Chapter 6.20 MISCELLANEOUS ANIMAL CONTROL REGULATIONS*

***Note to Chapter 6.20.**

** Prior code history: Prior code §§ 6.04.080--6.04.090, 6.12.145--6.12.150, 6.20.010 and 6.24.010--6.24.050.*

6.20.010 Unnecessary noise.

It is unlawful for any person to keep, maintain, or permit on any lot or parcel of land, any dogs, cats or household pets, which by any sound or cry shall disturb the peace and comfort of any neighborhood. (Ord. 2000-01 (part), 2000)

6.20.020 Abatement of noise or nuisance.

Whenever it shall be affirmed in writing by three or more persons living in separate dwelling units in the neighborhood that any dog, cat, animal, poultry or household pet is a habitual nuisance by reason of howling, barking, or other noise, or is in any other manner causing undue annoyance, that shall constitute a public nuisance; if the police department or other agency designated by resolution determine such public nuisance to exist, shall serve notice upon the owner or custodian that the public nuisance shall be abated or the animal shall be impounded in a legal manner. If the nuisance and annoyance cannot be successfully abated and the police department or other agency designated by resolution determines it necessary to impound such dog, cat, animal, poultry or household pet, they shall not permit the reclaiming or redemption of the animal to the owner or custodian unless adequate arrangements have been made by the owner or custodian to ensure abatement of the annoyance or public nuisance. (Ord. 2000-01 (part), 2000)

6.20.030 Owner's responsibility for disposal.

It is unlawful for any owner or person, who, having had the possession or control of any dog, cat or household pet, while alive, to place the body of such dog, cat or household pet, after its death, or cause to permit it to be placed or to knowingly allow or permit it to remain, in or upon any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot, premises or property of another. (Ord. 2000-01 (part), 2000)

6.20.040 Violation of quarantine.

It is unlawful for any person to suffer or permit any dog or cat owned, harbored, or controlled by him to violate any written quarantine notice. (Ord. 2000-01 (part), 2000)

6.20.050 Symptoms of rabies.

Whenever the owner or person having the custody or possession of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, the owner or person having custody or possession of such animal shall immediately notify the police department or other agency designated by resolution. The police department or other agency designated by resolution shall make or cause an inspection or examination of such animal to be made by a licensed veterinarian until the existence or nonexistence of rabies in such animal is established by the veterinarian. Such animal shall be kept isolated in a veterinary hospital or other adequate facility in a manner approved by the police department or other agency designated by resolution and shall not be killed or released. (Ord. 2000-01 (part), 2000)

6.20.060 Cats—Impounding and disposition.

A. It shall be the duty of the police department or other agency designated by resolution to receive and impound all cats believed to have been abandoned by their owners. The police department or other agency designated by resolution shall provide proper care and attention, food and water, for all cats impounded and shall keep such cats for the period of time specified in SEC. 13. Section 31752 of the Food and Agricultural Code unless the cats are sooner reclaimed or redeemed by the owner or person having control thereof. Such redemption may be made by paying the police department or other agency designated by resolution any charges at a fee per day for the care of the cats as imposed thereon.

B. No fees whatsoever shall be charged or collected for or on account of any cat which has been unlawfully taken up or impounded. The owner of a cat who believes the cat has been unlawfully seized may request a hearing in accordance with the procedure set forth in Section 6.16.030.

C. At the period of time specified in SEC. 13. Section 31752 of the Food and Agricultural Code, the police department or other agency designated by resolution may, without notice and without advertising in any manner, sell, give away, or dispose of the cats; provided, however, the police department or other agency designated by resolution may not sell, give away, or transfer title to any cats for any purposes set forth in Section 6.12.220; provided further, however, the police department or other agency designated by resolution may not sell or give away any female cat that has not been spayed, or any male cat that has not neutered, unless the cost of spaying or neutering such cat, as determined and promulgated by the police department or other agency designated by resolution, has been deposited with the pound.

D. Any cat found trespassing on any private property in the city may be taken up by the owner or possessor of the property and delivered to the police department or other agency designated by resolution or detained on the property until picked up by the police department or other agency designated by resolution.

E. Every person taking up any cat under the provisions of this chapter and every person finding any lost, strayed or stolen cat shall, within twenty-four hours thereafter, give notice thereof to the police department or other agency designated by resolution and every such person in whose custody such cat may, in the meantime, be placed shall surrender such animal to the police department or other agency designated by resolution without fee or charge and the police department or other agency designated by resolution shall thereupon hold and dispose of such cat in the above described manner. (Ord. 2000-01 (part), 2000)

6.20.070 Animals and poultry at large.

No person shall allow or permit animals or poultry, other than household pets, to run at large upon any public street or place, or to trespass upon the property of another. This provision shall not be construed as permitting the running at large of any household pets who are restricted by the provisions of this title, or by any law applicable thereto. (Ord. 2000-01 (part), 2000)

6.20.080 Unsanitary conditions.

No person shall keep upon any premises, any animals, poultry or household pets in a foul, offensive, obnoxious, filthy or unsanitary condition. (Ord. 2000-01 (part), 2000)

6.20.090 Animal raising.

The raising or keeping of animals is allowed without a land use permit, subject to the standards of this section, provided that these standards do not apply to household pets.

A. General Standards.

1. Maintenance. Corrals, pens, feed areas, paddocks, stables, and permanently fenced pasture are to be maintained free from litter, garbage and the accumulation of manure.

2. Animal Restraint and Shelter. No person shall permit any animal to be or remain during the night time secured by a stake or any other manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such animal.

3. Overall Animal Density. Unless a larger number is allowed through development plan approval, the maximum number of animals allowed on a single site is the cumulative total of any two animal densities set by subsections B1 through B8 of this section.

4. Noise and Other Nuisances. No animal shall be kept which is noisy, dangerous, or in some way prevents the full use and enjoyment of neighboring properties.

B. Specific Animal Raising Activities.

1. Bees are not allowed in the city.

2. Birds. Facilities for the raising of ten or less domestic birds or birds intended for sale in pet shops as a home occupation, excluding poultry or game fowl, are allowed with no minimum site area. Domestic birds are defined as canaries, parrots and other birds which are small and tame.

3. Cattle and Horses.

a. Minimum site area: one acre;

b. Maximum number of animals allowed is one per acre;

c. Corrals and other animal enclosures are to be located at least one hundred feet from any residence other than that of the animal owner.

4. Game, fowl, poultry and rabbits, including other noncarnivorous animals of similar size, but not including turkeys; see also subsection B8 of this section.

a. Limitations. Except on parcels of two acres or larger, where all adjacent parcels are of equivalent size or larger, no male fowl or poultry are to be kept or raised in any residential category;

b. Minimum site area is two thousand five hundred square feet;

c. Enclosure Required. All game fowl, poultry and rabbits are to be contained in covered coops or pens, and not allowed to run free of a site;

d. The number of game fowl and poultry is limited to a ratio of one mature animal per two thousand square feet of lot area. The maximum number of animals is twenty-five;

e. Animal enclosures are to be located a minimum of twenty-five feet from any residence on adjoining lot, and seventy-five feet if more than five game foul or poultry are kept.

5. Sheep.

a. Minimum site area is one acre;

b. Animal Density. The number of animals allowed is four per acre;

c. Setbacks. Animal enclosures are to be located a minimum of fifty feet from any residence on an adjoining lot;

6. Hogs and swine are not permitted in the city.

7. Mink, and any other carnivorous animals of similar size at maturity are not permitted in the city.

8. Turkeys are not permitted in the city.

9. With approval of a permit by the city council, no more than four goats may be kept or raised on private property. Permits for keeping goats may be applied for in writing on a form available at Pismo Beach city clerk's office.

The short term use of goats for weed abatement purposes does not require permit approval and is not subject to the following conditions.

A permit for keeping or raising goats shall only be granted upon a showing by the applicant that appropriate provisions have been made for sanitation, care, caging and odor control appropriate for the breed of goat for which the permit is requested. All accessory structures used for the purpose of housing or keeping animals shall be set back a distance of at least ten feet from a property line. No accessory building, structure or pen shall occupy any portion of a front yard or side yard on a street.

In addition to the general standards found in this section and any conditions of permit approval deemed necessary by the city council, the following conditions shall apply to all permits for keeping and raising goats on private property:

a. No goat(s) shall be allowed to devegetate an area so as to cause erosion problems.

b. Should goat feces accumulate and create an odor problem, the feces shall be immediately cleaned up from the site.

c. Goats shall be kept at least twenty-five feet (measured in a horizontal distance) from any open water drainage system.

d. No permit shall be issued if another permit is in force within two hundred feet of any property boundary.

e. The guardian/owner of the goats or person in charge shall agree to hold the city harmless from all liability and costs in the event of any damage, injury or accident caused by such goats, whether unintentional, intentional, and/or negligent.

f. Approval is granted for a one-year trial period and the keeping or raising of goats on the subject property shall be reviewed by the city's animal control officer or its agent after the one-year trial period to determine if the permit allowing goats should be continued, further conditioned, or revoked.

Owners and tenants of properties within three hundred feet of a site for which a permit to keep or raise goats has been submitted shall be notified by mail at least ten days before city council consideration of the permit request.

10. Dangerous Animals. Lions, tigers, poisonous snakes, alligators and other animals able or likely to inflict injury are not permitted in the city. (Ord. O-2014-007 (part), 2014; Ord. 2000-01 (part), 2000)

6.20.100 Nonconforming keeping of animals.

The keeping of types or numbers of animals not allowed by Section 6.20.090 may be continued provided that:

A. The number of animals existing on the effective date of the ordinance codified in this title is not to be increased except as provided in Section 6.20.090;

B. New offspring of existing animals may be retained on-site until weaned, after which the new animals are to be removed;

C. Deceased or relocated animals are not to be replaced;

D. Public Nuisances. Though this section provides for the keeping of animals that are not in conformity with this section, such use may be declared a public nuisance by the city council and abated as provided in the zoning ordinance, where the use is found by the city council to be dangerous or to prevent the full use and enjoyment of neighboring properties. (Ord. 2000-01 (part), 2000)

6.20.110 Animals prohibited in public parks.

A. It is unlawful for the owner or person having ownership, custody or control of any animal, amphibian, bird, mammal or reptile as defined in Civil Code Section 3504, to permit the same to be in any public park or portion thereof, or on the city pier, except that leashed dogs or goats shall be permitted in public parks.

B. Any person violating the provisions of subsection A of this section is guilty of an infraction and upon conviction shall be punished by a fine established by resolution of the city council. (Ord. O-2014-007 (part), 2014; Ord. 2000-01 (part), 2000)

6.20.120 Feeding of birds adjacent to Pismo Creek and on Cypress Street Bridge—Prohibited.

A. On the Cypress Street Bridge, or within 100 feet of the bank of Pismo Creek, it is unlawful to:

1. Feed any pigeon, seagull or any other bird;

2. Disperse any food material or other matter edible by pigeons, seagulls, or and other any bird so as to make such material or matter available to pigeons, seagulls or other birds for ingestion; or

3. Permit any food or other matter edible by pigeons, seagulls, or any other bird to remain on the ground after dispersing or dropping the same.

B. The provisions of this section shall not apply to any public officer or public employee in the performance of his or her duties.

C. A violation of this section shall constitute an infraction for the first offense. Any subsequent violation occurring within six months after the first violation shall constitute a misdemeanor. At the discretion of the city attorney, any such violation may be prosecuted as

an infraction. (Ord. 07-07 § 2, 2007)