

CHAPTER 57

PIT BULL DOGS

57.01 Definitions

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57.01 DEFINITIONS. The following additional terms are defined for use in this chapter.

1. “Muzzled” means that the jaws of the pit bull are confined by a device that prevents the pit bull from biting.
2. “Owner” means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports, or sells an animal.
3. “Pit bull” means any dog that is an American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics that substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.
4. “Secure temporary enclosure” means an enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a “door” for removal of the pit bull. Such enclosure must be constructed so that the pit bull cannot exit the enclosure on its own.

57.02 PIT BULLS PROHIBITED. It is unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell any pit bull within the City except as provided herein.

1. The Mayor and City personnel may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.
2. A person may temporarily transport into and hold in the City a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest, or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the Mayor or designated City personnel, must obtain any other permits or licenses required by the City, and must provide protective measures adequate to prevent pit bulls from escaping, injuring other animals, or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the City to and from the place of exhibition, contest, or show, keep the pit bull confined in a secure temporary enclosure.
3. The owner of any pit bull, currently licensed as of January 1, 2008, or before, shall be allowed to keep such pit bull within the City only if the owner complies with and provides sufficient evidence that the owner is in compliance with all of the following regulations:
 - A. The owner of the pit bull shall keep the license for such pit bull current. Such license is not transferable and shall be renewable only by the holder of

the license or by a member of the immediate family of such licensee who is at least eighteen (18) years of age.

B. The owner of a pit bull must be at least eighteen (18) years of age.

C. The owner shall present to the City Clerk proof that the owner has procured liability insurance in the amount of at least \$100,000.00 covering any damage or injury that may be caused by a pit bull during the duration of its license. The policy shall contain a provision requiring the insurance company to provide written notice to the Clerk not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.

D. The owner shall, at the owner's own expense, have the pit bull spayed or neutered and shall present to the Clerk written proof from a licensed veterinarian that this sterilization has been performed.

E. The owner shall have an identifying microchip inserted beneath the skin of the pit bull by the Oakland Veterinary Clinic. The Oakland Veterinary Clinic shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall notify the Oakland Veterinary Clinic and City Clerk of any change of address.

F. When a pit bull is on the property of the owner, the owner shall at all times keep the pit bull confined indoors or in a securely enclosed and locked pen or structure upon the premises, which structure shall be in the back yard and set back at least ten (10) feet from the nearest property line. No utility meters shall be located in the enclosed area and nothing shall be located in the enclosed area that requires utility personnel or City personnel to have to enter the area. Such pen or structure must have secure sides embedded into the ground no less than one foot or secured into a concrete slab, and a secured top. At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull either securely leashed, with a leash of a fixed length no longer than four feet, and muzzled, or in a secure temporary enclosure.

G. The owner shall not sell or otherwise transfer the pit bull to any person except a member of the owner's immediate family who is at least eighteen (18) years of age, who will then become the owner and will be subject to all of the provisions of this chapter. The owner shall notify the Clerk within five days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Oakland Veterinary Clinic for destruction or permanently remove the puppies from the City and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep in the City a pit bull puppy born after January 1, 2009, and is more than eight weeks old. Any pit bull puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to Section 57.03 of this chapter.

H. The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept, a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by ten inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two inches in height.

Failure by the owner to comply and remain in compliance with any of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal,

and shall operate to prevent the owner from asserting such exceptions as a defense in any prosecution.

4. The owner of any pit bull over the age of eight weeks which is not licensed as of January 1, 2008, shall not be allowed to keep such pit bull within the City.

57.03 SEIZURE AND IMPOUNDMENT.

1. Notwithstanding any provisions to the contrary, the Mayor or designated City personnel are authorized to immediately impound any pit bull found in the City which does not fall within the exceptions listed in Section 57.02, and any Animal Shelter/Veterinarian may house or dispose of such pit bull in such manner as the Mayor or designated City personnel may deem appropriate, except as the procedures in subsection 2 below otherwise require.

2. When the Mayor or designated City personnel have impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the City Clerk for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The City Clerk will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. When no written request from the owner for a hearing is received by the City Clerk within seven days of impoundment, the pit bull shall be humanely destroyed.

3. The hearing, if any, will be held before the City Council. The owner of such dog shall bear the burden of proof. Any facts that the owner wishes to be considered shall be submitted under oath or affirmation, either in writing or orally at the hearing. The City Council shall make a final determination whether the dog is a pit bull. Such final determination shall be considered a final order of the City.

4. If the dog is found to be a pit bull, it shall be humanely destroyed, unless the owner produces evidence deemed sufficient by the City Council that the pit bull is to be permanently taken out of the City, and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner.

5. The procedures in this section shall not apply (and the owner is not entitled to such a hearing) with respect to any dog that was impounded as the immediate result of an attack or bite. In those instances, the dog shall be handled, and the procedures governed by the provisions of Chapter 55 of this Code of Ordinances.

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