



## Summary and FAQs: Amendments to the Animal Ordinance

On September 20, 2022, the Fremont City Council adopted several changes to the Animal ordinance. The new updates are summarized below:

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Fremont Municipal Code Title 6, Chapter 6.10, Section 6.10.030 is amended to read as follows:

### **Section 6.10.030 Livestock.**

On real property zoned residential, a pet owner may not keep any roosters or livestock, except goats (caprine type) with an animal fancier permit pursuant to Chapter 6.40.

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Fremont Municipal Code Title 6, Chapter 6.10, Section 6.10.040 is amended to read as follows:

### **Section 6.10.040 Chickens, rabbits, pigeons, doves.**

On real property zoned residential with an area of more than 6000 square feet, a pet owner may keep up to a maximum combined total of up to six (6) female chickens, rabbits, pigeons, and doves, unless a permit is issued under Chapter 6.40. A maximum of two (2) species of those animals allowed under this section may be kept on one lot. On real property zoned residential with an area of fewer than 6000 square feet, a pet owner may not keep chickens and may only keep a maximum of two (2) total rabbits, pigeons or doves.

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Fremont Municipal Code Title 6, Chapter 6.10, Section 6.10.070 is amended to read as follows:

### **Section 6.10.070 Shelter and shelter maintenance requirements.**

- (a) Any animal maintained outdoors must have adequate shade or shelter such that the animal can protect itself from the rays of the sun when the ambient temperature is likely to cause overheating or discomfort, and the animal can remain dry during rain.
- (b) The shelter for any animal must be:
  - (1) Accessible to the animal at all times;
  - (2) Constructed with at least five sides, including a roof and floor;
  - (3) Of adequate size inside and outside the shelter to allow the animal to stand up, sit, turn around freely or lie down in a normal position;
  - (4) Adequately lighted to provide regular diurnal lighting cycles of natural or artificial light uniformly diffused throughout the shelter, and sufficient illumination for routine inspections and maintenance of the animal;
  - (5) Situated to prevent exposing the animal to (1) unreasonably loud noise or (2) teasing, abuse, or injury by another animal or person; and

- (6) Supplied with clean and dry bedding material or other means of protection from the weather elements.
- (c) The animal shall be able to defecate and urinate away from the shelter.
- (d) Wherever animals are permitted to be kept or maintained in the City, no person, so keeping or maintaining such animals, shall fail at any time to keep the coops, pens or yards wherein such animals are enclosed in a clean and sanitary condition nor shall fail to remove the manure or other debris from such enclosures daily.
- (e) All feed for any animal shall be stored in containers which offer protection against rodents and insects.
- (f) No enclosure or shelter shall be located in the front yard of the property where the animals are kept.

Fremont Municipal Code Title 6, Chapter 6.10, Section 6.10.130 is added to read as follows:

**Section 6.10.130 Chickens—Enclosure and shelter.**

- (a) The enclosure where chickens are kept must be a minimum size of ten (10) square feet of permeable land per chicken.
- (b) The enclosure where chickens are kept must be located at least a minimum distance away from any other person's residence, as follows:

Number of Chickens	Minimum Distance From Any Property Line	Lot Square Footage
0	n/a	6,000 or less
1-6	10 feet	6,001 - 9,999
7-10	35 feet	10,000 - 21,779
11-15	50 feet	21,780 or more

Fremont Municipal Code Title 6, Chapter 6.20, Section 6.20.010 is amended to read as follows:

**Section 6.20.010 Vaccination of dogs and cats.**

- (a) Every person who owns, maintains or boards a dog, three months of age or older, or cat, four months of age or older, must cause that dog or cat to be vaccinated and revaccinated with a state approved antirabies vaccine within the time periods prescribed by state law or regulation.

Fremont Municipal Code Title 6, Chapter 6.30, Section 6.30.040 is amended to read as follows:

**Section 6.30.040 Redemption of impounded animals.**

The animal services manager may recover the cost to impound, board, microchip or alter the animal from either the owner or person with a right to control the animal, in an amount adopted by resolution by the city council. The animal services manager has discretion to waive these costs in cases of financial hardship if the fees would impose an economic hardship for the owner.

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Fremont Municipal Code Title 6, Chapter 6.10, Section 6.30.060 is amended to read as follows:

**Section 6.30.060            Disposition of impounded animals.**

- (a) The city may decide disposition of an impounded animal that is not retrieved by its owner within three (3) days, not including the day of impoundment.
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Fremont Municipal Code Title 6, Chapter 6.40, Section 6.40.025 is added to read as follows:

**Section 6.40.025            Chickens**

On real property zoned residential, a pet owner shall obtain a permit pursuant to this chapter to have more than six (6) chickens. The number of such chickens allowed shall be based on lot size as follows:

- (1) Lots with an area of 10,000 square feet or more, not more than 10 chickens.
  - (2) Lots with an area of one-half acre or more, not more than 15 chickens.
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Fremont Municipal Code Title 6, Chapter 6.40, Section 6.40.030 is amended to read as follows:

**Section 6.40.030            Pigeons, doves, and rabbits limitation.**

- (a) On real property zoned residential, a pet owner shall obtain a permit pursuant to this chapter to have more than six (6) total pigeons, doves, or rabbits.
  - (b) The number of such animals allowed shall be based on lot size as follows:
    - (1) Lots with an area of 10,000 square feet or more, not more than ten (10) of one species of animal.
    - (2) Lots with an area of one-half acre or more, not more than fifteen (15) of one species of such animal.
  - (c) A maximum of two (2) species of those animals allowed under this section may be kept on one lot.
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Fremont Municipal Code Title 6, Chapter 6.40, Section 6.40.035 is added to read as follows:

**Section 6.40.035            Goats.**

- (a) Exactly two (2) live goats may be kept only on a residential property with a lot size of 10,000 square feet or more within the City.
  - (b) All goats shall be microchipped.
  - (c) Food produced by live goats shall be for personal consumption only by members of permittee's household, and shall not be sold, donated or otherwise distributed to any other person.
  - (d) Male goats shall be neutered.
  - (e) No person shall keep or maintain any goat in the City within ten feet (10') of any property line.
  - (f) The enclosure must be a minimum size of two hundred fifty (250) square feet of permeable land for the keeping of two (2) miniature goats (commonly known as pygmy and dwarf goats), or five hundred (500) square feet of permeable land for the keeping of any other combination of miniature and non-miniature goats.
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Fremont Municipal Code Title 6, Chapter 6.40, Section 6.40.040 is amended to read as follows:

**Section 6.40.040      Beekeeping.**

- (a) It is unlawful to maintain any hive of bees on any lot or parcel within the city without first obtaining a permit in accordance with this chapter.
  - (b) No more than four (4) beehives may be established or maintained on any residential property within the City.
  - (c) No beehive may be kept or maintained within any required front or side yard setbacks.
  - (d) All beehives must be maintained at least five (5) feet from the fence line.
  - (e) All bee colonies must be maintained properly to prevent bees from swarming.
  - (f) All beehives must be provided a source of fresh clean water on the same lot or parcel as the hive.
  - (g) Any person intending to establish or maintain any beehive on any residential property within the City must first register with the County of Alameda and provide a copy of such registration to the Animal Services Manager.
  - (h) Beehive entrances shall face away from the nearest property line(s).
  - (i) Beehives must either be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight feet (8') above the adjacent ground level.
  - (k) Beehives are not permitted on multi-family balconies or patios.
  - (l) A beehive shall be located a minimum of 25 feet from any dwelling on an adjacent property.
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Fremont Municipal Code Title 6, Chapter 6.50, Section 6.50.040 is amended to read as follows:

**6.50.040      Restraint of dogs.**

- (a) {Text unchanged}
- (b) The dog owner or person with a right to control a dog must keep the dog under direct physical restraint by means of a leash not to exceed six feet in length when the dog is on any public street, public sidewalk, other public place, event on public property, or at any private place or property or common area of any planned development cluster, townhouse, or on any condominium project without the consent of the owner or person in control thereof.

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The newly adopted Ordinance revision includes an update that allows Animal Services staff to move animals through the Shelter system in a more expedient manner to ensure animals get the best timely and quality care. The specific change allows staff to release an animal after three calendar days (previously 4 business days). The new change is not an effort to euthanize animals at a greater rate. In a 2019 report, data from Shelter Animals Count, the nation's most widely used database for shelter statistics, reported that 26% of the dogs who enter the shelter system in the United States are returned to their owner. We are proud to share that dogs that are found in Fremont have been returned at a rate of 65%, 82% and 75% respectively over the past three years. Staff at the Shelter want to be able to rehome animals without an owner, at a faster rate to decrease the number of days the animal is in the shelter. While the Shelter takes in many animals that are found lost, staff also receive animals that are surrendered by their owner. Under the old ordinance, these animals would have to stay in the Shelter for four business days (could be up to 6 days with a weekend) before being rehomed, placed with a foster or a non-profit rescue group. The reduced number of days, allows staff to immediately begin working to place the animal in the most expeditious way.

Staff does all they can to reunite pets with their owners. Pets are immediately added to the online pet finder system, and often shared on social media. Staff is at the Tri-City Animal Shelter 7-days a week and, if available, will return a pet to their owner by appointment any of those days. If staff is not available for an appointment, the dog will be held for the owner until a mutually agreed upon time can be arranged. Police staff will also assist with reuniting pets after hours on an as needed/available basis.

The live release rate for animals entering the shelter from Fremont in the past three years is 97% for dogs and 98% cats. The live release rate is defined by community standards for what is healthy, treatable and unhealthy/untreatable. Additionally, in the past three years the City has placed 657 underage kittens into volunteer foster homes.

The City's policy is that euthanasia is a last resort, and does not take this decision lightly. In the last year, the City has euthanized 27 dogs that came in from Fremont, over the last two years a total of 53 dogs have been euthanized. The majority of the euthanized animals were done so due to dangerous dog behavior, severe illness or critical injury. It is important to note that even when a dog has severe medical challenges, the City will still fund treatment through donations if staff have assessed that the animal is a good long-term adoption candidate. The City currently has a puppy in their care who is being treated by UC Davis, and are using staff and volunteers to transport him to Davis. He has been placed in foster care while receiving treatment for a blockage in his ureter. Additionally, the City has a duty to place animals that have been evaluated to be safe back into the community. The City will not adopt an animal with dangerous dog behavior or documented aggression, adoption partners usually aren't interested in pulling these types of dogs from the shelter. The bottom line and policy is that the City does not euthanize animals to make space for other animals and has close relationships with non-profit rescue groups who take and adopt many of our animals.

The Tri-City Animal Shelter accepts donations to help fund marketing/adoption activities as well as transportation and medical treatment for animals. Please email Kelly Miott directly if interested or visit the website at [www.TriCityAnimalShelter.org/Donate](http://www.TriCityAnimalShelter.org/Donate) for ways you can support the shelter.

## FAQs:

- **What is the reason for revising the number of minimum impound days from 4 business days to 3 calendar days? Will the change result in more animals being euthanized?**

The shelter time provision change is not intended to nor will it directly impact euthanasia for impounded animals. The change is intended to move animals through the shelter system faster so the animals that really need to be at the shelter can get the best care possible. Changing the minimum impound time will allow animals to be adopted, transferred or fostered out sooner.

The Animal Shelter is very proud of its successful track record in returning lost animals to their owners. According to 2019 data from Shelter Animals Count, the nation's most widely used database for shelter statistics, 26% of the dogs who enter the shelter system in the United States are returned to their owner. Dogs that are found in Fremont have been returned at a rate of 65%, 82% and 75% respectively over the past 3 years.

- **Does the City have discretion to amend animal hold times based on circumstances?**

Yes, we frequently use discretion to hold animals longer for owners who cannot make it to the shelter to redeem their animals. We also consistently hold animals past the legally mandated hold period until we can place them with one of our 46 non-profit adoption partners or an adopter.

- **How many dogs has the shelter euthanized in the last 12-24 months?**

In the last year, the City has euthanized 27 dogs that came in from Fremont, over the last two years a total of 53 dogs have been euthanized. The vast majority of the euthanized dogs were euthanized for dangerous behavior, severe illness or severe injury. Pets are not euthanized as a result of lack of space in our facility. This code revision is not expected to impact euthanasia rates or circumstances.

- **What happens if the City cannot identify a dog's owner?**

The animal will be evaluated for adoption. If it is a good adoption candidate, the City will try to find it a home and network to one of our 46 adoption partners, also referred to as rescue groups. If the dog needs behavior or medical care beyond what the City can offer, staff will try to place the dog with an adoption partner who has staffing and equipment that can provide the specialized care.

- **Can a dog be put up for adoption before it is euthanized?**

The majority of the dogs the City euthanizes are euthanized for dangerous dog behavior or medical issues. For example, the City will not place a dog who attacked or bit a human when unprovoked. The City also has a legal duty to euthanize animals who are irremediably suffering. It is important to note that even when a dog has severe medical challenges, the City will still fund the treatment through donations if staff have assessed that the animal is a good long-term adoption candidate. The City is currently treating a puppy through UC Davis, and have found a foster for him for specialty treatment to treat a difficult medical condition.

- **What is the length of time does a dog have before it is euthanized by animal control?**

From a practical standpoint, the City's code revision is primarily intended to facilitate adoptions and is not expected to impact euthanasia rates or timeframes. Technical hold times depends on

the circumstances of the impound. As noted above, the shelter uses a high degree of discretion in seeking to care for and place animals. The following rules are minimums as described in California law:

- Stray animals have 72 hours to euthanize, adopt or transfer.
- Dogs who were surrendered by the owner have 0 hours to adopt or transfer and 4 or 6 days excluding impound day to euthanize. The City helps people rehome animals before they are brought into the shelter under this circumstance.
- Underage puppies have 0 hours to transfer, 72 hours to adopt or euthanize or 0 days to euthanize if unweaned and without mother. Even in the cases of unweaned animals, the City frequently can transfer otherwise healthy underage puppies to a partner or foster.
- Dogs who are irremediably suffering have 0 hours to euthanize.
- Owner-surrendered vicious dogs have 0 hours to euthanize if there is a legally documented history.

- **How is the owner of a lost dog/pet notified? What is the procedure?**

All dogs are scanned for a microchip during impound and officers carry a microchip scanner in their truck. Staff also checks the dog for an ID tag or license tag. Staff will call other agencies if there is a license tag from a different jurisdiction. Furthermore, staff will call and e-mail all leads provided by the microchip database registry. Beyond these basic steps, officers also drive around a neighborhood trying to locate a dog owner before bringing the dog back to the shelter. Office staff check lost dog reports, websites and help owners with tips on how to find their displaced pet. Found dogs are posted on the shelter's social media and website. See this page for more information about the resources offered: <https://tricityanimalshelter.org/Found>

- **What safeguards do you have in place to prevent a premature euthanasia?**

Euthanasia is the most difficult decision that is made in the shelter, staff does not take these decisions lightly. The City does not euthanize animals to make space for other animals under any circumstance. Unfortunately, when an animal needs specific medical care or behavior modification that is beyond what the City has the ability to handle, tough decisions need to be made. However, these decisions aren't made without first trying to find a partner with specialized resources to pull the animal and provide the care needed.