, such as training the dog, have mitigated the risk to the public.

#### **6.29.080 - Conditions of Ownership**

No person shall own, maintain or possess a dog determined to be a potentially dangerous or vicious dog, except upon meeting all of the following conditions:

- A. The dog shall at all times wear in a conspicuous manner a fluorescent orange "Dangerous Dog" collar at least one inch in size around its neck as evidence that it has been found to be a potentially dangerous or vicious dog.
- B. The dog shall not be permitted to be loose, or to create any danger to the peace, health, or safety of the people in the vicinity of the location where it is kept or maintained.
- C. The dog shall be kept securely within a cage or a building; or within a fenced area accessible only by the dog's owner or custodian of the premises. The type of enclosure shall be determined by the Police Chief, or his designee, as to where the dog shall be maintained. The area shall be posted to warn of the presence of a potentially dangerous or vicious dog. Signs shall be placed at each point of access where the dog may be present.
- D. The dog shall be provided with proper and adequate food, water, ventilation, shelter, and care at all times; The dog may not be subject to neglect, suffering, cruelty, or abuse.
- E. The city shall be allowed at any reasonable time, but not longer than 24-hours after notice, to inspect the dog and the conditions of care and maintenance of the potentially dangerous or vicious dog. Any costs for inspection shall be borne by the owner.
- F. The dog shall not be allowed to have contact with children that are younger than eleven years of age and who are not residents on the premises where the dog is kept.
- G. The dog shall be spayed or neutered, and a microchipped with information which identifies the dog as potentially dangerous or vicious shall be placed on the dog in a location specified by the Police Chief, or his designee, all at the owner's expense within fifteen days of the final determination that the dog is potentially dangerous or vicious. It shall be at the city's discretion if the animal

be taken straight from impoundment to the veterinarian of the owner's choice for such surgery. The city will then be provided with proof of the surgery for the file.

- H. Proof satisfactory to the Police Chief of liability insurance secured by the owner of the property where the dog is to be maintained shall be presented to the city with minimum coverage limits against injuries or damages arising out of actions of such dog in the amount of at least three hundred thousand dollars.
- I. Such other conditions that the Police Chief or his designee may specify.
- J. The owner or the keeper of any dog determined to be a dangerous or vicious under this Chapter must notify the City immediately if the dog is on the loose or unconfined.
- K. The owner or keeper of any dog determined to be dangerous or vicious under this Chapter must notify the City if the dog dies, is sold, transferred, kept in a new location, or the owner or keeper changes addresses.

#### **6.29.090 - Designation in Records.**

If a dog is found to be potentially dangerous or vicious, it shall be so designated in the records of the Police Chief or his designee. The owner or keeper of a potentially dangerous or vicious dog shall in addition to the regular licensing fees pay the Police Chief, or his designee, an annual permit fee to provide for the increased costs of maintaining the records of the dogs. These fees will be set by resolution of the City Council.

#### **6.29.100 - Violation of Potentially Dangerous Dog or Vicious Dog Conditions.**

Upon reasonable information that the conditions of owning or maintaining a potentially dangerous or vicious dog have been violated, the Police Chief, or his or her designee, shall impound the dog and order a hearing in accordance with the procedures of Section 6.29.060(B) of this Chapter to determine if the conditions of Section 6.29.070 have been violated. If there is a final determination that any of the conditions of maintaining or controlling a potentially dangerous or vicious dog have been violated, then after the time for appeal has lapsed the Police Chief, or his or her designee, has discretion to either require the permanent removal of the dog from the jurisdiction under terms and conditions designed to protect public safety and welfare or to order that the dog be humanely destroyed.

#### **6.29.110 - Production of Potentially Dangerous Dog or Vicious Dog for Destruction.**

If pursuant to Section 6.29.060 or Section 6.29.090 of this Chapter the Police Chief, or his designee, orders that the potentially dangerous or vicious dog be destroyed, and the

dog has not been impounded under this Chapter, then the owner or custodian of the dog shall comply within fifteen days by either:

1. Delivering the dog to the Police Chief or his designee for destruction; or
2. Having the dog humanely destroyed by a licensed veterinarian.

If a veterinarian destroys the dog, then proof of destruction shall be supplied by a declaration under penalty of perjury signed by the veterinarian for the police records. Refusal to comply with the order of the Police Chief or his designee shall be punishable as a misdemeanor.

#### **6.29.120 - Exemption.**

Any dog, which is assisting a peace officer engaged in law enforcement duties, shall be exempt from the provision of this chapter.

#### **6.29.130 - Judicial Review**

- A. Any determination made after a hearing under Section 6.29.060 of this Chapter shall be final and conclusive as to the City and may not be appealed except as provided in subsection B of this Section.
- B. Judicial review of a final decision under 6.29.060 may be had by filing a petition for writ of mandate in accordance with the Code of Civil Procedure.
- C. Any petition for appeal filed in accordance with subsection B of this Section shall be served on the City Clerk within 10 days of the final decision of the hearing officer.

#### **6.29.140 - Violation of this Chapter**

Any violation of this Chapter or any order issued by a hearing officer pursuant to this Chapter is a misdemeanor.

#### **SECTION 4.**

Nothing herein is intended to limit the City from pursuing any other remedy available at law or in equity against any person or entity maintaining, committing, or any other violation of the Code or State or Federal law.

This ordinance shall take effect 30 days after its final passage.



Any violation of this Chapter or any order issued by a hearing officer pursuant to this Chapter is a misdemeanor.

**SECTION 4.**

Nothing herein is intended to limit the City from pursuing any other remedy available at law or in equity against any person or entity maintaining, committing, or any other violation of the Code or State or Federal law.

This ordinance shall take effect 30 days after its final passage.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on June 19, 2018, and enacted at a regular meeting of the City Council of the City of Anderson held on August 21, 2018, by the following vote:

AYES: Councilmembers Browning, Baugh, Hunt, Neutze, and Mayor Cornick.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

  
\_\_\_\_\_  
Norma Cornick, Mayor of the City of Anderson

ATTEST:

  
\_\_\_\_\_  
Juanita Barnett, City Clerk