

ORDINANCE O2018-\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING MANTECA MUNICIPAL CODE TITLE 6, ANIMALS, CHAPTER 6.04, ANIMALS GENERALLY AND 6.08 DOGS, 6.08.150 KENNELS

WHEREAS, currently, the City of Manteca does not have a limit on the number of dogs and cats allowed per dwelling, nor does it have a Municipal Code concerning the removal of animal excrement deposited on public and/or private property; and

WHEREAS, the City of Manteca has an important interest in setting and enforcing certain standards within the community as a whole in order to better promote property values through improved community aesthetics, as well as provide for the general welfare and quality of life of its citizens.

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

**SECTION 1: Amendment.** Manteca Municipal Code section 6.04 is hereby amended to read as follows:

**Chapter 6.04 ANIMALS GENERALLY**

**6.04.010 No relief from zoning requirements.**

Notwithstanding any other provisions of this title, it is unlawful for any person to keep or maintain or cause to be kept or maintained any animal or fowl, unless the keeping of such animal or fowl is permitted in the particular district as provided in the zoning code of the city. (Prior code § 3-1)

**6.04.020 Sanitation requirements.**

No person shall at any time maintain any lot or other premises, or any portion thereof, in the city, upon which any animal is kept in an unsanitary condition. No person shall maintain any such lot or other premises, or portion thereof, upon which any animal is kept, in such condition as to cause the same to be infested with flies or insects or to create any noxious or offensive odors. (Prior code § 3-2)

**6.04.021 Defecation Removal**

It is unlawful for any owner, keeper or controller of any animal to refuse or fail to remove promptly excrement deposited by said animal upon any common thoroughfare, street, sidewalk, play area, park, other public property or any private property when permission of the owner or tenant of said property has not been obtained.

**6.04.030 Vicious animal—Designation.**

A. Any animal, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior, is vicious within the meaning of this title:

1. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting him or herself peacefully and lawfully;
2. An attack which results in property damage or in an injury to a person when such a person is conducting him or herself peacefully and lawfully;
3. An attack on another animal, livestock, or poultry which occurs on property other than that of the owner of the attacking animal;
4. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting him or herself peacefully and lawfully.

B. For the purposes of this section, a person is conducting him or herself peacefully and lawfully upon the private property of an owner or possessor of the animal when he or she is on such property in the performance of any duty imposed on such person by state or local law or by the laws of postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied. (Ord. 766 (part), 1987; prior code § 3-14)

**6.04.031 Possession of vicious animal—Prohibited—Penalty.**

- A. It is unlawful for any person to own or have the care, custody, control or possession of a vicious animal, as defined in Section 6.04.030, within the city limits.
- B. A violation of this section constitutes a misdemeanor, and is punishable by a fine not exceeding one thousand dollars, or imprisonment in the county jail, or by both such fine and imprisonment. (Ord. 862 § 1, 1990)

**6.04.040 Vicious animal—Investigation.**

Any animal quarantined for biting a human being and any incident reported to the animal services officer concerning a vicious animal may be investigated by the animal services officer. If, based on the investigation, the animal services officer concludes that there is probable cause to believe that the animal is vicious, he or she shall so certify in writing within ten days following completion of the investigation to the person owning or controlling the animal. Upon completion of an investigation by the animal services officer, a complete report, including comments from neighbors regarding the vicious animal, shall be submitted to the police chief or designee, along with the recommendation regarding prosecution. (Ord. 1495 § 1, 2011; Ord. 1077 § 3(part), 1998; Ord. 766 (part), 1987; prior code § 3-14.1)

**6.04.050 Vicious animal—Confinement.**

If there is probable cause to believe that an animal is vicious, and the animal services officer so certifies, such officer or any police officer or other authorized employee of the city may enter upon private premises, in accordance with state and federal law, in order to seize any such vicious animal, whether running at large or not, and shall confine the animal at an appropriate animal shelter. The confinement shall continue pending the decision of the court, or other authorized body, as to whether the animal shall be deemed vicious. (Ord. 1495 § 1, 2011; Ord. 766 (part), 1987; prior code § 3-14.2)

**6.04.060 Public nuisance—Abatement.**

Any violation of this title shall be considered a public nuisance and, upon direction of the city council, the city attorney shall take action to abate the nuisance. (Ord. 766 (part), 1987; prior code § 3-14.3)

**6.04.061 Limitations on Number of Dogs and Cats.**

It is unlawful for any person to keep or harbor more than three (3) dogs and three (3) cats which are over the age of four months on any lot, premises, dwelling, building, structure, boat or living accommodation, except as provided for in Section 6.08.150. Owners who have more than the stated number of dogs (3) and cats (3) as of the passing of this ordinance are exempt for those animals only as long as they are currently licensed with the City of Manteca.

**6.04.070 Violation—Penalty.**

Except as otherwise provided, any violation of this chapter shall constitute an infraction, and is punishable by a fine not exceeding one hundred dollars. Each additional violation of this chapter within twelve months shall constitute a misdemeanor, and is punishable by a fine not exceeding one thousand dollars, or imprisonment in the county jail, or by

both such fine and imprisonment. (Ord. 862 § 2, 1990; Ord. 840 § 2, 1989; Ord. 766 (part), 1987; prior code § 3-14.4)

**6.04.080 Fees.**

The city council shall set, by resolution, the fee dollar amount for all services provided to carry out the provisions of this title. Such resolution may be amended from time to time by further resolution of the city council. (Ord. 1077 § 2, 1998)

**Chapter 6.08 DOGS****6.08.150 Kennels.**

A. Any person, except as hereinafter provided, proposing to construct or locate a dog kennel in the city for the purpose of breeding, raising, boarding, or harboring dogs, must first obtain a permit to conduct a dog kennel from the finance director. Such permit shall be issued only after review a department designee. Such permit shall not be issued until a notice has been posted by the police chief or designee in a conspicuous place on the premises for ten days, during which time any person owning or living in property within two hundred feet of the property on which the kennel is proposed to be constructed or located, may file a protest with the police chief or designee and, upon receipt of such protest, the police chief or designee shall refuse to approve the application. The police chief or designee may prescribe which of the aforesaid activities mentioned may be allowed in the kennel for which the permit to conduct a dog kennel is granted.

B. Any person having more than three dogs in possession which are four months of age or older shall be considered as operating a dog kennel and must obtain a permit to conduct a dog kennel as set forth in subsection A of this section.

C. The provisions of this section pertaining to the posting of notice and protest of any person owning or living in property within two hundred feet shall not apply to kennels which were established and operating on April 5, 1954. This exception shall apply only so long as such kennels remain established at same location and on the same lot or lots as they were on that date. (Ord. 1077 § 3(part), 1998; prior code § 3-26)

**SECTION 2: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

## ATTACHMENT 1

**SECTION 3: Effective Date.** This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: \_\_\_\_\_  
STEPHEN F. DEBRUM

ATTEST: \_\_\_\_\_  
LISA BLACKMON, CITY CLERK

STATE OF CALIFORNIA  
COUNTY OF SAN JOAQUIN }  
CITY OF MANTECA }      SS:

I, Lisa Blackmon, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_, and had its second reading and was adopted and passed during the public meeting of the City Council on the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
LISA BLACKMON  
City Clerk