

Chapter 6.08

ANIMAL CONTROL

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6.08.010 Definitions.

- A. **"At large"** means off the premises of the owner and not under the reasonable control of such owner.
- B. **"Dog"** means any canine, including coyotes and wolves, and any hybrid crosses of any of the above.
- C. **"Dog License"** means a license tag required to be purchased or obtained by this chapter for each dog over four (4) months of age in Mariposa County, and all renewals thereof.
- D. **"Livestock"** includes domestic fowls and rabbits.
- E. **"Owner"** means any person who owns, controls, harbors, or keeps in his possession any dog which is over four (4) months of age. This will not include the Mariposa S.P.C.A. (Ord. 675 Sec.1, 1986).
- F. **"Animal Control Officer"** is the designated person to enforce this chapter. The animal control function shall be located in and supervised by the Mariposa County Sheriff's

Office. (Ord. 877 Sec.I, 1994; Ord. 810 Sec.I, 1991; Ord. 700 Sec.1, 1987).

6.08.020 License--Required.

The owner of each dog must purchase a license for it. The license shall remain in effect for one (1) year for dogs four (4) months of age to twelve (12) months of age having received primary rabies immunization. The license issued to dogs twelve (12) months of age or older that have received revaccination shall be valid for up to three (3) years. Dogs that have not received primary vaccination shall require primary vaccination and revaccination in one (1) year regardless of age. A license shall be issued for one (1) year upon proof of primary vaccination and for up to three (3) years upon proof of booster vaccination. (Ord. 675 Sec.1, 1986).

6.08.030 License--Application.

Each application for a dog license tag shall state the name, age, sex, color, breed of dog for which the license is desired, date and type of rabies vaccine administered, and name and address of the owner. (Ord. 675 Sec.1, 1986).

6.08.040 License--Fees.

The fee for the purchase of a dog license shall be for each year the license is valid and shall be set by resolution of the board of supervisors. (Ord. 675 Sec.1, 1986).

6.08.050 License--Exemptions.

The following are exempt from procuring dog licenses:

- A. Veterinarians as to dogs being held for treatment or board;
- B. Owners of dogs used by blind people or being trained for such use;
- C. Owners of dogs which are licensed for the current year by another city or county.
- D. Mariposa S.P.C.A. (Ord. 675 Sec.1, 1986).

6.08.060 License--Duplicate.

The owner of a dog whose tag has been lost must replace the tag. The county sheriff's office will issue a duplicate license for a fee, set by resolution of the board of supervisors, upon proper identification and execution of a certification of loss. (Ord. 877 Sec.II, 1994; Ord. 700 Sec.2, 1987).

6.08.070 License tag--Issuance.

A. Upon payment of the fee provided in Section 6.08.040 and upon presentation of proof that the dog has been vaccinated against rabies in compliance with Section 2606 et seq., of the California Administrative Code, a license shall be obtained by the owner. The veterinarian administering the vaccination and issuing the vaccination certificate may also issue the license and collect the fees and withhold administrative cost as set by resolution of the Mariposa County Board of Supervisors.

B. The county sheriff's office shall maintain and carry out a system for the procurement, issuance, and recording of dog

licenses in accordance with this chapter. License tags shall be issued, be of durable material, and bear the stamped words "Mariposa County", a number, and the year or years. (Ord. 877 Sec.III, 1994).

C. The number of the license tag issued shall be endorsed upon the application for such license. All applications which have been endorsed shall be maintained on a current basis on file in county sheriff's office and shall be open to public inspection. (Ord 877 Sec.III, 1994; Ord. 675 Sec.1, 1986).

6.08.080 License tag--Nontransferable.

No license tag issued by this county shall be attached to a dog which is not described in the application for such license. (Ord. 675 Sec.1, 1986).

6.08.090 Rabies vaccination.

The owner of each dog four (4) months of age or more shall cause it to be vaccinated against rabies, and at intervals of not more than three (3) years or at such other times as may be prescribed by the State Health Department. This vaccination shall be performed by a veterinarian licensed in California using approved materials and techniques. Proof of such vaccination is required before issuance of a license tag. Regardless of the age of the dog when rabies vaccination is initiated, a primary vaccination and a booster vaccination within one (1) year is required. (Ord. 675 Sec.1, 1986).

6.08.100 Impoundment--When.

The animal control officer shall impound:

- A. Any dog or domestic animal, including livestock, running at large in the county;
- B. Any unlicensed dog which is not exempt;
- C. Any dog or domestic animal which has been declared by a court of competent jurisdiction to constitute a public nuisance, or has caused injury to persons or damage to property;
- D. Abandoned dogs or other domestic animals. (Ord. 871 Sec.I, 1994; Ord. 675 Sec.1, 1986).

6.08.110 Impoundment--Disposition of animals.

Impounded dogs and other animals shall be kept at the pound, shelter, or other facility approved by the county and may be disposed of in the following manner:

A. Unlicensed, nonexempt dogs and other domestic animals will be kept for three days (72 hours). Thereafter, they may be given to any person who will comply with this chapter or they will be destroyed in a humane manner. Persons taking unclaimed or stray animals from the control of the animal control officer shall pay to the county reasonable charges for licensing, rabies, inoculations and/or impoundment. Spaying and neutering of cats shall be in conformance with Agriculture Code Sections 31750 and 31751. (Ord. 765 Sec.1, 1990).

B. When a dog which is impounded bears a valid current license tag, the dog shall be kept ten (10) days after mailing notice of impoundment by certified mail at the owner's expense,

to the licensed owner. The owner may reclaim the dog upon payment of a fee in the amount of thirty dollars (\$30.00), plus the expenses resulting from impoundment and the mailing of notice. If the owner does not reclaim the dog within ten (10) days from the date notice is mailed, the animal control officer may dispose of it in the manner described in Subsection A of this section. (Ord. 877 Sec.IV, 1994; Ord. 765 Sec.1, 1990).

C. If an animal has bitten a person or there is reason to suspect that it is infected with rabies or other communicable diseases, to wit: "Q" fever, psittacosis, brucellosis, encephalitis, and others as may be designated by the state department of health from time to time, the county health officer, or his designee, shall isolate the animal in strict confinement in a place and manner approved by the county health officer, pursuant to current state law as amended from time to time. Charges for animals held in isolation are the expenses resulting from the impoundment and shall be paid as follows:

1. If the bite takes place on the animal owner's property and the owner can show proof of a current valid rabies shot then the animal owner shall be not charged any costs;

2. If the bite takes place off of the animal owner's property or the animal owner can not show proof of a current valid rabies shot then the animal owner shall be responsible for all costs incurred as a result of the isolation, examination shots, and other impoundment expenses incurred.

If the animal proves to be infected with any of the above diseases, it will be disposed of as directed by the health officer. (Ord. 765 Sec.1, 1990).

D. Dogs, cats and other domestic animals and livestock brought to a county shelter for disposal by their owners, shall be euthanized provided that the owners present proof of ownership and sign a release. (Ord. 765 Sec.1, 1990).

E. When any dog, cat, other domestic animal or livestock is impounded and reclaimed for a second time, an additional fee in the amount of fifty-five dollars (\$55.00) shall be charged to reclaim such animal the second time; when any such animal is reclaimed three (3) or more times, an additional fee in the amount of one hundred dollars (\$100.00) shall be charged each time the animal is reclaimed commencing with the third time. All fees described herein shall be in addition to the basic impound and notice fees. (Ord. 765 Sec.1, 1990).

F. When large livestock are to be transported, the animal control officer shall charge a transporting fee of \$35.00 per load plus .50 per mile. Any large livestock that are impounded the owner thereof shall incur a fee of \$6.00 per day for board and care. If the animal control officer deems it necessary to tranquilize a small animal, a tranquilizing fee of \$30.00 shall be charged. If the animal control officer deems it necessary to tranquilize a large animal, a tranquilizing fee of \$50.00 shall be charged. (Ord. 810 Sec.II, 1991).

G. The animal control officer may, with approval of his or her superior, allow an impounded animal to be released from impoundment without the fees having been paid if adequate arrangements have been made to collect the fees. (Ord. 877 Sec.V, 1994).

6.08.120 Impoundment--Notice to owner.

When an animal is impounded by reason of quarantine or isolation the owner, if known, shall be given a written notice stating the reason for quarantine or isolation, the date of the expiration thereof, and that unless the animal is found to be diseased and disposed of pursuant to Section 6.08.110(C) the owner shall arrange to reclaim the same at the expiration of quarantine or isolation and if not reclaimed it may be disposed of in the manner provided in Section 6.08.110(A). (Ord. 690 Sec.1, 1987).

6.08.130 (Repealed).

6.08.140 Pound--Operation.

The animal control officer may operate such pounds with furnishings, supplies, and equipment as are furnished by the board. He shall maintain such pounds in a humane and sanitary manner. The board may contract with adjoining counties or Mariposa County S.P.C.A. or other approved facility within California for the use of its pound and for impounding and disposing of dogs and domestic animals. The animal control officer and county health department and Mariposa County S.P.C.A. and other authorized shelters shall maintain records of animals received and disposed of. These records will be destroyed after two (2) years. (Ord. 675 Sec.1, 1986).

6.08.141 Pound--Operation--Spaying and neutering of cats and dogs.

A. No public pound, society for prevention of cruelty to animals shelter, or humane shelter shall sell or give away any dog or cat that has not been spayed or neutered, unless a deposit for spaying or neutering the animal has been tendered to the pound or shelter. The deposit shall be in the amount determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the locale, but shall not exceed thirty dollars (\$30.00) for cats and forty dollars (\$40.00) for dogs. A veterinarian shall perform the operation. If a female cat and her kittens or a female dog and her puppies are sold or given away to one individual, only a single deposit shall be required. The pound or shelter may make appropriate arrangements for the spaying or neutering of the cat or dog or may return the deposit to the person purchasing or receiving the cat or dog upon presentation of a written statement or receipt from the veterinarian or clinic that the animal has been spayed or neutered. The deposit may also include the amount necessary to recover any additional costs under this section.

B. All cats and dogs over six (6) months of age at the time they are sold or given away by the pound or shelter shall be spayed or neutered within sixty (60) days, or the deposit shall be deemed unclaimed. All cats or dogs six (6) months or younger at the time they are sold or given away by the pound or shelter shall be spayed or neutered within six (6) months, or the deposit shall be deemed unclaimed.

C. Any deposit not claimed under subsection (A) shall be used only for the following purposes:

1. A public education program to prevent overpopulation of dogs or cats.
2. A program to spay or neuter dogs and cats.
3. A follow-up program to assure that animals sold or given away by the pound or shelter are spayed or neutered.
4. Any additional costs incurred under this section.

D. Public pounds, society for the prevention of cruelty to animals shelters, and humane shelters may enter into cooperative agreements with each other and with veterinarians in carrying out this section. (Ord. 675 Sec.1, 1986).

6.08.150 Seizing and impounding dogs.

The animal control officer may impound an animal in violation of Section 6.08.260 of this chapter. If the animal control officer observes an animal which is in violation of Section 6.08.260 return to the private property of the animal's owner or the person who has the right to control or possess the animal a citation may be issued in lieu of impoundment. If the animal is impounded a notice shall be posted on the front door of the living unit of the owner or the person who has the right to control or possess the animal stating that the animal has been impounded, where the animal is being held, the name, address, and telephone number of the animal control officer to be contacted regarding release of the animal and an indication of the ultimate disposition of the animal if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control or possess the animal. (Ord. 877 Sec.VI, 1994; Ord. 700 Sec.5, 1987).

6.08.160 Collars for dogs.

All dogs not specifically exempted in this chapter shall bear a collar at all time, to which is fastened a metal license tag which is issued by the authority of the county pursuant to this chapter and which is currently valid and unexpired. (Ord. 675 Sec.1, 1986).

6.08.170 Killing or injuring dogs--Generally.

Except as otherwise provided by this chapter and subsequent amendments thereto, no person shall kill, injure, or impound any dog whose owner has complied with the provisions of this chapter. (Ord. 675 Sec.1, 1986).

6.08.180 Killing dogs worrying livestock.

A. Any person may kill any dog to which the provisions of this chapter apply in any of the following cases:

1. The dog is found in the act of killing, wounding, or persistently pursuing livestock or poultry on land or premises not owned or possessed by the owner of the dog.
2. The dog has no readily visible identification tag or license tag prescribed in Section 6.08.020 and is worrying livestock or poultry on land or premises not owned or possessed by the owner of the dog. If the dog has on him any readily visible identification tag or license prescribed by Section

6.08.020, and the dog is found in the act of worrying livestock or poultry on land or premises not owned or possessed by the owner of the dog, the dog may only be killed if the owner has been notified that the dog has previously so worried livestock or poultry.

3. The person has such proof as conclusively shows that the dog has been recently engaged in killing or wounding livestock or poultry on land or premises not owned or possessed by the dog's owner.

B. No action, civil or criminal, shall be maintained for killing a dog as authorized by this Section. (Ord. 675 Sec.1, 1986).

6.08.190 Seizure of dogs.

Any dog entering any enclosed or unenclosed property upon which livestock or poultry are confined may be seized by the owner or tenant. No action, civil or criminal, shall be maintained against the owner, tenant, or employee for the seizure of any such dog. (Ord. 675 Sec.1, 1986).

6.08.200 Restrictions on killing dogs.

The provisions of Section 6.08.170 and 6.08.180 shall not permit the killing or seizing of a dog which is under the reasonable control of its owner or keeper unless the dog is actually caught in the act of worrying, wounding, chasing, or killing livestock or poultry. (Ord. 675 Sec.1, 1986).

6.08.210 Costs of taking up strays.

Any dog which is found straying on any farms where livestock are kept, which has attached to its collar the identification tag or dog license tag prescribed in Section 6.08.020, may be taken up, impounded, and detained. The person taking up the dog may recover from the owner, in any court having jurisdiction, his costs incurred as a result of such taking up. (Ord. 675 Sec.1, 1986).

6.08.220 Injured animals.

When notified that a dog or other domestic animal is injured and at large, the animal control officer shall attempt to capture the animal. If the owner of the animal can be identified by a dog license or other readily available means, the animal control officer shall immediately contact the owner and obtain his instructions for disposition of the animal. Any further services or veterinary treatment of the animal shall be a charge to the owner. If the owner cannot be identified or located, the animal control officer may dispose of the animal immediately in a humane manner if he finds it necessary; otherwise he will handle the animal in the manner prescribed in Section 6.08.110, as appropriate. (Ord. 675 Sec.1, 1986).

6.08.230 Animal control officer--Designated.

There shall be a animal control officer of Mariposa County who shall be employed by the sheriff-coroner's office. The duties of the animal control officer shall be as outlined in this chapter, and as may be set from time to time by resolution of the board, and as may be prescribed by the laws of the state. The county sheriff's office is authorized to collect license fees. The animal control officer shall enforce the provisions of this chapter and of applicable sections of the state law; and is empowered to issue citations for violations of them. The sheriff may designate any or all Mariposa County peace officers to perform the function of the animal control officer as the sheriff deems necessary. (Ord. 877 Sec.VII, 1994; Ord. 675 Sec.1, 1986).

6.08.240 Animal control officer--Power to inspect.

The animal control officer shall have the powers of examination and entry upon private premises granted by Section 1908 of the Health and Safety Code. (Ord. 675 Sec.1, 1986).

6.08.250 Disposition of fees and fines. (Repealed)

(Ord. 877 Sec.VIII, 1994; Ord. 700 Sec.6, 1987).

6.08.260 Owner responsibilities.

It shall be a violation of this chapter by a dog owner for an owner's dog to:

A. Run at large on any private property or where any livestock or domestic fowl are kept without the permission of the property owner;

B. Be in a county park, county recreation area, school or school grounds, unless the dog is on a leash;

C. Run at large in a public street, trailer park or campground;

D. Injure a person or damage or destroy property;

E. It shall be a violation of this chapter for any person to abandon a dog or other animal in the county. (Ord. 700 Sec.6, 1987)

6.08.270 Range livestock running at large.

It shall be an infraction punishable under Chapter 1.20, the general penalty provision of this code, for the owner to allow, suffer, or cause any of his livestock, including but not limited to, cattle, pigs, horses, mules, and goats, to run at large on the private property of another person without the permission of the owner or tenant of such private property. (Ord. 675 Sec.1, 1986).

6.08.280 Violation--Penalty.

Violation of any of the provisions of this chapter shall constitute an infraction and shall be punishable under Chapter 1.20, the general penalty provisions of this code. (Ord. 675 Sec.1, 1986).

6.08.290 (Reserved)

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. (Ord. 645 Sec.1, 1985).

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 peacefully and lawfully.

b. An attack which results in property damage or in an injury to a person when such 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 threat of bodily harm to a person when such 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 performance 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. (Ord. 645 Sec.1, 1985).

6.08.300.30 Investigation.

Upon notification of the whereabouts of a vicious dog, the animal control officer shall immediately conduct an investigation of the matter for the purpose of verifying the report. If, after investigation, the animal control officer determines that the dog has bitten or attacked a person or another animal so as to indicate vicious propensities, the animal control officer shall either notify the owner of the dog in writing and direct that henceforth the dog be kept within a secured enclosure as approved by the animal control officer, or under any other type of control the animal control officer deems adequate under the circumstances, or proceed pursuant to subsection 6.08.300.70 of this chapter with impoundment and court procedures. Failure to comply with such direction shall constitute a misdemeanor punishable pursuant to Section 1.20.010 of this code. (Ord. 903 Sec.I, 1996; Ord. 877 Sec.IX, 1994; Ord. 700 Sec.7, 1987).

6.08.300.40 Misdemeanor.

A dog owner whose dog commits any of the acts described in Subsection 6.08.300.20 is guilty of a misdemeanor punishable by Section 1.20.010 of this code. (Ord. 700 Sec.8, 1987).

6.08.300.50 Registration of vicious/dangerous dog.

Any dog found to be vicious or dangerous by a court of competent jurisdiction shall be registered with the sheriff's office. All such dogs shall be registered within ten (10) days of the effective date of the finding. The sheriff's office shall establish a registration fee not to exceed \$25.00.

Furthermore, the keeping of a registered dog shall be subject to the following conditions:

a) Number and Identification. The owner or keeper shall have the licensing number assigned to such dog, or such other identification number as the sheriff's office shall determine, tattooed by a licensed veterinarian on the dog's upper inner lip, inner thigh or elsewhere as directed by the sheriff's office. The sheriff's office may require other methods of identification, e.g., installation of a microchip by a licensed veterinarian. For the purposes of this section, "tattoo" shall be defined as any permanent numbering of a dog by means of indelible or permanent ink with the number designated by the sheriff's office or any other permanent method of tattooing acceptable to the sheriff's office.

b) Display of Sign. The owner or keeper shall display a sign on his or her premises warning that there is a vicious/dangerous dog on the premises. The sign shall be visible and capable of being read from the fronting street or public highway. The sign shall be prepared by the County and paid for by the owner or keeper of the animal.

c) Confinement Indoors. No registered dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition except to a secured enclosure. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

d) Confinement Outdoors. When outside, all registered dogs shall be confined in a secure enclosure, except when necessary to obtain veterinary care or to comply with commands or directions of a county official. All such enclosures must be adequately lighted and ventilated and kept in a clean sanitary condition.

Whenever necessity requires a registered dog to be outside of the enclosure, the dog shall be securely muzzled if it is vicious, and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, with handgrip, and shall be under the direct control and supervision of the owner or keeper of the dog.

e) A registered dog shall not be returned to an owner or keeper unless the owner or keeper shows County proof of liability insurance covering the registered dog.

f) For purposes of this section, the following definitions of "vicious" and "dangerous" shall apply:

Vicious Dog: Any dog which (1) kills a person; (2) inflicts serious wounds to a person, including multiple bites, or serious disfigurement, serious impairment of health, or serious impairment of any bodily function; (3) continues to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog provided that its owner or keeper has been given notice of that finding; or (4) which has been found vicious by a court of competent jurisdiction.

Dangerous Dog: Any dog which (1) causes a wound to any person without provocation on public or private property; (2) while off the property of its owner or keeper, has killed or injured a domestic animal; (3) attacks any person; or (4) has been declared dangerous by a court of competent jurisdiction. (Ord. 903 Sec.II, 1996).

6.08.300.60 Destruction of vicious dog.

The Court, in its discretion, wherein the misdemeanor 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. (Ord. 903 Sec.II, 1996; Ord. 645 Sec.1, 1985).

6.08.300.70 Impoundment of vicious dog.

If the animal control officer has, pursuant to Section 6.08.300.30 previously notified a dog's owner in writing that the dog is vicious and the dog subsequent to the notification is found to be at large, or actually bites or injures a person or another animal, then the dog shall be impounded and held in impoundment at the owner's expense pending a decision by a court of competent jurisdiction as to the disposition of the dog pursuant to Subsection 6.08.300.50 of this chapter. (Ord. 903 Sec.II, 1996; Ord. 877 Sec.X, 1994; Ord. 700 Sec.9, 1987).