

ORDINANCE NO. 312 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
ESTABLISHING A PUBLIC POUND AND PROVIDING FOR
THE REGULATION OF ANIMALS AND REPEALING:

ORDINANCE NO. 54 N.S. AND ORDINANCE NO. 244 N.S. AND
ALL ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT
HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO
DE ROBLES AS FOLLOWS:

Section I. That Title 8 (Animals) of the Municipal Code of
the City of El Paso de Robles be amended to read as follows:

DIVISION I

General

Section I ESTABLISHMENT OF A PUBLIC POUND

A Public Pound is hereby authorized and established and the
same, and any branches thereof, shall be located and established
at such place in the City of El Paso de Robles as shall be fixed
from time to time by the City Council. Such Public Pound, or
any authorized branches thereof, shall provide suitable buildings
and enclosures to adequately keep and safely hold all such Dogs,
Cats, Animals, Poultry, or Household Pets subject to be impounded
by the provisions of this Ordinance.

Section 2. APPOINTMENT OF POUNDMASTER

The office of City Poundmaster is hereby created. He shall
be appointed by and serve at the pleasure of the City Council.
It shall be the duty of the Poundmaster and his duly authorized
Deputies and employees to carry out the provisions of this
Ordinance and all applicable statutes of the State of California
and he shall thereupon have charge of the said Public Pound hereby
authorized and established. The Poundmaster shall serve for such
period of time and shall receive such compensation as shall be
established by the City Council. The Poundmaster and his deputies
shall qualify as humane officers pursuant to California Civil
Code, Section 607 (F).

dog for the then current year has been paid and by paying the Poundmaster any charges provided for.

Section 9. REDEMPTION FEES

The owner or person entitled to the custody of a dog impounded shall pay the following fees, effective July 1, 1970, to the Poundmaster before such dog is released:

1. Registration or license fee for then current year unless such fee has been previously paid and evidence of paid fee adequately exhibited.
2. Impound fee of \$5.00 for the first occasion of any dog impounded within a calendar year.
3. Impound fee of \$10.00 for each subsequent occasion of any dog impounded within a calendar year.

Section 10. SALE, GIFT, OR DESTRUCTION OF DOGS

At any time after the expiration of said period of three (3) days, the Poundmaster may, without further notice, and without advertising in any manner, sell, give away or dispose of in a humane way any dog not reclaimed or redeemed as aforesaid. Provided, however, the Poundmaster may not sell, give away or transfer title to any dog or any other animal to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biologic sciences, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs.

Section 11. INJURED AND DISEASED DOGS

Every dog taken into custody by the Poundmaster which by reason of injury, disease or other good causes as determined by a licensed veterinarian as dangerous or inhumane to keep impounded, shall be forthwith destroyed by the Poundmaster in a humane manner unless the owner or person entitled to the custody of the dog can be notified by the Poundmaster within a reasonable period of time to arrange and provide for medical

care. The Poundmaster shall release such dog to its owner or person having control thereof upon payment of the redemption fees and other charges as provided in this Ordinance. However, if the licensed veterinarian determines that such dog is diseased and by reason of such disease is dangerous to persons or to other animals, or to the general health and welfare of the City, the Poundmaster shall destroy said dog.

Section 12. CARE OF DOG WHILE IMPOUNDED

The Poundmaster shall provide all dogs in his custody with proper food and water, and shall give them all necessary care and attention. The Poundmaster may establish fees not to exceed One Dollar (\$1.00) per day to reflect the costs incurred for the care of such dogs and may charge fees at the time an impounded dog is redeemed by its owner or person having custody or may charge these fees at such time an unclaimed dog is sold.

Section 13. VICIOUS AND DANGEROUS DOGS

If it is suspected that a dog is vicious or dangerous and any such dog is reported to have bitten more than two persons, or attested affidavits are submitted by residents of the community as to the ferocity of the animal in question, the Health Officer shall notify the owner or person having control of such dog to keep said dog in such manner as the Health Officer shall direct. If it is determined by the Health Officer that such dog cannot be properly controlled by the owner or person having custody and no further arrangements can be made to ensure public safety, then the Health Officer shall direct the Poundmaster to destroy such dog in a humane manner. It shall be the duty of the owner or person having control of such dog to surrender such dog to the Poundmaster.

Section 14. IMPOUNDING OF BITING DOGS

Upon written notice by the Health Officer, the owner or person having the control of any dog which has, within the

preceding ten (10) days, bitten any person or animal shall, upon demand, and in the discretion of the Health Officer, follow one of the following procedures: He shall either

1. Confine such dog to his own premises; or
2. Surrender such dog to the Poundmaster who shall impound and keep such dog at the public pound in a separate kennel for a period of not less than ten (10) days; or
3. Surrender such dog to a licensed veterinarian as designated by the Health Officer; or
4. Surrender the dog to the Poundmaster for quarantine at any other location or facility designated and approved by the Health Officer. If the dog is quarantined on the premises of the owner, the Poundmaster may post a quarantine sign on such premises, and it shall be unlawful for any person to remove the sign during the term of such quarantine without the consent of the Health Officer. Any quarantine provided in this section shall be for a term of not less than ten(10) days unless otherwise specified by the Health Officer. During the said period it shall be the duty of the Health Officer, upon being notified by the Poundmaster that such dog has been impounded, to determine whether or not such dog is suffering from any disease. If a duly licensed veterinarian designated by the Health Officer shall determine that such dog is diseased and by reason of such disease is dangerous to persons or to other animals, he shall so notify the Poundmaster in writing, to destroy such dog. A copy of said notice may also be served upon the owner or person having control of such dog. If said veterinarian shall determine that such dog is not so diseased, the Poundmaster shall notify the person owning or having

control of such dog at the address from which the dog was surrendered to the Poundmaster and shall, upon demand, release such dog to the owner or person lawfully entitled thereto, upon payment of any charges provided therefore, including expenses of quarantine and veterinary care; provided, however, that if no person lawfully entitled to such dog shall within three (3) days after the date of giving said last mentioned notice, appear at the public pound and request the release of such dog, and pay said charges, such dog may be sold or destroyed by the Poundmaster in the same manner hereinbefore provided.

Section 15. SYMPTOMS OF RABIES

Whenever the owner or person having the custody or possession of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such owner or person having the custody or possession of such animal shall immediately notify the Health Officer. The Health Officer shall make or cause an inspection or examination of such animal to be made by a licensed veterinarian until the existence or non-existence of rabies in such animal is established by such veterinarian. Such animal shall be kept isolated in a pound, veterinary hospital, or other adequate facility in a manner approved by the Health Officer and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies, after which time such animal may be released by the Health Officer, provided the Health Officer has first determined that said animal does not have rabies. If the Health Officer determines that the animal does have rabies, the Poundmaster shall destroy said animal at the direction of the Health Officer.

The Health Officer, or his duly authorized representative, is hereby authorized and empowered to enter in a manner

authorized by law upon private property where any dog or other animal is kept, or believed by him to be kept, for the purpose of ascertaining whether such dog or other animal is afflicted or infected with rabies or other contagious disease.

Section 16. DOG REGISTRATION AND LICENSES

Except as provided in Section 25 hereof, it shall be unlawful to own, keep or control any dog unless and except a license has been procured therefore as herein provided. This Section shall have no application to dogs under the age of four (4) months fastened securely by a rope, chain, or leash, or confined within the private property of the owner or person having control of said dog. Any violation of this section shall be a misdemeanor, punishable as provided in this Ordinance.

Section 17. DOGS -- VACCINATION REQUIRED

It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain such dog in any place in the corporate limits of the City of El Paso de Robles unless such dog has been vaccinated as provided herein or except as provided in Section 18. This section shall have no application to dogs under the age of four (4) months, who are fastened securely by a rope, chain or leash, or confined within the private property of the owner or person having control of said dog.

Section 18. NO LICENSING WITHOUT VACCINATION

The License Collector or Poundmaster shall not license any dog until it has been vaccinated with canine rabies vaccine by injection or other method approved by the Health Officer during the time prescribed by State Law or the Rules and Regulations of the State Department of Public Health, unless the owner or person in possession of the same submits a certificate from a licensed veterinarian issued with the preceeding sixty (60) days, stating that in his opinion the rabies vaccination would be likely to seriously injure the dog. Any dog so excepted from rabies vaccination shall be

restricted to the enclosed yard of the owner or person in possession of the same except when held upon a rope, chain or leash. Any violation thereof by the owner or person in possession of such dog shall be unlawful.

Section 19. VACCINATION PERFORMANCE

Said vaccination shall be performed by a duly qualified and licensed veterinarian. Said veterinarian vaccinating said dog shall issue to the owner or person in possession of said dog a rabies vaccination tag and a certificate of vaccination, which certificate shall include:

- (a) The type of vaccine used;
- (b) The date of vaccination;
- (c) Description of dog;
- (d) Serial number of rabies vaccination tag issued to dog;
- (e) Name and address of owner of dog;
- (f) Statement that dog is male, female or spayed female.

A copy of this certificate shall be sent to the Health Officer.

Section 20. REGISTRATION RECORD

The License Collector and Poundmaster shall annually maintain a record in which he shall, upon the application of any person owning or having the custody of any dog in the corporate limits of the City of El Paso de Robles and the payment to him of the registration fee hereby prescribed, register such dog by entering in the record its name (if any), its sex and general description, the name of its owner or custodian, the number of the tag issued therefore the date and the amount received for registration fee.

Section 21. DOG TAGS

Upon exhibition of the proper certificate of vaccination and payment of the license fee, there shall be delivered to the person making such payment a metal tag with the number and year stamped or cut thereon, and the words "DOG TAG - City of Paso Robles" stamped thereon, which dog tag shall

be securely fastened to a collar or harness which must be worn at all times by the dog for which the tag was issued. If the dog is exempted from vaccination, the dog tag shall have a distinguishing mark as evidence of such fact. Said tag, while attached to a dog's collar or harness, shall be prima facie evidence that the dog for which the same was issued has been licensed during the calendar year for which said tag was issued, and has been vaccinated.

Section 22. ANNUAL REGISTRATION OF DOGS

On the first day of January of each year, all prior registrations made under the provisions of this Ordinance shall be cancelled and all tags theretofore issued shall become null and void and of no effect and all dogs kept or permitted to remain in the City must be again registered. The new registration fee shall be come due and payable on the first day of January of each year.

Section 23. REGISTRATION AND LICENSE FEE

The following fees shall be effective January 1, 1971, provided that the fees set forth in the pre-existing law shall be applicable until said date.

- (a) For registering each male dog and each spayed female dog or bitch, the License Collector or Poundmaster shall collect and receive a fee of three (\$3.00) dollars, and for registering each unaltered female dog or open bitch, he shall collect and receive a fee of four (\$4.00) dollars.
- (b) A penalty of fifty (50¢) cents per month shall be added for each month commencing March 1 of each year for late registration of any dog required to be registered pursuant to this Ordinance.
- (c) Registration fees for young puppies must be paid within two (2) months after said puppies reach the age of four (4) months or the above penalties shall attach.

- (d) Any dog brought within the City after March 1 of each year shall be registered within thirty (30) days or said penalties shall attach from date of entry into said City provided that any dog which has a valid license from any other county or city within the State of California shall be so registered upon a fee of One (\$1.00) Dollar.
- (e) All registration fees collected after March 1 of each year shall include the penalty for late registration unless the dog owner signs a statement under penalty of perjury stating the date the puppy became of age or the date said dog was brought into the City.
- (f) At least once a month the City License Collector shall furnish a record of licenses issued by said License Collector to the Poundmaster in order that the Poundmaster may maintain a record of all licenses issued in the City for the current year.
- (g) At least once a month the Poundmaster shall furnish a record of licenses issued by said Poundmaster to the City License Collector in order that the City License Collector may maintain a record of all licenses issued in the City for the current year.
- (h) All registration fees, fees for duplicate tags and penalties levied that are collected shall be accounted for and deposited in the City Treasury.

Section 24. LOST TAG

If the tag issued for any duly registered dog be lost or accidentally destroyed during the year it is issued, the owner or custodian of such dog, upon making proof to the satisfaction of the License Collector or Poundmaster of its loss or destruction, shall, upon payment of a fee of one (\$1.00) dollar, receive for such dog another tag; whereupon the License

Collector or Poundmaster shall enter the number of the tag so issued on the register and cancel the tag previously issued for such dog.

Section 25. LICENSE EXCEPTIONS

The provisions of this Ordinance requiring the licensing of dogs shall not apply to:

- (a) Dogs under the age of four (4) months if fastened securely by a rope, chain or leash, or confined within the private property of the owner or person having control of said dog;
- (b) Dogs owned by or in custody of under the control of persons who are non-residents of the City of El Paso de Robles travelling through said City or temporarily sojourning therein for a period not exceeding thirty (30) days;
- (c) Dogs brought into said City exclusively for the purpose of entering the same in any dog show or exhibition, and which are actually entered in and kept at such show or exhibition;
- (d) Dogs on sale in duly licensed pet shops or dog kennels.
- (e) Dogs under the ownership, custody and control of the owner of a dog kennel duly licensed under the provisions of this Ordinance, or his duly authorized employee or agent when such dogs are removed from such kennel in the bonafide operation thereof for the purpose of exercise or training, provided that any such dog bear an identification tag attached to its collar, which tag shall set forth the name of the licensed kennel. A dog bearing such identification tag shall be treated in all respects as any other dog in the event of its escape and subsequent impoundment.

Section 26. LICENSE FEE EXEMPTIONS

- (a) All Seeing-Eye Dogs and all dogs which have served with the Armed Forces of the United States of America during any period of actual hostilities must be licensed and vaccinated under the provisions of this Ordinance but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued;
- (b) Dogs used by any governmental agency for the purpose of law enforcement must be licensed and vaccinated under the provisions of this Ordinance, but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued;
- (c) All dogs being raised and trained specifically for the purpose to perform as a Seeing-Eye dog must be licensed and vaccinated under the provisions of this Ordinance, but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued.

Section 27. FAILURE TO FURNISH INFORMATION

Any person owning or having the care, custody or control of any dog in the City of El Paso de Robles who willfully refuses, fails or neglects to furnish to the License Collector, Poundmaster, Health Officer; or any of their duly qualified and authorized deputies or employees, the information necessary to properly license such dog, or who shall resist, hinder or prevent the Poundmaster, Health Officer or any of their duly authorized deputies or employees in the exercise of their duties or who fails, neglects or refuses to pay the license fee at the time and in the manner herein provided; or who violates any of the provisions of this Section shall be guilty of a misdemeanor, punishable as provided in this Ordinance.

Section 28. COUNTERFEITING

No person shall imitate or counterfeit such registration tags or rabies vaccination tags.

Section 3. AUTHORITY AS PEACE OFFICERS

The Poundmaster and his duly authorized deputies shall have the power to issue citations for any violation of this ordinance.

Section 4. BADGES

The Poundmaster and his duly authorized and appointed deputies while engaged in the execution of their duties, shall each wear in plain view a badge having, in the case of the Poundmaster, the word "Poundmaster" and in the case of the Deputy Poundmaster, the words, "Deputy Poundmaster" engraved thereon. Any person who has not been appointed as provided hereinabove, or whose appointment has been revoked, who shall represent himself to be or shall attempt to act as such Deputy Poundmaster shall be guilty of a misdemeanor.

Section 5. RECORD OF POUNDMASTER

The Poundmaster shall keep a record of the number, description and disposition of all Dogs, Cats, Animals, Poultry and Household Pets impounded, showing in detail in the case of each, the date of receipt, the date and manner of disposal, the name of the person reclaiming, redeeming or receiving such Dogs, Cats, Animals, Poultry and Household Pets, the reason for destruction and such additional records as the City Council may from time to time feel necessary.

Section 6. POUNDMASTER -- REPORTS

The Poundmaster shall make a monthly report to the City Council, or as often as may be required by the City, of the actions, transactions and operations of the Public Pound.

Section 7. UNNECESSARY NOISE

No person shall keep, maintain, or permit on any lot or parcel of land, any Dogs, Cats, Animals, Poultry or Household Pets, which by any sound or cry shall disturb the peace and comfort of any neighborhood.

Section 8. ABATEMENT OF NOISE OR NUISANCE

Whenever it shall be affirmed in writing by three (3) or

DIVISION III

Cats

Section 1. IMPOUNDING AND DISPOSITION OF STRAY OR ABANDONED CATS

It shall be the duty of the Poundmaster to receive and impound all cats desired to be abandoned by their owners, or receive and impound all cats believed to have been abandoned by their owners. The Poundmaster shall provide proper care and attention, food and water, for all cats received and impounded and shall keep such cats for a period of three (3) days unless the same be sooner reclaimed or redeemed by the owner or person having control thereof. Such redemption may be made by paying to the Poundmaster any charges not to exceed one (\$1.00) dollar per day for the care of said cats as imposed thereon. At any time after the expiration of said period of three (3) days, the Poundmaster may, without notice and without advertising in any manner, sell, give away, or dispose of such cats. Provided, however, the Poundmaster may not sell, give away, or transfer title to any cats for any purposes as set forth in Section 10 of Division II of this Ordinance.

DIVISION IV

Animals, Poultry, and Household Pets

Section 1. ANIMALS AND POULTRY AT LARGE

No person shall allow or permit animals or poultry to run at large upon any public street or place, or to trespass upon the property of another. This provision shall not be construed as permitting the running at large of any household pets who are restricted by the provisions of any other ordinances of this City or by any law applicable thereto.

Section 2. UNSANITARY CONDITIONS

No person shall keep upon any premises, any animal, poultry or household pets in a foul, offensive, obnoxious, filthy or unsanitary condition. With all manure, and other wastes being

removed at least once in seven days. The manner of disposal shall be acceptable to the Health Officer. Any violation of this Section shall be a misdemeanor, punishable as provided in this Ordinance.

Section 3. IMPOUNDING OF ANIMALS AND POULTRY

All animals and poultry if found running at large upon any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot, premises, or property of another shall be impounded by the Poundmaster and provided with proper care and attention, food and water. In all cases, the provisions of Division 3 of the California Agricultural Code concerning estray bovine animals, horses, mules or burros shall be complied with. The Poundmaster shall keep all animals and poultry for a period of three (3) days unless the same be sooner reclaimed or redeemed by the owner or person having control thereof. Such redemption by the owner or person having control thereof, shall be made by signing an affidavit, under penalty of perjury, declaring ownership, or by exhibiting proof of ownership to the satisfaction of the Poundmaster and by paying to the Poundmaster any charges imposed thereon. Upon such redemption being made, the Poundmaster shall release such animals and poultry provided, however, that in all cases any actual costs incurred by the Poundmaster for keeping such animals or the sum of one (\$1.00) dollar per day for the care of poultry must first be paid.

Section 4. DISPOSITION OF IMPOUNDED ANIMALS AND POULTRY

At any time after the expiration of said period of three (3) days, the Poundmaster may, without further notice, and without advertising in any manner, sell, give away, or dispose of in a humane manner, any animals or poultry not reclaimed or redeemed as aforesaid. Provided, however, the Poundmaster may not sell, give away, or transfer title to any animals or poultry for any of the purposes as set forth in Section 10 of Division II of this Ordinance

SECTION II PENALTIES FOR VIOLATION OF THIS ORDINANCE.

Any person who is convicted of any provisions of Section 3 of Division I; Sections 16 and 27 of Division II or Section 2 of Division IV of this ordinance, shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

SECTION III. Ordinance No. 54 N S., passed March 8, 1934 and Ordinance No. 244 N.S., passed May 1, 1961, and all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION IV. This Ordinance shall be in full force and effect 30 days after its passage, and before the expiration of 15 days after the passing of this Ordinance it shall be published with the names of the members voting for and against the same, once in the Paso Robles Press, a newspaper printed, published and circulated in the City of El Paso de Robles.

PASSED AND ADOPTED this 1st day of June, 1970


MAYOR

ATTEST:


CITY CLERK

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

} SS.

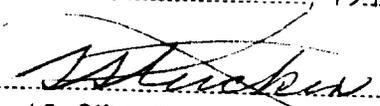
I, S. S. TUCKER, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing ORDINANCE No. 312, N.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 1st day, of June 19.70....., by the following vote:

AYES: Councilmen Barnhart, Blake, Minshull, Neberman and Schwartz

NOES: Councilmen None

ABSENT: Councilmen None

Dated this 1st day of June, 19.70


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

By
Deputy City Clerk

more persons, living in separate dwelling units in the neighborhood that any Dog, Cat, Animal, Poultry or Household Pet is a habitual nuisance by reason of howling, barking, or other noise, or is in any other manner causing undue annoyance that shall constitute a public nuisance, and the Poundmaster, if he finds such public nuisance to exist, shall serve notice upon the owner or custodian that such public nuisance shall be abated or the animal shall be impounded in a legal manner. If such nuisance and annoyance cannot be successfully abated and the Poundmaster determines it necessary to impound such Dog, Cat, Animal, Poultry or Household Pet, he shall not permit the reclaiming or redemption of such to the owner or custodian unless adequate arrangements have been made by the owner or custodian to ensure abatement of the annoyance or public nuisance.

Section 9. OWNERS RESPONSIBILITY TO DISPOSE OF DEAD ANIMALS, DOGS, CATS, POULTRY AND HOUSEHOLD PETS

It shall be unlawful for any owner or person who, having had the possession or control of any Animal, Dog, Cat, Poultry and Household Pet while alive to place the body of such Animal, Dog, Cat, Poultry, and Household Pet, after its death, or cause to permit it to be placed or to knowingly allow or permit the same to remain, in or upon any public road, highway, street, alley, square, park, school ground or other public place or in or upon any lot, premises, or property of another.

Section 10. DISPOSITION OF DEAD ANIMALS, DOGS, CATS, POULTRY AND HOUSEHOLD PETS UPON REQUEST

It shall be the duty of the Poundmaster upon the request of any owner of any dead Animal, Dog, Cat, Poultry, or Household Pet which was kept or maintained in the City immediately prior to its death, or upon the request of any person or persons discovering a dead Animal, Dog, Cat, Poultry or Household Pet upon his premises or upon any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot or premises, to forthwith bury or dispose of the same in such manner as may be prescribed by the Health Officer.

The Poundmaster may charge and collect fees for the transportation and disposal of such Animal, Dog, Cat, Poultry or Household Pet from the owner or person having had the possession or control of such if same can be ascertained.

Section 11. DEFINITIONS

(a) ANIMALS

Whenever the word "Animals" is used herein it included horses, ponies, mules, jacks, jennies, cows, bulls, calves, heifers, sheep, goats, swine, rabbits, and all other domestic or domesticated animals other than household pets.

(b) POULTRY

Whenever the term "Poultry" is used it includes pigeons, ducks, geese, turkeys, chickens and all other domestic or domesticated fowl other than household pets

(c) HOUSEHOLD PETS

Whenever the term "Household Pets" is referred to herein it includes cats, dogs, canaries, parrots and other kindred animals and birds usually and ordinarily kept as household pets.

(d) A "dog kennel" is hereby defined to be any lot, building, structure, enclosure or premises whereon or wherein four or more dogs, four (4) months of age or older, are kept or maintained for any purpose whatsoever except dogs kept for the purposes of herding livestock or hunting provided, however, that if other animals or birds or fowl are bought, sold or bartered, the classification to apply shall be that of a pet shop; and provided, further, that this definition of "dog kennel" shall not be construed as applying to a duly licensed veterinary hospital or any public pound.

(e) PET SHOP

A "pet shop" is hereby defined to be any lot, building,

structure, enclosure or premises whereon or wherein is carried on a business of buying and selling or bartering birds, animals or fowl; but this definition shall not be construed as applying to the buying or selling of livestock, nor to the business or activities of a duly licensed veterinary hospital, nor to the business or activities of any public pound.

Section 12. DOG KENNELS, PET SHOPS, REGULATIONS

It shall be unlawful for any person, firm, corporation or association to erect, establish or maintain any dog kennel or pet shop, as defined in this Ordinance without first obtaining a permit from the License Collector.

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 the 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. Upon approval of the Health Officer, the License Collector, upon the payment of the annual business license fee required by the City's License Ordinance, for the privilege of maintaining such dog kennels or pet shops, shall issue to the applicant a license in such form as he may prescribe. Such annual license shall be for the fiscal year or any part thereof during which said dog kennel or pet shop shall be maintained, and shall be due and payable in advance on the 1st day of July of each year, and shall expire on the 30th day of June of such year, provided the above mentioned permit has not been revoked. Every person, firm or corporation maintaining a dog kennel or pet shop shall post notice in a conspicuous place where it may be seen outside the locked premises, a notice listing names, addresses and telephone numbers of persons who may be contacted in the event of an emergency.

Section 13. DOG KENNEL, PET SHOP, PERMIT. REVOCATION THEREOF

The permit for the maintenance and operation of a dog kennel or pet shop may be revoked at any time for cause when, in the opinion of the Health Officer, such dog kennel or pet shop is not being properly maintained or operated.

Section 14. DUTY OF GENERAL PUBLIC

It shall be unlawful for any person to resist, hinder, or obstruct the Poundmaster or any of his deputies or employees in the exercise of the duties of such Poundmaster. Any person who violates any of the provisions hereof declared to be unlawful, shall be guilty of a misdemeanor.

Section 15. LIMITATIONS

(a) Poultry and Rabbits

No person shall keep upon any premises in the City any poultry or rabbits:

- (1) Within 75 feet of any dwelling, or
- (2) If more than 25 in all of any such rabbits or poultry are kept within 100 feet of any dwelling.

No person shall keep upon any premises in the City more than 25 such rabbits or poultry, except by special permit of the Council first had and obtained, or keep any rooster of crowing age within one hundred (100) feet of any dwelling. This provision limiting the maximum number of rabbits or poultry shall not be retroactive or effective as to rabbit or poultry ranches or processing plants actually in operation on the effective date of this Ordinance.

The owners or persons in charge of such rabbits or poultry kept in the City shall provide suitable houses or cotes with board or cement floors in each and every house and cote and said houses, cotes or pens shall be at all time kept clean.

(b) Swine, Hogs, Pigs.

No person shall keep upon any premises in the City

any swine, hog, or pig, whatsoever.

(c) Other Animals

No person shall keep upon any premises in the City any other animals as defined in this Ordinance:

- (1) On any lot containing less than 20,000 square feet, or
- (2) In any corral, barn or other enclosure within 50 feet of any dwelling.

No person shall tie, stake, or pasture, or permit the tying, staking, or pasturing, of any animal upon any private property in the City without 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. No person shall permit any such animal 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. All such animals shall be provided with adequate food, water and shelter or protection from the weather.

All fences or enclosures used for the above purposes must be of such material and maintained in such manner as humane for the safety and protection of such animals.

DIVISION II

Dogs

Section 1. STRAY DOGS DEFINED

A stray dog shall be any dog licensed or unlicensed, which is in or on any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot, premises or property of another when not accompanied in the near vicinity by the person owning, having interest in, harboring, or having charge, care, control, custody or possession of such dog. Any stray dog shall be immediately seized and impounded by the Poundmaster.

Section 2. LEASH LAW

It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him to be on any public street, alley, lane, park or place of whatever nature open to and used by the public in the incorporated area of the City unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person capable of controlling such dog, or unless the dog is securely confined in a vehicle, or unless the dog is at "heel" beside a competent person and obedient to that person's command. Any violation of this Section shall be a misdemeanor, punishable as provided in this Ordinance.

Section 3. DUTY OF POUNDMASTER TO PATROL AND ENFORCE REGULATIONS

It shall be the duty of the Poundmaster to patrol the incorporated area of the City from time to time and without notice to the public for the purpose of enforcing the provisions of this Ordinance.

Section 4. DUTY OF POUNDMASTER TO SEIZE AND IMPOUND STRAY DOGS

It shall be the duty of the Poundmaster to seize and impound, in a lawful manner and subject to the provisions of this Ordinance, all stray and all unlicensed dogs found within the incorporated area of the City of El Paso de Robles.

Section 5. DOGS RUNNING AT LARGE

Any dog found trespassing on any private property in the City of El Paso de Robles may be taken up by the owner or possessor of said property and delivered to the Poundmaster or detained on the property until picked up by the Poundmaster.

Section 6. DELIVERY TO POUNDMASTER BY PRIVATE PERSONS

Every person taking up any dog under the provisions of this Ordinance and every person finding any lost, strayed or stolen dog shall, within 24 hours thereafter, give notice thereof to the Poundmaster and every such person in whose custody such dog may, in the meantime be placed, shall surrender such animal to the Poundmaster without fee or charge and the Poundmaster shall thereupon hold and dispose of such dog in the same manner as though such dog had been found running at large and impounded by him.

Section 7. NOTICE OF IMPOUNDING DOG

As soon as possible, but not later than 24 hours AFTER impounding ANY dog properly registered under the provisions of this Ordinance, the Poundmaster shall notify the registered owner or person having control of the dog by telephone, mail or orally that such dog is impounded and that it can be redeemed within three (3) days from the date of such impounding and unless redeemed the dog will be disposed of in any manner as provided by this Ordinance.

Section 8. REDEMPTION OF IMPOUNDED DOGS

The Poundmaster shall securely keep any dog impounded for a period of Three (3) days unless the same be sooner reclaimed or redeemed by the owner or person haveing control thereof. The owner or person entitled to the custody of the dog so impounded may, at any time before the sale or other disposition thereof, during the office hours of the Pound, reclaim or redeem the same by exhibiting to the Poundmaster the license certificate or license tag showing that the license for such