

# TITLE 8: ANIMALS

## CHAPTER 8.01: GENERAL PROVISIONS

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### Section

- [8.01.010](#) Definitions.
- [8.01.020](#) Chapter not to regulate use of land.
- [8.01.030](#) Animals running at large.
- [8.01.040](#) Conditions related only to seizures of dogs running at large.
- [8.01.050](#) Animal bites, quarantine, violation and examinations.
- [8.01.060](#) Diseased animals.
- [8.01.070](#) Dead animals.
- [8.01.080](#) Abandoned animals.
- [8.01.090](#) Animals in City buildings.
- [8.01.100](#) Authority of City Manager and animal control officer.
- [8.01.110](#) Inspection by animal control officer.
- [8.01.120](#) Poisoning and abusing dogs, cats or other domestic animals.
- [8.01.130](#) Public nuisance.
- [8.01.140](#) Animals and vehicles.
- [8.01.150](#) Reserved.

[8.01.160](#) Use of steel traps in urban service areas prohibited.

[8.01.170](#) Penalty.

### **8.01.010 Definitions.**

The words and terms used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

- A. “Animal” means any live vertebrate creature, domestic or wild, except fish.
- B. “Animal control officer” means any person authorized to act on behalf of the City Manager in the enforcement of this chapter, and on behalf of the County Health Officer in the enforcement of rabies control laws.
- C. “Animal menagerie” means any place where dangerous animals are kept or maintained for any purpose, including places where dangerous animals are boarded, exhibited, trained, or kept for hire.
- D. “Animal shelter” means a facility operated by a public jurisdiction or by an accredited tax-exempt humane organization for the purpose of impounding, harboring, selling, placing, or destroying seized, stray, distressed, homeless, abandoned, or unwanted animals.
- E. “Cat” means a domestic cat.
- F. “Commercial kennel” means any person engaged in the commercial breeding of dogs and/or cats, or both, for sale, individually or in litter lots; or in the boarding, training, sale or hire of dogs and/or cats for compensation, except that animal hospitals maintained by a veterinarian licensed by the State of California as part of the practice of veterinary medicine, animal shelters, or private kennels shall not be considered commercial kennels.
- G. “Dangerous animal” means any wild, exotic, or venomous animal, or other animal which because of its size, disposition, or other characteristic would constitute a danger to persons or property.
- H. “Dog” means a domestic dog.
- I. “Grooming parlor” means any commercial place where animals are trimmed, bathed, or groomed.
- J. “Health officer” means the director of public health or any person authorized to act on his or her behalf.
- K. “Horse establishment” any person keeping three or more horses, donkeys, mules, jack, hinny, jenny burros, or ponies for any or all of the following purposes:

1. For hire to be ridden or driven;
2. For giving riding instructions;
3. For boarding with compensation.

L. "Owner" means any person who acknowledges ownership of an animal or who harbors or keeps an animal for five or more consecutive days.

M. "Manager or City Manager" means the City Manager of Cupertino or any person authorized or designated by the City Manager to act on the City Manager's behalf.

N. "Person" means any individual, establishment, firm, association, organization, partnership, trust, corporation, or company.

O. "Pet shop" means a person who obtains animals for sale, exchange, barter, or hire to the general public as a principal or agent, or on consignment, or who holds himself or herself out to be so engaged.

P. "Private kennel" means a person who maintains within or adjoining his or her private residence three or more dogs over four months of age, or three or more cats over four months of age, but no more than a combined total of five dogs and cats; such animals to be for that person's recreational use or for exhibition in conformation shows, field or obedience trials and where the sale of offspring is not the primary function of the kennel. The maintenance of more than two male dogs or cats used for breeding purposes for which compensation is received, or the parturition and rearing of more than two litters of dogs or cats in any one calendar year from the total number of females owned or maintained by that person on the premises, shall be a rebuttable presumption that such animals are owned or maintained for the purposes of commercial breeding; and the owner of the premises shall be subject to the permit requirements of a commercial kennel.

Q. "Quarantine" means isolation of an animal in a place and manner approved by the health officer.

R. 1. "Potentially dangerous dog" means any dog, except a dog assisting a peace officer engaged in law enforcement duties, that:

a. Without provocation, inflicts bites on a human, or a domestic animal while on public or private property;

b. Without provocation, chases or approaches humans or domestic animals or livestock on the streets, sidewalks or any public grounds in a threatening manner or apparent attitude of attack;

c. Has a known propensity, tendency or disposition for unprovoked attack, causing injury and threatening the safety of humans or domestic animals; or

d. Has been specifically trained to guard persons and/or property.

2. “Dangerous dog” means any dog, except a dog assisting a peace officer engaged in law enforcement duties, that:

a. Has inflicted severe injury on a human or domestic animal on public or private property;  
or

b. Has, after having been designated potentially dangerous, engaged in the same behavior that resulted in that designation.

(Ord. 1644, § 2 (part), 1994)

### **8.01.020 Chapter Not to Regulate Use of Land.**

This chapter is not intended to regulate the use of land. Other provisions of the Cupertino Municipal Code regulate the number and types of animals and animal establishments that may be maintained in specific zoning districts. Nothing in this chapter is intended to supersede any provision of the City’s Zoning Regulations.

(Ord. 1644, § 2 (part), 1994)

### **8.01.030 Animals Running at Large.**

No person owning or having control of any animal shall permit such animal to stray or run at large upon any public street or other public place, or common area of any planned development, cluster, townhouse or condominium project, or upon any private property without the consent of the owner or person in control thereof. Any person who violates the provisions of this section shall be guilty of an infraction and upon conviction thereof shall be punished as provided in [Chapter 1.12](#).

(Ord. 09-2041, 2009; Ord. 1886, (part), 2001; Ord. 1644, § 2 (part), 1994)

### **8.01.040 Conditions Related Only to Seizures of Dogs Running at Large.**

A. An animal control officer shall not seize or impound a dog for running at large in violation of Section [8.03.010](#) when the dog has not strayed from and is upon private property owned by the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has a right to control the dog has a right of possession.

B. A dog that has strayed from but then returned to the private property of its owner or the person who has a right to control the dog shall not be seized or impounded merely for violation

of Section [8.03.010](#), but in such a case a citation for such violation may be issued; provided, however, that if in such a situation, the owner or the person who has a right to control the dog is not at home, the dog may be impounded, but the officer shall post a notice of such impoundment on the front door of the living unit of the owner or person who has a right to control the dog. This notice shall state the following: that the dog has been impounded, where the dog is being held, the name, address and telephone number of the agency or person to be contacted regarding release of the dog, and an indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control the dog.

C. This section shall not otherwise affect the authority of an animal control officer to sell or impound a dog or issue citations as a result of the violation of Title 8 other than Section [8.01.040](#).

(Ord. 1644, § 2 (part), 1994)

#### **8.01.050 Animal Bites, Quarantine, Violation and Examinations.**

A. Any person having knowledge that any animal is known to have or is suspected of having bitten any person shall immediately report that fact to the animal control division or health officer with full information with regard to the incident

B. Upon receipt of such a report, an animal control officer will seize and quarantine such animal for a period of fourteen days or such other period as may be prescribed by the State Department of Health. The health officer may order the owner to quarantine the animal on the owner's premises.

C. Any person who fails, refuses or neglects to quarantine any animal as ordered by the health officer, a who refuses to allow the health officer to inspect any private premises where the animal is kept, is guilty of a misdemeanor. No animal shall be removed or released during the quarantine period without written permission of the health officer.

D. The City Manager may charge a fee, as set forth in a resolution of the City Council or Board of Supervisors, for the City's and County's costs of quarantining animals and inspections for quarantine of animals. Any fee charged shall be paid by the owner or person who has legal custody of the animal. Such a fee shall be in addition to the actual costs of the health officer in housing, feeding and otherwise caring for a quarantined animal.

E. The head of any animal that dies or is destroyed while under quarantine shall be submitted to the laboratory of the County Health Department for rabies examination.

(Ord. 1644, § 2 (part), 1994)

### **8.01.060 Diseased Animals.**

A. The owner or person with the right to control any animal that the person knows to be infected with any disease transmittable to humans shall not permit that animal to remain within the County other than at a veterinary hospital approved by the health officer, unless the health officer expressly approves an alternate means of confinement.

B. The animal control officer will seize any animal to be infected with any disease transmittable to humans. The animal control officer will keep such animal in a safe place for a period sufficient to observe examination and determine whether such animal is diseased. Animals found to be diseased may be destroyed.

(Ord. 1644, § 2 (part), 1994)

### **8.01.070 Dead Animals.**

A. Upon the death of any animal, the owner or person in charge thereof shall provide for the burial, incineration, or other disposition of the body of such animal. If the owner or person in charge of any dead animal is unable to provide for burial or other disposition, he or she may request the animal control officer to dispose of the body of such animal.

B. Upon learning that the body of a dead animal has not been disposed of in a safe and sanitary manner, the animal control officer will remove the animal's body immediately, provided, however, that the animal control officer shall not be required to remove and dispose of bodies of dead animals on state highways or on state property. Before disposing of the body of a dead animal, the animal control officer will give notice to the owner of the animal, if known, within seventy-two hours of the time that the dead animal is removed.

C. The City Manager will collect a fee sufficient to defray the costs incident to removal and disposal of dead animals which shall be paid by the owner or person in charge thereof, if known; but no fee shall be charged to the owner or person in charge of a dead dog or cat if that person has attained the age of sixty-five years.

(Ord. 1644, § 2 (part), 1994)

### **8.01.080 Abandoned Animals.**

It is unlawful to abandon any animal in the City.

(Ord. 1644, § 2 (part), 1994)

### **8.01.090 Animals in City Buildings.**

No person having the control or care of any animal or animals shall suffer or permit any such animal to enter or remain in City-owned or managed buildings other than a building used for the purpose of care, detention, space control or treatment of animals, or a building used for training classes, shows or exhibitions, except persons who are blind or deaf and who use dogs for guidance, or persons expressly authorized by the City Manager.

(Ord. 1644, § 2 (part), 1994)

### **8.01.100 Authority of City Manager and Animal Control Officer.**

The City Manager and animal control officer shall have the following power and authority:

- A. To enforce the provisions of this title and State laws relating to the care, treatment, impounding and destruction of animals.
- B. To arrest any person who violates any provision of this title in the manner provided by Section 836.5 of the Penal Code.
- C. Animal control officer to issue citation pursuant to Section 607g of the Civil Code.
- D. To act as a public officer pursuant to Food and Agricultural Code Section 7.
- E. The City Manager may formulate rules and regulations in conformity with and for the purpose of carrying out the intent of this chapter. Such rules and regulations shall have the same force and effect as this ordinance when adopted by the City Council and any violation shall be deemed an infraction.
- F. Pursuant to Civil Code Section 607g, the City Manager may deputize as an animal control officer any humane officer of the Humane Society of Santa Clara Valley.

(Ord. 1644, § 2 (part), 1994)

### **8.01.110 Inspection by Animal Control Officer.**

A. The City Manager and/or an animal control officer shall have the power to enter upon and inspect any premises where any animal is kept or harbored when such entry is necessary to enforce the provisions of this chapter. An inspection or search warrant will be obtained whenever required by law.

B. This entry and inspection will be made only. after the occupant of the premises, if any, has been given written or oral notice of the inspection by the City Manager and/or an animal control officer. If the land is unoccupied, the City Manager and/or animal control officer will

make a reasonable effort to locate the owner or other person having control of the property before making entry.

C. Notwithstanding the foregoing, if the City Manager and/or an animal control officer has reasonable cause to believe the keeping or maintaining of any animal is so hazardous as to require an immediate inspection to save the animal or protect public health or safety, the City Manager and/or animal control officer shall have the power to immediately enter and inspect the property with the use of reasonable force. If the property is occupied in such a circumstance, the City Manager and/or an animal control officer will first attempt to notify the occupant and demand entry. Failure or refusal to permit such an inspection constitutes a misdemeanor.

(Ord. 1644, § 2 (part), 1994)

#### **8.01.120 Poisoning and Abusing Dogs, Cats or Other Domestic Animals.**

In addition to Penal Code Section 596, it shall be unlawful for any person to willfully administer poison to any dog, cat, or other domestic animal or to willfully place, expose or leave poisonous or harmful substances of any kind in any place with intent to injure or kill any dog, cat, or other domestic animal. Further, it shall be unlawful for any person to maliciously kill, maim, wound, mutilate, torment, torture, or physically abuse any animal.

(Ord. 1644, § 2 (part), 1994)

#### **8.01.130 Public Nuisance.**

A. No person owning or having control of any animal shall permit the animal to do any of the following:

1. Defecate or urinate on private property (other than that of the owner or the person having control of the animal);
2. Defecate on public property without immediately removing the excrement to a proper receptacle;
3. Permit an animal to obstruct or interfere with the reasonable and comfortable use of property by chasing vehicles, molesting passersby, barking, howling, baying, or making any other noise;
4. Permit unsanitary conditions to exist on the premises where that animal is kept that would cause odors, attract flies or vermin, or otherwise be injurious to public health and safety, or be indecent, or offensive to the senses, or be such an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by other persons.



B. The animal control officer may seize and impound any animal causing or creating a public nuisance.

C. A violation of this section is hereby declared to be a public nuisance.

D. Any private person may maintain an action under Civil Code Section 3493 for enforcement of this section declaring certain acts a public nuisance, if such acts are specifically injurious to that person. Any person who violates the provisions of this section shall be guilty of an infraction and upon conviction thereof shall be punished as provided in [Chapter 1.12](#).

(Ord. 09-2041, 2009; Ord. 1644, § 2 (part), 1994)

#### **8.01.140 Animals and Vehicles.**

A. Other than an individual then actually in the process of working a dog or other animal for ranching purposes, no person shall transport or carry an animal in a motor vehicle, unless the animal is safely enclosed within the vehicle by means of a container, cage, or other device that will prevent the animal from falling from, jumping from, or being thrown from the motor vehicle.

B. No person shall leave any dog or other animal in an unattended motor vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures that may adversely affect the health or well-being of the animal.

#### **8.01.150 Reserved.**

#### **8.01.160 Use of Steel Traps in Urban Service Areas Prohibited.**

No person shall use a leg-hold steel jawed trap, steel jawed trap, or steel leg-hold trap, as defined in Fish and Game Code Section 4004, in any urban service area boundary, as defined in Government Code Section 56080.

(Ord. 1644, § 2 (part), 1994)

#### **8.01.170 Penalty.**

Except where otherwise specified, any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in [Chapter 1.12](#).

(Ord. 1886, (part), 2001)

## CHAPTER 8.02: IMPOUNDMENT OF ANIMALS

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### Section

- [8.02.010](#) Fees for impounding and keeping.
- [8.02.020](#) Redemption of impounded animals.
- [8.02.030](#) Notification of impoundment.
- [8.02.040](#) Disposition of impounded animals.
- [8.02.050](#) Reserved.
- [8.02.060](#) Summary seizure and post-seizure hearing.
- [8.02.070](#) Hearing prior to animal deprivation.
- [8.02.080](#) Appeal hearing.
- [8.02.090](#) Failure to appeal impoundment.
- [8.02.100](#) Adoption of animals.

### **8.02.010 Fees for Impounding and Keeping.**

A. An impoundment fee shall be charged to the owner of animal impounded, in an amount fixed by resolution of the City Council.

B. In addition, a fee for keeping an impounded animal shall be charged in an amount sufficient to defray the costs of keeping the animal, as determined by the City Manager.

(Ord. 1644, § 2 (part), 1994)

### **8.02.020 Redemption of Impounded Animals.**

The City Manager or animal control officer may permit an owner or other person entitled to custody of an impounded animal to redeem the animal. No animal may be redeemed without payment of the fees for impounding and keeping the animal, and without compliance with the licensing provision of this chapter.

(Ord. 1644, § 2 (part), 1994)

### **8.02.030 Notification of Impoundment.**

The animal control officer shall give notice of impoundment to the owner of every animal impounded, if he or she is known.

(Ord. 1644, § 2 (part), 1994)

### **8.02.040 Disposition of Impounded Animals.**

A. No animal may be disposed of until seventy-two hours have elapsed from the time of impoundment, exclusive of the day of impoundment and the days that the impounding facility is closed to the public.

B. Notwithstanding anything to the contrary, an animal which has been determined by a veterinarian licensed by the State of California or by other authorized personnel to be diseased or injured to the extent that emergency veterinary care will not alleviate intense suffering will be destroyed in accordance with all State and County humane laws as soon as possible.

(Ord. 1644, § 2 (part), 1994)

### **8.02.050 Reserved.**

### **8.02.060 Summary Seizure and Post-seizure Hearing.**

A. Except as provided in Section [8.01.040](#), an animal control officer may seize and impound an animal for violation of any provision of this title or State law prior to a hearing in any of the following situations where the owner is not present and where the officer reasonably believes it is necessary:

1. To protect health, safety and property; or
2. To protect an animal that is injured, sick, or starving and should be cared for.

B. Even when the person owning or having the right to control any animal is present, an animal control officer may seize or impound any animal that the officer reasonably believes to be infected with disease transmittable to humans or to be potentially dangerous or dangerous so as to be a threat to public health, safety or property. Such seizure or impoundment may be made even though the animal is confined at the time of the seizure or impoundment.

C. If the owner or person with the right to control the animal wishes to challenge the seizure or impoundment, he or she shall so advise the City Manager, in writing, within seventy-two hours after the seizure or impoundment.

D. The City Manager will promptly set the time and place for the hearing and will cause notice of such hearing to be mailed to the requesting party no later than five days before the hearing.

E. The hearing will be conducted as set forth in Section [8.02.080](#).

(Ord. 1644, § 2 (part), 1994)

### **8.02.070 Hearing Prior to Animal Deprivation.**

A. Except as provided in Section [8.02.060](#), the City Manager or animal control officer may not seize or impound any animal, without the consent of the owner or person entitled to custody of the animal, unless a post-seizure appeal hearing is scheduled and held as set forth in Section [8.02.080](#).

B. If the owner or person who has a right to control an animal refuses to consent to an impoundment of his or her animal, the animal control officer may issue a notice commanding the person to appear before the City Manager at a set time. Failure of a person to appear at the hearing may result in the animal control officer immediately seizing and impounding the animal.

(Ord. 1644, § 2 (part), 1994)

### **8.02.080 Appeal Hearing.**

A. At the appeal hearing, the petitioner and the City may be represented by counsel, may present oral and written evidence, and may cross-examine witnesses. Technical rules of evidence shall not apply. Any relevant evidence may be admitted as determined by the hearing officer.

B. After submission of all the evidence, and not more than fifteen days after the hearing, the City Manager may order the animal released without conditions, may designate the animal potentially dangerous or dangerous and order release with conditions, may order the animal destroyed, or may make other orders as the Manager determines appropriately fulfill the needs of the animal and the safety of the public based on the weight of the evidence. The decision of the City Manager shall be final. Any release conditions imposed by the City Manager, which may include but shall not be limited to spaying and neutering, shall be solely in the interest of protecting public health, safety, and property.

(Ord. 1644, § 2 (part), 1994)

### **8.02.090 Failure to Appeal Impoundment.**

Any person who fails to appeal any seizure or impoundment by the animal control officer under this chapter within seventy-two hours from impoundment as specified in Section [8.02.060](#) shall forfeit all rights of ownership and control of the animal. All rights of ownership and control shall be transferred to the City. Final disposition of the animal shall be determined in accordance with the provisions of this title and State law.

(Ord. 1644, § 2 (part), 1994)

### **8.02.100 Adoption of Animals.**

A. Any person adopting an unspayed or unneutered dog or cat from any humane society animal shelter, public pound or society for the prevention of cruelty to animals shelter in the County of Santa Clara shall have the animal spayed or neutered on or before a date specified in the adoption agreement unless a licensed veterinarian states in writing that the date specified in the adoption agreement is inappropriate for the animal in question. On submission of such written statement to the person at such shelter or pound responsible for ensuring compliance with this section, the adoption agreement will be modified accordingly.

B. As a condition for adoption, the person adopting an animal may be required to deposit with the pound or shelter an amount sufficient to cover the cost of spaying or neutering such animal by a veterinarian or spaying or altering clinic designated by the person adopting the animal. The deposit shall be forwarded to the veterinarian or clinic upon receipt by the pound or shelter of a notice from the veterinarian or clinic that the cat or dog has been spayed or neutered.

(Ord. 1644, § 2 (part), 1994)

## **CHAPTER 8.03: DOGS AND CATS**

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### Section

- [8.03.010](#) Restraint of dogs.
- [8.03.020](#) Maximum number of dogs, cats or litters.
- [8.03.030](#) Vaccination of dogs and cats.
- [8.03.035](#) Keeping of dangerous and potentially dangerous dogs.
- [8.03.040](#) Registration of dangerous dogs.
- [8.03.050](#) License required.

- [8.03.060](#) License fees.
- [8.03.070](#) Issuance of license.
- [8.03.080](#) Metal tags.
- [8.03.090](#) License period.
- [8.03.100](#) Record of licenses.
- [8.03.110](#) Presentation of license on request.
- [8.03.120](#) Veterinarian responsibilities.

### **8.03.010 Restraint of Dogs.**

The owner or person with the right to control any dog shall keep such dog under his or her own physical restraint by means of a leash or shall keep such dog confined behind a fence not less than six feet high except for any of the following:

- A. Guide dogs for the blind, or deaf while performing their duties;
- B. Dogs participating in field or obedience trials or conformation exhibitions;
- C. Dogs assisting their owner/handler in legal hunting activities or in the herding of livestock;
- D. Dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities;
- E. Dogs assisting in search and rescue activities; and
- F. Dogs being trained for any of the above described purposes on private property with the permission of the landowner, so long as these dogs are under the direct control of the trainer/handler. Any person who violates the provisions of this section shall be guilty of an infraction and upon conviction thereof shall be punished as provided in [Chapter 1.12](#).

(Ord. 09-2041, 2009; Ord. 1886, (part), 2001; Ord. 1644, § 2 (part), 1994)

### **8.03.020 Maximum Number of Dogs, Cats or Litters.**

- A. No person shall keep or maintain more than two dogs over four months of age. No person shall keep or maintain more than three cats over four months of age. In no event shall there be more than one unspayed cat over four months old and one unspayed dog over four

months of age on any premises. This restriction shall not apply to premises maintained by a veterinarian licensed by the State of California for the practice of veterinary medicine or premises with a valid permit from the City Manager for a private kennel, commercial kennel, pet shop, animal menagerie, or animal shelter. A female dog or cat shall be rebuttably presumed to be unspayed unless the owner provides evidence of spaying. Written certification from a licensed veterinarian that an animal cannot be spayed for health reasons or is incapable of breeding shall be deemed a satisfactory substitution for a certificate showing an animal is spayed.

B. No person shall allow the parturition and rearing of more than one litter of dogs or cats in any one calendar year from females owned by him or her or maintained on his or her premises without a valid permit from the City Manager for a private kennel, commercial kennel, or animal shelter.

(Ord. 1644, § 2 (part), 1994)

### **8.03.030 Vaccination of Dogs and Cats.**

Every owner of a dog or a cat over four months of age shall cause such dog or cat to be vaccinated with an anti-rabies vaccine approved by the State Department of Public Health. Revaccination shall be made at such intervals of time as may be prescribed by the State Department of Public Health. Compliance with the provision of this section shall be a condition to the issuance or renewal of dog and cat licenses.

(Ord. 1886, (part), 2001; Ord. 1644, § 2 (part), 1994)

### **8.03.035 Keeping of Dangerous and Potentially Dangerous Dogs.**

A. The owner or person with the right to control any dangerous or potentially dangerous dog shall:

1. Keep the dog under his or her own physical restraint and control by means of a leash not to exceed six feet in length. In addition, a dangerous dog must be muzzled; and
2. Post a sign advising of the presence of a dangerous or potentially dangerous dog at the entrance to every place where any such dog is confined. The sign shall be capable of being understood by a child with the normal reading skills of a second grader.

B. In addition to subsection (A) of this section, the owner or person with the right to control a dangerous dog shall:

1. Maintain for the dog an enclosed and locked pen or kennel having secured sides and a secured top attached to the sides, and having a secure bottom or floor attached to the sides, or

with the sides embedded not less than two feet into the ground, behind a fence not less than six feet high, except where the dangerous dog is kept in an apartment or condominium; and

2. Ensure that when the dog is in a house, apartment, building or similar structure, that the windows and doors of same are secured to prevent the dog from exiting without the assistance of the owner or person with the right to control such dog.

(Ord. 1886, (part), 2001)

#### **8.03.040 Registration of Dangerous Dogs.**

A. Every owner of a dangerous dog over four months of age shall register such dog with the City Manager. Such registration shall be renewed on an annual basis. A registration fee, and a fee to be charged for multiple inspections of required confinement facilities for such dogs, shall be fixed by resolution of the City Council.

B. Every owner of a dangerous dog over four months of age shall obtain a public liability insurance policy from an insurer licensed to practice in the State of California, a single-incident amount of not less than fifty thousand dollars. Such owner shall give written notice to the City Manager of any cancellation or material change in such policy at least thirty days prior to the date of such cancellation or material change.

C. Owners of dangerous dogs unable to meet the requirements of subsection or A or B of this section, shall surrender the dogs to the City Manager for humane destruction or other disposition, by discretion of the City Manager.

(Ord. 1886, (part), 2001; Ord. 1644, § 2 (part), 1994)

#### **8.03.050 License Required.**

No person shall maintain or board any dog or cat four months of age or older that has not been licensed pursuant to the provisions of this title, except:

A. A license shall not be required for an animal owned or under the control of a nonresident of the City, and that is to be kept in the City for less than thirty days in any twelve-month period.

B. A license shall not be required for dogs or cats temporarily brought into the City for entry into an event, show, or exhibition scheduled not more than ten days thereafter.

(Ord. 1644, § 2 (part), 1994)



### **8.03.060 License Fees.**

A. License fees for each dog or cat within the City, including reduced fees for spayed females or neutered males, shall be fixed by resolution of the City Council. Dog and cat license fees shall not be refundable.

B. The City Manager may require the submission of a certificate of a licensed veterinarian stating that a dog or cat has been spayed or neutered, or cannot be spayed or neutered for health reasons and is incapable of breeding, or is biologically incapable of breeding, prior to issuance of a license of a lesser fee.

C. A late fee may be charged in accordance with other fees and charges adopted by resolution.

D. Licenses and tags for dogs used principally for the purpose of guiding persons who are blind or deaf, and for dogs used in law enforcement by governmental agencies shall be issued upon request without charge.

(Ord. 1644, § 2 (part), 1994)

### **8.03.070 Issuance of License.**

A. Upon payment of the license fee, presentation of a valid certificate of vaccination by a duly licensed doctor of veterinary medicine and when required, presentation of a dangerous dog registration and a valid certificate of public liability insurance from an insurer licensed to practice in the State of California, the City Manager will issue a license stating the name and residence of the person to whom the license is issued, the amount paid, the date of issuance thereof, the date of expiration of the vaccination, the date of expiration of the dangerous dog registration, the date of expiration of the public liability insurance, and a description of the dog or cat for which the license is issued, together with the number of the metallic tag accompanying the same.

B. Owners of dangerous dogs shall notify the City Manager, in writing, of any changes of address within fourteen days of the date of such change.

C. Notwithstanding subsection A of this section, the Manager, in the Manager's discretion, may refuse to issue or renew a license for a period of not more than two years when such refusal is deemed reasonably necessary to protect public health, safety and property.

(Ord. 1644, § 2 (part), 1994)

### **8.03.080 Metal Tags.**

A. With each dog or cat license, the City Manager will issue a metal tag bearing an identifying number. Each dog or cat shall wear the metal tag issued for it at all times except when being shown at a dog or cat show, exhibition or event or when it is in a fully enclosed structure in the owners premises. In the event it is necessary to issue a duplicate tag, a fee set by the City Council shall be charged to the owner.

B. It shall be unlawful for any person to attach a metal tag issued pursuant to this section to any dog or cat other than the dog or cat for which it is issued.

(Ord. 1644, § 2 (part), 1994)

### **8.03.090 License Period.**

A. The term of any dog or cat license issued hereunder shall commence on the date of the issuance of the license and shall terminate six months or twelve months or twenty-four months from the date or thirty-six months from date of issue dependent on license fee and or vaccination status tendered.

B. Dog and cat licenses shall be renewed upon expiration. When a license is renewed after the expiration date, the new license period shall begin on the expiration date of the previous period.

(Ord. 1644, § 2 (part), 1994)

### **8.03.100 Record of Licenses.**

The City Manager will keep a record of all licenses issued by him or her, together with a description of the dog or cat for which such license is issued.

(Ord. 1644, § 2 (part), 1994)

### **8.03.110 Presentation of License on Request.**

Upon request of any authorized animal control employee or any peace officer, the owner or person having control of a dog or cat shall present the dog's or cat's license to that person.

(Ord. 1644, § 2 (part), 1994)

### **8.03.120 Veterinarian Responsibilities.**

A. Every veterinarian who vaccinates or causes or directs to be vaccinated in the County any dog or cat with anti-rabies vaccine shall use a form provided by the City to certify that such animal has been vaccinated.

B. Every veterinarian provide to the animal owner a copy of the anti-rabies vaccination form for use in obtaining a license for the animal.

C. Every veterinarian operating a business within the City of Cupertino shall conspicuously display a sign to notify dog and cat owners that their animals must be licensed.

(Ord. 1644, § 2 (part), 1994)

### **8.03.130 Penalty.**

Except where otherwise specified, any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in [Chapter 1.12](#).

(Ord. 1886, (part), 2001)

## **CHAPTER 8.06: DANGEROUS ANIMALS**

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### Section

[8.06.010](#) Permit for dangerous and/or vicious animals.

[8.06.020](#) Permit denial.

[8.06.030](#) Permit period and fee.

[8.06.040](#) Penalty.

### **8.06.010 Permit for Dangerous And/or Vicious Animals.**

A. No person shall keep, have, maintain, sell, trade, or let for hire a dangerous and/or vicious animal without first obtaining a permit from the City Manager. The application for a permit, permit conditions, inspection, denial, revocation, and appeal shall be in accord with the provisions of this chapter.

B. No permit shall be required of any zoo, university, college, governmental research agency or other bona fide scientific institutions, as determined by the City Manager, engaging in

scientific or public health research. For the purposes of this title, a zoo shall be considered any organization that exhibits animals to the general public at regular specified hours, equaling at least thirty hours a week for thirty-six weeks a year, and whose animals, whether maintained for exhibit purposes or not, are not for sale to private individuals.

C. The owner of a vicious and/or dangerous animal shall post at the entrances to the property where the animal is kept with a legible sign at least twelve inches square, warning persons of a vicious and/or dangerous animal.

(Ord. 1644, § 2 (part), 1994)

#### **8.06.020 Permit Denial.**

A. Notwithstanding anything to the contrary, the City Manager may deny or revoke a permit to keep or maintain any dangerous animal when, in his or her opinion:

1. Any such animal may not be kept or maintained without endangering the safety of any person(s) or property; or
2. The keeping of the animal would constitute a public nuisance; or
3. The animal would be subject to suffering, neglect, cruelty or abuse.

B. The City Manager in his or her discretion may require any such animal to be properly caged, tethered, or restrained in zoo-type facilities that meet or are in addition to, or more restrictive than, State guidelines issued under the provisions of Section 671 of Title 14 of the California Code of Regulations and federal standards issued under Chapter 1 of Title 9 of the Code of Federal Regulations.

C. Nothing in this chapter shall be construed to permit the keeping of dangerous animals where zoning provisions or State law would prohibit such keeping.

(Ord. 1644, § 2 (part), 1994)

#### **8.06.030 Permit Period and Fee.**

The fee for a permit to keep or maintain one dangerous animal shall be fifty dollars for a twelvemonth term, and the fee for each additional dangerous animal shall be one hundred dollars. The permit shall expire and be renewable as set forth in Section [8.05.040](#).

(Ord. 1644, § 2 (part), 1994)

#### **8.06.040 Penalty.**

Except where otherwise specified, any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in [Chapter 1.12](#).

(Ord. 1886, (part), 2001)

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