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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. 13858 C.M.S.

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE 6.04 (ANIMAL CONTROL) TO: (1) REDUCE THE HOLDING PERIOD FOR IMPOUNDED ANIMALS TO 72 HOURS; (2) REMOVE REQUIREMENT FOR OAKLAND ANIMAL SERVICES TO ACCEPT ALL SURRENDERED ANIMALS; (3) ALLOW FINDERS OF STRAY ANIMALS TO TEMPORARILY KEEP AND CARE FOR FOUND ANIMALS IN LIEU OF DELIVERING TO OAKLAND ANIMAL SERVICES; (4) REQUIRE OUTDOOR CATS AND IMPOUNDED AND AT-LARGE DOGS TO BE SPAYED OR NEUTERED; (5) AUTHORIZE OAKLAND ANIMAL SERVICES TO WAIVE FEES BASED ON FINANCIAL NEED; AND (6) MAKE OTHER MINOR AMENDMENTS CONSISTENT WITH STATE LAW

WHEREAS, the mission of Oakland Animal Services ("OAS") is to improve the lives of people and animals in our community by assisting injured wildlife, facilitating adoption of shelter animals, supporting guardians of companion animals, combating animal cruelty and neglect, and, when needed, serving as the safety net for the neediest animals living in the City of Oakland ("the City"); and

WHEREAS, although the exact number of dogs and cats residing in Oakland is unknown, it estimated that somewhere between 30-50% of households in Oakland own one or more dogs and/or cats, with an additional number of unowned (feral) cats residing outdoors; and

WHEREAS, the City has the responsibility of ensuring the health, safety, and well-being of animals within the City and ensuring compliance with laws relating to the keeping, care, and control of animals; and

WHEREAS, the City's animal code regulations are set forth in Title 6 of the Oakland Municipal Code, Chapter 6.04 ("Animal Control Ordinance"), and the Ordinance has not been updated in its entirety in at least 20 years; and

WHEREAS, OAS seeks to update the Animal Control Ordinance to clarify and streamline administration, remove duplicative and outdated requirements, and conform the Ordinance to current state laws and modern best practices in animal welfare and shelter administration, among other reasons; and

WHEREAS, the City has myriad obligations under state law regarding animals, including the duty to impound stray, abandoned, and injured animals found in public without their owners, to regulate animals posing a threat to public health or safety, to administer a licensing program, and to ensure that animals are kept in a manner that does not negatively impact the health or safety of the public, animals, the environment, etc.; and

WHEREAS, between 2019 and 2024, the annual intake of stray and surrendered dogs at OAS increased 37%, from 2,564 to 3,517, and the intake of cats increased 62%, from 2,009 to 2,860; in 2025, the OAS shelter took in 761 animals in February, the shortest and slowest month, and by May took in 920 animals, with an average of 840 animals per month; and

WHEREAS, the number of animals that OAS is capable of housing and caring for in a humane manner at any given point is limited and dependent on adequate space and staffing; and

WHEREAS, in order to provide the proper level of care to meet state and local mandates based on the current rate of intake, OAS would need ten full time Animal Care Attendants and is currently authorized to have only seven and, in order to provide the appropriate level of Veterinary Care, OAS should have 2 full time Veterinarians and has only one full time and one part time veterinarian, and currently OAS has only 5.5 Animal Control Officers, down from 9.5 in 2020, and largely relies on the assistance of volunteers and non-profit partner organizations to assist with the care, housing, transportation, adoption, and disposition of the thousands of animals that come into OAS every year; and

WHEREAS, the high volume of intakes and community requests for assistance has made it increasingly difficult for staff to ensure compliance with mandatory duties while upholding its mission to protect and care for animals in need, thereby creating a need for OAS to streamline its intake procedures and allow greater flexibility when taking in and caring for surrendered and stray animals; and

WHEREAS, OAS has been in collaboration with community partners and animal welfare experts for several years to revise its policies in a thoughtful way that will ultimately allow OAS to run a more humane and sustainable shelter while meeting its legal obligations regarding licensing, impoundment, and management of dangerous animals, among other duties imposed by law; and

WHEREAS, the Ordinance currently requires OAS to hold dogs impounded as stray for up to 10 days, which is significantly longer than the 72-hour minimum holding period required by state law, and OAS seeks to reduce its mandated holding period to the minimum length of time required in the interest of the health and well-being of the animal; and

WHEREAS, OAS seeks to add flexibility regarding acceptance of surrendered animals based on the capacity to provide care in a humane manner; and

WHEREAS, currently, the Ordinance authorizes OAS to waive fees for individuals based on financial hardship upon application to and approval by City Council; in practice, fees are frequently waived for those unable to pay given the large population of low-income and resource-limited individuals with animals and the relative interests at stake, since it is often cheaper for the City to return an animal to its owner rather than keeping the animal in custody or euthanizing it; and

WHEREAS, OAS seeks to systematize and streamline its fee waiver practices and policies to ensure that they are applied consistently, responsibly, equitably, and in a manner consistent with its mission of keeping animals housed, accessible, and healthy; and the ability of OAS to waive fees without Council approval will allow for swifter and more equitable administration, and to ensure that low-income and resource-limited residents are not prevented from redeeming impounded animals, complying with licensing requirements, and accessing other necessary services; and

WHEREAS, the City finds that there is a pet overpopulation problem that has resulted in a threat to public health and safety, inhumane conditions for animals, and avoidable euthanasia of animals that can be addressed through new reasonable requirements; and

WHEREAS, the spaying or neutering of dogs and cats limits their ability to reproduce, thereby reducing the number of dogs and cats that ultimately end up impounded, surrendered, abandoned, neglected, euthanized, etc.; spaying and neutering is supported by the American Humane Society, the American Animal Hospital Association, the American Veterinary Medicine Association, and other animal welfare organizations and is a well-established means of addressing pet overpopulation problems in a humane and reasonable manner, while also providing health and behavioral benefits such as extended lifespan, reduced likelihood of certain cancers and infections, and reduced behavioral issues; and

WHEREAS, currently, the City only requires dogs and cats to be spayed or neutered when they are adopted out from OAS or impounded without a license, and the City seeks to expand these requirements without mandating a wholesale ban on unaltered animals, which would be challenging to implement given lack of resources and equity considerations; the City finds that requiring the spaying or neutering of certain dogs and outdoor cats is a reasonable way to incrementally reduce the number of stray, surrendered, abandoned, neglected, and adoptable animals in Oakland; and

WHEREAS, the Animal Control Ordinance currently contains some redundant and/or disorganized provisions, many of which are covered by state law or are addressed in other sections of the Ordinance, and OAS desires to remove and merge such provisions to the extent that doing so will make the Ordinance easier to navigate without changing the underlying substantive requirements; and

WHEREAS, the City seeks to update the Animal Control Ordinance to be consistent with evolving best practices in animal welfare and state law requirements; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council does hereby find and declare that the above recitals are true and correct and an integral part of the Council's decision to enact this legislation, and hereby adopts and incorporates them into this Ordinance.

SECTION 2. Amendment of Chapter 6.04 of the Oakland Municipal Code. Chapter 6.04 (Animal Control Regulations) of the Oakland Municipal Code is amended as set forth in **Exhibit A**, attached hereto and incorporated by reference herein.

SECTION 3. No conflict with Federal or State Law. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. California Environmental Quality Act Compliance. The legislation contains no provisions modifying the physical design, development, or construction of residential or nonresidential structures. Accordingly, it can be seen with certainty that there is no possibility that it: (1) may have a significant effect on the environment and/or (2) would result in any physical changes to the environment. As a result, this action is exempt from the CEQA pursuant to the following CEQA Guidelines, taken together and each as a separate and independent basis: Section 15378 (regulatory actions), Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), and Section 15061(b)(3) (no significant environmental impact).

SECTION 6. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

SECTION 7. Correction of Errors. The City Council hereby authorizes the City Attorney to make necessary non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), prior to formal publication of the Amendments in the Oakland Municipal Code.

SECTION 8. Administrative Regulations. The City Administrator or their designee is authorized to issue regulations to implement or clarify any provision of the Ordinance contained herein, and is specifically directed to develop regulations regarding OAS' fee waiver policy.

IN COUNCIL, OAKLAND, CALIFORNIA,

SEP 15 2025

PASSED BY THE FOLLOWING VOTE:

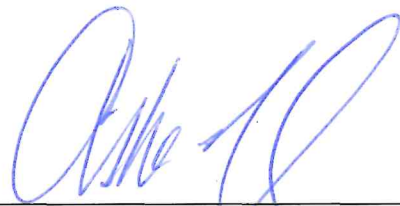
AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: _____



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California

Introduction Date JUL 15 2025

3438368 BXS

EXHIBIT A

Chapter 6.04 ANIMAL CONTROL REGULATIONS GENERALLY

6.04.010 Short title.

This title shall be known as the animal control ordinance.

6.04.020 Definitions.

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

“Adoption group” means an entity or collaboration of individuals with at least one of its purposes being the sale or placement of animals that have been removed or diverted from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter.

“Altered” means a dog or cat that has been spayed or neutered.

“Animal” means any mammal, bird, reptile, fish, amphibian, or any other non-human creature.

“Animal quarters” means the premises and all buildings, hutches, pens, coops, yards, and their appurtenances used for the keeping of animals.

“At large” means a dog or other owned, domesticated animal other than a domestic altered cat off the premises of its owner and not under restraint by leash, or chain, or not otherwise controlled by a competent person.

“Bullhook” or “Ankus” means any instrument or device consisting of a spike, hook, or any combination thereof, attached to a shaft or handle made of wood, fiberglass, metal, or other solid or flexible material.

“Cause a Performance” means to be responsible for the management of a performance even if such management does not result in financial benefit to any person, to financially benefit as an owner or operator from a performance, or to sponsor a performance even if no financial benefits are derived from such sponsorship.

“Circus” means a performance before a live audience in which entertainment consisting of a variety of acts, such as acrobats, aerialists, clowns, jugglers, or stunts, is the primary attraction or a principal part of the performance.

“Foster” means a person who is willing to temporarily take and care for an animal until the time that animal becomes suitable for adoption or other disposition as recognized by an adoption group and/or animal shelter management.

“Fowl” means a bird of a type that is used or kept for eggs or meat, generally in the order Galliformes or Anseriformes, including chicken, ducks, geese, and turkey. Domestic fowl are also commonly referred to as poultry.

“Horse” means and includes mule, burro, pony, jack, hinny, or jenny.

“Kennel” means any person, firm or corporation engaged in breeding, buying, selling, distributing or boarding dogs and/or cats.

“Livestock” includes cattle, sheep, swine, goats, equines, llamas, alpacas, and other domestic animals typically raised or kept for commercial or agricultural purposes, excluding household pets and fowl.

“Owner” means a person having the right of property or custody of an animal, or who keeps or harbors a domestic animal or knowingly permits a domestic animal to remain on or about any premises occupied, owned, or controlled by that person for fifteen or more consecutive days.

“Performance” means any showing, presentation, display, exposition, fair, act, circus, ride, trade show, carnival, parade, race, photographic opportunity, exhibition, or similar undertaking in which animals are required to appear, perform tricks, fight, or participate as accompaniments.

“Performance” shall not include:

1. “Rodeo” as defined in California Penal Code Section 596.7; and
2. Nonprofit educational or scientific events, such as academic conferences and children's wildlife outreach events sponsored by a school or museum.

“Person” means and includes any person, partnership, corporation, trust, association of persons, or entity or organization.

“Pet shop” means any person, firm, corporation, entity, organization or group of individuals operating an establishment where live animals and/or birds are kept for sale, for hire, or sold.

“Service dog” means a dog that is individually trained, or is in the process of being trained, to do work, perform tasks, or provide other assistance for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, as defined by the Americans with Disability Act, 42 U.S.C. 12101 et seq. As used herein, “service dog” is inclusive of guide dogs and signal dogs. “Service dog” does not include emotional support animals as defined by state law.

“Unlicensed dog” as used in this title means a dog for which the license for the current year has not been paid.

“Wild animal” means any animal not ordinarily and customarily domesticated, including, but not limited to, birds, skunk, raccoon, opossum, squirrel, fox, coyotes, etc.

Whenever any reference is made to any portion of this title, such reference applies to all amendments and additions thereto now or hereinafter made.

The present tense includes the past and future tenses and the future tense includes the present tense.

The singular number includes the plural and the plural, the singular.

Whenever a power is granted to, or a duty is imposed upon Oakland Animal Services, the power shall be exercised or the duty shall be performed by the Senior Animal Control Officer and/or the Animal Control Officer, or by any person or organization, its officers, agents, and employees, designated by contract or otherwise to enforce this title.

6.04.030 Dog license required.

- A. Except as provided in Section 6.04.030F, the owner of each dog four months old or older shall obtain, and keep current, a dog license from the City for the privilege of having and keeping such dog in the City. Owners must obtain a license within 30 days of either acquiring the dog or taking up residence in the City, whichever is later.
- B. Conditions. To obtain a license, the owner must register the dog with Oakland Animal Services, pay a license fee, and submit proof of compliance with rabies vaccination and microchip requirements as provided in Section 6.04.050.
- C. Term of license. The term of all dog licenses shall commence on the date the license fee is received and shall expire on the last day of the month during which the dog's rabies vaccine expires.
- D. Tag and registration. The City shall issue a metal tag plainly inscribed with the words "Oakland Dog License" and bearing the license number. The City shall enter in a register kept for that purpose the name and address of the dog owner or person to whom the license is issued, a description of the dog, and the number and date of the license. Every dog shall wear a harness or collar with the dog's registration tag attached thereon, except while such dog remains in the dwelling of the owner or guardian or in an enclosed yard adjacent thereto. It is unlawful to make, use, or possess a counterfeit or imitation tag required by this Section, or to take or remove the tag of another dog.
 - 1. Potentially dangerous and vicious dogs. A finding or determination that a dog is a potentially dangerous or vicious dog as defined by Chapter 6.08 or pursuant to state law shall be included in the dog's license records. Such dogs shall wear a distinctive tag issued by the City in addition to the regular license tag.
- E. License fees. Except as herein provided, the owner of every dog over the age of four months shall pay a license fee for each dog in an amount set forth in the City's Master Fee Schedule.
 - 1. Reduced fee. If the owner presents identification showing that the owner is sixty (60) years of age or older, the fee for said license shall be less than the regular fee. If the owner presents documentation from a licensed veterinarian confirming that the dog has been spayed or neutered, the fee for said dog license shall not exceed fifty percent (50%) of the regular license fee.
 - 2. Exemption for service dogs. The license fee shall not apply to any service dog, as defined by this title, actually being used by a person with a disability or where state law otherwise so requires.
 - 3. Additional fee for potentially dangerous or vicious dogs. The owner of any dog determined to be potentially dangerous or vicious as set forth in Chapter 6.08 or pursuant to state law shall pay an additional annual fee in addition to the regular licensing fee to account for the additional costs of regulation.
 - 4. Late penalty. Dog owners who fail to acquire a license within the time period required by O.M.C. 6.04.030A and/or who fail to renew a license within thirty (30)

days after the license expires are subject to a late penalty, which shall be the same for all owners.

F. Exceptions. The provisions of this title requiring a dog license shall not apply to the following:

1. Dogs owned by, or in the charge or care of, nonresidents of the City who are traveling through the City or temporarily sojourning therein for a period not exceeding thirty (30) days;
2. Dogs brought to the City exclusively for the purpose of entering the same in a dog show, performance, or exhibition and entered for and kept at any dog show, performance, or exhibition;
3. Dogs owned by nonresidents of the City, when such dogs have been regularly licensed in accordance with the laws of the place of residence of such owner and are wearing a harness or collar with a tag evidencing the existence of an unexpired license for such dog in the place of residence of such owner.
4. Dogs held in the temporary custody of an incorporated humane society or approved animal rescue organization for the purpose of sale or adoption.

6.04.050 Anti-rabies vaccination and microchip required for license.

As a condition for the issuance of a dog license, all applicants for such license shall procure and cause to be delivered to Oakland Animal Services a certificate issued by a duly licensed veterinarian, certifying that each dog to be licensed has been administered an anti-rabies vaccination sufficient to immunize said dog against rabies for the current license period and has had a microchip implanted.

6.04.060 Duty of dog owners upon transfer.

The owner or guardian of any dog required to be licensed by this Chapter shall, upon transfer of the dog to a new owner, provide the new owner with a current valid license and information regarding the dog's vaccination status, update microchip information, and notify Oakland Animal Services within 30 days of the name and contact information of the new owner if the dog is to remain within the City for more than 30 consecutive days.

6.04.070 Control of dog in public.

It is unlawful for any person owning or having charge, care, control, or custody of any dog, hereinafter referred to as a "dog guardian," to cause, allow or permit such dog, whether licensed or unlicensed, on or upon any public street, alley or other public place, except as expressly set forth below in this section.

- A. Leashed. All dogs shall be leashed and securely and continuously held by a responsible person when on public property. All dog guardians must keep the dog securely on a leash extending no further than six feet away from the guardian, and the leash must be securely attached to a collar or harness. Dogs may only be off leash in public in

designated off-leash areas as further provided in Section 6.04.080. Dogs left unattended and attached to any stationary object on public property for more than fifteen (15) minutes are considered at large. Service dogs and dogs authorized for use by the City or other government personnel for special purposes are exempt from the provisions of this section to the extent that compliance would interfere with the normal performance of the dog's duties.

- B. **Dogs in Vehicles.** In accordance with California law (Penal Code 597.7(a)), dog guardians are prohibited from leaving dogs unattended in vehicles under conditions that endanger the health or well being of the dog due to heat, cold, lack of adequate ventilation or lack of food or water, or other circumstances that could result in, or be expected to cause, suffering, disability or death to the dog.
- C. **Nuisance.** Dog guardians shall maintain control of dogs at all times to prevent the dog from trespassing onto private property, obstructing access to any public or private area, harming or damaging any person or other animal, or committing a public nuisance as further provided in Section 6.04.310.
- D. **Picking-up.** All dog guardians shall immediately remove their dog's feces from any public or private property, other than the dog guardian's private property or other private property on which they have permission, and then shall dispose of the waste matter in an appropriate trash receptacle. The City of Oakland encourages the use of biodegradable disposable bags for this purpose.
- E. **Enforcement.** A violation of the above subsections (A—D) is an infraction as defined at Section 1.28.020(B). This subsection (E) is enforceable by the Animal Control Supervisor and other authorized City of Oakland employees. See Section 1.24.020(A). Offenders are subject to fines.
- F. **Fine Schedule.** A first offense shall be punishable by a fine of fifty dollars (\$50.00), a second offense within a period of one year shall be punishable by a fine of one hundred dollars (\$100.00), and a third or subsequent offense within a one year period shall be punishable by a fine of five hundred dollars (\$500.00). As set forth at Section 1.28.020(B) "any violation beyond the third conviction within a one-year period may be charged by the City Attorney or the District Attorney as a misdemeanor and the penalty for conviction of the same shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six months or by both.

6.04.080 Dogs in parks.

- A. Except as provided below, it is unlawful to permit or allow any dog to be in a public park, school yard, playground or other place controlled by the Department of Parks, Recreation, and Youth Development or the Board of Education except for in designated areas.
 - 1. **Permitted On-Leash Areas.** Dogs are allowed on-leash only in the following designated parks: Joaquin Miller Park excluding the amphitheater, Leona Park east of Mountain Boulevard, Dimond Park, Knowland Park east of Golf Links Road, the Montclair Railroad Trail, Mosswood Park, Jefferson Square Park, Snow Park, Athol Park, Pine

Knoll Park, Mandana Plaza, Grove Shafter Park, Hardy Park, Rockridge-Temescal Greenbelt, Union Point Park, Eastshore Park, Oak Glen Park, and Lakeside Park.

2. Permitted Off-Leash Areas. Dogs are permitted off-leash in the following designated off-leash areas: Estuary Park, South Prescott Park, Park Boulevard Plaza, Glen Daniel/King Estates Park, and the Hardy Park, Mosswood Park, Grove Shafter Park, Jefferson Square Park, and Joaquin Miller Park fenced dog play areas.
- B. Additional designated areas may be added as authorized in writing or resolution by the Parks and Recreation Advisory Commission and then as amended herein.
- C. The restrictions contained herein shall not apply to service dogs actually being used by persons with disabilities, nor to dogs authorized for use by the City or other government personnel for special purposes.

6.04.110 Surrendering of animal to Oakland Animal Services—Euthanasia or adoption.

The owner of any animal who resides in Oakland may surrender said animal to Oakland Animal Services for the purpose of euthanasia or placement for adoption and, upon payment of the current service fee and subject to shelter capacity, Oakland Animal Services may accept such animal and determine whether the animal shall be made available for adoption, transferred to another organization, or humanely euthanized.

6.04.120 Mandatory Spaying or Neutering of Dogs and Cats.

- A. Dogs and cats over the age of four months are required to be spayed or neutered in the following circumstances:
1. Cats permitted or otherwise capable of roaming off the private, enclosed property of their owner or guardian, unless a California licensed veterinarian has certified in writing that the cat is medically incapable of reproducing.
 2. Dogs and cats sold, adopted, or transferred to a new owner by Oakland Animal Services, a humane society, or other animal rescue organization as required by Cal. Food and Agriculture Code §§ 30503, 31751.3.
 3. Dogs determined to be potentially dangerous or vicious pursuant to Chapter 6.08.
 4. Dogs impounded after being found running at-large or otherwise contrary to the provisions of this Chapter, as further provided in Section 6.04.220.
 5. The dog or cat's owner has been cited on two or more occasions within a 24-month period for violation of any state or local law relating to the care and/or control of animals.
 6. The dog or cat's owner has been cited for violation of any state or local law regarding the sale, transport, or breeding of animals, including but not limited to the requirements set forth in Section 6.04.360.
 7. Oakland Animal Services has received two or more verified complaints in the preceding 12-month period alleging that the owner has permitted the dog to run at large or escape in violation of Section 6.04.070. In such cases, any notice or order

issued by Oakland Animal Services requiring the dog be spayed or neutered shall provide the owner with a reasonable opportunity for a hearing to contest the underlying allegations supporting such notice or order.

- B. Exceptions. Notwithstanding the above, a dog or cat is not required to be spayed or neutered if a California licensed veterinarian has determined that such procedure is unsafe for the animal due to a permanent and serious medical condition, including but not limited to severe cardiovascular compromise, bleeding disorder, respiratory disease, and hepatic disease.
- C. Enforcement. Except for animals required to be spayed or neutered pursuant to Subsections A(2)-A(4) above, any citation or notice issued by the City based on violation of this Section shall first provide the owner with at least 30 days to come into compliance with the provisions herein prior to the assessment of any fines. Failure to submit proof that the animal has been spayed or neutered or is exempt from the requirements herein within the time period required in the citation or notice shall result in the assessment of fines.

6.04.140 Waiver of fees and costs due to financial hardship.

If any person shall furnish evidence satisfactory to the Director or their designee that such person, by reason of financial hardship, merits exemption from the payment of any fees or charges provided for by this title, the City may waive all or part of the payment of any such fees or charges, provided that such application for waiver from payment shall be presented within three days after such fees or charges are demanded. Any fees or fines assessed based on violation of any part of this Chapter are considered penalties and are nonwaivable.

6.04.180 Interfering with employees.

Any person or persons in any manner interfering with any officer of the City in the discharge of the duties prescribed in this title shall be deemed guilty of an infraction.

6.04.190 Dog kennels restricted.

It is unlawful for any persons to establish or maintain any institution or place where more than five dogs are kept for sale or boarded within one hundred (100) feet of any residence, dwelling, church, school, or public building.

6.04.200 Animal at large.

It is unlawful for any owner or guardian of any animal to allow or permit the same to run at large in the city, or to pasture or herd or stake or tie the same for the purpose of grazing, in any public street, lane, alley, court or other public place or grounds belonging to, or under the control of, the city, or upon any private property within the city, unless with the consent of the owner or occupant of such property. For purposes of this section, any dog in or upon any vehicle shall be deemed to be on the premises of the operator thereof, so long as it does not pose a risk to the health or safety of the dog or the public. Animals found at large are subject to impound.

Dogs that have strayed from but then returned to the private property of its owner or guardian are subject to citation. If an at-large dog returns to the private property of its owner or guardian but the owner or guardian is not home, such dog may be impounded upon the posting of notice required by Cal. Govt. Code sec. 53074.

6.04.205 Taking up stray animals.

- A. Any person or entity who finds and/or takes possession of a live stray domesticated animal whose owner is unknown or who cannot immediately be contacted shall notify Oakland Animal Services as soon as reasonably possible, not to exceed 8 hours after finding and/or taking possession of such animal. Notice to Oakland Animal Services shall include:
 - 1. A physical description and/or a photograph of the animal, along with any other identifying information found on or with the animal;
 - 2. The location where such animal was found;
 - 3. The location where such animal will be held; and
 - 4. The name and contact information of the person in possession of the animal.
- B. If the stray animal is a dog, the person or entity who finds and takes possession of the animal shall, in addition to providing the above required notice, have the dog scanned for a microchip as soon as reasonably possible by either bringing the dog to Oakland Animal Services or to another facility capable of performing such scans. If the dog has a microchip, the person or entity having possession of the found dog shall report the microchip number to Oakland Animal Services in addition to the notice required by Subsection A.
- C. In addition to providing the notice required by Subsections A and B, a person or entity who finds and takes possession of a live stray domesticated animal whose owner is unknown or who cannot immediately be contacted shall:
 - 1. Comply with all state and local laws regarding the proper care and treatment of animals.
 - 2. Immediately deliver the animal to Oakland Animal Services, or the animal's lawful owner, upon demand therefor.
 - 3. Provide the animal's owner, if known, with prompt notice of any action or proceeding that would adversely impact the owner's interest in the animal in compliance with state law.
- D. If the owner of the found animal is unknown, and the person or entity who finds and takes possession of the animal is unable or unwilling to care for the animal, Oakland Animal Services shall take the animal into custody.
- E. For purposes of this Section, Oakland Animal Services may authorize the East Bay Society for Prevention of Cruelty to Animals (EBSPCA) and/or another designated entity to receive notice and/or delivery of the found stray animal on Oakland Animal Services' behalf, in which case the duties of finders of stray animals imposed by this section shall be satisfied upon notice and/or delivery to such designated entity. Any entity authorized to receive

found animals on the City's behalf shall provide the City with the notice required by this section.

- F. Nothing contained in this Section is intended to replace or negate the obligations or liability of finders and depositaries otherwise established by state law.

6.04.210 Impounding animals

- A. Impoundment. The following animals are subject to impound:

1. Animals found at large in violation of O.M.C. 6.04.200.
2. Nuisance animals pursuant to O.M.C. 6.04.310.
3. At-large dogs that have strayed from but then returned to the private property of their owner or guardian, but the owner or guardian is not home, pursuant to Cal. Government Code § 53074.
4. Animals required to be quarantined, isolated, or inspected in conjunction with any state law regarding the control of communicable disease, when necessary to protect or preserve public health because the owner is unable or unwilling to keep the animal safely confined or make the animal available for examination as required by state law.
5. Animals seized or impounded pursuant to Cal. Penal Code § 597.1.
6. Dogs seized pending a hearing pursuant to O.M.C. 6.08.090 because probable cause exists to believe that the dog poses an immediate threat to public safety.
7. Animals taken into custody pursuant to Cal. Civil Code § 1816 et seq. (involuntary deposit).

- B. Notice to Owner. When an animal is impounded, Oakland Animal Services shall immediately notify the owner thereof. Such notice shall include the date by which the owner must redeem the animal and/or take other action necessary to avoid forfeiture or any other proceedings adverse to the owner's interest in the animal.

1. If the animal is seized from private property, notice of seizure shall be posted at the location from which the animal was seized in addition to the notice of impound required by this Section.
2. If the owner of an impounded animal cannot be identified or located despite reasonable efforts, Oakland Animal Services shall provide constructive notice by posting the same in a publicly accessible location reasonably likely to afford notice to the public at large of the animal(s) in custody. Notice posted at the physical shelter location and the shelter's website shall satisfy the requirement for constructive notice authorized by this Subsection but shall not relieve Oakland Animal Services of the duty to provide individual notice to animal's owner if known.
3. An owner who fails to redeem an impounded animal or take other action necessary to avoid forfeiture as stated in the notice by the date contained therein shall be deemed to have abandoned the animal.

- C. **Holding Period.** The length of time Oakland Animal Services shall be required to hold an impounded animal to allow for owner redemption shall depend on the basis for impoundment.
1. Except as provided in Section 6.04.210F or as otherwise required by law, animals impounded after being found at large shall be held for no less than 72 hours to allow for owner redemption.
 2. When the state or local law authorizing seizure and/or impoundment of an animal is silent as to a prescribed minimum holding period, Oakland Animal Services shall provide the owner with a reasonable amount of time to redeem the animal, in no case less than that required for an animal at large. In such cases, absent exceptional circumstances or other good cause, written notice providing an owner with at least 5 days to redeem an animal or request an extension for good cause shall be considered reasonable.
 3. The holding periods set forth herein or pursuant to state law shall be considered minimum holding periods. To allow individual owners as much time as possible to redeem an animal in custody, Oakland Animal Services shall extend the holding period for good cause and subject to shelter capacity, so long as doing so is in the best interests of the health and safety of the animal and does not negatively impact the health and safety of other animals at the shelter.
 4. Holding periods shall be computed by excluding any day the shelter is closed.
- D. **Fees, Costs, and Fines.** The owner of an animal lawfully impounded by Oakland Animal Services shall be liable to the City for the expenses incurred by the City for the keeping and caring for the animal, including daily boarding fees and costs of any necessary medical care.
1. Such fees and costs shall constitute a lien on the animal and must be paid prior to redemption as further provided by Section 6.04.220. Owners remain liable to the City for fees and costs regardless of whether the animal is ultimately redeemed.
 2. Failure of an owner to pay any fees and costs lawfully assessed against an animal in custody within 10 days after written demand therefor shall deem the animal abandoned.
 3. Except for animals impounded pursuant to subsection A7 (involuntary deposit), the owner is also subject to an impound fine, the amount of which shall increase for each separate occasion the animal is impounded.
- E. **Foster placements.** Animals in the custody of Oakland Animal Services may be temporarily housed in an approved foster placement during all or part of the required holding period. Foster placements are subject to the same minimal care requirements as if the animal were held at Oakland Animal Services. Fosters shall immediately deliver any such animal to Oakland Animal Services or the lawful owner thereof upon demand therefor. Dogs and cats held in foster placement shall be spayed or neutered prior to adoption by a new owner.
- F. **Conflict with state law.** In the event that state law mandates a longer holding period than set forth herein, state law shall apply. Pursuant to Cal. Const. art. 13B, § 6 and Cal. Govt. Code 17581(a), holding periods for stray and impounded animals as set forth in the California

Food and Agricultural Code shall supersede the holding periods set forth herein if and when such mandates are funded by the California legislature. When state law holding periods are suspended, or if state law is otherwise silent as to a prescribed minimum holding period, the holding periods set forth in this title shall apply.

6.04.220 Redeeming impounded animals.

- A. The owner or guardian of an animal impounded by Oakland Animal Services shall have a right to redeem (i.e., recover possession of) the animal prior to its sale, transfer, or euthanasia by complying with the following requirements:
 - 1. Paying the fees and costs of impoundment, including daily boarding fees and costs of any necessary medical treatment.
 - 2. Paying the impound fine (penalty), except for animals in custody pursuant to Section 6.04.210A7 (involuntary deposit).
 - 3. Complying with licensing requirements as set forth in Section 6.04.030.
 - 4. Having the animal spayed or neutered at the owner's expense as required by Section 6.04.120, except for animals in custody pursuant to Section 6.04.210A7 (involuntary deposit).
- B. Animals that have not been redeemed prior to expiration of the applicable holding period, or by such time as otherwise stated in a notice or demand to the owner if the animal was taken into custody by Oakland Animal Services other than as a stray, are deemed abandoned and may be placed for adoption, transferred, or humanely euthanized. Such animals may be spayed or neutered immediately upon expiration of the holding period, provided that doing so is determined by a California licensed veterinarian to be in the animal's best interest.
- C. The original/prior owner of an impounded dog or cat that has been spayed or neutered and/or made available for adoption after being deemed abandoned following the expiration of the applicable holding period shall retain the right to redeem the animal so long as it remains in custody.

6.04.230 Adoption of impounded animals.

Any animal which is not redeemed by its owner or possessor thereof within the time period provided for in Section 6.04.210, or the minimum holding period required by state law, whichever is longer, and any animal which has been surrendered by its owner to Oakland Animal Services may be placed for adoption.

6.04.260 Disposal of dead animals.

Any person possessing a dead animal shall dispose of it in a safe and sanitary manner. Upon the request of an owner or lawful possessor of a deceased animal within the City, Oakland Animal Services may remove and dispose of any such animal, subject to a fee.

6.04.280 Reports of Oakland Animal Services.

Oakland Animal Services shall make a true and correct report to the City Administrator on an annual basis, or upon the request of City Council, of the number and type of animals taken into custody or otherwise impounded by Oakland Animal Services during the reporting period and the disposition of such animals, including the number of animals transferred, adopted, euthanized, redeemed, or deceased.

6.04.290 Keeping certain animals in apartment house, hotel and business district.

It is unlawful for any person to raise, or keep, live chickens, ducks, geese or other fowl in any enclosure or yard on property occupied by an apartment house or hotel or in a business district in the city, except when such fowl or animals are kept within a bona fide produce market, commission house or store for purposes of trade and, while so kept, are confined in small coops, boxes or cages.

6.04.300 Sanitary keeping of animals.

No person shall establish or operate a pet shop, kennel, or animal hospital without first obtaining a permit therefor from the City authorizing them to do so. It is unlawful for any person in the city to keep any animal in any animal quarters, kennel, animal hospital, or yard which is not at all times kept reasonably clean and sanitary to the satisfaction of the Animal Control Officer.

6.04.310 Keeping of certain animals as constituting public nuisance—Summary abatement—Impounding—Redeeming.

- A. It is unlawful and shall constitute a public nuisance for any person to keep within the limits of the City any animal which creates a significant risk of injury to life or property, or which unreasonably interferes with the health, safety, welfare, or quiet enjoyment of inhabitants of the neighborhood in which the animal is kept or the general public.
- B. Prohibited nuisances include but are not limited to frequent running at-large, excessive noise, noxious odors, animals that cause unsanitary or dangerous conditions, destruction of public or private property not owned by the animal's owner, and chasing or interfering with persons or other domestic animals on public property.
- C. Dogs must be prevented from causing a nuisance by barking, howling, or yelping in a habitual, consistent, or persistent manner that continually disturbs the peace of the neighborhood. See O.M.C. 8.18.
- D. The keeping of more than three livestock, as defined by this title, on any one premises without a conditional use permit where so required is a public nuisance. The keeping of more livestock than permitted by the terms of an authorized conditional use permit is also a public nuisance.
- E. Enforcement. The person who in any instance is engaged in enforcing the provisions of this section shall utilize the citation method of enforcement if that procedure is reasonably and

practicably available to abate the nuisance in preference to the summary abatement procedure of enforcement provided in subsection F below.

- F. If any nuisance described in this section is of a continuing nature, and if no person owning or having custody of the animal is present, any person who is authorized to enforce the provisions of this title and who personally perceives the nuisance may enter any premises where such animal is kept, other than a place of residence or closed garage or out-building, and summarily abate the nuisance in a reasonable and humane manner. If the nuisance cannot be abated in any other manner, the animal may be impounded and, if a clear and present substantial danger to human life or safety exists, the animal may be destroyed in the absence of other available means of restraint. A notice of impounding shall be affixed to the premises from which an animal is removed and a similar notice shall be provided to the owner of the animal. If the owner is unknown, a notice of impounding shall be mailed to the owner of the property on which such animal was kept, at the address given on the last completed assessment roll of Alameda County. The owner or person having the right to custody of any animal impounded pursuant to this section may redeem the animal in accordance with the provisions of Section 6.04.220. If the animal is not redeemed within seven days after it is impounded, the animal may be adopted or humanely euthanized.

6.04.320 Keeping of fowl.

It is unlawful for any person to keep any ducks, geese, chickens or other fowls in any enclosure in the city unless the exterior boundaries of said enclosures are more than twenty (20) feet from any dwelling, church or school.

It is unlawful for any person to keep, harbor or maintain roosters or other male fowl within the city limit.

This section shall not prohibit the activity authorized under Section 6.04.290 of this code.

This section shall also not apply to any property where such activity is permitted by any other provision of the Oakland Municipal Code or Oakland Planning Code and for which all necessary land use permits have been issued, or where no use permits are required because the activity qualifies as a legal non-conforming use as defined in Section 17.114.020 of the Oakland Planning Code.

6.04.330 Water fowl in Lake Merritt.

It is unlawful for any person to throw missiles or projectiles of any kind at, or disturb in any way, water fowl in or around Lake Merritt.

6.04.340 Wild birds.

It is unlawful for any person to trap, snare or otherwise capture or kill any wild birds in the City.

6.04.350 Squirrels.

It is unlawful for any person to import into the city, or to sell or expose for sale or exchange or deliver or distribute, within the city, any ground squirrel or other squirrels.

6.04.355 Harassment of wild animals prohibited.

- A. Except as otherwise authorized by this title or state law, no person shall harass, in any manner, any non-captive wild and/or undomesticated animal, including, but not limited to, coyotes, mountain lions, foxes, bobcats, raccoons, skunks, opossums, turkeys, peacocks, and other birds not kept as pets. For purposes of this Section, "harass" means an intentional act which disrupts an animal's normal behavioral patterns, which includes, but is not limited to, breeding, feeding, or sheltering. This does not apply to the responsible feeding of birds on private property, such as through a bird-feeder, food that is intended or safe for consumption by birds, such as seeds and nuts.
- B. No person shall intentionally feed wild animals in any public park, sidewalk, street, or on any other property owned the by City of Oakland or other public agency, so as to protect public health, safety and welfare. For purposes of this section, "wild" means any animal that is not a dog or cat and includes pigeons, geese, and other birds.
- C. This section shall not apply to persons legally engaged in hazing wild animals pursuant to applicable laws.

6.04.360 Sale of animals.

- A. Sale of novelty small fowl and rabbits prohibited. It is unlawful for any person to display, sell, offer for sale, barter or give away in the city, any live baby chicks, rabbits, ducklings or other fowl, whether or not dyed, colored, or otherwise artificially treated; provided, however, this section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in authorized facilities by dealers, hatcheries or stores lawfully engaged in the business of selling the same for food purposes.
- B. Sale in public prohibited. No person shall present any dog or cat for sale, barter, exchange, or adoption, whether or not for compensation, in any public place. "Public place" includes, but is not limited to, streets, highways, sidewalks, parks, carnivals, shopping malls, flea markets, and areas in front of commercial establishments. This prohibition shall not apply to Oakland Animal Services or qualified shelters or animal rescue organizations as further provided by state law.
- C. Inducements prohibited. It shall be unlawful to give away any live animal as a prize or inducement to enter any contest, lottery, drawing, game, or competition, or as an inducement to enter a place of business or a business arrangement. This prohibition does not apply to any licensed veterinarian who offers dogs or cats for sale or adoption.
- D. No person shall sell, barter, exchange, or offer for adoption, whether or not for compensation, any dog or cat to any person who is under the age of 18, without the written permission of the minor's parent or legal guardian.

- E. Any person engaged in the breeding or sale of any animal for commercial or business purposes shall comply with all applicable state and local business regulations, including permit requirements, obtaining a Business Tax Certificate pursuant to Chapter 5.04 of the Oakland Municipal Code, and complying with state breeding and sales regulations.

6.04.365 Use of bullhooks prohibited; prohibited tools for controlling elephants.

- A. It shall be unlawful for any person to use, or direct the use of, a bullhook, ankus, or any other implement or tool designed to inflict pain on elephants, for the purpose of training or controlling an elephant.
- B. It shall be unlawful for any person to use, or direct the use of, a baseball bat, axe handle, pitchfork or similar implement as a means of training or of controlling an elephant.
- C. For purposes of this section, the term "use" shall include brandishing, exhibiting or displaying a bullhook or other implement prohibited by this section, in the presence of an elephant within the City of Oakland for the purpose of training or controlling the behavior of the elephant.
- D. For purposes of this section, the term "person" includes a corporations as well as individuals; and the knowledge and acts of any agent of, or person employed by, a corporation in regard to elephants transported, owned, or employed by, or in the custody of, the corporation, must be held to be the act and knowledge of the corporation as well as the agent or employee.
- E. Any person who violates this section shall be guilty of a misdemeanor pursuant to Chapter 1.28 of this Code. The remedies set forth by this section are not intended to limit the application of federal and state law.

6.04.370 Enforcement.

Pursuant to Section 836.5 of the California Penal Code, members of the Oakland Police Department, the Senior Animal Control Officer and the Animal Control Officers and any Health Officer of the county of Alameda are authorized to enforce this title and arrest violators thereof, or use any other enforcement mechanism authorized by state or local law, including but not limited to Oakland Municipal Code Sections 1.08, 1.12, 1.16, 1.24, and 1.28.

6.04.380 Rules and regulations.

The Director of Animal Services shall have the power to adopt rules and regulations for the purpose of implementing and enforcing the provisions of this title.

6.04.400 Number of dogs.

- A. Except as provided in section (B) below, it is unlawful for any person to keep on any one premises more than three dogs more than four months old, unless the owner can demonstrate that the premises provides adequate space and the keeping of such dogs does not constitute a nuisance or pose a threat to the health or safety of the dogs.

- B. The limit provided herein shall not apply to licensed dog kennels, licensed boarding facilities, veterinary hospitals, Oakland Animal Services, the East Bay Society for the Prevention of Cruelty to Animals (EBSPCA), fosters approved by Oakland Animal Services, or any property where such activity is permitted by any other provision of the Oakland Municipal Code or Oakland Planning Code and for which all necessary land use permits have been issued.

6.04.420 Enforcement—Penalty.

In addition to any other penalties authorized by law, violations of this chapter may be charged as either an infraction or a misdemeanor.

6.04.500 Performances of animals for public entertainment prohibited.

- A. It shall be unlawful for any person to cause the performance of any animal, except a domestic dog, a domestic cat or a domesticated horse, for public entertainment, amusement or benefit on any public or private property within the City of Oakland.
- B. Any person who violates this section shall be guilty of a misdemeanor pursuant to Chapter 1.28 of this Code. The remedies set forth by this section are not intended to limit or replace, and are supplemental to, any applicable federal or state law.
- C. This section shall not apply to the Oakland City Zoo or to the otherwise lawful use of animals for therapeutic purposes by persons with disabilities.

6.04.520 Veterinarians at rodeos.

- A. Any person promoting, conducting, or holding a rodeo or rodeo-like animal event in the City of Oakland shall have a licensed veterinarian physically present throughout the duration of each event using animals.
- B. The veterinarian in attendance shall be licensed by the state and shall be experienced in the treatment of the types of animals used in these events.
- C. The veterinarian in attendance shall not be a contestant or otherwise participate in any animal events, and the veterinarian and any City animal control officer in attendance shall be allowed access to all areas of the event and any associated facility, including the vehicles in which participating animals are kept.
- D. Any person who violates this section shall be guilty of a misdemeanor pursuant to Chapter 1.28 of this Code. The remedies set forth by this section are not intended to limit the application of federal and state law.