



OFFICE OF THE CITY ATTORNEY
CODE ENFORCEMENT

Andrew Janz
City Attorney

December 7, 2022

MEMORANDUM

TO: Public

RE: Barking Dogs and Household Pet Regulations

Our office is frequently contacted about regulations pertaining to household pets, typically because of neighbors complaining about nuisance behavior such as excessive barking. This is a summary of local and state laws pertaining to household pets and penalties for violations.

Owners allowing their dogs to bark excessively are committing a nuisance and noise violation. These violations can be prosecuted as an infraction in the Fresno County Superior Court, in addition to other remedies. Owners could also be subject to a civil suit for nuisance brought by a neighbor in Superior Court.

Fresno Municipal Code (FMC) section 9-2701 prohibits excessive barking and other nuisance behavior:

SEC. 9-2701. - KEEPING OF DOGS.

(a) No person shall keep or maintain, or cause or permit to be kept or maintained, upon any premises, any dog which by habitual and continual barking, howling or whining shall disturb the peace and comfort of any neighborhood or interfere with the reasonable and comfortable enjoyment of life or property by any person.

(b) No person shall keep or maintain, or cause or permit to be kept or maintained, any dog owned by him or in his possession or under his control which habitually commits a nuisance upon the property of any other person.

(c) No person shall keep or maintain, or cause to be kept or maintained, any unconfined dog which habitually attacks, or barks at passing pedestrians, vehicles or other users of the public sidewalks, streets and highways.

(d) Violation of this section is an infraction.

Additionally, the City Attorney may seek a temporary restraining order and/or injunction to obtain compliance. (FMC section 1-304(f). In such a case, the person found in violation of the FMC may be responsible for the City's attorney's fees and costs incurred.

Dogs are prohibited from being "at large" (off the owner's property) without being on a leash and kept under control. An owner is responsible for any damage or injury caused by the owner's dog, including misdemeanor prosecution for violations, and dogs may be impounded. FMC 10-320, 325, 326.

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All dogs over the age of 4 months must be licensed and vaccinated. FMC 10-303, 305. Violations are an infraction.

All dogs over the age of 5 months must be spayed or neutered, unless the owner has a breeding license. (FMC 10-328). There are additional regulations concerning keeping and transfer of dogs that are bred.

For all residential properties less than 36,000 square feet, no more than 4 animals (over 36,000 square feet, no more than 6), combination of dogs and cats, over the age of 4 months, may be kept. FMC 15-2707.

Penalties

A misdemeanor conviction can include a jail term of up to one year and/or up to a \$1,000 fine. FMC 1-304(a).

An infraction is a criminal penalty under FMC 1-304(c) that can include the following fines:

Any person convicted of an infraction under the provisions of this Code herein shall be punishable by

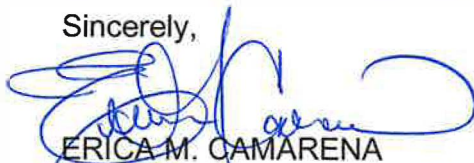
- (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation;
- (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within one year of the date of the first violation;
- (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision within one year of the date of the violation.

Alternatively, the City may pursue a violation as an Administrative Citation, with fines set forth in the City's Master Fee Schedule. Currently those fines are \$250 for the first citation, \$500 for the second citation, and \$1,000 for each citation thereafter.

Links to the Fresno Municipal Code can be found at the City Attorney's web page:

<https://www.fresno.gov/cityattorney>

Sincerely,



ERICA M. CAMARENA
Chief Assistant City Attorney