

ORDINANCE 403 N.S.

AN ORDINANCE TO AMEND CHAPTERS 8.04, 8.08,  
8.12, AND 8.20 OF THE MUNICIPAL CODE  
OF THE CITY OF EL PASO DE ROBLES

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

SECTION 1: That Section 8.04.020 of Chapter 8.04, Title  
8 of the Municipal Code of the City of El Paso de Robles is  
amended to read:

8.04.020 Animal Control Officer; Duties.

There shall be in this City a Chief Animal Control Officer  
responsible for the administration of the Animal Regulation  
Control Department. It shall be the duty of the Chief Animal  
Control Officer and his duly authorized deputies and employees  
to carry out the provisions of this title, and all applicable  
statutes of the State of California and to be in charge of the  
public pound hereby authorized and established.

SECTION 2: That Section 8.04.030 of Chapter 8.04,  
Title 8 of the Municipal Code of the City of El Paso de Robles  
is amended to read:

8.04.030 Citation Authority.

The Chief Animal Control Officer and his duly authorized  
deputies shall have the power to issue citations pursuant to  
Section 8.20.010, Chapter 8.20, Title 8.

SECTION 3: That Section 8.04.030(a) of Chapter 8.04,  
Title 8 of the Municipal Code is added to read:

8.04.030(a) Authority to Carry Weapons.

Animal control officers when acting in the course and  
scope of their employment shall be and hereby are authorized  
to carry on their person or in their vehicles loaded firearms  
or weapons of the type approved by the Chief Animal Control  
Officer for the limited purpose of use with respect to rabid  
or injured animals. Each officer shall qualify under California  
Penal Code Section 832 in the use of firearms.

SECTION 4: That Section 8.04.040 of Chapter 8.04,  
Title 8 of the Municipal Code is amended to read:

8.04.040 Badges.

The Chief Animal Control Officer 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 Chief Animal Control Officer, the words "Chief Animal Control Officer" and in the case of the deputy animal control officers, the words, "Deputy Animal Control Officer," 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 Any person who has not been appointed as provided hereinabove, or whose appointment has been revoked, who shall represent himself to be or shall attempt to act as an animal control officer shall be guilty of a misdemeanor.

SECTION 5: That Section 8.04.070 of Chapter 8.04, Title 8 of the Municipal Code is amended to read:

8.04.070 - Unnecessary Noise.

It is unlawful for any person to 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 the neighborhood.

SECTION 6: That Section 8.04.110 of Chapter 8.04, Title 8 of the Municipal Code is amended by adding the following section:

8.04.110 Definitions.

(f) Whenever "poundmaster" is used herein, it refers to and means the Chief Animal Control Officer of the County of San Luis Obispo.

SECTION 7: That Section 8.04.140 of Chapter 8.04, Title 8 of the Municipal Code is amended to read:

8.04.140 Interference with Performance of Duties.

It is unlawful for any person to resist, hinder, or obstruct the Chief Animal Control officer or any of his deputies or employees in the exercise of their duties. Any person who violates this section shall be guilty of a misdemeanor.

SECTION 8: That Section 8.04.160 of Chapter 8.04, Title 8 of the Municipal Code is added to read:

8.04.160 - Violation.

Except as otherwise provided, violation of the provisions of this title is an infraction.

SECTION 9: That Section 8.08.080 of Chapter 8.08, Title 8 of the Municipal Code is amended to read:

8.08.080 Redemption of Impounded Dogs.

The poundmaster shall securely keep any dog impounded for a period of three (3) days unless the dog be sooner reclaimed or redeemed by the owner or person having 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 dog by exhibiting to the poundmaster the license certificate or license tag showing that the license for the dog for the then current year has been paid and by paying the poundmaster any charges provided for. No fees whatsoever shall be charged or collected for or on account of any dog which has been unlawfully taken up or impounded, and any such dog shall be immediately delivered upon demand therefor to the owner or person entitled to the custody thereof.

SECTION 10: That Section 8.08.270 of Chapter 8.08, Title 8 of the Municipal Code is amended to read:

8.08.270 Failure to pay license fee or provide information.

It is unlawful for any person owning or having the care, custody, or control of any dog in the City of El Paso de Robles, to refuse, fail, or neglect to pay the license fee at the time and in the manner herein provided; or to refuse, fail or neglect to furnish to the Department of Animal Regulation, the Health Officer, or any of their duly qualified and authorized deputies or employees, the information necessary to properly license the dog.

SECTION 11: That Section 8.12.010 of Chapter 8.12, Title 8 of the Municipal Code is amended to read:

8.12.010 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 cats be sooner reclaimed or redeemed by the owner or person having control thereof. Such redemption may be made by paying the poundmaster charges as may be set by the City Council by Resolution from time to time for the care of the cats as imposed thereon. No fees whatsoever shall be charged or collected for or on account of any cat which has been unlawfully taken up or impounded, and any such cat shall be immediately delivered upon demand therefor to the owner or person entitled to the custody thereof. At any time after the expiration of the period of three days, the poundmaster may, without notice and without advertising in any manner, sell, give away, or dispose of the cats. Provided, however, the poundmaster may not sell, give away, or transfer title to any cats for any purposes as set forth in Section 8.08.100. Provided further, however, the poundmaster may not sell or give away any female cat that has not been spayed, or any male cat that has not been neutered, unless the cost of spaying or neutering such cat, as determined and promulgated by the Department of Animal Regulation, has been deposited with the pound.

SECTION 12: That Section 8.20.010 of Chapter 8.20, Title 8 of the Municipal Code is amended to read:

8.20.010 - Penalty for Violation.

(a) No person shall violate any provisions, or fail to comply with any of the mandatory requirements of this Title. Any person violating any of the provisions, or failing to comply with any of the mandatory requirements of this Title, shall be deemed guilty of a misdemeanor, unless by ordinance it is made an infraction.

(b) Any person convicted of a misdemeanor under the provisions of this Title, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the County jail for a period of not exceeding six months, or by both such fine and imprisonment.

(c) Every violation determined to be an infraction is punishable by (1) a fine of not exceeding fifty dollars for a first violation; (2) a fine not exceeding one hundred dollars for a second violation of the same ordinance within one year; (3) a fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

SECTION 13: This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after the passing of this Ordinance, it shall be published with the names of the Councilmen voting for and against the same, once, in the Daily Press, a newspaper of general circulation published in the City of El Paso de Robles, State of California.

PASSED AND ADOPTED this 16th day of May, 1977, by the following roll call vote:

AYES: Hanson, Hurst, Minshull, Stemper and Schwartz

NOES: None

ABSENT: None

Barney Schwartz  
BARNEY SCHWARTZ, Mayor

ATTEST:

Donald B. Keefe  
DONALD B. KEEFER, City Clerk