

**CITY OF OROVILLE  
ORDINANCE NO. 1875**

**AN ORDINANCE ADDING SECTION 6.08.120(A) TO THE OROVILLE MUNICIPAL CODE  
RELATING TO DANGEROUS OR VICIOUS ANIMALS**

**SECTION 1.** Findings. The City Council of the City of Oroville finds:

- A. The City of Oroville contracts with the Northwest for animal control services, these services are facilitate through the Oroville Police Department.
- B. The Oroville City Council sets policy through the adoption of ordinances to amend the Municipal Code for the City of Oroville, at a regular meeting held pursuant to open meeting laws.
- C. The City Council is the governing body of a City. The City Council sets laws, rules, guidelines, responsibilities, restrictions, penalties and consequences for animal ownership to ensure the safety of all community members.
- D. The proposed Dangerous or Vicious animal policy enacted by this Ordinance will be maintained by the Oroville Police Department.
- E. The proposed Dangerous or Vicious animal policy enacted by this Ordinance will be published prior to enactment and will be reviewed as necessary by the City Council.

**SECTION 2.** Chapter 6.08.120(A) of the Oroville Municipal Code is added to read as follows:

Chapter 6.08.120(A)  
"Dangerous or Vicious Animals" ORDINANCE

Sections:

- 6.08.120(A) Purpose
- 6.08.120(B) Definitions
- 6.08.121 Investigation, confinement, seizures and impoundment
- 6.02.122 Dangerous animals
- 6.08.123 Vicious animals
- 6.08.124 Destruction of vicious animal
- 6.08.125 Determination of potentially dangerous or vicious animal - Hearing
- 6.08.126 Time limit to meet requirements
- 6.08.127 Dogs to be kept under control at all times
- 6.08.128 Impoundment authorized
- 6.08.129 Compliance required – Violation
- 6.08.129 (A) Exception
- 6.08.129 (B) Restriction on future ownership
- 6.08.129 (C) Removal of designation
- 6.08.129 (D) Permit for dangerous animals required

#### 6.08.120(A) Purpose

This chapter is intended to reduce the risk of attacks or bites by dogs and other animals.

#### 6.08.120 (B) Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

A. The following circumstances shall be deemed to be “mitigations.” Mitigation shall be a factor in consideration of whether an animal is potentially dangerous, dangerous, or vicious but will be weighed with other circumstances in the making of that determination, including, but not limited to, circumstances such as the nature of the trespass, the age of the trespasser, and the training of the animal in the use of deadly force. Mitigation shall not be considered if the animal has been trained to attack in a manner which will violate any other provision of law.

B. A person is “peaceably 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 upon him or her by the laws of this State or any city or county, or by the laws or postal regulations of the United States, or when he or she is on such property upon invitation, expressed or implied.

C. “Proper enclosure of a dangerous animal” means that a dangerous animal shall be securely and humanely confined on the owner’s property:

1. Within a fence line or structure suitable to prevent the entry of young children, and which is suitable to confine a dangerous animal in conjunction with other measures which shall be taken by the owner or keeper of the animal, such as keeping the animal held securely on a chain. The enclosure shall be designed in order to prevent the animal from escaping; or

2. In an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping or the entry of unauthorized persons. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. All sides must be embedded into the ground no less than two (2' 0") feet unless the bottom is adequately secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5' 0") feet by ten (10' 0") feet, and not less than six (6' 0") feet high.

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

E. "When unprovoked" means that the person who has suffered the injury has not caused nor been a party to any act of teasing, tormenting, abusing, or assaulting the animal, which act of teasing, tormenting, abusing, or assaulting resulted in the animal inflicting injury on that person.

**6.08.121 Investigation, confinement, seizures and impoundment.**

A. Whenever an animal suspected of being dangerous or vicious is reported, an Animal Control Officer shall investigate the circumstances and if he or she finds that the animal shows a propensity to attack, bite, scratch, or harass people or other animals without provocation, or displays any other such behavior, he or she shall notify the owner in writing, stating all the facts and circumstances. An Animal Control Officer may order that the animal be kept within a substantial enclosure, securely leashed or otherwise controlled.

B. If the Animal Control Officer has probable cause to believe an animal may be designated as "dangerous" or "vicious" under this title, the owner is unwilling or unable to properly contain and/or control the animal immediately, and the animal poses an immediate threat to the safety of persons or domestic animals, the animal can be seized, pending the outcome of hearing or appeal; or during the period of time the owner requires to comply with any requirements imposed hereunder, the animal shall be kept at the animal shelter facility at the owner's expense.

C. The animal's owner shall be charged for all costs incurred or fees applicable with respect to such impoundment unless a finding is made that the animal is not potentially dangerous or vicious, or not subject to destruction. An animal held under the provisions of this section shall not be released until the owner pays all charges as specified in OMC Sections 6.08.120(A) through 6.08.122. If the owner refuses to pay such charges, the animal shall be treated as unredeemed by the owner, and disposed of pursuant to OMC Section 6.08.125. Disposal of the animal does not release the owner from his or her responsibility to pay the keeping charges.

**6.08.122 Dangerous animals.**

A. Any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior, is presumed dangerous:

1. Any animal that chases or approaches any person or domestic animal, anywhere other than on the property of the owner or custodian, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling;

2. Any animal which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the animal;

3. Any animal which, when unprovoked, bites a person causing a less severe injury than as defined in OMC Section 6.08.120 (B) (D);

4. Any animal which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking any other animal off the property of the owner or keeper of the animal.

B. An Animal Control Officer may issue a notice designating an animal exhibiting the aforementioned characteristics as dangerous and may recommend that the animal's owner take certain actions to prevent future injury by the animal, notwithstanding exceptions as provided for in Section 31626 of the Food and Agriculture Code. Such designation shall be subject to a hearing as provided for in OMC Section 6.08.125.

#### 6.08.123 Vicious animals.

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

A. Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being, in a place where such person is conducting himself or herself peacefully and lawfully;

B. An animal which has been trained to fight or which is owned or harbored for this purpose;

C. Any animal previously determined to be and currently listed as a dangerous animal which, after its owner or keeper has been notified of this determination, continues the behavior described in OMC Section 6.08.122 or this section, or is maintained in violation of OMC Section 6.08.120(A).

#### 6.08.124 Destruction of vicious animal.

After the notice and hearing provided for in OMC Section 6.08.125, Animal Control may further find, in writing with supporting reasons, that an animal is so vicious, or that other special circumstances exist, such that maintaining the animal poses a substantial threat to public health and safety. Ten (10) days after mailing notice of a finding under this section, Animal Control may dispose of any vicious animal by humanely destroying it by injection.

#### 6.08.125 Determination of potentially dangerous or vicious animal – Hearing.

A. An animal which exhibits any behavior described in OMC

Sections 6.08.122 through 6.08.123, inclusive, may be determined to be a dangerous or vicious animal. The status shall be established after a hearing as hereinafter provided.

Proceedings may be instituted by:

1. Observation by an Animal Control Officer;
2. A complaint sworn by a person or persons who observed the behavior complained of.

B. Hearings for classification as “dangerous” or “vicious” shall be conducted as follows:

1. The owner shall be given written notice, by first class mail with return receipt requested, or personal service, of the facts which are the bases of the complaint and notice of a hearing. The owner shall be notified of the restrictions which will apply to the animal if it is classified as a dangerous or vicious animal.

2. The owner may waive his or her right to a hearing by filing a written waiver with Animal Control, whereupon Animal Control shall make the findings and apply the sanctions provided in this title.

3. Any hearing shall be set not less than five (5) business days nor more than ten (10) business days after the notice was mailed to the owner by first class return receipt mail or the owner was personally served, unless the animal has been seized, in which case the hearing must be conducted not later than ten (10) business days after the seizure.

4. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed, and an appropriate order shall be issued.

5. The hearing shall be conducted before a hearing officer. The appointment of the hearing officer shall be by the City Attorney. Any person designated to serve as a hearing officer is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law. The City Attorney shall promulgate rules and procedures as are necessary to establish a list of qualified persons who are capable of acting on behalf of the City of Oroville as hearing officers and for the disqualification of hearing officers.

6. The hearing officer may continue hearings, based on good cause, as established by one (1) of the parties to the hearing or if the hearing officer independently determines that due process has not been adequately afforded.

7. The hearing officer shall consider all relevant evidence presented at the hearing. The formal rules of evidence shall not apply. The hearing officer shall also consider

circumstances of mitigation, as well as the owner's and animal's history. If the hearing is held as a result of a sworn complaint, at least one (1) of the complainants shall appear and testify at the hearing or the complaint shall be dismissed.

8. After the hearing, the owner or keeper of the animal shall be notified in writing of the determination and orders issued, either personally or by first class return receipt mail. The hearing officer shall make a written determination within fifteen (15) days after the hearing is concluded, unless the animal has been seized, in which case the determination shall be made in seven (7) days. The decision of the hearing officer shall be final. The complainant, if any, shall be provided with a copy of the determination of the hearing officer.

9. Within five (5) days of the receipt of the notice of determination, either the City or the owner or keeper of the animal may appeal the decision of the hearing officer to the superior court having jurisdiction over the matter. The party appealing the determination shall serve personally or by first class return receipt mail, notice of the appeal on the other party. Any such appeal shall be by trial *de novo*.

10. The determination of the court hearing the appeal shall be final and conclusive upon all parties.

C. If an animal is determined to be vicious, the animal shall be immediately removed from corporate limits of the City. If an animal is designated "dangerous," the following sanctions shall be applied:

1. Reserved.

2. A dangerous animal shall be securely confined in an enclosure as described in OMC Section 6.08.120 (b) or in the dwelling while on the owner's or custodian's property. The owner shall conspicuously display signs with a symbol warning of the presence of a dangerous animal.

3. While off the owner's premises, a dangerous animal shall at all times be restrained by a substantial chain or leash not exceeding three (3' 0") feet in length, be capable of restraining four (4) times the weight of the animal, and held by and under the control of a responsible adult.

4. All dangerous animals shall be properly licensed, microchipped and vaccinated. In addition, the City shall license the animal as a "Dangerous Animal" and place the information in the licensing records of such animal, and the owner shall pay a thirty-six (36) month dangerous animal licensing fee. The fee shall be established from time to time by resolution of the City Council.

5. A dangerous dog shall be spayed or neutered, at the owner's expense, within thirty (30) days of a dangerous animal determination.

6. An Animal Control Supervisor and/or designee is authorized to make whatever inspections he or she deems necessary to ensure compliance with these provisions.

7. The animal must be securely muzzled while off the owner's property at all times. The muzzle must be constructed to allow normal respiration but impossible for the animal to remove without human assistance.

8. The owner of the animal shall enroll the animal in an obedience class that addresses the animal's behavior. The course must be no less than eight (8) weeks and must be provided through a certified trainer. Proof of successful completion must be provided to Animal Control by the animal owner immediately following completion of the class. The owner of the animal shall be responsible for all fees and charges to attend the class.

9. The owner of the animal shall complete a "dangerous animal permit" application and pay in full the permit fee. The fee is established by resolution of City Council.

10. The owner shall obtain and provide evidence of a public liability insurance policy from an insurer licensed to practice in the State of California, in a single incident amount of not less than One Hundred Thousand and no/100<sup>ths</sup> (\$100,000.00) Dollars, for injury or death of any person or persons, or loss or damage to any property caused by or resulting from any act of the animal. The Chief of Police shall be notified in writing at least ten (10) days prior to the cancellation or renewal of the policy.

D. Failure to maintain any animal found to be dangerous consistent with the provision of this section shall constitute a misdemeanor, punishable as set forth in OMC Section 6.08.120 (b)

6.08.126 Time limit to meet requirements.

All requirements for owners of dangerous animals must be satisfied within thirty (30) days of issuing a notice of designation as set forth in OMC Section 6.08.122 (B), unless otherwise specified, in the permit. Satisfactory proof of compliance must be provided to Animal Control. If all requirements for owners of dangerous animals are not satisfied within thirty (30) days of the notice of designation, or the owner is unable or unwilling to implement them, the animal shall be humanely euthanized either by an Animal Control Officer or by a licensed veterinarian. Proof of euthanasia shall be provided to an Animal Control Officer within three (3) days of its occurrence. [Ord. 4-2013 §6, eff. 4-12-2013; Ord. 7-2009 §3, eff. 5-1-2009; Ord. 48-2008 §3, eff. 11-7-2008]

6.08.127 Dogs to be kept under control at all times.

Even if the owner is in compliance with the regulations for keeping such a dangerous animal, if such animal attacks, bites, causes injury, or otherwise threatens the safety of a human being or domestic animal, then such animal shall be immediately impounded at the animal shelter and be subject to destruction.

| 6.08.128 Impoundment authorized.

If upon receiving written notification the owner fails to restrain or control a dangerous animal, as ordered, the owner is in violation of this title and an Animal Control Officer is empowered to seize and impound or destroy the animal.

| 6.08.129 Compliance required – Violation.

Failure of any owner to comply with the provisions of this chapter relating to the keeping, harboring, owning, possessing, or controlling of any dangerous or vicious animals shall constitute a misdemeanor.

| 6.08.129 (A) Exception.

Nothing in this chapter shall limit the right of any person or officer to take any proceedings against a dangerous or vicious animal or the owner thereof otherwise permitted or provided by State law.

| 6.08.129 (B) Restriction on future ownership.

A. Any person who owns, possesses, keeps or harbors an animal determined to be dangerous or vicious pursuant to this title may, after opportunity for hearing and a finding of good cause by an Animal Control Officer, be subject to restrictions on the ownership of other animals of the species for a period of five (5) years after the original determination of dangerous.

B. At least fifteen (15) days prior to imposition of restrictions, an Animal Control Officer shall mail or otherwise deliver to the person on whom restrictions are proposed a notice containing a statement of the reasons supporting the imposition of restrictions and specifying the proposed restrictions and notice of the person's right to request, in writing within five (5) days of receipt of the notice, a hearing before the hearing officer as to the existence of good cause for imposition of restrictions. If a hearing is requested, the City shall mail or otherwise deliver to the requesting party notice of the time and place of the hearing. If, after the hearing, the hearing officer determines that good cause for restrictions exists, he or she shall impose the specific restrictions within ten (10) days after mailing notice of the decision. If no hearing is requested, the Animal Control Officer shall impose restrictions within fifteen (15) days of the original notice.

| 6.08.129 (C) Removal of designation.



A. If there are no additional instances of the behavior described in OMC Section 6.08.122 or 6.08.123 within a thirty-six (36) month period from the date of designation as a dangerous animal, the animal shall be removed from the list of dangerous animals.

B. The owner of a dangerous animal shall notify Animal Control immediately if said animal is loose, unconfined, has attacked another animal or human being, or has died or if moved to a new location within the corporate limits of the City of Oroville for purposes of re-inspection of the animal's enclosure.

C. A dangerous animal shall not be sold, bartered, given away, or placed in a new home without prior notification of and approval by Animal Control. Any new owner must comply with the requirements of this section. If the animal in question dies, or is sold, transferred, or permanently removed from the city where the owner or keeper resides, the owner of the dangerous animal shall notify Animal Control of the changed condition and new location of the animal in writing within two (2) business days.

6.08.129 (D) Permit for dangerous animal required.

Upon receipt of a permit application to keep a dangerous animal, an Animal Control Officer may investigate the application and, after permit fees have been paid, may grant a City permit if, in his or her discretion, he or she finds the following conditions are satisfied:

A. All aspects of OMC Section 6.08.127 have been met;

B. The animal will not create any detriment or danger to the peace, health, or safety of the people in the vicinity of the location the animal will be kept;

C. Possession and maintenance of the animal at the location has not resulted in and is not likely to result in an animal being subjected to neglect, suffering, cruelty, or abuse;

D. The location where the animal is possessed or maintained is kept clean and sanitary, and the animal is provided with proper and adequate food, water, ventilation, housing, and care at all times;

E. Neither the applicant, owners, nor the possessor of the animal has had a City dangerous animal permit or any other license required under this title revoked, or been convicted of a violation of this title or any law regulating animals within three (3) years;

F. The animal shall not be possessed nor maintained at any other location than that expressed on the permit.

**SECTION 3.** This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the City of Oroville along with the names of the members of the City Council of Oroville voting for and against same.


**PASSED AND ADOPTED BY THE** City Council of the City of Oroville, County of Butte, State of California, on this 16th day of January, 2024, by the following vote:

**AYES:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**NOES:** None

**ABSENT:** None

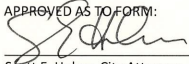
**ABSTAIN:** None

  
\_\_\_\_\_  
Eric Smith, Vice Mayor

ATTEST:

  
\_\_\_\_\_  
Brian Ring, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Scott E. Huber, City Attorney