

MARIPOSA COUNTY ORDINANCE No. 675

AMENDING CHAPTER 6.08 ENTITLED "ANIMAL CONTROL" BY  
REPEALING AND REPLACING SECTIONS 6.08.010 THROUGH  
AND INCLUDING SECTION 6.08.280  
IN THEIR ENTIRETY

WHEREAS, requirements relating to the spaying and neutering of cats and dogs need to be added to Chapter 6.08 entitled "Animal Control" to bring the County Code into compliance with State regulations;

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California does hereby ordain as follows:

SECTION I: Chapter 6.08 entitled "Animal Control" is hereby amended by repealing and replacing Sections 6.08.010 through and including Section 6.08.280 to read in their entirety as follows:

"Chapter 6.08

ANIMAL CONTROL

Sections:

- 6.08.010 Definitions.
- 6.08.020 License--Required.
- 6.08.030 License--Application.
- 6.08.040 License--Fees.
- 6.08.050 License--Exemptions.
- 6.08.060 License--Duplicate.
- 6.08.070 License tag--Issuance.
- 6.08.080 License tag--Nontransferable.
- 6.08.090 Rabies vaccination.
- 6.08.100 Impoundment--When.
- 6.08.110 Impoundment--Disposition of animals.
- 6.08.120 Impoundment--Notice to owner.
- 6.08.130 Pound--Fee required when.
- 6.08.140 Pound--Operation
- 6.08.141 Pound--Operation--Spaying and neutering of cats and dogs.
- 6.08.150 Seizing and impounding dogs.
- 6.08.160 Collars for dogs.
- 6.08.170 Killing or injuring dogs--Generally.
- 6.08.180 Killing dogs worrying livestock.
- 6.08.190 Seizure of dogs.
- 6.08.200 Restrictions on killing dogs.
- 6.08.210 Costs of taking up strays.
- 6.08.220 Injured animals.

- 6.08.230 Animal control officer--Designated.
- 6.08.240 Animal control officer--Power to inspect.
- 6.08.250 Disposition of fees and fines.
- 6.08.260 Owner responsibilities.
- 6.08.270 Range livestock running at large.
- 6.08.280 Violation--Penalty.
- 6.08.300 Vicious Dog Ordinance.

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.

F. "Vicious" means having previously killed, attacked, molested, chased, worried, wounded, or pursued any person other than the owner, or livestock, poultry, or other domestic animal not owned by the owner.

G. "Small Animal Control Officer" is the designated person to enforce this chapter.

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.

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.

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.

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.

6.08.060 License--Duplicate. The county health department will issue a duplicate license for a fee, set by resolution of the board of supervisors, upon proper identification and proof of loss.

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 health department 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.

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 the office of the health department open to public inspection.

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.

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.

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 become a public nuisance or has caused injury to persons or damage to property;

D. Abandoned dogs or other domestic animals.

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 at least five days (120 hours), cats 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 a fee in an amount of fifteen dollars (\$15.00), plus 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.

B. When a dog which is impounded bears a valid current license tag, said 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 said dog upon payment of a fee in the amount of fifteen dollars (\$15.00), 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.

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 health officer shall impose a quarantine pursuant to current state law as amended from time to time and which will be carried out by the animal control officer. Charges for animals held in quarantine are the expenses resulting from the impoundment and shall be paid by the owner if known. If the animal proves to be infected with any of the above diseases, it will be disposed of as directed by the health officer.

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 sign a release and pay the fee specified in Section 6.08.130.

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 forty dollars (\$40.00) shall be charged to reclaim such animal the second time; when any such animal is reclaimed three 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.

6.08.120 Impoundment--Notice to owner. When an animal is

impounded by reason of quarantine the owner, if known, shall be given a written notice stating the reason for quarantine, 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 and if not reclaimed it may be disposed of in the manner provided in Section 6.08.110(A).

6.08.130 Pound--Fee required when. The pound, Mariposa County S.P.C.A. animal shelter, or any other shelter facility approved by the county, should the county not operate and maintain such pound or shelter, or such pound or shelter which the county may contract with pursuant to Section 6.08.140, will receive dogs, cats, other domestic animals and livestock when they are brought by their owners for disposal, provided the owners presenting them for euthanasia and disposal shall be charged and pay the prevailing veterinarian's fee.

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.

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.

6.08.150 Seizing and impounding dogs. Any dog which is found running at large without a valid, current dog license which is required pursuant to this chapter may be seized and impounded by any peace officer.

6.08.160 Collars for dogs. All dogs not specifically exempted in this chapter shall bear a collar at all times, 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.

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.

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.

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.

6.08.200 Restrictions on killing dogs. The provisions of Sections 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.

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.

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.

6.08.230 Animal control officer--Designated. There shall be a small animal control officer of Mariposa County who shall be employed by the sheriff-coroner's office. The duties of the small 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 health department is authorized to collect license fees. The small 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.

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.

6.08.250 Disposition of fees and fines. All fees for the issuance of dog license tags and all fines collected pursuant to this chapter shall be paid into the county treasury under a separate revenue account designated animal control and shall be used:

A. First, to pay expenses for the issuance of dog license tags;

B. Second, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of this chapter;

C. Third, to pay damages to owners of livestock which are killed by dogs;

D. Fourth, to pay costs of any hospitalization or emergency care of animals pursuant to Section 597(f) of the Penal Code.

6.08.260 Owner responsibilities. No owner shall:

A. Permit his dog to run at large on any private property or where any livestock or domestic fowl are kept without the permission of the property owner;

B. Permit his dog to run at large in a public park, school or school grounds, public street, trailer park, or campground;

C. Permit his dog to injure a person or damage or destroy property;

D. Permit his dog to be a public nuisance as defined by Section 370 of the Penal Code of the state;

E. Abandon a dog or other animal in the county.

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.

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."

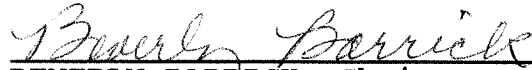
SECTION II: This ordinance shall become effective thirty (30) days from the date of final passage, pursuant to Government code Section 25123.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 21st day of October, 1986 by the following vote:

AYES: Barrick, Dalton, Erickson, Radanovich  
NOES: None  
EXCUSED: Taber

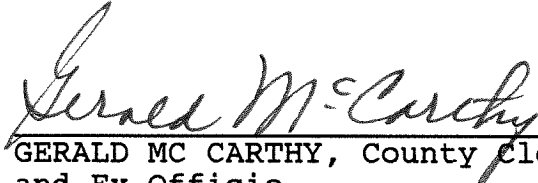


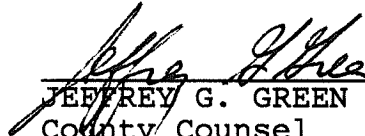
ABSTAINED: None

  
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BEVERLY BARRICK, Chairman  
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
GERALD MC CARTHY, County Clerk  
and Ex Officio  
Clerk of the Board

  
\_\_\_\_\_  
JEFFREY G. GREEN  
County Counsel