

ORDINANCE NO. 258, N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES; PROVIDING FOR LICENSING OF ALL DOGS; PROHIBITING UNLICENSED DOGS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO DE ROBLES; AUTHORIZING THE IMPOUNDING OF DOGS; SETTING FORTH THE POWERS AND DUTIES OF THE POUNDMASTER, PROVIDING RULES AND REGULATIONS FOR THE CONTROL OF OTHER TYPES OF ANIMALS AND SETTING FORTH MISCELLANEOUS RELATED RULES AND REGULATIONS; REPEALING ALL ORDINANCES AND PORTIONS THEREOF IN CONFLICT HEREWITH; AND PROVIDING PENALTIES FOR VIOLATIONS.

The City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. SHORT TITLE. This ordinance shall be known as "The Animal Ordinance."

SECTION 2. DEFINITION OF TERMS. For the purpose of this ordinance, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

(a) "Dog shall include female as well as male dogs.

(b) "Owner" shall mean any person, firm or corporation owning, having an interest in, or having control or custody or possession of any animal.

(c) "At large" shall mean a dog off the premises of its owner and not under restraint by leash, or chain, or not otherwise controlled by a competent person.

(d) "Kennel" shall mean any person, firm or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs and cats.

(e) "Pet Shop" shall mean any person, firm or corporation operating an establishment where live animals and/or birds are kept for sale, for hire or sold.

(f) "Animal" shall include any mammal, poultry, bird, reptile, fish or any other dumb creature.

(g) "Horse" shall include mule, burro, pony, jack, hinny or jenny.

animal to the Poundmaster without fee or charge: and the Poundmaster shall thereupon hold and dispose of such animal in the same manner as though such animal had been found at large and impounded by him.

(c) Biting Animals to be Quarantined for Fourteen (14) Days. Whenever it is shown that any dog or other animal has bitten any person, no owner or person having custody or possession thereof, upon order of the Health Officer, shall fail, refuse, or neglect to quarantine such animal and keep it tied up or confined for a period of fourteen (14) days, or shall fail, refuse or neglect to allow the Health Officer or his deputies to make an inspection or examination thereof at any time during said period. No such dog or animal shall be removed without written permission of the Health Officer or his deputies.

(d) Knowledge of Bite - Duty to Report. Whenever any person having charge, care, control, custody, or possession of any dog has knowledge that such dog has bitten any person, the person having charge, care, control, custody or possession of such dog shall report said fact forthwith to the Health Officer or his deputies. The report shall state the name and address of the person bitten and the time and place such person was bitten.

SECTION 20. REDEMPTION OF IMPOUNDED ANIMALS.

(a) Minimum Period of Impoundment - Sale. All animals impounded at the City Pound shall be provided with proper and sufficient food and water by the Poundmaster. Unless such animals have been redeemed within three (3) days after being impounded, they shall be sold by the Poundmaster to the person offering to pay the highest cash amount therefore, provided that the purchaser shall not be given possession of any dog or dogs until he shall have paid to the Tax Collector the license fee or fees prescribed for such dog or dogs. If any dog or

other animal impounded by the Poundmaster, shall not have been redeemed within said three (3) days Period, and cannot be sold within a reasonable time thereafter, it may be killed by the Poundmaster in a humane manner. The Poundmaster shall file at the City Pound a full description of each animal impounded therein for a period of at least three (3) days beginning on the day any such animal is taken or delivered into the possession of the Poundmaster.

(b) The owner of any dog at the time it is so impounded may, at any time, within thirty (30) days after such sale, redeem the same from such purchaser by paying him the amount of the purchase price paid by him to the Poundmaster, and in addition thereto, the sum equal to fifty (50¢) cents per day for the number of days from the date of sale to and including the date of such redemption.

(c) Notwithstanding any provisions in this ordinance to the contrary to the Agriculture Code of the State of California, Division 3, Chapter 5, shall be complied with in reference to estray bovine animals, horses, mules or burros.

SECTION 21. KENNELS - PET SHOPS - REGULATIONS.

(a) It shall be unlawful for any person, firm, corporation or association to erect, establish or maintain any kennel or pet shop as defined in this ordinance without first obtaining a permit from the Health Officer. The granting of such permit shall be in the discretion of the Health Officer who shall take into consideration the type of construction to be employed as it relates to sanitation and manner in which animals, birds, or fowl are to be housed, as well as the character of the person, firm, corporation or association making application, and such zoning regulations as may now be in effect or adopted from time to time. The Health Officer may appoint the Poundmaster as his agent and to act in his behalf in investigating applications for such permits. Upon approval

of the Health Officer or his designated agent aforesaid, the City License Collector upon the payment of the license fee as required by the license ordinance of the City of El Paso de Robles shall issue a license therefor and deliver a copy thereof to the Poundmaster.

(b) The provisions of this section requiring the payment of an annual license fee, shall not apply to an animal shelter maintained and operated by a society for the prevention of cruelty to animals duly incorporated under Title 1, Division 2, Part 4 of the Corporations Code of the State of California.

(c) Revocation or Suspension - Grounds - Procedure. Any permit or license issued hereunder may be revoked or suspended if, after due investigation, the Health Officer or his designated agent finds:

(1) That the permittee, his agent, or employee, has been convicted of any offense involving the violation of Section 597 of the Penal Code of the State of California, or any provisions of this Article; or

(2) That the permittee, his agent or employee, has, at the place for which the permit has been issued, failed to provide any animal, fowl or reptile in his possession, care or control, with proper and sufficient food, drink, shelter or protection or subjected any such animal, fowl or reptile to needless suffering, unnecessary cruelty, or abuse; or

(3) That the permittee, his agent or employee, has failed to maintain the premises in a clean and sanitary condition; or

(4) That the permittee, his agent or employee, has violated any rule or regulation of the Health Officer.

The Health Officer may order an immediate suspension of any permit granted under this Article for a period of ten (10) days; said order shall set forth the finding of the Board. The Health Officer shall not revoke a permit granted under this Article unless written notice of a hearing on said revocation

is served upon the owner, occupant or other person in charge of the permittee's business, at least five (5) days before the hearing by said Health Officer on the revocation of said permit. Where, after diligent search, such owner, or occupant, or person in control cannot be found, a copy of this notice shall be mailed to the permittee at said place of business at least five (5) days before the hearing on the revocation of said permit. No person shall operate said business in the City of El Paso de Robles during any time in which the permit for said business has been suspended or revoked. Any person dissatisfied with the decision or order of the Health Officer, may appeal such order or decision to the City Council, by filing a Notice of Appeal. Upon the filing of the Notice of Appeal, the City Council shall hold a public hearing therein within ten (10) days. During the period of said appeal and until the Council has rendered its decision thereon, the decision or order of the Health Officer shall not take effect. The decision of the City Council on the appeal shall be final.

SECTION 22. LIVESTOCK OR WILD ANIMALS NOT PERMITTED AT LARGE. No person, coming or having control of any ox, steer, bull, cow, horse, colt, jack, mule, calf, sheep, goat or hog, or any animal commonly referred to as a "wild specie" shall

(a) Permit such animal to run at large in the City of El Paso de Robles, or

(b) Cause or permit any such animal to be pastured, herded, staked or tied in any street, lane, alley, park or other public place, or

(c) Tie, stake or pasture or permit the tying, staking or pasturing of any such animal upon any private property within the limits of the City of El Paso de Robles, without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street or public place or upon any such private property, or

(d) Permit any of said animals to be or remain during the night time secured by a stake, or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such animal, or by securely fastening such animal by means of a rope or chain of sufficient strength to restrain to some permanent object of sufficient size, strength and weight to effectively restrain such animal, or

(e) Fail to provide the necessary sustenance, drink, shelter or protection from the weather, or otherwise.

SECTION 23. VICIOUS DOG - DANGEROUS ANIMAL - NUISANCE ABATEMENT.

(a) It shall be unlawful to permit any vicious dog or dangerous animal to go unrestrained.

(b) The keeping or harboring of any dog, cat or other animal or fowl whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any considerable number of persons or neighborhood is unlawful, and is hereby declared to be a public nuisance and each day shall constitute a separate offense.

(c) It shall be unlawful to suffer or permit any animal to trespass on private or public property so as to damage or destroy any property or thing of value and the same is hereby declared to be a nuisance and any such animal may be impounded by the Poundmaster. Whenever it shall be affirmed in writing by 3 or more persons having separate residences, or regularly employed in the neighborhood that any animal is an habitual nuisance by reason of trespassing, howling, barking or other noise, or damage to property, being vicious or by its actions potentially vicious or in any other manner causing undue annoyance, the Poundmaster, if he finds such nuisance to exist, shall serve notice upon the owner or custodian that such nuisance must be abated.

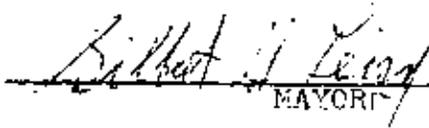
SECTION 24. LEGALITY. If any section, subsection,

sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction such decision shall not affect the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any other section, subsection, clause or phrase thereof has been declared invalid or unconstitutional.

SECTION 25. PENALTY. Any person, firm or corporation who violates any provision of this Ordinance shall be punished by a fine of not to exceed \$500 or by imprisonment for a period of not to exceed Six (6) months, or by both such fine and imprisonment.

SECTION 26. All Ordinances in conflict herewith are, to the extent they are in conflict herewith, repealed.

PASSED AND ADOPTED this 1st day of May,
1961.


MAYOR

ATTEST:


CITY CLERK

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
CITY OF EL PASO DE ROBLES

} SS.

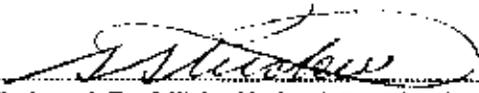
I, S. S. Tucker, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing ORDINANCE No. 244, H.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 1st day of May, 1961, by the following vote:

AYES: Councilmen Blake, Galba, Leisy, Mandella and Smith

NOES: Councilmen None

ABSENT: Councilmen None

Dated this 1st day of May, 1961


City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso de Robles, State of California.

PROOF OF PUBLICATION

STATE OF CALIFORNIA }
County of San Luis Obispo } ss.

Arthur C. Youngberg, of said county, being first duly sworn, deposes and says: That I am the publisher of the Paso Robles Press, a newspaper printed and published daily, Saturdays and Sundays excepted, at Paso Robles, in the County of San Luis Obispo, State of California; that the notice, of which a true copy is here to attached, was published in the above-named newspaper on the following dates, to wit:

.....
.....
.....

that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by decree entered in the Superior Court of San Luis Obispo County, State of California, on June 30, 1952, under the provisions of Chapter 1, Division 7, Title 1 of the Government Code of the State of California.

Arthur C. Youngberg
Signature

Subscribed and sworn to before me this..... day
of, 19.....

.....
Notary Public
MORNING M.....

(h) "Person" shall include any person, partnership, corporation, trust and association of persons.

(i) Whenever any reference is made to any portion of this Ordinance such reference applies thereto now or hereafter made.

(j) The present tense includes the past and future tenses and the future, the present. Each gender includes the other two genders.

(k) The singular number includes the plural and the plural the singular.

(l) Whenever a power is granted to, or a duty imposed upon the Poundmaster or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this Ordinance expressly provides otherwise.

(m) "City" shall mean the City of El Paso de Robles.

SECTION 3. OFFICE OF POUNDMASTER ESTABLISHED. The office of Poundmaster is hereby established.

(a) The Poundmaster may either be a person, firm, association or corporation, and shall be appointed by the City Council of the City of El Paso de Robles. The Poundmaster shall serve for such period of time and shall receive such compensation as shall be established by ordinance of the City Council or by contract executed by the City Council of the City of El Paso de Robles.

(b) Police Powers. The Poundmaster and all deputy poundmasters shall upon appointment as herein provided and during the tenure of their office, become and be vested with the powers and duties of policemen of the City of El Paso de Robles and shall have the power and it shall be their duty to make arrests for violations of any of the provisions of this ordinance. The Poundmaster shall enforce all of the laws of the City of El Paso de Robles and the State relating to

the care, treatment and impounding of dumb animals. If the Poundmaster, appointed as herein provided, be a firm, association or corporation, neither it nor any agent, employee, representative or member thereof, unless duly appointed and qualified as Deputy Poundmaster, shall be vested with the powers or duties of a Police Officer of the City of El Paso de Robles.

(c) License and Tax Powers. The Poundmaster, if a person, and all Deputy Poundmasters, shall upon appointment as herein provided, and during the full tenure of their offices also become and be vested with the powers and duties of City Tax Collectors, and each shall have the power to collect the license fees and to issue the certificate and tags prescribed herein. All sums so collected shall be paid over to the City Treasurer on or before the 10th day of each month.

(d) Poundmaster to keep Record. The Poundmaster shall keep a record of the number of all animals impounded, showing in detail in the case of each animal the description, dates of receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees and charges and proceeds of sales received on account thereof, and such additional records as may be required by the City Council of the City of El Paso de Robles.

SECTION 4. POUND PROVIDED. There shall be provided by the City Council, or by the Poundmaster upon such terms and conditions as shall be named in the contract executed by and between the Poundmaster and the City Council of the City of El Paso de Robles a suitable building or enclosure to keep and safely hold all animals herein enumerated which are subject to be impounded which shall be known and designated as the "City Pound."

SECTION 5. IMPOUNDING. It shall be the duty of the Poundmaster to take up, impound and safely keep any of the

animals enumerated in this ordinance found running at large, staked, tied or being herded or pastured in any street, lane, alley, court, square, park or other place belonging to or under control of said City Council, or upon any private property in said City contrary to the provisions of this ordinance.

SECTION 6. CARE OF ANIMALS. When any animal is so impounded, it shall be provided with proper and sufficient food and water by the Poundmaster.

SECTION 7. NOTIFICATION OF OWNER. The Poundmaster shall immediately upon impoundment of dogs or other animals make every reasonable effort to notify the owners of such dogs or other animals impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

SECTION 8. RECLAIMING ANIMALS. The owner of any impounded animal shall have the right to reclaim the same any time prior to the lawful disposition thereof upon payment to the Poundmaster of the costs and charges hereinafter provided in this ordinance for the impounding and keeping of said animals.

SECTION 9. ENTERING UPON PREMISES. The Poundmaster is authorized to enter upon any premises upon which any animal is kept, for the purpose of taking up, seizing or impounding any animals found running at large, or staked, herded or grazed thereon, contrary to the provisions of this ordinance or for the purpose of ascertaining whether such animal is registered as provided in this ordinance, or for the purpose of inspecting the premises to ascertain whether any law of the City of El Paso de Robles or the State relating to the care, treatment or impounding of dumb animals is being violated.

SECTION 10. EXHIBITION OF LICENSE. No person shall fail or refuse to exhibit the registration of any animal required to be licensed by this code when required to do so by said Poundmaster.

SECTION 11. DUTIES. It is hereby made the duty of the

Poundmaster to enforce any other sections of this ordinance whether enumerated as a duty or not.

SECTION 12. INTERFERENCE WITH DUTY. No person shall interfere with the Poundmaster or his deputies in the performance of their official duties.

SECTION 13. FINES AND CHARGES UPON IMPOUNDED ANIMALS. The Poundmaster shall charge, receive and collect charges upon impounded animals, in accordance with Schedules therefor to be fixed from time to time by the City Council of the City of El Paso de Robles adopted at regular meetings of said City Council.

SECTION 14. DESTRUCTION OF IMPOUNDED ANIMALS UNFIT FOR USE BY REASON OF AGE, DISEASE, OR OTHER CAUSE. It shall be the duty of the Poundmaster, and he is hereby authorized and empowered to forthwith destroy any animal lawfully impounded, which is by reason of age, disease or other cause, is unfit for further use, or is dangerous to keep impounded.

SECTION 15. ACCOUNTING OF SUMS COLLECTED. The Poundmaster shall pay over to the City Treasurer all sums collected by him or it and by the Deputy Poundmaster pursuant to the terms of this ordinance on or before the 10th day of each month. The Poundmaster shall make a monthly report to the City Council of the City of El Paso de Robles of the Poundmaster's and Deputy Poundmaster's proceedings relative to the powers and duties bestowed and imposed by this and other ordinances of the City of El Paso de Robles.

SECTION 16. LICENSE PROCEDURE.

(a) License Requirement. Every person owning or having control, custody or possession of any dog within the limits of the City of El Paso de Robles shall procure a license for each dog over three (3) months of age.

(b) Procurement of License Tax and Certificates. The City Clerk of the City of El Paso de Robles is hereby authorized

and directed to procure each year, prior to the first day of January, such number of license certificates and tags as may be sufficient for use during the year, with the year plainly inscribed thereon. Said certificates and tags shall be effective until and including the 31st day of December of the year, and no longer.

(c) Issuance of Tags and Certificates. A metallic tag and license certificate with corresponding numbers shall be furnished by the City Clerk, or those appointed and vested with the powers and duties of Tax Collectors, to any person, firm or organization enumerated in subsection (a) hereof upon payment of the appropriate fee as may be prescribed in subsection (d).

(d) Fees.

(1) The annual license fee for each male dog and each spayed female dog shall be \$2.00. Before any license may be issued under the provisions of this ordinance, for any spayed female dog, a certificate in writing signed by some person duly licensed to practice veterinary medicine or surgery in the State of California, describing such dog and certifying that such female dog has been spayed, shall be exhibited to the City Clerk.

(2) The annual license fee for each unspayed dog shall be Three (\$3.00) Dollars.

(3) The fees provided in Sections (1) and (2) above may be increased or lowered by Resolution of the City Council from time to time adopted.

(4) The full amount of such license tax shall be payable for any fraction of such year.

(5) Duplicate Tags. Whenever a tag, issued for the then current year by the City of El Paso de Robles, has been stolen or lost, the owner or possessor of the dog for which the same was issued, may, upon the payment of \$1.00 to said City Clerk, and upon making and subscribing to an affidavit

of such loss, and filing the same with the City Clerk of said City of El Paso de Robles, receive a duplicate tag from the City Clerk for the remaining portion of the then current year.

(5) No Residents Tax. The provisions of this Chapter shall not apply to any dog owned by or in the care or charge of a non-resident of the City of El Paso de Robles who is traveling through the City of El Paso de Robles or temporarily sojourning therein for a period not exceeding thirty (30) days, nor to any dog temporarily brought into the City of El Paso de Robles for the exclusive purpose of being entered in a bench show or dog exhibition, provided such dog is so entered and not kept elsewhere in the City of El Paso de Robles.

(e) Fees, Time Limit. Each owner or person having charge, care or control of a dog shall pay the required license fee within such time as is designated in the following schedule:

(1) Licenses shall be renewed and the fees due and payable to February first of each year. On February first, a penalty of One (\$1.00) Dollar shall be charged in addition to the license fees, and thereafter collected upon the issuance of a renewal license.

(2) License fees for the original licenses shall be due and payable within thirty (30) days after any dog within the corporate limits of the City of El Paso de Robles comes into the charge, care or control of any person within said City of El Paso de Robles.

(3) The said City Clerk shall keep a record of the name of such owner or person making payment of said license fees and to whom the certificate and tag shall have been issued, and the number and date of such certificate and such tag. Such metal tag issued shall be securely fixed to a collar, harness or other device to be worn at all times by the dog for whom the registration is issued, except while such remains indoors or in an enclosed yard or pen.

(4) Age Limit. This section shall not be construed

or require the payment of a license fee or the securing of a certificate or tag for any dog which is less than three (3) months of age.

(f) Tag Must be Shown. No person shall fail or refuse to show to the Poundmaster, the Deputy Poundmaster, or any officer of said City, the license certificate and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under his immediate control.

(g) Removal of Registration Tags. No unauthorized person shall remove from any dog any collar, harness, or other device to which is attached a registration tag for the current year, or remove such tag therefrom.

(h) Counterfeiting Tags. No person shall imitate or counterfeit the tags in this ordinance provided for, or use any imitation or counterfeit of such tag.

(i) Requirement of Vaccination for Rabies. No license shall be issued hereunder unless and until the applicant therefor can produce a certificate from a licensed veterinarian showing that the dog for which the license is being sought has been vaccinated with a Rabies vaccine of a type approved by the County Health Department of the County of San Luis Obispo, and that such vaccination is at the time of the license application fully effective for the purpose for which it was administered.

SECTION 17. PERMITTING DOGS TO RUN IN PARKS, ETC., FEMALE DOGS, ETC. It shall be unlawful for the owner or person having control of any dog to suffer or permit the same dog to suffer or permit the same, under any circumstances, to run at large in any public park, or public square, or in any school or upon any school grounds; or in any commercial district as defined by this ordinance; or to suffer or permit any female dog to run at large while said dog is in season, and every dog found running at large in violation of the provisions of this

section shall be immediately seized and impounded.

SECTION 18. IMPOUNDING AND QUARANTINE.

(a) It shall be the duty of the Poundmaster, and of any officer of said City of El Paso de Robles to take up all unlicensed dogs found in the streets, lanes, alleys, parks or other public places, or upon any vacant, unoccupied or unenclosed lots, lands or premises within the corporate limits of the City of El Paso de Robles. When such dog is taken up by an officer, he shall deliver him to the Poundmaster. All such dogs shall be impounded in the City Pound.

SECTION 19. RUNNING AT LARGE PROHIBITED.

(a) Dogs to be Leashed. No person owning, having an interest in, harboring, or having charge, care, control, custody or possession of any dog shall cause or permit such dog to be in or upon any public street, alley or other public place or in or upon any unenclosed lot or premises, unless such dog be under restraint by lease or chain or at "heel" beside a competent person and obedient to that person's command, or confined within an automobile.

(b) Stray Animal. Every person except the Poundmaster or Poundkeeper taking up any stray animal or any such animal which is running at large contrary to the provisions of this ordinance shall within eight (8) hours thereafter give notice to the Poundmaster or to the Chief of Police of:

(1) The fact that he has such animal in his possession.

(2) The complete description of such animal.

(3) The license number of such animal, if any, and by what county or municipal corporation issued. If such animal has no license, such person shall so state.

(4) The place where such animal is confined.

Every such person and any person in whose custody such animal may, in the meantime be placed, shall deliver such