MARIPOSA COUNTY ORDINANCE NO. 645

AMENDING CHAPTER 6.08, ENTITLED ANIMAL CONTROL,
BY ADDING SECTION 6.08.300 VICIOUS DOG ORDINANCE,
AND AMENDING SECTIONS 6.08.010(F), AND
6.08.280.

WHEREAS, the County of Mariposa has received numerous complaints regarding attacks by vicious dogs, and
WHEREAS, there are pending cases relative to attacks by vicious dogs, and
WHEREAS, the County's current ordinances do not adequately cover the needs of the citizens in these cases, and
WHEREAS, it is the desire of the Board of Supervisors to enact an urgency ordinance to provide the County with procedures to abate such nuisances;

NOW THEREFORE, THE BOARD OF SUPERVISORS of Mariposa County does hereby ordain as follows:

SECTION I: Chapter 6.08 entitled "Animal Control", is hereby amended by adding Section 6.08.300 entitled "Vicious Dog Ordinance", to read in its entirety as follows:

"6.08.300 Vicious Dog Ordinance.

6.08.300.10 Purpose and Intent. Within the County of Mariposa there are vicious dogs which constitute a public nuisance which should be abated. This Section is intended to supplement rather than supplant any other remedy available under State law or the Mariposa County Code.

6.08.300.20 Vicious Dog Defined. Any dog, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior is presumed vicious:
a. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peace-fully and lawfully.

b. An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully.

c. An attack on another animal, livestock or poultry which occurs on property other than that of the owner of the attacking dog.

d. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

For the purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the dog when he or she is on such property in the perfor-mance of any duty imposed on such persons by state or local law or by the laws of (or) postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied.

6.08.300.30 Investigation. Upon notification of the whereabouts of a vicious dog, the Small Animal Control Officer shall immediately conduct an investigation of the matter for the purpose of verifying the report. If, after investigation, the Small Animal Control Officer determines that the dog has bitten or attacked a person or another animal so as to indicate vicious propensities,
he shall notify the owner of the matter in writing and
direct that henceforth the dog be kept within a
secured enclosure as approved by the Small Animal
Control Officer, or under any other type of control
the Small Animal Control Officer deems adequate under
the circumstances. Failure to comply with such direction
shall constitute a violation of this Chapter and shall
constitute a misdemeanor punishable pursuant to County
Code Section 1.20.010.

6.08.300.40 Misdemeanor. If a dog has actually bitten
or injured a person or another animal and the dog is
determined by the Small Animal Control Officer to be a
vicious dog then in that event the owner shall be
deemed guilty of a misdemeanor punishable by County
Code Section 1.20.010.

6.08.300.50 Destruction of Vicious Dog.
The Court, in its discretion, wherein the mis-
demeanor is heard, is hereby granted the
authority, if the Court finds that the dog has
bitten or attacked a person or another animal,
to have the dog destroyed.

SECTION II: Section 6.08.010(F) is hereby amended by deleting
the current definition of "Vicious" and replacing it in its
totality as follows:

"F. "Vicious", see Section 6.08.300, this Chapter,
for complete definition."

SECTION III: Section 6.08.280 is hereby amended to read in
its entirety as follow:
"6.08.280 Violation--Penalty. Violation of any
of the provisions of this chapter, except as otherwise
stated herein, shall constitute an infraction and shall
be punishable under Chapter 1.20, the general penalty
provisions of this code."

SECTION IV. This Ordinance has been deemed an urgency ordinance
by the Board of Supervisors to protect the citizens of Mariposa
County as well as their animals. Therefore, this Ordinance
shall be passed as an urgency ordinance and become effective
immediately upon passage by a four-fifths vote of the Board of
Supervisors, pursuant to Government Code Section 25123(d).

PASSED AND ADOPTED this 24th day of September, 1985, by
the Mariposa County Board of Supervisors by the following vote:

AYES: BARRICK, DALTON, ERICKSON, RADANOVICH, TABER

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

EUGENE P. DALTON, JR., Chairman
Board of Supervisors

ATTEST:

GERALD MC CARthy, County Clerk and
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel