



CITY COUNCIL MEETING

Tuesday, September 03, 2024
Regular Meeting - 6:00 PM
City Hall – City Council Chambers
425 Webster Street, Colusa, CA 95932

AGENDA

Zoom Information:

<https://us06web.zoom.us/j/89890717467>
Meeting ID: 898 9071 7467 Passcode: 726926
Mobile: 669-444-9171, ID 89890717467

Mayor – Daniel Vaca
Mayor Pro Tem – Ryan Codorniz
Council Member – Denise Conrado
Council Member – Greg Ponciano
Council Member – Dave Markss

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS *(The public to address any item of City business NOT appearing on this Agenda. Speakers must limit their comments to three (3) minutes each. Please note that per Government Code Section 54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters which do not appear on the printed agenda)*

PRESENTATIONS

1. North Valley Community Foundation Presentation, Presenter: David Spaur with S2 Consulting

CONSENT CALENDAR - All items listed on the Consent Calendar are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Council member requests otherwise, in which case, the item will be removed for separate consideration.

2. **Approve** - August 6 Council Draft Minutes
3. **Receive and File** - Police Department July report
4. **Receive and File** - City Treasurer's June report
5. **Adopt** - Ordinance 565 approving a Development Agreement and rezoning property identified as Assessor's Parcels Numbers: 017-130-107 and 017-130-050 (Portion of) from R-1 (Single Family Residential District to R-1/PD (Single Family Residential District/Planned Development), R-2/PD (Two-Family Residential District/Planned Development R-3/PD (Neighborhood Apartment District/Planned Development), CM/PD

(Commercial Professional District/Planned Development), O-S (Open Space District) and P-F (Public Facility/Park District) (Westcott Subdivision)

6. **Adopt** - Resolution authorizing the City Manager to enter into a construction contract with John Burger Heating & Air Conditioning, Inc., for climate control in the City Hall Auditorium
7. **Adopt** - Resolution approving the updated Utilities Superintendent job description and pay scale along with removing all other Utilities Superintendent job descriptions.

COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS

COUNCIL CONSIDERATION

8. Consideration of a Resolution authorizing the City Manager to enter into a construction contract amendment with Dos Rios Inc. for the rehabilitation of the Colusa Sacramento River (SRA)

Recommendation: Council to adopt a Resolution authorizing the City Manager to enter into a construction contract amendment with Dos Rios Inc. for the rehabilitation of the Colusa Sacramento River (SRA)

9. Consideration of an Award of the Recycled Water System Upgrades Phase 1 Construction and Construction Management Contracts.

Recommendation: Council to adopt the Resolution authorizing the City Manager to enter into construction and construction management contracts for Phase 1 Wastewater Recycled Water Project

DISCUSSION

10. Animal Control Ordinance

FUTURE AGENDA ITEMS

ADJOURNMENT



SHELLY KITTLE, CITY CLERK

Notice of Meetings and Agendas

The Regular Colusa City Council meetings are held the first and third Tuesdays of each month at 6:00 pm in the Colusa City Council Chambers located at 425 Webster Street, Colusa California unless otherwise noted above. Copies of open session agenda packets, which are distributed to the City Council, are on file at the front desk of the City at 425 Webster Street, Colusa, California, and are available for public inspection beginning 72 hours in advance, during normal business hours (7:00 am – 5:00 pm., Monday through Thursday except for City holidays). Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection at the front desk of the City and on the day of the meeting in the Council Chambers.

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk at least 48 hours prior to the meeting at (530) 458-4941 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

“This institution is an equal opportunity employer and provider”

Colusa County

- Population: 22,037
- Hispanic or Latino: 61.7%
- Unemployment: 19.2%
- Building permits (2022): 61
- Per capita income: \$31,915
(lowest in Capital Region)
- Population per square mile: 19



Who We Are



The North Valley Community Foundation is the region's philanthropic hub serving four counties, including Colusa County. It has distributed more than \$130 million for charitable projects in the past 20 years.



Our Team

**Lauren Wong,
Executive Director,
TCCAP**

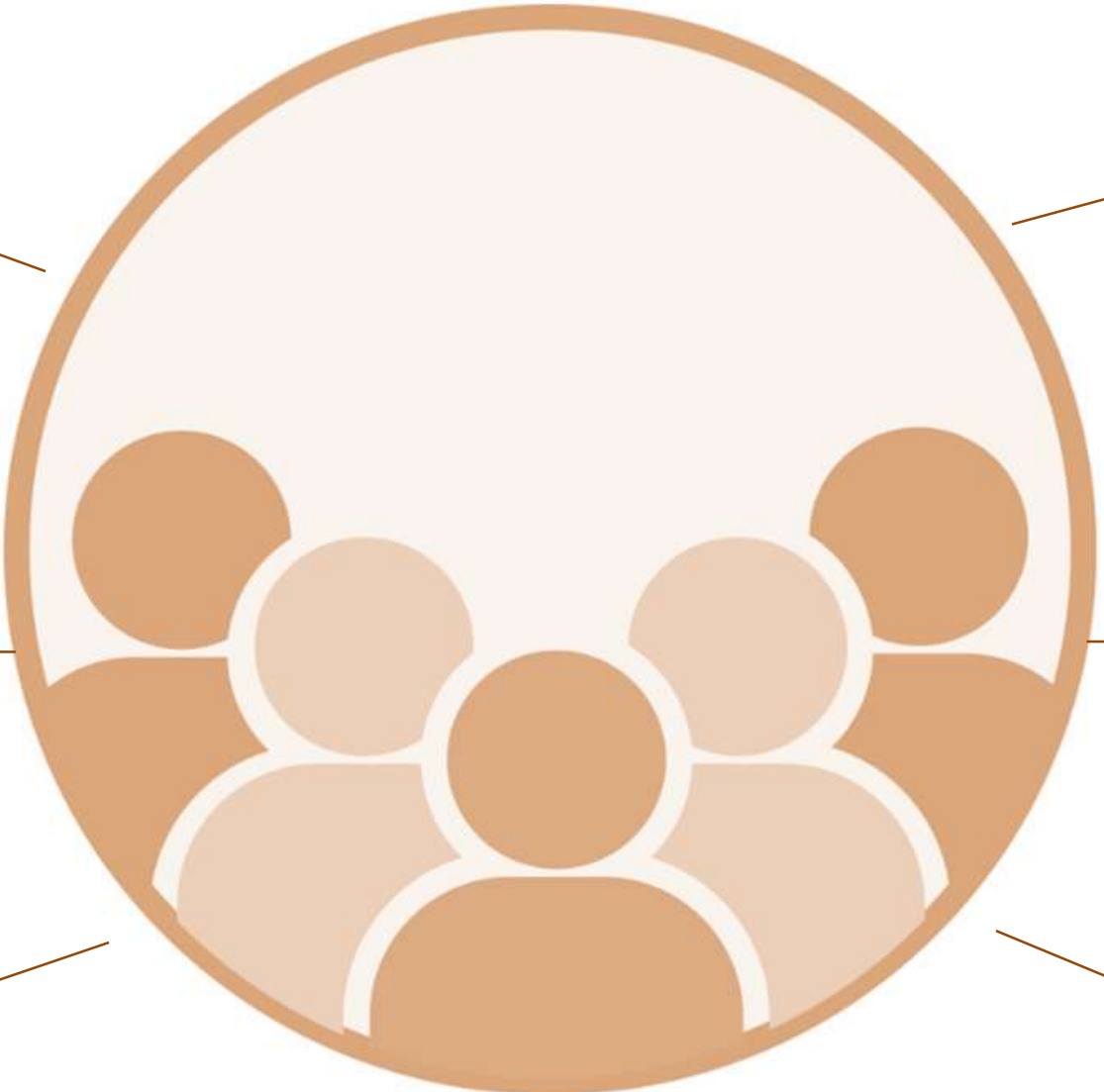
**Jody Samons,
EB3 Development**

**David Spaur,
S2 Consulting**

**David Little,
Executive VP,
North Valley CF**

**Karsen Bradley,
CFO,
North Valley CF**

**Dagoberto
Bobadilla,
TCCAP**



Our Community Engagement

- Piggybacking on efforts from TCCAP's Community Health Assessment
- Capital Region Community Survey
- 6 community meetings in all corners of the county, from Colusa (population 6,368) to Stonyford (population 80)
- 3 meetings of diverse Steering Committee
- Dozens of 1-on-1 meetings across all sectors
- Site tours with existing and potential employers



Community Partners

Cachil DeHe Band of Wintun
Kletsel DeHe Wintun Nation
County of Colusa
Cities of Colusa, Williams
Colusa One-Stop
Arbuckle Family Action Center
Pierce Joint Union School District

River Vista Farms
Northern Valley Indian Health
Colusa County Farm Bureau
Colusa Produce Corp.
Sun Valley Rice
Maxwell School District
Colusa Medical Center



Our Learnings



Potential Industry-aligned Projects

Agriculture and natural resources are abundant assets with many related business opportunities, but job training and apprentice programs are needed.

Local-serving Job Opportunities

Aside from just growing food, Colusa is ripe for investment in food manufacturing, value-added ag and ag tech innovation

Discovery of Barriers/Challenges

Disinvested areas struggle to attract businesses and secure funding for essential services. The result is a spiral of economic decline.

Discovery of Barriers/Challenges

- Lack of year-round employment
- Drastic needs for all types of housing
- Infrastructure deficiencies
- Lack of investment
- Workforce development
- Health care and social services
- Cost of living
- Child care
- Transportation
- Internet connectivity

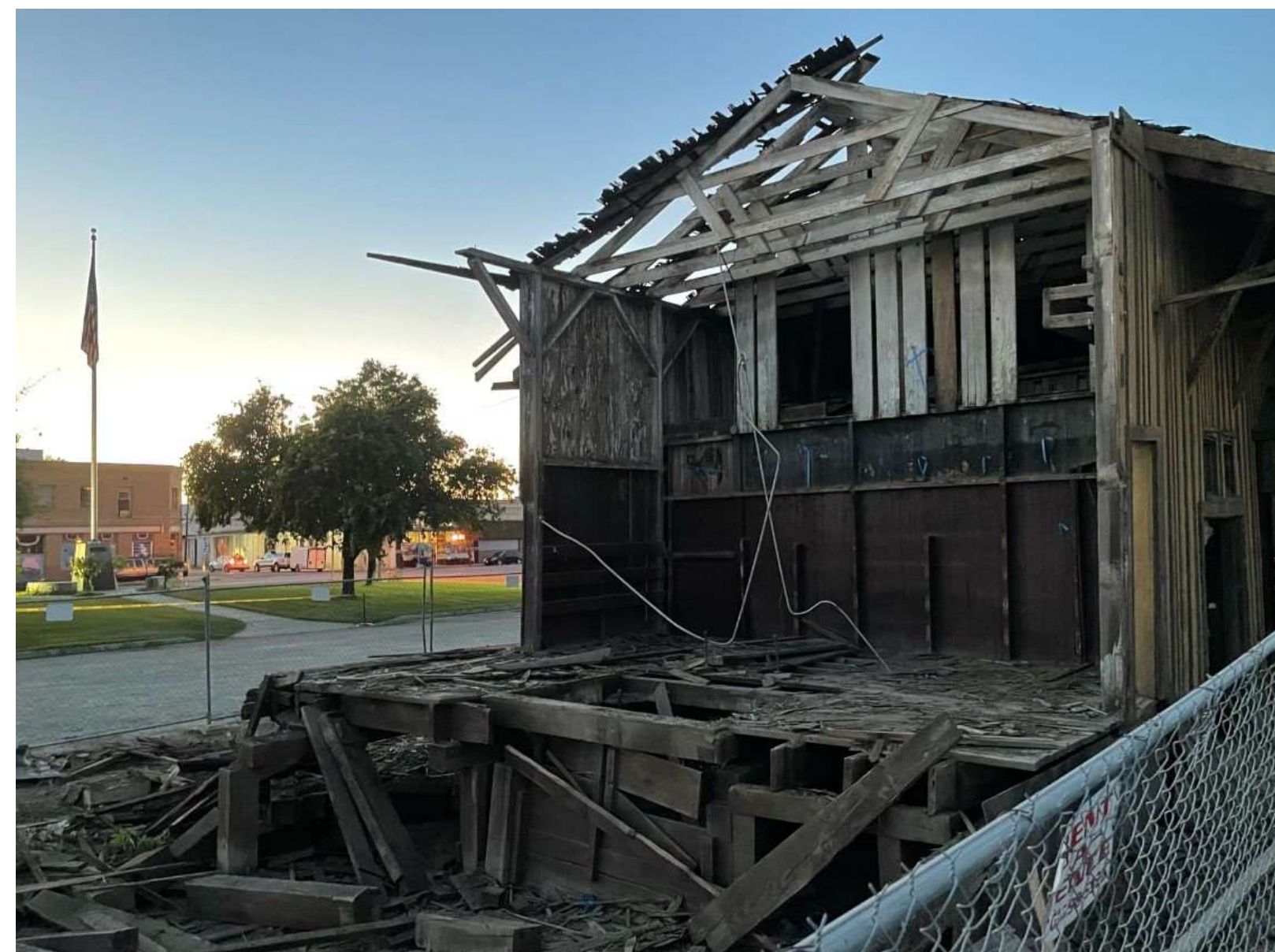


Photo by Arbuckle Revitalization Committee



Local-Serving and/or Tradable Job Opportunities

- Value-added agriculture
- Ag technology, including AI
- Farm equipment and agriculture-allied industry
- Natural resources (e.g., gravel, natural gas)
- Food manufacturing and processing
- Tourism and recreation
- Sites Reservoir construction impacts
- Entrepreneurial opportunities



Photo by Ricardo Carmona for Colusa County



Potential Industry-Aligned Projects

- Ag tech and biomedical innovation
- Trade training programs through local schools
- Apprenticeship programs
- Comprehensive Community Center
- Meat processing facility
- Cold storage facility



Photo by Ricardo Carmona for Colusa County



Inclusionary Pathway Strategies



Photo by Ricardo Carmona for Colusa County

Improve access to housing

Subdivisions are scarce, but single-lot infill and ADU possibilities are abundant. A preapproved floor plan library would save money on fees and speed up the building process.

Develop a community center

The south county has a dearth of social services for residents. An Arbuckle community center could provide employment services, job training, a family center, health care and more.



Inclusionary Pathway Strategies

Increase job training programs

Residents want more than just ag jobs. There's an extreme need for local job training programs, particularly in trades and vocational skills, to empower residents and address unemployment.

Help connect residents with resources

Even when resources are available, many residents don't know about them. Expanding 211 service from Butte County will provide bilingual information to expand awareness of what's available.



Inclusionary Pathway Strategies

Narrow the digital divide

Internet connectivity in most parts of the county is inadequate and expensive. This affects at-risk communities the most, when internet is needed to apply for jobs, fill out forms for government assistance or get access to telehealth services.

Invest in Infrastructure

Some areas of the county, such as Arbuckle and Maxwell, have limitations on growth because there's no capacity in the aging water and sewer systems. Further, there are needs for public transportation or a rideshare service to get workers to jobs.



Photo by Arbuckle Revitalization Committee



In Summary

- Colusa County lags behind California on most socioeconomic metrics.
- Challenges include an extreme lack of housing, very high unemployment and holes in the social safety net.
- To create equity, investments in infrastructure are needed.
- Our inclusionary pathway strategies can help increase housing stock, connect disadvantaged communities with social services and job training, narrow the digital divide and build a strong foundation for growth.



Contact Information

David Little, North Valley Community Foundation:
dlittle@nvcf.org

Lauren Wong, Tri Counties Community Action Partnership:
LWong@tricountiescap.org

Jody Samons, EB3 Development:
jody@eb3development.com

David Spaur, S2 Consulting:
S2ConsultingLLC@comcast.net



CITY COUNCIL MEETING

Tuesday, August 06, 2024
 Regular Meeting - 6:00 PM
 City Hall – City Council Chambers
 425 Webster Street, Colusa, CA 95932

MINUTES

CALL TO ORDER- Mayor Vaca called the meeting to order at 6:00 pm.

ROLL CALL – Council Members Markss, Ponciano, Conrado, Codorniz and Vaca were all present.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA –There was council consensus on the agenda approval.

PUBLIC COMMENTS – Connie Aden thanked City staff for keeping the pool maintained and asked about installing ladders to assist seniors.

William, who resides at 510 2nd Street, discussed the overpopulation of cats in his area and that Animal Control would not take any more cats.

PRESENTATIONS

1. Five-Year Service Award for Nick Allegrini was given to his supervisor since he was unable to attend the meeting.

CONSENT CALENDAR - *All items listed on the Consent Calendar are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Council member requests otherwise, in which case, the item will be removed for separate consideration.*

2. **Receive and File** - Council Draft Minutes of July 16, 2024
3. **Adopt** - Resolution updating the City of Colusa Injury and Illness Prevention Program
4. **Adopt** - Resolution establishing regular meeting dates and times for the Parks, Recreation and Tree Commission.
5. **Adopt** - Resolution authorizing the City Manager to be the authorized signer on the program supplement agreement with Cal Trans

ACTION: Motion by Council Member Conrado seconded by Council Member Codorniz to approve the consent items. Motion passed unanimously.

COUNCIL MEMBER /CITY MANAGER REPORTS AND STAFF COMMENTS

City Council Members reported on their appointed committee and commission meetings.

City Attorney Jones reported his correspondence with BC&E's Attorney, stating the item would be on the August 20th meeting.

City Manager Cain provided an update on current projects.

Police Chief Fitch provided updates at the Police Department.

City Engineer provided project updates.

City Planner Tomey provided updates in the Planning Department.

Finance Director Aziz-Khan provided updates in the Finance Department.

City Clerk Kittle provided updates on the election dates and the open seats.

COUNCIL CONSIDERATION

6. Consideration of the Resolution approving the ARPA Status Update and Allocation of Balance of Funds

City Manager Cain reported the update and fund balance. Consultant Sadie Ash provided details and answered questions from council and the public.

ACTION: With no public comments, motion by Council Member Conrado, seconded by Mayor Vaca to adopt **Resolution 24-53** approving the ARPA status update and allocation of the balance of the funds. Motion passed 5-0 by the following roll-call vote:

AYES: Markss, Ponciano, Conrado, Codorniz and Vaca.

NOES: None.

ABSENT: None.

DISCUSSION ITEMS

7. City Sidewalk Discussion

City Manager Cain provided a list of the sidewalks in need of repair. He explained State Legislation and the City Ordinance. Council requested staff create a plan to prioritize high-traffic areas as priority one and as time and manpower are available, repair the other sidewalks on the list. Citizen Connie Aiden asked about 10th Street sidewalks.

8. The city's current Animal Control Ordinance

Police Chief Fitch provided information from his research. He will work on the Ordinance and bring it back to the council. He will ask Animal Control to attend a council meeting so that further discussion can take place on the complexities of the feral cat issues. Many concerned citizens voiced their frustrations with sick and diseased cats in their neighborhoods. The City pays the County \$30,000/per year for Animal Control services.

9. Mushroom Plant update

City Manager Cain stated a representative from the Mushroom Plant was not in attendance but there would be a representative at the next meeting. Ed Hulbert, with CIP thanked Code Enforcement Officer Soto for going out to the plant and said that he has noticed changes since Soto was there.

Mayor Vaca called a recess at 7:52 pm.

Mayor Vaca called the meeting back to order at 8:01 pm

10. FEMA Mapping and Projects

Randy Thayer, Representative of Blazona Development and owner of the Colusa Landing project provided Phase 3 maps. He addressed the issues with the FEMA mapping and the California Building Code that affects 47 lots in Phase 3. Thayer is researching if there was a grandfather clause in the California Building Code. Ed Hulbert encouraged everyone to visit Phase 3 to see that the infrastructure had been completed. Thayer and Hulbert inquired about possible relief on impact fees for Phase 3 only if Phase 3 could not be grandfathered in. City Engineer Swartz continues to discuss this issue with the State and FEMA.

FUTURE AGENDA ITEMS

City of Williams Ordinance on September 3rd.

Nuisance Ordinance

ADJOURNED at 8:33 pm

DANIEL VACA, MAYOR

Shelly Kittle, City Clerk

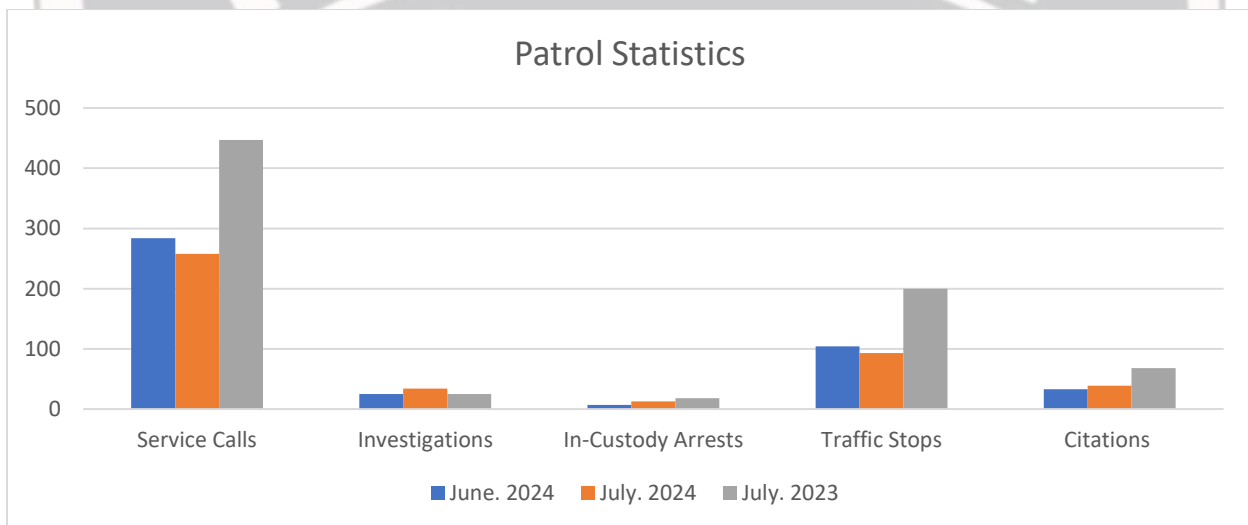
Colusa Police Department

Monthly Report for July 2024

Monthly Activities

- City Council Meetings
- Conducted CCW permit interviews
- Completed yearly audit with the California Commission on Peace Officers Standards and Training

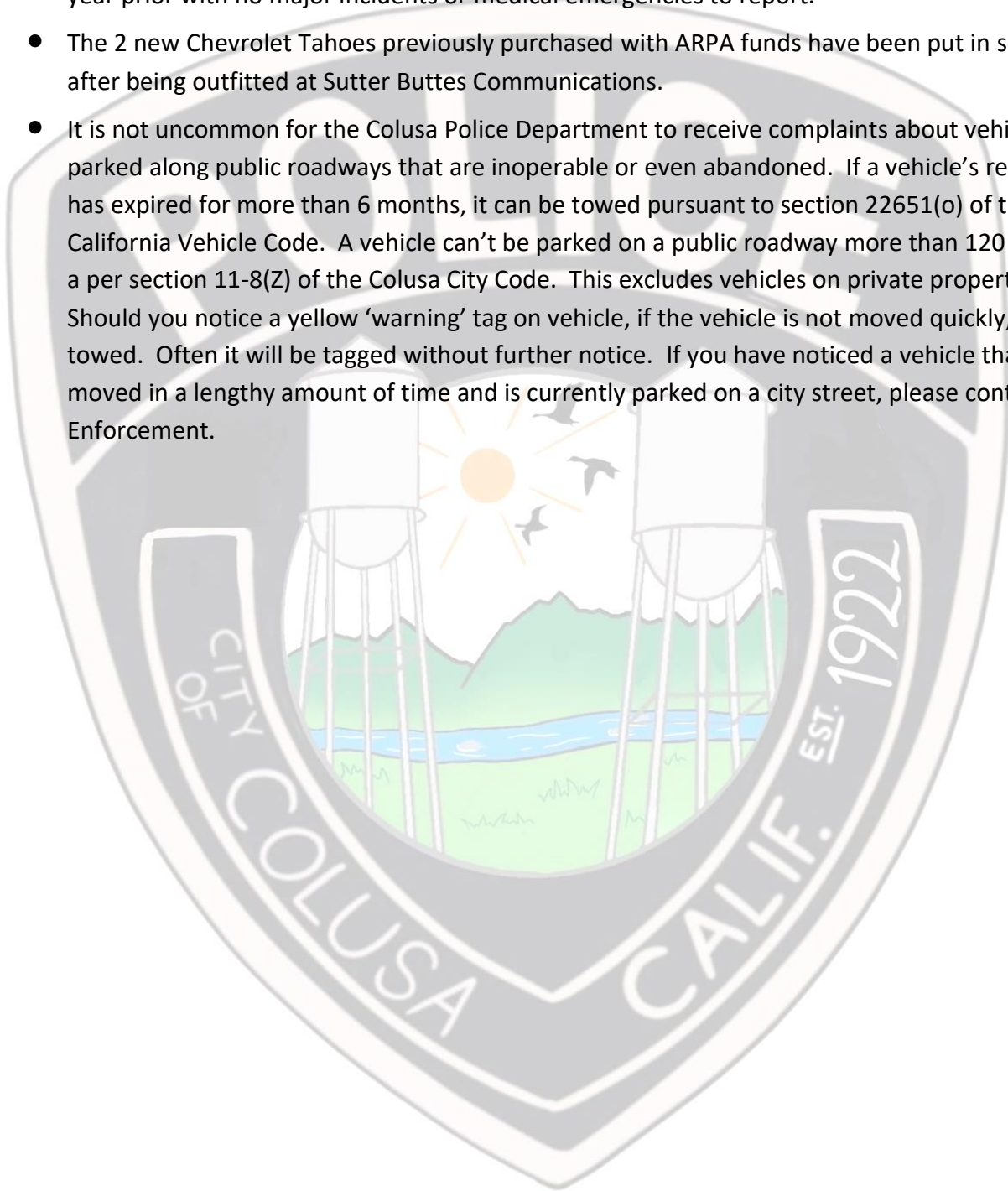
Monthly Statistics



- There were 258 calls for service for patrol officers with 18 agency assists. The call volume in July minimally decreased as compared to June. Additionally, there was a 43% decrease in the call volume compared to July of 2023.
- During July 2024, there were 13 in-custody arrests. There were no citations issued in lieu of subjects being booked in jail. There were 3 domestic violence related incidents reported in July with 2 resulting in arrests. There were 3 DUI related arrests made this month. There were 34 reports initiated.
- During the month of July, officers initiated 93 traffic enforcement stops. There were 39 citations issued. Several of the citations issued were for speed related violations, however there was a significant increase in citations issued for cell phone use while driving as well. There were no reportable traffic collisions. 'Hit and Run' collisions are not included in these statistics but instead are included in crime statistics.
- The Police Services Manager handled 81 calls for service during the month of July. These calls for service don't include telephone calls handled by the Police Services Manager.

Items of Interest

- Our 3 police officer trainees started the academy on July 1st. The academy is 5 months of intensive academic and physical training. If successful, they will graduate on December 6th.
- The 4th of July holiday was relatively uneventful. The turnout for the fireworks by the Sacramento River was smaller than the year prior. The call volume overall was less than the year prior with no major incidents or medical emergencies to report.
- The 2 new Chevrolet Tahoes previously purchased with ARPA funds have been put in service after being outfitted at Sutter Buttes Communications.
- It is not uncommon for the Colusa Police Department to receive complaints about vehicles parked along public roadways that are inoperable or even abandoned. If a vehicle's registration has expired for more than 6 months, it can be towed pursuant to section 22651(o) of the California Vehicle Code. A vehicle can't be parked on a public roadway more than 120 hours on a per section 11-8(Z) of the Colusa City Code. This excludes vehicles on private property. Should you notice a yellow 'warning' tag on vehicle, if the vehicle is not moved quickly, it will be towed. Often it will be tagged without further notice. If you have noticed a vehicle that hasn't moved in a lengthy amount of time and is currently parked on a city street, please contact Code Enforcement.





CITY OF COLUSA
425 Webster Street
Colusa, CA 95932
(530) 458-4941
Fax: (530) 458-8674

ITEM FOR SEPTEMBER 3, 2024

To: Colusa City Council Members

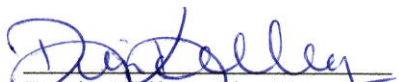
Re: Treasurer's Report for month ending June 2024

Please find the attached financial reports for your review. Based on the information provided to me by the finance department, this report represents the financial record as of June 30, 2024.

I have included a summary below:

Bank Balance as of June 30, 2024	\$6,855,153.76
Outstanding payables	(23,475.29)
LAIF Balance as of June 30, 2024	11,267,175.26
Petty Cash	500.00
Total Balance as of June 30, 2024	<u>\$18,099,353.73</u>

Respectfully submitted,


Devin Kelley, City Treasurer

**CITY OF COLUSA, CALIFORNIA
BANK RECONCILIATION
FOR THE MONTH JUNE 2024**

Bank Records:

Wells Fargo Bank Balance - June 30, 2024	\$ 6,855,153.76
Wells Fargo Escrow Account Balance - June 30, 2024	-
ADD / SUBTRACT:	
Outstanding Accounts Payable	(21,252.32)
Outstanding Payroll Payable	(2,222.97)
Reconciling Items:	-
<hr/>	
Reconciled Checking Balance - Wells Fargo Bank - June 30, 2024	6,831,678.47
LAIF Balance - June 30, 2024	11,267,175.26
Petty Cash Balance - June 30, 2024	500.00
<hr/>	
Total Reconciled Bank Balances - June 30, 2024	<u><u>\$ 18,099,353.73</u></u>

City Records (Post Journal Entries):

10200 - Wells Fargo Bank Operating / USDA Loan Escrow	\$ 6,844,929.38
10995 - LAIF	11,267,175.26
10100 - Petty Cash	500.00
<hr/>	
Total Checking and LAIF	\$ 18,112,604.64
ADD / SUBTRACT:	
Credit Card Deposits in MOMS - Not In Bank	(13,370.20)
Rec.Desk not posted - In Bank	119.29
Credit card Pmt in MOM-Not in the bank	
<hr/>	
Total Reconciled Book Balance - June 30, 2024	<u><u>\$ 18,099,353.73</u></u>

ORDINANCE NO. 565

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA
 APPROVING A DEVELOPMENT AGREEMENT AND REZONING PROPERTY
 IDENTIFIED AS ASSESSOR'S PARCEL NOS. 017-130-107 and 017-130-050 (Portion of)
 FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-1/PD (SINGLE
 FAMILY RESIDENTIAL DISTRICT/PLANNED DEVELOPMENT), R-2/PD (TWO-
 FAMILY RESIDENTIAL DISTRICT/PLANNED DEVELOPMENT, R-3/PD
 (NEIGHBORHOOD APARTMENT DISTRICT/PLANNED DEVELOPMENT), CM/PD
 (COMMERCIAL PROFESSIONAL DISTRICT/PLANNED DEVELOPMENT), O-S
 (OPEN SPACE DISTRICT) AND P-F (PUBLIC FACILITY/PARK DISTRICT)
 (Westcott Subdivision)

BE IT ORDAINED by the Council of the City of Colusa that:

Section 1. The portion of real property situated in the City of Colusa, County of Colusa, State of California, identified as Assessor's Parcel Number 017-130-107 and 017-130-050 (portion of) is amended from R-1 (Single Family Residential) to 46.54 acres to R-1/PD (Single Family Residential District/Planned Development, 16.27 acres to R-2/PD (Two Family Residential District/Planned Development), 7.45 acres to R-3/PD (Neighborhood Apartment District/Planned Development), 1.17 acres to CM/PD (Commercial Professional District/Planned Development and 3.51 acres to P (Public Facilities/Parks District) and 14.03 acres to Open Space (Open Space Districted), as depicted on Exhibit I.

Section 2. The City Council finds that:

- A. The proposed rezone would be consistent with the General Plan in that there will continue to be sufficient land to accommodate growth and housing supply that is near existing infrastructure and services, that the zones changes provides for a variety of housing types that could be for sale and rental (Goal HSG-1, Policy HSG 1.1, HSG 1.3, HSG 1.4, HSG 1.5m HSG 1.6 and HSG 5.1). The rezone provides for continued housing pattern to be established and intensified within the city boundaries, while providing for a diversified economic base with balance between jobs, housing and infrastructure (Policy HSG 5.2, HSG 7.4, LU 5.1, LU 5.2, LU 6.3). The design of the subdivision allows for external and internal connectivity while also providing appropriate open spaces and parklands to minimize airport overflight impacts. The design also connects pedestrians and bicycle users to future and existing improvements

(Policy N-1.8, CCD 3.2, CCD 3.3, CCD 3.4); and

B. There are no physical or environmental constraints on the property which would prohibit use of the land consistent with the R-1/PD (Single Family Residential District/Planned Development), R-2/PD (Two-Family Residential District/Planned Development), R3/PD (Neighborhood Apartment District/Planned Development) CM/PD (Commercial Professional District/Planned Development) O-S Open space District and P_F (Public Facility/Park District) zoning regulations. The project site is flat with no environmental resources or habitat and is suitable for development and non-development that would be compatible with existing adjacent land uses and the Airport Land Use Compatibility Plan.

Section 3. That the Development Agreement is in the best interest of the City and the applicant to ensure advancement of city policies and development and build out of the site.

Section 4. This ordinance shall become effective 30 days following the date of its adoption.

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Colusa at it meeting held on _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

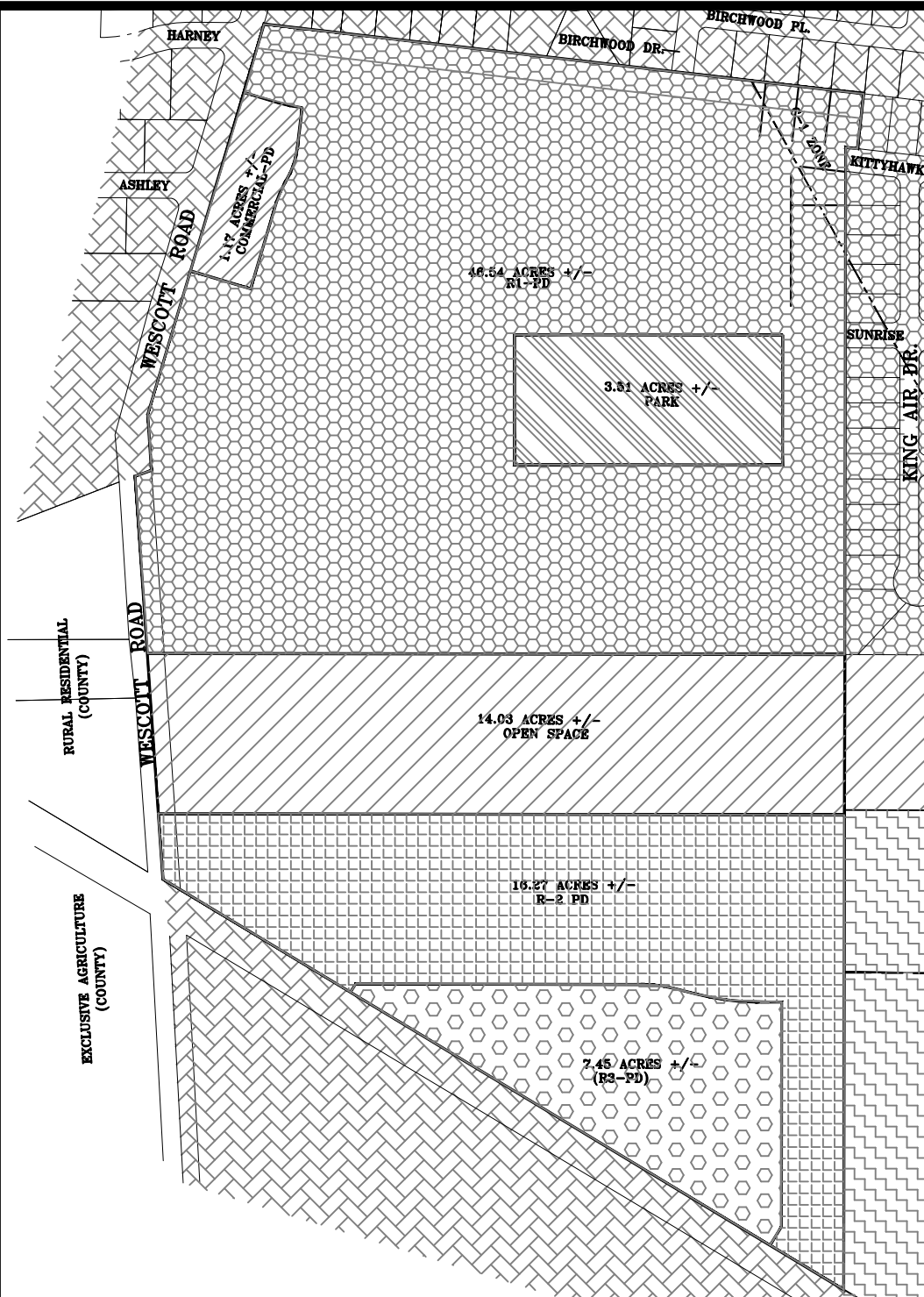
DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk



1" = 400



OWNERS





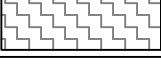

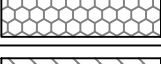

BLUE HERON RIDGE INC
50 SUNRISE BLVD.
COLUSA, CA 95932
(530) 458-2118

WESCOTT RANCH LLC
642 5TH STREET
COLUSA, CA 95932

ENGINEER/SURVEYOR:
NORTH VALLEY ENGINEERING
AND SURVEYING
P. O. BOX 3082
YUBA CITY, CA 95993
(530) 713-0417

AREA OF ALL PARCEL
88.97 AC +/-

ZONE C-1 NOTES:
1- AREA OF SUBDIVISION WITHIN AIRPORT ZONE C-1 IS 1.097 ACRES MORE OR LESS.
2- NUMBER OF LOTS AFFECTED PARTIALLY OR TOTALLY BY ZONE C-1 ARE 6 LOTS (LOTS NO. 1,2,3,4,67 AND 68)

ZONING	GENERAL PLAN	ZONING	GENERAL PLAN
 O-S PD OPEN SPACE PLANNED DEVELOPMENT	PARKS RECREATION OPEN SPACE	 C-G PLANNED DEVELOPMENT	GENERAL COMMERCIAL DISTRICT PD
 P-F PUBLIC FACILITIES DISTRICT	PUBLIC FACILITY	 R-2 PLANNED DEVELOPMENT	MEDIUM DENSITY RESIDENTIAL PD
 M-1 LIGHT INDUSTRIAL	INDUSTRY DISTRICT	 R-3 PLANNED DEVELOPMENT	HIGH DENSITY RESIDENTIAL PD
 R-1 PD SINGLE FAMILY RESIDENTIAL DISTRICT PLANNED DEVELOPMENT	LOW DENSITY RESIDENTIAL	- - - - - ZONE C-1 COLUSA AIRPORT LAYOUT PLAN	
 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	LOW DENSITY RESIDENTIAL	PROPOSED ZONING & GP WESCOTT SUBDIVISION	



City of Colusa California

STAFF REPORT

DATE: September 3, 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Resolution authorizing the City Manager to sign a contract with John Burger Heating & Air Conditioning, Inc

Recommendation: Council to pass a Resolution 24-

BACKGROUND ANALYSIS:

With the recreation programs starting to pick up, the auditorium is being used now daily. The auditorium needs some type of climate control as it is very cold in the winter and very hot in the summer.

On July 25th 2024, I sent out a request for proposals for a design build heating and air conditioning unit for the City of Colusa's city hall auditorium. While I had a few contractors come look at the building to see what it would take to install a new system, only one contractor submitted a bid for the work that was requested to be done.

John Burger Heating & Air was the only contractor that submitted a proposal to install a new heating and air conditioning system for the auditorium at a cost of \$79,621.69

BUDGET IMPACT: This project will be funded out of City Hall Impacts funds. This project was accounted for in the 24-25 City budget.

STAFF RECOMMENDATION: Council to approve Resolution 24 Authorizing the City Manager to sign a contract with John Burger Heating and Air Conditioning, Inc

ATTACHMENT:
 Resolution 24-

RESOLUTION NO. 24-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH JOHN BURGER HEATING & AIR CONDITIONING INC. FOR CLIMATE CONTROL IN THE CITY HALL AUDITORIUM

WHEREAS, on July 25, 2024, the City of Colusa issued a request for proposals (RFP) for a design build climate control for the City Hall auditorium and;

WHEREAS, the City of Colusa City Council authorizes the City Manager to enter into the construction contract with John Burger Heating & Air Conditioning Inc. to provide climate control for the City Hall auditorium not to exceed \$79,624.69.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

- 1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
- 2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this third day of September 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: September 3 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Resolution amending the Utilities Superintendent job description and pay rate

Recommendation: Council to pass a Resolution 24-

BACKGROUND ANALYSIS:

Since 2007 the Utilities superintendent job description has been changed several times to meet the City's needs while the construction of the new wastewater plant was being built and personnel that was either here at the time of construction or hired during the construction.

This new amended job description meets the needs of the City of Colusa now and into the future. I have also included a new pay rate for the updated job description as this position has not been filled in years.

If the City Council is to adopt resolution 24 all other job descriptions that have been approved in the pass will be eliminated by the resolution and this will be the only current job description available for the Utilities Superintendent position.

If adopted my plan is to try and have this position fill by the end of the year.

BUDGET IMPACT: None at this time.

STAFF RECOMMENDATION: Council to approve Resolution 24

ATTACHMENT:

Resolution 24-
 Pay scale
 Job description

RESOLUTION NO. 24-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA APPROVING THE
UPDATED UTILITIES SUPERINTENDENT JOB DESCRIPTION AND PAY SCALE
ALONG WITH REMOVING ALL OTHER UTILITIES SUPERINTENDENT JOB
DESCRIPTIONS**

WHEREAS, on September 3, 2024, the City of Colusa adopted Resolution 24-___ adopting the updated Utilities Superintendent job description and pay scale and;

WHEREAS, this Resolution removes all other utilities superintendent’s job descriptions that have been adopted and approved in the past.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY
RESOLVE:**

- 1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
- 2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this third day of September 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
New Utilities Superintendent	\$7,100	\$7,455	\$7,828	\$8,219	\$8,630	\$8,721	\$8,895	\$9,073	\$9,255	\$9,440
Old Utilities Superintendent	\$5,866	\$6,159	\$6,467	\$6,791	\$7,130	\$7,273	\$7,418	\$7,567	\$7,718	\$7,872



CITY OF COLUSA

425 WEBSTER ST.
COLUSA, CA 95932
(530) 458-3320

City of Colusa
FLSA Status: Exempt

Established/Revised: September 3, 2024
Unit: Middle Management

UTILITIES SUPERINTENDENT

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the classification. Class specifications are not intended to reflect all duties performed within the job.

DEFINITION

The incumbent is responsible for performing the full range of duties associated with the management of the City's Public Works Department Utilities; including but not limited to water distribution, wastewater collection, and wastewater treatment systems. Incumbent receives only occasional instruction or assistance as unusual or unique situations arise. And Acts as the Chief plant operator with the State of California.

DISTINGUISHING CHARACTERISTICS

The Utilities Superintendent is responsible for the management and supervision of the Public Works Department Utilities; water distribution, wastewater collection, wastewater treatment systems and any other utilities. This is a single-position, supervisory management class to plan, organize, direct, manage and evaluate the water distribution, wastewater collection, wastewater treatment functions, and other utility facilities of the City; to plan, organize, train, and evaluate staff; to recommend, monitor and complete projects; and do related work as required.

SUPERVISION RECEIVED AND EXERCISED

- Receives immediate supervision the Public Works Director Or the City Manager in absent of a Public works director.
- Exercises supervision over rank-and-file Utility Systems employees.

EXAMPLES OF ESSENTIAL DUTIES

The following are required duties for this classification. However, employees may be required to perform other related duties at an equivalent level.

- Develop budgets and control expenditures.
- Plan, monitor and ensure proper completion of Capital Projects.
- Manage the Utilities (water and wastewater) of the Public Works Department
- Ensure that facilities and processes meet Federal & State requirements
- Coordinate with Federal and State regulators on permits, inspections, new regulations, required studies, and compliance work.
- Determine work priorities and estimate project costs.
- Provide training and development for assigned staff
- Develop recommendations regarding utilities systems development and needs
- Oversee purchasing of equipment, materials, and supplies
- Develop, prepare and maintain required records and reports
- Develop and implement safety requirements and conduct safety training
- Establish and maintain preventive maintenance programs
- Respond to questions and provide information for assigned areas of responsibility
- Investigate complaints and recommend corrective action
- Analyze test results and technical reports for needed utility system adjustments
- Perform inspections for encroachment permits and connections

QUALIFICATIONS

Knowledge of:

- Principles of budget development and monitoring.
- Principles and techniques of team management, supervision and training.
- Principles and practices of operation and maintenance of water and wastewater systems.
- Record keeping and reporting procedures.
- Equipment, tools and materials for Utilities operations, maintenance, and repair work.
- Laws, rules, regulations, and compliance requirements of water and wastewater systems.
- Principles and methods of preventive, corrective and emergency maintenance programs.
- Safe work practices and OSHA compliance procedures.
- NPDES and WDR State Reporting.

Ability to:

- Develop budgets and control expenditures.
- Plan, organize, and direct the maintenance and operation of City utility systems.
- Manage, supervise, train, and evaluate the assigned staff.
- Communicate effectively both verbally and in writing.
- Use a variety of hand and power tools in the repair and testing of utility equipment.
- Understand and apply knowledge of hydraulics, mechanical and electrical work.
- Estimate labor, material, costs and other requirements for major maintenance projects.

- Maintain detailed and accurate records and reports.
- Deal tactfully and courteously with the public.
- NPDES and WDR State Reporting.
- Establish and maintain cooperative working relationships.

Training and Experience:

Any combination of training and experience that would likely provide the required knowledge and abilities is qualifying.

A typical way to obtain the required knowledge and abilities would be:

Five years of experience in operation, maintenance, and/or construction of water distribution, wastewater collection, and wastewater treatment systems with the City of Colusa.

Special Requirements:

- California Grade III Wastewater Treatment Plant Operator Certification. Under special circumstances the person may be deemed qualified if they have the knowledge of the City of Colusa's operating system and is waiting to take the Grade III Operator Certification Exam, and the City has sufficient coverage to meet State regulatory requirements for those 12 months.
- California Distribution Operator Grade II Certification
- NPDES and WDR State reporting experience.
- Class B California Driver's License.
- California Water treatment Operator Grade II within 12 months when the State determines it is required.

PHYSICAL REQUIREMENTS

- **Environmental Conditions:** Work is performed in both the typical office environment and a variety of different outdoor environments with exposure to varying weather conditions including high temperatures, rain, and wind on a year-around basis; Work is performed with exposure to hazardous materials, smoke, gasses, and fumes; with exposure to hazards such as, moving machine parts and live electrical current Frequent, occasional exposure to loud noise.
- **Mobility:** Occasional performance of heavy manual labor; Occasional standing or driving for long period of time; Occasional climbing, bending, stooping, crawling, and squatting.
- **Lifting:** Occasional lifting up to 50 pounds; infrequent lifting up to 100 pounds.
- **Vision:** Constant use of overall vision.
- **Dexterity:** Frequent grasping, holding, and reaching.
- **Hearing/Talking:** Frequent hearing and talking in person.
- **Emotional/Psychological:** Frequent contact with other staff, outside agencies and the general public; occasional working alone.

The contents of this class specification shall not be construed to constitute any expressed or implied warranty or guarantee, nor shall it constitute a contract of employment. Terms and conditions of employment are determined through a meet and confer process and are subject to the Memorandum of Understanding currently in effect.



City of Colusa California

STAFF REPORT

DATE: September 3, 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Resolution authorizing the City Manager to sign a contract amendment with Dos Rios Inc. 6843 Codorniz Rd. Colusa, CA 95932

Recommendation: Council to pass a Resolution approving the services contract amendment with Dos Rios Inc. 6843 Codorniz Rd. Colusa, CA 95932

BACKGROUND ANALYSIS:

In August 2021, the City submitted an application for a grant under what is called the LOSSP grant. (The Locally-Operated State Park Program of Proposition 68)

The project that is to be completed shall consist of rehabilitating the septic system and installing a pay station at the dump station. The City will also be installing a new entrance pay station with a gate to ensure that payment has been made. All of the split rail fences will be replaced and the groups areas will be fenced off again. Turf and irrigation repairs will be completed, as well as replacement of broken or missing picnic tables and BBQ's.

On March 08, 2024, the City sent a request for proposal (RFP) for the Rehabilitation of the Colusa Sacramento River SRA. The bid closing date was April 09, 2024, at 4pm. The City awarded a contract to Dois Rios on May 21, 2024 in the amount of \$358,030.16.

The LOSSP grant award to the City of Colusa was \$642,000 after the City awarded the construction project to Dios Rios in the amount of \$358,030.16 it left \$283,969.48 in the grant. I have been working with Dios Rios and the state to come up with potential projects that could be added to the current contract such as removing the turnstile at the entrance of the new boat launch and installing a 130-foot flagpole. It's hard to define the final scope of the project currently because we must have the California State Parks sign off on any projects that we do. What I am asking of the City Council is to work with our grantor to come up with some projects to utilize the remaining grants funds and enter into a contract amendment with Dios Rios not to

exceed \$283,969.45 with the LOOSP grantors approval. Any and all projects have to be approved by our grantor before any work can start.

BUDGET IMPACT: None - City we will be using the LOSSP grant we received.

STAFF RECOMMENDATION: Council to approve Resolution 24-___authorizing the City Manager to enter a construction contract amendment with Dos Rio Inc.

ATTACHMENT:
Resolution 24-

RESOLUTION NO. 24-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT AMENDMENT WITH DOS RIOS INC. FOR THE REHABILITATION OF THE COLUSA SACRAMENTO RIVER (SRA)

WHEREAS, on March 8th, 2024, the City of Colusa issued a request for proposal (RFP) for the Rehabilitation of the Colusa State SRA and;

WHEREAS, the City of Colusa City Council authorizes the City Manager to enter into the construction contract amendment with Dos Rio Inc. for the rehabilitation of the Colusa Sacramento River SRA project not to exceed \$283,869.45.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

- 1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
- 2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this third day of September 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

ATTEST:

Shelly Kittle, City Clerk



City of Colusa California

STAFF REPORT

DATE: September 3, 2024
TO: City of Colusa Mayor and Council Members
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Award of the Recycled Water System Upgrades Phase 1 Construction and Construction Management Contracts.

Recommendation: Approve the Award for Construction of the Recycled Water System Upgrades Phase 1 Project to the low bidder Auburn Constructors, LLC, not to exceed the amount of \$7,648,630.

BACKGROUND ANALYSIS:

The project to be completed is the first phase of a two-phase plan to reliably supply disinfected tertiary-treated recycled water for the City and nearby agricultural users. Phase 1 focuses on the furnishment and installation of a recycled water distribution system that will replace up to 328 acre-feet (AF) of potable water with disinfected tertiary-treated recycled water.

The Recycled Water System Upgrades Phase 1 Project was advertised and publicly bid from June through August of 2024. Bids were opened at 3:00, August 27th, 2024, at City Hall. The project had 6 Bidders ranging from \$6,953,300 to \$9,282,500. The Low Bidder is Auburn Constructors, LLC. from Sacramento, California.

CONTRACTOR	BID TOTAL
Myers and Sons Construction, LLC	\$ 6,994,484.00
Gateway Pacific Contractors, Inc.	\$ 7,292,413.00
W.M Lyes Co.	\$ 9,282,500.00
Auburn Constructors	\$ 6,953,300.00
SnL Group	\$ 7,843,804.00
Steve Rados and Co.	\$ 7,823,000.00

Staff and our consultants have reviewed the bid and supporting information and believe it to be complete. Auburn Constructors has a strong resume for completing similar WWTP projects.

As a result of the above, Staff recommend awarding the project to Auburn Constructors, LLC, for a not to exceed amount of \$7,648,630, which includes a 10% allowance for construction change orders.

BUDGET IMPACT: None – The City has obtained an SRF grant that will fund 100% of this project.

STAFF RECOMMENDATION: Council to approve the Resolution authorizing the City Manager to enter into a construction contract amendment with Auburn Constructors, LLC.

ATTACHMENT:
Resolution 24-

RESOLUTION NO. 24 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AUTHORIZING THE CITY MANAGER TO ENTER INTO CONSTRUCTION AND CONSTRUCTION MANAGEMENT CONTRACTS FOR PHASE 1 WASTEWATER RECYCLED WATER PROJECT

WHEREAS, The City of Colusa received a grant in the amount of \$7,648,638 to complete Phase 1 of the wastewater recycled project and;

WHEREAS, the City of Colusa City Council authorizes the City Manager to enter into the construction and construction management contracts with Auburn Constructors, LLC not to exceed \$7,648,630.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DOES HEREBY RESOLVE:

- 1. Recitals. The foregoing recitals are true and correct and made part of this Resolution.
- 2. Effective Date. This Resolution shall be effective immediately.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

Passed and adopted this third day of September 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DANIEL VACA, MAYOR

Shelly Kittle, City Clerk

Chapter 6.04 - DEFINITIONS

6.04.010 - Definitions.

Unless the text otherwise requires, the following terms and words used in this title shall have the meanings set out in this section:

"Animal" means any dog, cat, swine, livestock, wild animal, or fowl subject to regulation pursuant to this title.

"Animal control center" means the facilities provided by the city or county for the impounding and care of animals.

"Animal control officer" means the chief of police or his or her duly authorized assistants, contracted agency employees, and officers who are authorized and directed to enforce the provisions of this title and carry out the intent hereof.

"At large" means the presence of any animal when it is off the premises of its owner and not restrained by a leash or tether under the control of a person physically capable of retaining control of the animal, or when the animal is on the premises of its owner and not restrained by a leash, tether, fence, or other adequate enclosure sufficient to prevent ingress and egress of the animal or not under the control and in the immediate presence of its owner.

"Cat" means a member of species *Felis catus*.

"City" means the City of Williams.

"City administrator" means the Administrator of the City of Williams.

"County" means the County of Colusa.

"Domestic," when used to describe an animal, means adapted to life in intimate association with people and able to live and breed in a tame condition.

"Domestic fowl" means any common farm fowl including, but not limited to, turkeys, geese, chickens and ducks.

"Feral cat" means a cat that lives permanently outside of a domestic home and is not owned and cared for as a typical companion animal or pet, as a result of having been born feral, abandoned by an owner, or rendered homeless, wild or stray by any other means.

"Feral cat caregiver" means any person who:

1. Feeds feral cats, humanely traps feral cats, provides care, including shelter or medical care, feral cats, or any combination of the foregoing activities, and works in cooperation with a TNR partner permitted by the city; and
2. Is registered with a permitted TNR partner and has proof of such registration.

"Feral cat colony" or "colony" means a group of cats and the geographic location where that group typically live or where they forage or hunt for food, or are fed and generally cared for by a TNR partner by associated feral cat caregivers or by TNR individuals.

"Food" as well as *"feeding"* includes water.

"Health officer" means the health officer of the county or any of his or her duly authorized representatives.

"Hearing officer" means a hearing officer provided to the city by a nonprofit organization or governmental agency with whom the city has contracted to conduct hearings pursuant to this title. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcomes of any hearing.

"Impoundment" means the taking up and confining of an animal by the animal control officer in a manner consistent with recognized standards of humane treatment. Animals impounded pursuant to this title shall be impounded at the animal control center or at such other place as may be approved by the animal control officer for the impoundment of animals.

"Keep" means keep, harbor, maintain or permit to keep, harbor or maintain.

"Kennel" means either:

1. Any person, firm or corporation engaged in the business of keeping, harboring, breeding, buying or selling dogs or cats, or both; or
2. Any enclosure, premises, building, structure, lot or area, in which three or more dogs of at least four months of age are kept for commercial or noncommercial purposes.

The term "kennel" shall not include any animal shelter operated by a humane society, a municipal agency or its authorized agents, or a veterinary hospital operated by a veterinarian licensed by the State of California.

"Livestock" means any common farm animal, including, but not limited to, cows, horses, sheep and goats, but excluding domestic fowl and domestic swine.

"Owner" means a person, firm, partnership, corporation, associations, trust or organization of any kind, having an interest in, harboring or having control, custody or possession of, an animal.

"Person" means one or more individual human beings or any fictitious entity or entities.

"Premises" means any parcel(s) of property owned, leased, occupied, or under control of a person.

"TNR individual" means a person who is permitted by the city to engage in implementing the TNR program regulations and guidelines on the property of their primary residence without being affiliated with a TNR partner.

"TNR partner" means an organization permitted by the city to engage in implementing TNR via education, training, funding spay-neuter, providing traps, holding spay-neuter clinics, providing long-term colony care through volunteers or otherwise implementing TNR.

"Trap-neuter-return," also referred to as "TNR" is the practice whereby feral cats are humanely trapped by feral cat caregivers or TNR individuals, taken to a veterinary hospital or spay-neuter facility where they are sterilized and vaccinated, ear tipped, de-fleaed, and adopted or returned to their colony to be cared for until the end of their natural life.

"Trap-neuter-return program regulations and guidelines" or "TRN program regulations and guidelines" means the rules adopted by the city council allowing permitted organizations or individuals to undertake TNR activities, which rules include standards of care and guidelines for implementation activities.

"Vaccination" means the inoculation with an anti-rabies vaccine approved by, and administered in the manner prescribed by, the state department of public health.

"Wild animal" means any of the following:

1. Following members of the class Reptilia:
 - a. Order Ophidia (such as, but not limited to, racers, boas, water snakes and pythons over eight feet in length); and
 - b. Order Loricata (such as, but not limited to, alligators, caymans and crocodiles) over four feet in length.
2. Following members of the class Aves:
 - a. Order Falconiformes (such as, but not limited to, hawks, eagles and vultures which are not kept pursuant to federal or state permit); and
 - b. Subdivision Ratitae (such as, but not limited to, ostriches, rheas, cassowaries and emus);
3. Following members of the class Mammalia:
 - a. Order Carnivora, expressly excepting the domestic dog (*Canis familiaris*) and the domestic cat (*Felis catus*), but including, but not limited to, the family Felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), the family Canidae (such as wolves, dingos, coyotes and jackals); and
 - b. Order Marsupialia (such as kangaroos and opossums); and
 - c. Order Chiroptera (bats); and

- d. Order Endentata (such as sloths, anteaters and armadillos); and
 - e. Order Proboscidea (elephants); and
 - f. Order Primata (including, but not limited to, monkeys, chimpanzees and gorillas); and
 - g. Order Ungulata (expressly excluding domestic swine and any animal which is included in the definition of "livestock" of this chapter and including, but not limited to, nondomestic swine, antelope, deer, bison and camels).
4. Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings;
 5. Any species of animal which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means, except honey-producing bees.

(Ord. 154-07 § 3(part), 2007; Ord. No. 200-13, § 1(exh. A), 5-15-2013)

Chapter 6.08 - ADMINISTRATION

6.08.010 - Administration.

The city council may direct the city administrator or designated representative to administer this title in whatever manner is determined to be most efficient, including contracting with the County of Colusa for animal control administration and enforcement services.

(Ord. 154-07 § 3(part), 2007)

6.08.020 - Responsibility.

The animal control officer is responsible for the enforcement of this title, and all laws of the state of California pertaining to the control of dogs and other animals and the humane treatment of animals. His or her duties shall include, but not be limited to the following:

- A. To take up and impound animals found within the city which are in violation of this title;
- B. To remove and dispose of the carcass of any animal found on any public highway, street, alley or other public place within the city;
- C. To cooperate with the county health officer in the quarantine of animals;
- D. To administer licensing programs as provided for by this title;
- E. Such other duties as the city administrator may, from time to time, prescribe.

(Ord. 154-07 § 3(part), 2007).

6.08.030 - Rules and regulations.

The animal control officer may formulate rules and regulations in conformity with, and for the purposes of carrying out the intent of, this title, and compliance with such rules and regulations shall be a prerequisite to the issuance and continued validity of any license or permit issued under this title.

(Ord. 154-07 § 3(part), 2007).

6.08.040 - Authority of employees of contracted public pound or animal control agency.

- A. Employees of a public pound or animal control agency, animal control officers pursuant to Section 830.9 of the California Penal Code, are included within the definition of "Enforcement Officer" of Section 8.16.030 of this code and are authorized to issue administrative citations pursuant to Chapter 8.16 of this code for violations of this title at such times there exists a valid contract for these services between the city and the public pound or animal control agency.
- B. The authority of the public pound or animal control agency officers is limited to the jurisdiction of the city. The public pound or animal control agency officers are not authorized to take any person into custody even though the person to whom the notice is delivered does not give his or her written promise to appear before an administrative hearing.

(Ord. 154-07 § 3(part), 2007).

6.08.050 - Summary action.

Notwithstanding any other provision of this title, if in the judgment of the animal control officer:

- A. There is an immediate threat to the health or safety of any person or animal; the animal control officer may enter upon a building or premises to abate the same;
- B. An animal at large is found to be unfit, dangerous, injured, ill and should be destroyed; the animal control officer, may, at any time, in a humane manner, destroy such animal.

(Ord. 154-07 § 3(part), 2007).

6.08.060 - Dogs killing livestock.

The animal control officer may kill any dog found in the act of killing, wounding or persistently pursuing or worrying livestock or poultry on land or premises which are not owned or possessed by the owner of the dog.

(Ord. 154-07 § 3(part), 2007).

6.08.070 - Right of entry.

- A. Except in cases where there is an imminent danger to the public health, safety or welfare, whenever it is necessary to make an inspection or whenever the animal control officer or his or her duly authorized representative has reasonable cause to believe that there exists in any building or upon any premises or property any condition which may be in violation of this title, the animal control officer or his or her authorized representative may enter such building or premises at all reasonable times to inspect the same, or to perform any duty imposed upon the animal control officer by this title or any other ordinance of the city; provided, that if such building or premises is occupied, he or she shall first present proper credentials and request entry; and if such building or premises is unoccupied, he or she shall first make reasonable efforts to locate the owner or other person having charge or control of the building or premises and request entry. If such entry is refused, the animal control officer or his or her authorized representative shall have recourse to every remedy provided by law to secure entry.
- B. When the animal control officer or his or her authorized representative shall have first obtained an inspection warrant, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made, to permit entry by the animal control officer or his or her authorized representative for the purpose of inspection or performance of his or her duties pursuant to this title.

(Ord. 154-07 § 3(part), 2007).

6.08.080 - Title not to regulate use of land.

This title is not intended to regulate the use of land. Other provisions of this code regulate the number and types of animals and animal establishments that may be maintained in specific zoning districts. Nothing in this title is intended to supersede any provision of the city of Williams zoning regulations.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.12 - CARE AND CONTROL

6.12.010 - Prohibited acts—Generally.

It is unlawful for the owner of any animal to violate any of the provisions of this title hereinbefore or hereinafter set out, or to commit any of the acts set out in this chapter.

(Ord. 154-07 § 3(part), 2007).

6.12.020 - Animals at large.

A. No person shall allow any animal, except the domestic cat, to run at large.

B. This section does not apply to:

1. Dogs secured within a vehicle or dog carrier;
2. Trained assistance dogs including guide dogs, hearing or signal dogs, mobility assistance dogs, and seizure response;
3. Dogs participating in field or obedience trials or exhibitions;
4. Dogs assisting their owner or handler in legal hunting or in the herding of livestock;
5. Dogs assisting a security guard in the course of the security guard's duties;
6. Police dogs;
7. Working dogs while engaged in the activities of a program approved by the city administrator;
8. Dogs being trained for any of the purposes set forth in this section on private land with permission of the land owner, so long as the dogs are under direct control of the trainer to assure they do not violate any other provisions of law.

(Ord. 154-07 § 3(part), 2007).

6.12.030 - Trespass.

No person shall allow any animal, except the domestic cat, to enter upon any private property without the consent of the owner of the property.

(Ord. 154-07 § 3(part), 2007).

6.12.040 - Removal of license tag.

No person shall, if unauthorized, remove from any dog or domestic swine any collar or harness or other device to which a license tag is attached or remove a current license tag therefrom.

(Ord. 154-07 § 3(part), 2007).

6.12.050 - Counterfeit tags.

No person shall attach to or keep upon, or cause or permit to be attached to or kept upon any dog or domestic swine any license tag, except a tag issued for such dog or swine under the provisions of this title. No person shall attach to or keep upon, or cause or permit to be attached or kept upon any dog or domestic swine, or make, or cause or permit to be made, or to have in possession, any counterfeit or imitation of any tag provided for by this title.

(Ord. 154-07 § 3(part), 2007).

6.12.060 - Licensing dogs over four months of age.

No person shall possess any dog, over the age of four months, in the city, without first obtaining from the county a license authorizing the keeping of such dog within the city, subject to the provisions and exemptions of Chapter 6.16.

(Ord. 154-07 § 3(part), 2007).

6.12.070 - Rabies vaccination.

No person shall possess any dog, over four months of age, which does not have a current vaccination for rabies as evidenced by an official certificate thereof, except as otherwise provided for in this title.

(Ord. 154-07 § 3(part), 2007).

6.12.080 - Interference with animal control officer.

- A. No person shall interfere with, oppose or resist the animal control officer while he or she is engaged in the performance of any act authorized by this title.
- B. No person shall wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by any government police agency or private patrol service in the performance of the functions or duties of such department, or interfere with or meddle with any such dog while being used by said department or any member thereof in the performance of any of the functions or duties of said department or of such officer or member.

(Ord. 154-07 § 3(part), 2007).

6.12.090 - Potentially dangerous and vicious dogs at large.

No person shall allow any dog known to be potentially dangerous or vicious to run at large upon any street or other public place within the city.

(Ord. 154-07 § 3(part), 2007).

6.12.100 - Loud noises—Nuisance.

No person shall allow any animal to habitually make loud noise or act in such a manner as to constitute a public nuisance.

(Ord. 154-07 § 3(part), 2007).

6.12.110 - Adequate food and shelter.

- A. No person shall allow any animal to go without adequate food, water, shelter or proper care.

B. Any animal requiring medical attention shall be taken to a veterinarian for examination or treatment at the owner's expense if the animal control officer finds that this is necessary in order to maintain the health of the animal.

(Ord. 154-07 § 3(part), 2007).

6.12.120 - Mistreatment prohibited.

No person shall damage, harm, mutilate, maim, tease or in any other way mistreat any animal.

(Ord. 154-07 § 3(part), 2007).

6.12.130 - Female dogs in heat.

No person shall fail to confine any female dog, while in heat or breeding condition.

(Ord. 154-07 § 3(part), 2007).

6.12.140 - Abandonment.

No person shall abandon any animal in the city.

(Ord. 154-07 § 3(part), 2007).

6.12.150 - Dogs and swine—Habitual nuisance—Complaint and investigation.

Whenever the animal control officer receives in writing complaints by three or more persons, each having a separate residence or regularly employed in the neighborhood at separate locations, that any dog or domestic swine is a habitual nuisance by reason of its howling, barking, squealing, or by its actions, is potentially dangerous or vicious, or in any other manner is causing undue annoyance, the animal control officer shall investigate the complaint. If he or she finds such conditions to exist, he or she may issue an order requiring the owner or custodian to obey such conditions within a reasonable length of time.

(Ord. 154-07 § 3(part), 2007).

6.12.160 - Cats which injure persons or property.

No owner of a domestic cat shall permit or suffer the cat to damage property, public or private, real or personal, or to bite, scratch or claw any human being or other animal, without provocation, which is the property of another. Any domestic cat which has damaged property or has bitten, scratched or clawed a human being or animal, without provocation, shall be subject to impoundment.

(Ord. 154-07 § 3(part), 2007).

6.12.170 - Animals causing damage to livestock or poultry.

If any person has any loss or damage to livestock or poultry, which is caused by animals, the person may file a complaint in writing with the animal control officer. Such complaint shall state when and where the damage occurred and how much damage was done, and, if known, the name of the person who owns the animal(s) or the custodian in charge of the animal(s) causing such damage or loss. The animal control officer shall investigate the complaint and if he or she finds conditions exist in violation of this title, he or she may issue an order requiring the owner or custodian to abate such conditions within a reasonable length of time. (Ord. 154-07 § 3(part), 2007).

6.12.180 - Taking up stray animals.

Any person who takes up a stray animal or an animal which is running at large contrary to the provisions of this chapter shall within twenty-four hours thereafter give notice to the animal control officer of:

- A. The fact that such animal is in his or her possession;
- B. The complete description of such animal;
- C. The license number of such animal, if any, and by what county or municipal corporation issued. If such animal has no license, such person shall so state;
- D. The place where such animal is confined.

Every such person or any person in whose temporary custody such animal is placed may deliver such animal to the animal control center without fee or charge; and the animal control officer shall thereupon hold and dispose of such animal in the same manner as though such animal had been found at large and impounded by him or her.

(Ord. 154-07 § 3(part), 2007).

6.12.190 - Dogs—Deposit of fecal matter.

No owner or person having care or control of a dog shall permit such dog to deposit fecal matter on the lands of another, unless such person causes the fecal matter to be removed immediately thereafter. Fecal matter shall be sealed in a paper or plastic bag, or other sealable container, and deposited in a waste receptacle, the contents of which are regularly emptied. Alternatively, the feces may be picked up and removed by means of a device manufactured for such purposes.

(Ord. 154-07 § 3(part), 2007).

6.12.200 - Tag or certificate must be shown.

No person shall fail or refuse to show to the animal control officer the license certificate or tag for any duly registered dog kept or remaining with any home or upon any enclosed premises under his or her immediate control.

(Ord. 154-07 § 3(part), 2007).

6.12.210 - Animal restraints.

When a chain, rope or other restraint is used to tether an animal, it shall be so placed or attached that it cannot become entangled with the chain, rope or other restraint of any other animal or with any other object. It shall be affixed by means of a well-fitted collar, and shall be at least four times the length of the animal as measured from the tip of its nose to the base of its tail and shall allow the animal convenient access to food, water and shelter adequate to protect the animal from the elements.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.16 - DOG LICENSES

6.16.010 - Required.

It is unlawful for any person to maintain within the city a dog over the age of four months without first obtaining from the county a license authorizing the maintaining of such dog within the city.

(Ord. 154-07 § 3(part), 2007).

6.16.020 - Issuance.

The dog license required by this chapter shall be issued upon payment of the fee in the amount established by resolution of the county and upon showing a valid certificate of rabies vaccination, or a valid certificate exempting the dog issued pursuant to Section 6.24.010 for each such dog to be licensed under this title. The dog license shall be issued for a period not to exceed thirty-six months, commencing upon the date of application. The dog license shall expire on the expiration date of the rabies certificate or, where the dog license was issued upon certification exempting the dog from vaccination, upon the expiration of the thirty-six months or expiration of the exemption certificate, whichever occurs first. The cost of the dog license may be prorated to coincide with the expiration of the rabies certificate or exemption certificate.

The issuance of any license or permit to keep an animal as provided for in this title shall be prima facie evidence that the owner has satisfied the basic licensing requirements pursuant to the provisions of this title, but such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations, or to any other applicable rule,

regulation or statute unless, pursuant to the issuance, official written approval has been given by the or agency responsible for the administration of the rule, regulation or statute in question. If such approval has been given, it shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation or statute in question.

(Ord. 154-07 § 3(part), 2007).

6.16.030 - Fees—Penalty for nonpayment.

- A. An annual license fee in the amount established by resolution of the county shall be paid by each owner of a dog, male or female, over the age of four months, located within the city, except as otherwise provided by this chapter.
- B. Upon proper presentation of a certificate from a licensed veterinarian that a dog has been spayed or neutered, the license fee for the spayed or neutered dog shall be one-half of the fee for a dog that has not been spayed or neutered.
- C. The license fee shall be paid on the date of application. Except as provided in subsection D of this section, the license fee shall become due on the expiration of the current license. Except as provided in subsection E of this section, any person failing to procure and pay for such license on or before the due date shall pay a late fee in the amount established by resolution of the county as a penalty for such failure. Such late fee shall be in addition to the license fee payable for such dog.
- D. Any person who acquires ownership, custody or control of a dog not currently licensed pursuant to this title and any person who owns or has custody of a dog which attains the age of four months shall be immediately liable for payment of the license fee.
- E. The late fee penalty provided in subsection C of this section, shall not apply in connection with the initial licensing of any dog reaching the age of four months or whose owner first brings such dog into the city or acquires ownership, custody or control of the dog.
- F. The city council and/or the county may also determine a potentially dangerous dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of such dog.

(Ord. 154-07 § 3(part), 2007).

6.16.040 - Identification tag.

The animal control officer shall procure and issue serial numbered license tags stamped with the name of the county. Such tags shall only be issued upon the application of the owners who have complied with the vaccination and fee provisions of this title. The license tag will be permanently issued for each dog and shall remain with that dog.

(Ord. 154-07 § 3(part), 2007).

6.16.050 - Collars.

Every dog shall be provided by the owner with a suitable collar or other device to which a dog license shall be securely attached. Such collar or device shall be worn at all times by the dog for whom the registration is issued unless another method of identification approved in writing and indicated on the pet license form is present. Other approved methods of owner identification include, but are not limited to, a microchip which is implanted on the dog which can be read by an electronic microchip reading device.

(Ord. 154-07 § 3(part), 2007).

6.16.060 - Lost license tags—Replacement fee.

In the event a license tag is lost from the body of any dog for which the same was issued, the owner shall, within ten days thereafter, procure another license tag for the dog from the county for which he or she shall pay a fee in the amount established by resolution of the county. As often as any license tag is lost, the same shall be replaced in the same manner as provided in this section.

(Ord. 154-07 § 3(part), 2007).

6.16.070 - License record.

The animal control officer shall keep a record which shall establish the license tag number, identity and address of the owner or keeper of the dog, physical characteristics of the dog, and vaccination information.

(Ord. 154-07 § 3(part), 2007).

6.16.080 - License exemption.

The licensing regulations of this title are not applicable to the following:

- A. Owners who use animals for diagnostic purposes or research, the use having been approved by the Board of Public Health of the state pursuant to the provisions of Section 1666 of the Health and Safety Code of the state;
- B. Owners who use animals for teaching purposes in recognized educational institutions;
- C. Owners of establishments which treat or board animals and which are owned or operated by veterinarians licensed by the state;
- D. Owners of pet shops, circuses, animal exhibits and other enterprises maintaining animals, which have been granted a business license by the city;
- E. Owners who are a nonresident or who are traveling through the city, or who are temporarily sojourning therein for a period not to exceed thirty days;

- F. Owners who bring a dog or cat into the city and keep therein for a period not exceeding Item 10. days, for the exclusive purpose of entering the dog or cat in any bench show, dog exhibition, field trials, or competition;
- G. Owners who bring or send a dog or cat into the city for the exclusive purpose of receiving veterinary care in any animal hospital.

(Ord. 154-07 § 3(part), 2007).

6.16.090 - Fee exemption—Assistance dogs.

A fee shall not be levied for any dog license issued for a trained assistance dog including guide dogs, hearing or signal dogs, mobility assistance dogs, and seizure response dogs owned by a person requiring trained dog assistance.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.20 - KENNELS

6.20.010 - Kennel license—Approval of planning commission required.

- A. It is unlawful for any person to maintain a kennel without obtaining a kennel license from the city. No kennel license shall be issued without a use permit approved by the planning commission. The city shall not issue such permit other than through the procedures as established in the zoning regulations of the city. The planning commission shall have the discretion to limit, condition or restrict any permit issued in any way the commission deems necessary under the circumstances with regard to location, neighborhood, noise, sanitation, proper planning and any other factor deemed relevant by the commission. Any such permit shall be revocable at any time by the city at the discretion of the planning commission.
- B. Any person owning, conducting, managing or operating any kennel within the city shall pay for the privilege of maintaining or operating such kennel a license fee established by resolution of the city council. The use permit, together with satisfactory evidence of current rabies vaccinations, shall be presented to the city clerk prior to issuance of the kennel license.
- C. In the event that the person conducting, managing or operating a kennel under this section desires to increase the number of dogs and/or cats previously authorized, he or she must obtain a new license after approval of such increase by the planning commission.
- D. Because of the need to adequately protect animals within kennels from unhealthy conditions and practices, and the interest of the public in preventing inhumane practices, reasonable inspections by the city shall be completed. As a condition of the issuance of a kennel license, each operator

shall agree to allow such inspection. Such acknowledgment shall be made part of the application and Each kennel for which a kennel license has been issued shall be inspected at intervals determined by the city.

- E. Any kennel which is found by the city to be unsanitary or a menace to animal or public health, safety or welfare is declared to be a public nuisance. In the event immediate action is necessary to preserve or protect animal or public health, safety or welfare, the city is authorized and empowered to summarily abate such nuisance by any reasonable means, including but not limited to, impoundment of the animal(s) or the immediate closure of the kennel, or both, for such time until the nuisance is abated.

(Ord. 154-07 § 3(part), 2007).

6.20.020 - Unlicensed kennels.

No owner shall maintain, conduct or operate, or cause to be maintained or operated, any unlicensed kennel.

(Ord. 154-07 § 3(part), 2007).

6.20.030 - Kennel standards.

No person shall fail, neglect or refuse to maintain a kennel:

- A. So as to prevent animals contained therein from running at large;
- B. So the location does not violate planning and zoning laws;
- C. So the kennel building does not violate the building codes or sanitary laws;
- D. So the kennel premises are maintained in a clean and sanitary condition;
- E. So the animals therein are not subject to suffering, cruelty or abuse;
- F. So the kennel does not constitute a public nuisance;
- G. So the keeping and maintenance of the kennel will not be detrimental to the peace, health or safety of persons in the immediate vicinity or in the city as a whole; or
- H. Without possessing evidence that each animal in the kennel has been vaccinated in accordance with the provisions of this title, if required.

(Ord. 154-07 § 3(part), 2007).

6.20.040 - Kennels after license revocation.

No person shall operate or maintain a kennel within one year after the revocation of a kennel license.

(Ord. 154-07 § 3(part), 2007).

No person shall take an animal off the premises of a kennel except under leash or the control of the owner; nor shall any owner of a kennel or his or her agent or employee run or take animals off the premises of a kennel or permit animals to be run or be taken therefrom except as provided in this title.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.24 - RABIES CONTROL

6.24.010 - Vaccination required.

- A. Every dog over four months of age shall have a current vaccination with a canine anti-rabies vaccine approved by the Health Department of the state. Such vaccination shall be administered by a veterinarian or as provided through city and county-recognized vaccination clinics.
- B. Every person who owns or comes to own an unvaccinated dog over four months of age shall have ten days in which to comply with the provisions of this section.
- C. Notwithstanding any provisions to the contrary in this chapter, no dog need be vaccinated for rabies where:
 - 1. A licensed veterinarian has examined the dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and
 - 2. Such certificate is presented to the health officer within five days of such examination; and
 - 3. The health officer concurs in the opinion of the veterinarian, contained in such certificate, and endorses on such certificate his or her approval thereof. Such certificate must bear the date of issuance and must be renewed each year.
- D. Every veterinarian, after vaccinating a dog for rabies, shall issue a certificate and furnish one copy of the certificate to the owner of the dog and one copy to the animal control officer. Such certificates shall be provided to the animal control officer within thirty days of the vaccination date.

(Ord. 154-07 § 3(part), 2007).

6.24.020 - Duty to report bite.

Any person, including a physician, having knowledge that any animal capable of transmitting rabies has bitten a human being within the city shall immediately report the fact to the Colusa County health department, Colusa County animal control or the Williams police department and shall furnish complete information thereof.

6.24.030 - Quarantine.

- A. The animal control officer shall ensure that all animals falling into the following categories shall be isolated or quarantined at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations:
1. Known rabid animals;
 2. Suspected rabid animals;
 3. Animals that have bitten or otherwise exposed a human to rabies;
 4. Animals, or a species subject to rabies, which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.
- B. It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the health officer, the animal control officer, or their duly authorized representatives.
- C. It is unlawful for the owner or keeper of an animal to fail, refuse or neglect to allow the animal control officer or health officer to make an inspection or examination thereof at any time during said quarantine period.
- D. It is unlawful for the owner or keeper to remove or release such animal during the quarantine period without written permission of the health officer or animal control officer.

(Ord. 154-07 § 3(part), 2007).

6.24.040 - Delivery of carcass.

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the animal control officer shall obtain and turn over to the health officer the carcass of the animal or an adequate specimen thereof.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.28 - IMPOUNDMENT

6.28.010 - Animals subject to impoundment.

Any animal which is, to the knowledge of the animal control officer, engaged in an activity or existing in a condition prohibited by this title, may be taken and impounded. Impoundment may occur in any of the following places:

- A. Any street, lane, alley, court, square, park, or other place belonging to or under the control of the city;
- B. Other public or quasi-public property;
- C. Private property.

(Ord. 154-07 § 3(part), 2007).

6.28.020 - Authority of police officers.

In addition to the power vested in the animal control officer for the impoundment of animals found at large or otherwise in violation of this title, any peace officer is empowered to impound such animal and to turn such animal over to the animal control officer for impoundment.

(Ord. 154-07 § 3(part), 2007).

6.28.030 - Notification to owner.

The animal control officer shall immediately upon impoundment of dogs, or other animals, make every reasonable effort to notify the owners of such dogs, or other animals, impounded, and inform such owners of the conditions whereby they may regain custody of such animals. If the animal has a valid license, the owner shall be notified. Such notice shall be delivered by phone, in person, or by deposit, properly addressed and postage prepaid, with the U.S. Postal Service.

(Ord. 154-07 § 3(part), 2007).

6.28.040 - County regulations to govern.

Once impounded at the animal control center, the disposition or redemption of the animal shall be governed by the ordinances and regulations of the city or county depending on the actual impoundment location of the animal.

(Ord. 154-07 § 3(part), 2007).

6.28.050 - Records of impounded animals.

The animal control officer shall keep a record of each animal impounded, the date of receipt of such animal, the date and manner of its disposal, and if redeemed, reclaimed or sold, the name of the person by whom redeemed, reclaimed or purchased, the address of such person, and the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing (adoption) thereof, together with the number of any tag, and the date of any license exhibited or issued upon the redemption or sale of any such animal.

Chapter 6.32 - POTENTIALLY DANGEROUS AND DANGEROUS ANIMALS

6.32.010 - Vicious and potentially dangerous animal classification.

- A. "Potentially dangerous animal" means any of the following:
1. Any animal which, when unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the animal;
 2. Any animal which, when unprovoked, bites a person causing a less severe injury than is defined in Section 31604 of the California Food and Agricultural Code;
 3. Any animal which, when unprovoked, on two separate occasions within the prior thirty-six-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the animal.
- B. "Vicious animal" means any of the following:
1. Any animal seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code;
 2. Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury, as defined in Section 31604 of the California Food and Agricultural Code, on or kills a human being;
 3. Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 31642, or 31643 of the California Food and Agricultural Code.

(Ord. 154-07 § 3(part), 2007).

6.32.020 - Vicious and potentially dangerous animal classification procedure.

- A. Animal control officers are authorized to determine whether any animal has engaged in the behaviors specified in Section 6.32.010.
- B. When an animal control officer has reason to believe that an animal is vicious or potentially dangerous, the officer shall conduct an investigation to determine whether there is sufficient evidence to support classifying the animal as a vicious or potentially dangerous animal. The

evidence shall include observations and testimony by animal control officers or other witnesses who personally observed the animal's behavior. The evidence may include testimony about the animal's upbringing and the owner's or keeper's control of the animal.

- C. If the animal control officer determines sufficient evidence exists to classify an animal as vicious or potentially dangerous, he or she must consider the existence of any mitigating circumstances described in Section 6.32.120 or in an administrative regulation promulgated by the city manager, if one exists, before reaching a determination; however, the existence of mitigating circumstances shall not require the officer to refrain from classifying an animal vicious or potentially dangerous.
- D. When a vicious or potentially dangerous animal classification determination is based solely on the uncorroborated testimony of the victim or a witness other than a law enforcement officer, the testimony must be contained in a written statement signed under penalty of perjury.
- E. Once the animal control officer determines an animal should be classified under Section 6.32.010, he or she must serve the owner or keeper of the animal with a notice of classification.
- F. The city administrator may establish administrative regulations for the classification of vicious or potentially dangerous animals.

(Ord. 154-07 § 3(part), 2007).

6.32.030 - Request for hearing.

- A. If the owner or keeper disputes a classification determination under Section 6.32.020, an impoundment under Section 6.32.100, the destruction of a dog under Section 6.32.200, or a restriction on possession or control of a dog under Section 6.32.140, he or she must deliver a written request for a hearing within seven calendar days of notice or else waive any further right to contest the action. The request must be delivered to the city clerk. The request must state in detail the factual basis to contest the action and describe in detail any claimed affirmative defense or mitigating circumstance.
- B. If a timely request for hearing is submitted in accordance with subsection A, the city clerk shall schedule a hearing under Section 6.32.050 within ten calendar days of receiving the request, or as soon as practical thereafter. Notice of the hearing may be served on both the owner and/or keeper by depositing same in the United States Postal Service mail, first class mail, postage prepaid, at Williams, California.
- C. The failure of the owner and/or keeper to actually receive the notice shall not affect in any manner the validity of any proceedings pursuant to this section.
- D. The city administrator may promulgate administrative regulations adopting specific forms that must be used when giving notice or requesting a hearing under this article.

(Ord. 154-07 § 3(part), 2007).

- A. When another provision of this article requires that notice be given by the city, the notice may be served in any of the following means:
 - 1. Personal service;
 - 2. United States Postal Service mail, first class mail, postage prepaid;
 - 3. Posting the notice conspicuously on or in front of the property where the animal was last known to be kept;
 - 4. If the animal's keeper and the animal's owner are known to the animal control officer or city clerk issuing the notice to be separate individuals residing at different addresses, notice to the owner may be served by regular mail at the owner's last known address provided that notice is also given to the keeper by one of the methods described in subsections (A)(1) through (A)(3).
- B. Service by mail in the manner described in this section shall be effective on the date of mailing.
- C. Service by means described in subsection (A)(1) or (A)(3) shall be documented in writing by the person giving service.
- D. The failure of the owner or keeper to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this code.

(Ord. 154-07 § 3(part), 2007).

6.32.050 - Administrative hearing—Manner conducting.

- A. All administrative appeal from actions taken under this article shall be heard as provided by this section. The hearing procedures specified in Food and Agricultural Code Section 31621 are expressly not adopted.
- B. At the time and place designated in the notice, the hearing officer shall hear and consider all relevant evidence, including, but not limited to, applicable staff reports, oral evidence, physical evidence and documentary evidence regarding the animal. The hearing may be continued from time to time.
- C. Failure of the owner or keeper to appear at the hearing after notice has been served shall be deemed a waiver of the right to a hearing and an admission by the owner or keeper that the animal is potentially dangerous or vicious. Such failure to appear shall also constitute a failure to exhaust available administrative remedies.
- D. Unless otherwise provided, the city bears the burden of proof at the hearing. The owner or keeper has the burden of proof to demonstrate the existence of any affirmative defense or any mitigating circumstance that may apply.
- E.

The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over the objection in civil actions in courts of competent jurisdiction in this state. However, irrelevant or unduly repetitious evidence may be excluded.

- F. A tape recording of the hearing will be made by the hearing officer and provided to the city clerk who shall keep it for not less than one hundred eighty calendar days from the date of the hearing.
- G. All persons present at the hearing shall identify themselves, including their name and address, on the record.
- H. A formal oath is not required for witnesses to provide testimony.

(Ord. 154-07 § 3(part), 2007).

6.32.060 - Issuance of decision, findings and order.

- A. Within ten calendar days after the conclusion of the hearing, the hearing officer shall issue a written determination supported by the weight of the evidence. The failure of the hearing officer to issue a timely decision shall not prejudice the city's right to act in the matter.
- B. The hearing officer's determination shall be served on both the owner and the keeper, if applicable, as provided in Section 6.32.040(A)(2).

(Ord. 154-07 § 3(part), 2007).

6.32.070 - Affirmative defense to classification.

It shall be an affirmative defense to classification under Section 6.32.020 if at the hearing provided by Section 6.32.050, the animal owner or keeper demonstrates by a preponderance of the evidence that the behavior in question was directed against a wilful trespasser inside a fully enclosed building or fenced area on private property.

(Ord. 154-07 § 3(part), 2007).

6.32.080 - Judicial review—Notice of intent to seek judicial review—Request for record.

- A. Any determination made after a hearing under Section 6.32.050 shall be final and conclusive as to the city, and may not be appealed excepted as provided in subsection B. The procedures specified in Food and Agricultural Code Section 31622 for judicial review are expressly not adopted.
- B. Judicial review of a final decision under Section 6.32.050 may be had by filing a petition for a writ of mandate in the superior court in accordance with the provisions of the Code of Civil Procedure.
- C.

An animal determined to be a "vicious animal" shall be destroyed within the time periods specified in Section 6.32.200, notwithstanding that the Code of Civil Procedure may allow a longer time to file a petition for writ of mandate.

- D. Unless expressly provided otherwise, the requirements of this article for keeping a potentially dangerous animal are not stayed pending judicial review.
- E. After service of a final decision on the parties and upon written request to the city clerk, a complete record of the proceedings shall be prepared and delivered to the owner or keeper of the animal within ten calendar days, or as soon thereafter as reasonably possible. The owner or keeper of the animal may be charged the actual cost of transcribing or otherwise preparing the record.

(Ord. 154-07 § 3(part), 2007).

6.32.090 - Successor owners or keepers.

Any person who shall become the owner or keeper of an animal subsequent to a determination made pursuant to this article that the dog is vicious or potentially dangerous shall, if he or she knows of such determination, comply with all the provisions of this article.

(Ord. 154-07 § 3(part), 2007).

6.32.100 - Seizure and impoundment.

- A. An animal classified as vicious under Section 6.32.020 shall be impounded as soon as practical after service of the classification notice. If an animal initially classified as vicious is determined after a hearing under Section 6.32.050 not to be vicious but potentially dangerous, then the dog shall be either released or held impounded as provided in this section. If the animal is determined after a hearing to be neither vicious nor potentially dangerous, the animal shall be released.
- B. An animal control officer may impound an animal classified as potentially dangerous when:
 1. The officer has probable cause to believe the animal poses an immediate threat to public health or safety; or
 2. The owner or keeper of an animal classified as potentially dangerous has received notice of classification and failed to timely comply with any of the requirements or violated any of the prohibitions under this article for keeping a potentially dangerous animal.
- C. An animal impounded under subsection B shall be released when:
 1. The owner and keeper have complied with Sections 6.32.130 and 6.32.160 and any other conditions imposed by the animal control officer, demonstrated the ability and intent to immediately comply with Sections 6.32.180 and 6.32.190, and paid the costs of impoundment;

or

2. The decision maker after a hearing determines that the animal should not be classified as potentially dangerous.
- D. Notwithstanding subsection (C)(1), if within thirty days of service of the notice of potentially dangerous animal classification the animal's owner or keeper fails to do any of the following, the animal may be humanely destroyed on not less than seven calendar days' notice to the owner or keeper. The notice may be served as provided in Section 6.32.040, must describe the requirement not complied with, and must notify the owner or keeper of the right to a hearing before the animal's destruction and the process for requesting a hearing.
1. Demonstrate an intention and an ability to immediately comply with this article's requirements for keeping a potentially dangerous animal;
 2. Secure the release of his or her animal from impoundment; or
 3. Promptly pay impoundment fees as to secure release of the animal.
- E. If the animal is found to be vicious or potentially dangerous, the owner and keeper shall be jointly and severally liable to the city, and its agents, for all impoundment costs. No animal for which impoundment costs are due shall be released until the charges have been paid.
- F. An owner or keeper may contest the impoundment of a dog under subsection (B)(1) or (2) or the destruction of a dog under subsection D by requesting a hearing as provided in Section 6.32.030. When an owner or keeper timely requests a hearing to contest impoundment under subsection (B)(1) and timely requests a hearing to contest a potentially dangerous animal classification, the superintendent may combine the requests and schedule a single hearing to resolve both requests.

(Ord. 154-07 § 3(part), 2007).

6.32.110 - Alternative impoundment.

When not contrary to public safety, an animal control officer shall, at the request of an owner or keeper, permit an animal which might otherwise be impounded pursuant to this article to be confined at the owner's expense in a mutually agreed upon, city-approved, kennel or veterinary facility.

(Ord. 154-07 § 3(part), 2007).

6.32.120 - Mitigating circumstances.

Before classifying an animal vicious or potentially dangerous, the following mitigating circumstances, if shown to exist by a preponderance of the evidence, shall be considered. The existence of mitigating circumstances, however, shall not require an animal control officer to refrain from classifying an animal

vicious or potentially dangerous. This section does not require an animal control officer or any other employee to conduct an independent investigation for the purpose of determining whether any mitigating circumstances exist.

- A. The person injured or threatened by the animal was at the time:
 - 1. Abusing the animal;
 - 2. Assaulting another person;
 - 3. Committing or attempting to commit either a crime or an intentional property tort on the owner or keeper's property;
 - 4. Acting in concert with another who was committing or attempting to commit any of the acts described in this section.
- B. The animal injured or threatened was:
 - 1. Threatening or attacking the animal when it was injured or threatened by the animal;
 - 2. Injured or threatened while the animal was working as a hunting, herding or predator control animal on the property of, or under the control of, its owner or keeper and the animal was a species or type of animal appropriate to the work of the hunting, herding, or predator control animal.

(Ord. 154-07 § 3(part), 2007).

6.32.130 - Licensing of potentially dangerous animals.

All potentially dangerous animals shall be properly licensed and vaccinated. The licensing authority shall include the potentially dangerous designation in the registration records of the animal, either after the owner or keeper of the animal has agreed to the designation or the hearing officer or court has determined the designation applies to the animal.

(Ord. 154-07 § 3(part), 2007).

6.32.140 - Restraint of potentially dangerous animals.

- A. The owner or keeper of an animal found to be potentially dangerous under this article must restrain the animal at all times by one of the following methods:
 - 1. Securely confine the animal indoors;
 - 2. Securely confine the animal to the animal owner's or keeper's property or other property with that property owner's permission by means of a fence and in a manner that prevents the animal from reaching adjoining private property or any property used by the public. Where the animal is confined by means of a fenced yard or enclosure, the fence or enclosure must be constructed so as to prevent escape of the animal, and into which children cannot trespass in order to comply with this section;

- 3. Humanely confine the animal in a vehicle so that it can neither escape nor inflict injury on passersby;
 - 4. Securely restrain the animal by use of a substantial leash, of appropriate length, and under the control of a responsible adult.
- B. The animal control officer may impose additional restraint requirements on the owners or keepers of an animal classified potentially dangerous, including requiring the animal be muzzled whenever the animal is not secured indoors. Failure to comply with any order of the animal control officer under this subsection is a violation of this article.

(Ord. 154-07 § 3(part), 2007).

6.32.150 - Notice of escape or disposition of potentially dangerous animals.

- A. The owner or keeper of any animal classified potentially dangerous under this article must notify the animal control officer immediately if the animal is on the loose or unconfined.
- B. The owner of an animal classified potentially dangerous under this article must notify animal services within two working days if the animal dies, is sold, transferred, kept at a new location, or the owner or keeper changes addresses. The owner or keeper must provide the new address where the dog is to be kept and of the name, address and telephone number of any new owner. Any new owner applying for a license for an animal classified as potentially dangerous under this article or classified under the laws of any other jurisdiction regulating vicious or potentially dangerous animals, must inform the animal control officer of that fact, if known.

(Ord. 154-07 § 3(part), 2007).

6.32.160 - Posting of premises where potentially dangerous animal is maintained.

The owner or keeper of an animal found to be potentially dangerous under this article must within five days of the classification or immediately upon relocating the animal to new premises in the city of Williams, whichever is later, display on any premises where the animal is kept a sign, approved by the animal control officer, depicting a menacing dog or animal and warning there is a potentially dangerous dog or animal on the premises. The sign must be visible to the general public.

(Ord. 154-07 § 3(part), 2007).

6.32.170 - Owner or keeper of potentially dangerous animal to permit inspection.

The owner or keeper of any animal classified potentially dangerous under this article must consent as a condition of licensing the animal as a potentially dangerous animal to inspection by the animal control officer of the property where the animal is kept and of the animal at any reasonable time and in a reasonable manner to verify full compliance with the requirements imposed under this article.

6.32.180 - Identification of potentially dangerous animals.

- A. The owner or keeper of an animal classified potentially dangerous under this article must within thirty days of service of the classification notice and at his or her own expense have either:
 - 1. An identification number assigned to the animal by a nationally recognized tattoo registry service tattooed permanently on the inner left rear leg of the animal; or
 - 2. An identification microchip embedded under the animal's skin.
- B. Compliance with this section shall be stayed upon request for hearing under Section 6.32.030 or the filing of a petition for writ of mandate under Section 6.32.080 to contest the potentially dangerous animal classification.

(Ord. 154-07 § 3(part), 2007).

6.32.190 - Sterilization of potentially dangerous animals.

- A. The owner or keeper of an animal classified potentially dangerous under this article must within thirty calendar days of service of the classification notice and at his or her own expense have the animal sterilized by a veterinarian licensed by the state of California and provide satisfactory written proof of completion of the procedure to the animal control officer.
- B. Compliance with this section shall be stayed upon request for hearing under Section 6.32.030 or the filing of a petition for writ of mandate under Section 6.32.080 to contest the potentially dangerous animal classification.

(Ord. 154-07 § 3(part), 2007).

6.32.200 - Destruction of vicious animals—Request for temporary stay pending judicial review.

- A. A dog classified as vicious shall be destroyed after the later of the following dates:
 - 1. The expiration of the time to request a hearing under Section 6.32.030, provided that a hearing is not timely requested;
 - 2. Ten days after service by mail of the administrative hearing decision, unless a written notice of intent to seek judicial review is delivered to the city clerk or a petition of writ of mandate has been filed and a copy delivered to the city clerk;
 - 3. Twenty days after delivery of the notice of intent to seek judicial review of a final decision under Section 6.32.050, unless:
 - a. An administrative stay under subsection B is granted, then after the expiration of the administrative stay,
 - b.

A court has stayed destruction of the animal pending judicial review, then after the expiration of the stay, or Item 10.

- c. A petition for writ of mandate has been filed with the superior court and a filed endorsed copy has been served on the city of Williams;
 4. If a petition for writ of mandate is filed with the superior court and the superior court upholds the administrative hearing decision, then two days after personal service or seven days after mail service of notice of entry of judgment.
- B. An animal owner or keeper may request a temporary stay of the destruction of his or her animal pending the filing of a petition for writ of mandate by filing a written request for stay with the animal control officer and making an advanced payment for kenneling costs. The stay shall be granted and effective for a number of days equal to the number of days of advanced kenneling costs received. If the animal owner prevails in court, the payments shall be refunded. If a writ of mandate is filed before expiration of the stay under this subsection, the balance of the advanced payment shall be refunded pending the final outcome of the matter.
- C. The owner and keeper shall be jointly and severably liable to the city of Williams for the cost of impoundment, kenneling, euthanasia, and disposal of the animal's remains.

(Ord. 154-07 § 3(part), 2007).

6.32.210 - Restrictions on possession or control of animals by certain persons.

- A. The animal control officer may upon a finding of good cause prohibit for a period of three years the possession or control of any animal by any person who violates the provisions of this article pertaining to the ownership or keeping of an animal classified as potentially dangerous. The restriction will not be effective until the animal control officer provides written notice of the prohibition in the manner described in Section 6.32.040(A)(2), the opportunity to request a hearing under Section 6.32.030 and an opportunity to seek judicial review of the hearing outcome as provided in Section 6.32.080.
- B. The animal control officer may upon a finding of good cause prohibit the possession or control of any animal by the owner and keeper of an animal classified as vicious under this article. The restriction will not be effective until the animal control officer provides written notice of the prohibition in the manner described in Section 6.32.040(A)(2), the opportunity to request a hearing under Section 6.32.030 and an opportunity to seek judicial review of the hearing outcome as provided in Section 6.32.080. The person subject to this prohibition may request a hearing under Section 6.32.030 after two years to request the removal of the prohibition. If the person demonstrates by a preponderance of the evidence that he or she, if given the opportunity, is likely to comply with the provisions of this chapter pertaining to the keeping of animals, the

animal control officer may remove the prohibition completely or partially remove the prohibition so as to allow the person to possess and control an animal but not possess or control an animal classified as potentially dangerous.

(Ord. 154-07 § 3(part), 2007).

6.32.220 - Owners of potentially dangerous animals to acknowledge receipt of potentially dangerous animal regulations.

The owner and keeper of any animal found potentially dangerous under this article must, as a condition of licensing and keeping the animal, obtain at the earliest opportunity after receiving notice of the classification but in no event more than seven calendar days after service of the classification notice, and acknowledge in writing receipt of a copy of this article.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.36 - SWINE

6.36.010 - Keeping of domestic swine.

No person shall keep or maintain within the city any domestic swine which is more than twenty inches at the shoulder or which weighs more than one hundred fifty pounds. Domestic swine within these limitations may be kept as household pets on property on which there is an occupied single-family dwelling, subject the provisions and restrictions of this chapter and title.

(Ord. 154-07 § 3(part), 2007).

6.36.020 - Minimum lot area.

- A. No person shall keep or maintain any domestic swine in or about any duplex, triplex, fourplex, mobilehome park or apartment unit.
- B. No person shall keep or maintain any domestic swine in or about a single-family dwelling located on a lot of less than six thousand square feet.
- C. No person shall keep or maintain two domestic swine in or about a single-family dwelling located on a lot of less than ten thousand square feet.

(Ord. 154-07 § 3(part), 2007).

6.36.030 - Number of domestic swine.

No person shall keep or maintain more than two domestic swine, or any combination of domestic swine and dogs exceeding three.

(Ord. 154-07 § 3(part), 2007).

6.36.040 - Domestic swine to be spayed/neutered.

No person shall keep or maintain any male domestic swine that has not been neutered or any female domestic swine that has not been spayed.

(Ord. 154-07 § 3(part), 2007).

6.36.050 - Vaccinations.

Every domestic swine kept under the provisions of this chapter and title shall have an annual leptospirosis vaccination.

(Ord. 154-07 § 3(part), 2007).

6.36.060 - Minimum yard area.

Any person who keeps or maintains any domestic swine in the city shall provide in the yard of the single-family dwelling at which the domestic swine is kept an outdoor, paved and securely fenced enclosure of no less than one hundred twenty square feet. The domestic swine shall be restricted to the enclosure while out-of-doors, unless on a leash or tether under the control of a person physically capable of retaining control of the animal.

(Ord. 154-07 § 3(part), 2007).

6.36.070 - License required.

It is unlawful for any person to maintain within the city a domestic swine without first obtaining a license, from the county, authorizing the maintaining of such domestic swine within the city.

(Ord. 154-07 § 3(part), 2007).

6.36.080 - License—Issuance.

A. The license required by this chapter shall be issued upon satisfaction of all of the following requirements:

1. Payment of a fee in the amount established by resolution of the county;
2. Showing proof of current leptospirosis vaccination for the swine to be licensed under this title;
3. Certification that the swine has been spayed or neutered;
- 4.

Certification by the animal control officer that the premises where the swine is or is to be kept and maintained comply with the provisions of this title and chapter and are clean and sanitary; and

5. Determination of the animal control officer, upon review of the number and nature of complaints and citations filed against the applicant concerning maintenance and treatment of animals regulated by this title, that the applicant is not likely to violate this title or create a nuisance in the keeping and maintaining of domestic swine during the term of a license.
- B. The license shall be issued for a period not to exceed twelve months, commencing upon the date of application, and shall be renewed annually for as long as the domestic swine is kept or maintained.

(Ord. 154-07 § 3(part), 2007).

6.36.090 - Fees—Penalty for nonpayment.

- A. The license fee shall be paid on the date of application. The license fee shall come due on the expiration of the current license. Any person failing to procure and pay for such license on or before the due date shall pay a late fee in the amount established by resolution of the county as a penalty for such failure. Such late fee shall be in addition to the license fee payable for the swine.
- B. Any person who acquires ownership, custody or control of swine not currently licensed pursuant to this title shall be immediately liable for payment of the license fee.

(Ord. 154-07 § 3(part), 2007).

6.36.100 - Identification tags.

The animal control officer shall procure and issue one, permanent, serial-numbered license tag stamped with the name of the county, for each swine licensed under this chapter. Such tags shall only be issued upon the application of the owners who have complied with the provisions of this title. The license tag shall be permanently issued for each swine and shall remain with the swine.

(Ord. 154-07 § 3(part), 2007).

6.36.110 - Collars.

Every domestic swine shall be provided by the owner with a suitable collar or other device to which the license tag shall be attached.

(Ord. 154-07 § 3(part), 2007).

6.36.120 - Lost license tags—Replacement fee.

In the event a license tag is lost from the body of any domestic swine for which the same was issued, the owner shall, within ten days thereafter, procure another license tag for the swine from the county for which he or she shall pay a fee in the amount established by resolution of the county. As often as any license tag is lost, the same shall be replaced in the same manner as provided in this section.

(Ord. 154-07 § 3(part), 2007).

6.36.130 - License record.

The animal control officer shall keep a record which shall establish the license tag number, identity and address of the owner or keeper, physical characteristics of the domestic swine, and vaccination information.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.40 - LIVESTOCK

6.40.010 - Registration—Ten or less animals.

Any person keeping or maintaining ten or less livestock of a particular kind shall report the following information to the animal control officer within five days after bringing such animal(s) within the city:

- A. The type of each animal;
- B. A general description of each animal;
- C. The location where the animal(s) will normally be pastured or kept;
- D. The name, address and telephone number of the person(s) owning the animal(s), if different from the person keeping or maintaining the animal(s);
- E. The name, address and telephone number of a person to be contacted concerning the animal(s) in case of emergency.

(Ord. 154-07 § 3(part), 2007).

6.40.020 - Registration—More than ten animals.

Any person keeping or maintaining more than ten livestock of a particular kind shall report the information listed in Section 6.40.010 to the animal control officer, except that such information need not include a general description of each animal, but shall specify the approximate number to be kept in a specific location.

(Ord. 154-07 § 3(part), 2007).

No person shall keep or maintain livestock unless:

- A. It is upon premises upon which, pursuant to the zoning title, livestock may be kept, provided that the number of animals does not exceed the number permitted;
- B. Such livestock are kept within a substantial fence or barricade which consists of any one of the following:
 - 1. At least three barbed wires, evenly spaced, the top of which shall be at least four feet from the ground, and which shall be securely fastened to posts of metal or wood, the space between which shall not be greater than twelve feet,
 - 2. A chain link fence six feet in height,
 - 3. A solid wood fence six feet in height;
- C. Any shelter provided for such livestock is at least three hundred feet from any adjoining building or structure;
- D. Such livestock is at least three hundred feet from any building or structure occupied, used or maintained as a dwelling;
- E. At least six thousand square feet of area is provided for each animal.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.44 - WILD ANIMALS

6.44.010 - Keeping prohibited.

It is unlawful for any person to keep any wild animal within the city.

(Ord. 154-07 § 3(part), 2007).

6.44.020 - Exceptions.

This chapter shall not apply to any of the following:

- A. Persons who use wild animals for diagnostic or research purposes, when the use has been approved by the Board of Public Health of the state pursuant to applicable law;
- B. Persons who use wild animals for teaching purposes in recognized educational institutions;
- C. Veterinarians who keep wild animals for boarding or treatment;
- D. Persons operating game farms or game breeding establishments licensed by the state;
- E. Persons operating nonprofit zoological gardens open to the public;

F. Persons who use wild animals for a permitted circus or entertainment events.

Item 10.

(Ord. 154-07 § 3(part), 2007).

Chapter 6.48 - MISCELLANEOUS ANIMALS

6.48.010 - Restrictions on domestic fowl.

- A. It is unlawful for any person to keep any chickens, geese, ducks, or turkeys within three hundred feet of a building or structure occupied, used or maintained as a dwelling.
- B. It is unlawful for any person to keep any rooster over sixteen weeks old within the city.
- C. It is unlawful for any person to keep any peafowl (peacocks) or guinea fowl within the city.
- D. The number of animals allowed shall be based on lot area as follows:
 - 1. Lots with an area of one acre or more: No combination of domestic fowl to exceed thirty and combination to include no more than twenty-five chickens, or four geese, or four turkeys or ten ducks;
 - 2. Lots with an area of one-half acre or more: No combination of domestic fowl to exceed twenty and combination to include no more than fifteen chickens, three geese, two turkeys, or six ducks.
- E. The issue born of such animals which increases the total number upon the premises beyond the numbers permitted shall be removed no later than sixteen weeks from birth.

(Ord. 154-07 § 3(part), 2007).

6.48.020 - Enclosures for domestic fowl.

Domestic fowl shall be kept in a sanitary enclosure which shall not be located within twenty feet of any building or property line. The enclosure shall not be located within three hundred feet of a building or structure occupied, used or maintained as a dwelling.

(Ord. 154-07 § 3(part), 2007).

6.48.030 - Restrictions on rabbits.

No person shall keep more than seven rabbits.

(Ord. 154-07 § 3(part), 2007).

6.48.040 - Enclosures for rabbits.

Rabbits shall be enclosed within a sanitary facility which shall not be located less than twenty feet from any building or property line.

(Ord. 154-07 § 3(part), 2007).

6.48.050 - Household pets—Generally.

A. Animals including, but not limited to, dogs, cats, guinea pigs, hamsters, white rats, mice, parakeets, parrots, and other animals that are generally considered by the public to be tame, and commonly considered as pets, may be kept.

B. Domestic swine may be kept as household pets as provided by this title.

(Ord. 154-07 § 3(part), 2007).

6.48.060 - Restrictions on household pets.

A. No person shall keep more than three dogs over the age of four months.

B. No person shall keep more than five cats over the age of four months.

C. Except when kept completely within a dwelling unit or otherwise provided for in this title, restrictions applicable to rabbits as set forth in Sections 6.48.030 and 6.48.040 of this chapter shall apply to those animals, except dogs and cats, covered in Section 6.48.050(A) of this chapter.

(Ord. 154-07 § 3(part), 2007).

6.48.070 - Bees.

No person shall keep more than two hives of bees.

(Ord. 154-07 § 3(part), 2007).

6.48.080 - Bees—Distance from building.

Bees shall be kept at least five hundred feet from any building or structure in which persons or animals normally live or are kept.

(Ord. 154-07 § 3(part), 2007).

6.48.090 - Exemptions.

This chapter shall not apply to those persons specified in Section 6.44.020.

(Ord. 154-07 § 3(part), 2007).

6.52.010 - Dead animal defined.

"Dead animal," as used in this chapter, means the dead body of any animal.

(Ord. 154-07 § 3(part), 2007)

6.52.020 - Unlawful disposal prohibited.

- A. It is unlawful for any person owning or having control of a dead animal to permit such dead animal to remain unburied for a period in excess of twenty-four hours.
- B. It is unlawful for any person owning or having control of a dead animal to place the body in any street, park or public place or in any public refuse receptacle.

(Ord. 154-07 § 3(part), 2007)

6.52.030 - Exceptions.

This chapter shall not apply to any animal killed for the purpose of consumption, provided that the remains of such dead animal are processed in such a manner as to prevent such dead animal from spoiling.

(Ord. 154-07 § 3(part), 2007)

6.52.040 - Cost of removal.

In addition to any other penalty in this title, the city shall be entitled to dispose of any dead animal coming within the prohibitions of this chapter if such animal remains unburied for a period in excess of twenty-four hours and/or is placed in any street, park, public place, or in any public refuse receptacle. Such costs of removal and burial shall be a lien and charge against the owner and person in control of such animal immediately prior to its death. The city shall attempt to contact the owner of such dead animal prior to disposing of same. Fees shall be established pursuant to a resolution of the city council.

(Ord. 154-07 § 3(part), 2007)

Chapter 6.54 - REGULATIONS PERTAINING TO FERAL CATS

6.54.010 - Feeding of feral cats prohibited; exceptions.

The feeding of feral cats is prohibited in the City of Williams unless otherwise permitted pursuant to this chapter and conducted in accordance with the TNR program regulations and guidelines.

6.54.020 - TNR permit and application requirements.

- A. An annual permit shall be required for any organization or individual that wishes to operate as a TNR partner or TNR individual in the city.
- B. A separate permit shall be required for each feral cat colony, even if multiple colonies are cared for by the same entity or person.
- C. A permit application shall be submitted in the form and with the information required by the city, including the following:
 1. *TNR partner permit requirements.* A completed TNR partner permit application form shall be submitted, and accompanied with the following supplemental information:
 - (a) Applicant contact and address information;
 - (b) TNR contact and address information;
 - (c) A map of the colony location and colony details to the extent known, including but not limited to an approximate number of:
 - i. Cats in colony;
 - ii. Successful spayed-neutered, de-fleaed, and ear tipped cats; and
 - iii. Successful adoptions.
 - (d) A map showing the location of each feeder and trapping location.
 - (e) A list of all feral cat caregivers providing TNR support for the colony, and contact information for each caregiver.
 - (f) Feral cat caregiver affidavit forms signed by each affiliated feral cat caregiver confirming their receipt of a copy of the City of Williams Feral Cat TNR Program regulations and guidelines and stating they have read, understand, and will comply with those regulations and guidelines.
 - (g) If feeding or trapping is proposed on private property, a copy of both the property owner's and the resident's consent agreeing to allow TNR activities on the private property.
 - (h) If feeding or trapping locations are proposed on public property, proof of comprehensive general liability insurance in the form acceptable to and in an amount determined by the city's risk management department, with the city named as an additional insured. The insurance shall be maintained in force through the life of the permit, including any renewals, and coverage shall not be modified without the consent of the city.
 - (i)

A statement accepting and agreeing to abide by all of the standard conditions of approval set forth in TNR program regulations and guidelines signed by a duly authorized representative of the TNR partner.

- (j) Envelopes (to be addressed to each owner of property within three hundred feet of each proposed feeding and trapping location), with first class postage attached.
 - (k) Envelopes (to be addressed to the occupant of each residential unit within three hundred feet of each proposed feeding and trapping location), with first class postage attached.
2. *TNR individual permit requirements.* A completed TNR individual permit application form shall be submitted, and accompanied with the following supplemental information:
- a. Applicant contact and address information.
 - b. TNR individual's contact and address information.
 - c. A map of the colony location and colony details to the extent known, including, but not limited to, an approximate number of:
 - (1) Cats in colony;
 - (2) Successful spayed-neutered, de-fleaed, and ear tipped cats; and
 - (3) Successful adoptions.
 - d. A map showing the location of each feeder and trapping location.
 - e. Feral cat caregiver affidavit forms signed by each TNR individual confirming their receipt of a copy of the City of Williams Feral Cat TNR Program regulations and guidelines stating that they have read, understand, and will comply with those regulations and guidelines.
 - f. A statement accepting and agreeing to abide by all of the standard conditions of approval set forth in the TNR program regulations and guidelines signed by the TNR individual.
 - g. Envelopes (to be addressed to each owner of property within three hundred feet of each proposed feeding and trapping location, with first class postage attached.
 - h. Envelopes (to be addressed to the occupant of each residential unit within three hundred feet of each proposed feeding and trapping location, with first class postage attached.
 - i. If feeding or trapping is proposed on property that is not owned by the TNR individual, a copy of the property owner's consent agreeing to allow TNR activities on the private property.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.030 - Notice and comment period—Feeding.

- A. Upon determination that an application for a TNR permit is complete for processing, the animal control officer shall provide notice of the application and a ten-day comment period by first class mail to the owners of all property and residents within a three hundred-foot radius of each proposed feeding location.

- B. The notice shall include, but is not limited to the following:
1. The locations of feeding devices;
 2. The feeding hours; and
 3. Contact information for the TNR partner and all affiliated feral cat caregivers, or the TNR individual.
- C. Notice for feeding devices that are not separated by more than twenty-five feet from another feeding or trapping device may use a single notice, but which shall be mailed to all owners of properties and residents within the three hundred-foot radius of any device.
- D. During the ten-day comment period, interested parties may submit written comments to the animal control officer on whether the application meets the criteria of this article or may submit a written objection to the location of the feeder if it is proposed to be placed adjacent to their property.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.040 - Notice and comment period—Trapping.

- A. Upon determination that an application for a TNR permit is complete for processing, the animal control officer shall provide notice of the application and a ten-day comment period by first class mail to the owners of all property and residents within a three hundred-foot radius of each proposed trapping location.
- B. The notice shall include, but is not limited to the following:
1. The locations of trapping devices;
 2. The trapping hours; and
 3. Contact information for the TNR partner and all affiliated feral cat caregivers, or the TNR individual.
- C. Notice for trapping devices that are not separated by more than twenty-five feet from another feeding or trapping device may use a single notice, but which shall be mailed to all owners of properties and residents within the three hundred-foot radius of any device.
- D. During the ten-day comment period, interested parties may submit written comments to the animal control officer on whether the application meets the criteria of this article or may submit a written objection to the location of the trap if it is proposed to be placed adjacent to their property.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.050 - Determination on permit.

- A. The determination of whether to issue a permit is a ministerial action. The city shall review permit applications deemed to be in compliance with the TNR program and guidelines requirements. The animal control officer shall approve the application unless:
1. The permit application does not comply with the TNR program and guidelines requirements;
 2. The permit application does not include all of the required information as set forth in this article;
 3. A letter objecting to the location of feeder and/or trap has been submitted by a resident or property owner whose property is adjacent to the proposed location of the feeder and/or trap;
 4. A permit has already been issued to another TNR partner for the same feral cat colony or a feral cat colony located in the same area or general vicinity;
 5. The applicant has been previously issued a permit pursuant to this article and has violated the requirements of this article or the TNR program requirements and guidelines; or
 6. The director of public works has reported that the proposed location of a feeder or trap will interfere with public works activities.
- B. Upon approval of a permit application, the department of community development shall issue a permit to the TNR partners, feral cat caregivers, and TNR individuals as applicable. The permit card shall be carried by the permittee and any person conducting TNR activity so that it is readily presentable to another person at all times while conducting TNR activity. Residents and/or property owners personally conducting TNR activity on their own property are not required to carry the permit with them.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.060 - TNR permit conditions.

As a prerequisite to receiving approval of a permit for a TNR partner or a TNR individual, the TNR partner or individual shall agree to comply with the standard conditions of approval set forth in the adopted TNR program requirements and guidelines.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.070 - Standards of care and responsibilities of TNR partners, feral cat caregivers, and TNR individuals.

TNR partners, feral cat caregivers, and TNR individuals shall comply with and fulfill the responsibilities and minimum standards of care as set forth in the TNR program regulations and guidelines.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.080 - Return of feral cats.

The return of feral cats as part of a TNR program is exempt from any abandonment laws because the feral cat is trapped solely for the purpose of neutering or adopting.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.090 - Feeding and trapping times.

Food may be placed in authorized feeding stations and traps may be placed in permitted locations during the hours set forth in the TNR program regulations and guidelines.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.100 - TNR programs on public property; restrictions.

- A. Feeding locations shall be maintained in accordance with the adopted TNR program regulations and guidelines.
- B. Recipients of a TNR individual permit shall not be allowed to feed feral cats on public property.
- C. Feeding and trapping of feral cats in public parks shall not be permitted.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.110 - Request to remove feeders or traps located on public or private property.

- A. After the issuance of a TNR partner permit, a property owner or resident may submit a request to the animal control officer to request removal of a feeder or trap that is located adjacent to their property or on their private property.
- B. Upon receipt of the request, the animal control officer shall notify the permittee. The permittee shall remove the feeder and/or trap within seventy-two hours of such notice. If the feeder and/or trap is not removed, the city shall cause the feeder and/or trap to be removed without any further notice to the permittee.
- C. The department of public works shall receive copies of all applications involving placement of feeders or traps in the public right-of-way. The city at any time may request removal of a feeder or trap located on the public right-of-way by providing notice to the permittee. The permittee shall remove the feeder and/or trap within seventy-two hours of such notice. If such feeder and/or trap is not removed, the city shall cause the feeder and/or trap to be removed without any further notice to the permittee.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.120 - Annual permit renewals.

- A. Permits may be renewed annually, and requests for renewal shall be submitted at least thirty days prior to expiration of the existing permit on forms approved by the city. The permittee shall have no property interest in the renewal and the permit shall not be renewed if the animal control officer makes any of the determinations set forth in Section 6.54.050 of this article.
- B. Notice pursuant to Sections 6.54.030 and 6.54.040 of this article is not required unless changes in feeder or trap locations or new feeders or traps, or a combination thereof, are requested in conjunction with a renewal.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.130 - Permit modifications.

- A. A permittee may request modifications to an existing permit to add or otherwise change the approved locations for feeding, trapping or combination thereof. Modification applications shall be submitted on a form approved by the city.
- B. Removal of feeding or trapping locations shall not require permit modification but the permittee shall inform the city of the removal of the location. The permit shall not be modified if the animal control officer makes any of the determinations set forth in Section 6.54.050 of this article.
- C. Permit modifications shall be accompanied with the same documentation required for an initial permit application.
- D. Noticing shall be required if a new location is requested for a feeder, trap, or combination thereof. Relocation of any feeder, trap, or combination thereof shall require a new notice to be sent as required by Sections 6.54.030 and 6.54.040 of this article.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.140 - Enforcement.

- A. *Standards of care:* The city may enforce the standards of care applicable to TNR partners, feral cat caregivers and TNR individuals in accordance with the city's administrative citation process or may refer violations of the standards of care to the appropriate TNR partner or TNR individual for assistance in correcting the violations. Nothing in this subsection is intended to restrict the remedies available to the city for a violation of the requirements of this article or the TNR programs regulations and guidelines.
- B. *Revocation of permit:* In addition to any other remedy available to the city, the city may revoke the permit of a TNR partner or TNR individual if the animal control officer determines that the TNR partner, TNR individual or a feral cat caregiver have violated the provisions of this article or the TNR program regulations and guidelines.

C.

Complaints: Any person may file a written complaint with the animal control officer regarding any person or animal who has been cited or fined issued under this article. Upon receipt of such a complaint, an investigation will be initiated by the city regarding the allegations in the complaint.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

6.54.150 - Prohibition against release.

A cat not trapped through the city's TNR program is prohibited from being released into the city or otherwise allowed to roam free in the city, whether or not the release occurs on private or public property. Any person violating this section shall be guilty of a misdemeanor punishable in accordance with Section 1.12.020 of this Code.

(Ord. No. 200-13, § 2(exh. B), 5-15-2013)

Chapter 6.56 - VIOLATIONS AND LIABILITY

6.56.010 - Nonliability of city.

No liability shall be incurred by the city for the disposition of any animal made pursuant to the provisions of this title.

(Ord. 154-07 § 3(part), 2007)

6.56.020 - Violation—Penalty.

Any person violating any of the provisions of this title is guilty of a misdemeanor.

(Ord. 154-07 § 3(part), 2007)

6.56.030 - Alternative actions available.

Nothing in this title shall be deemed to prevent the city from ordering the commencement of an administrative citation or civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to them under provision of applicable ordinances or state law to correct violations in addition to or as alternatives to the proceedings set forth in this title.

(Ord. 154-07 § 3(part), 2007)

6.56.040 - Violation—Public nuisance.

It is declared that the keeping, harboring or maintaining of any animal in violation of the provisions of this title constitutes a public nuisance and is unlawful. In addition to all other remedies available to the city, whether criminal, civil, at law or in equity, any nuisance may be abated pursuant to Title 8 of this Code or in any other manner provided by law.

(Ord. 154-07 § 3(part), 2007)