

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:

1 a. An attack which requires a defensive action
2 by any person to prevent bodily injury or property damage
3 when such person is conducting himself or herself peace-
4 fully and lawfully.

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

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

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

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

22 6.08.300.30 Investigation. Upon notification of the
23 whereabouts of a vicious dog, the Small Animal Control
24 Officer shall immediately conduct an investigation of
25 the matter for the purpose of verifying the report.
26 If, after investigation, the Small Animal Control Officer
27 determines that the dog has bitten or attacked a person
28 or another animal so as to indicate vicious propensities,

1 he shall notify the owner of the matter in writing and
2 direct that henceforth the dog be kept within a
3 secured enclosure as approved by the Small Animal
4 Control Officer, or under any other type of control
5 the Small Animal Control Officer deems adequate under
6 the circumstances. Failure to comply with such direction
7 shall constitute a violation of this Chapter and shall
8 constitute a misdemeanor punishable pursuant to County
9 Code Section 1.20.010.

10 6.08.300.40 Misdemeanor. If a dog has actually bitten
11 or injured a person or another animal and the dog is
12 determined by the Small Animal Control Officer to be a
13 vicious dog then in that event the owner shall be
14 deemed guilty of a misdemeanor punishable by County
15 Code Section 1.20.010.

16 6.08.300.50 Destruction of Vicious Dog.

17 The Court, in its discretion, wherein the mis-
18 demeanor is heard, is hereby granted the
19 authority, if the Court finds that the dog has
20 bitten or attacked a person or another animal,
21 to have the dog destroyed.

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

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

27 SECTION III: Section 6.08.280 is hereby amended to read in
28 its entirety as follow:

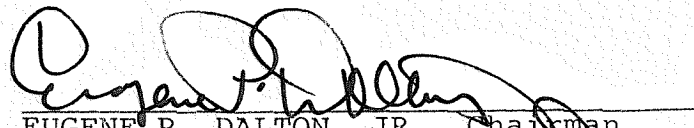
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"6.08.280 Violation--Penalty. Violation of any of the provisions of this chapter, except as otherwise stated herein, shall constitute an infraction and shall be punishable under Chapter 1.20, the general penalty provisions of this code."

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