

ORDINANCE NO. 318

Read Title Only
10-11-49

AN ORDINANCE OF THE TOWN OF SAN ANSELMO ESTABLISHING A PUBLIC POUND, CREATING OFFICE OF POUNDMASTER AND PRESCRIBING HIS POWERS AND DUTIES, PROHIBITING CERTAIN ANIMALS TO RUN AT LARGE, PROVIDING FOR LICENSING, IMPOUNDING AND DISPOSAL OF CERTAIN ANIMALS, AND PROVIDING PENALTIES FOR VIOLATION OF PROVISIONS THEREOF.

The City Council of the Town of San Anselmo does ordain as follows:

Section 1 - Public Pound, Establishment of. A public pound is hereby provided, and the same, and any branches thereof, shall be located and established at such place in the County of Marin as shall be fixed from time to time by the Poundkeeper hereinafter provided for.

(a) Appointment of Poundkeeper. The City Council shall appoint the Marin County Humane Society as Poundkeeper, and the said Society shall have charge of the said public pound hereby provided and established.

(b) Stray Animals, Etc. It shall be unlawful for any person owning or having control or custody of any animal to permit or allow such animal to stray or run at large upon any public highway, or street or alley, or court, or place, or public square, or public grounds, or unfenced lot, within the Town of San Anselmo, provided, however, that all horses, mules, and asses harnessed or saddled and in the actual custody or control, at the time, of some person or persons, and licensed dogs, except as provided herein, are exempted from the operation of this action of this ordinance.

(c) Duty of Poundkeeper to Seize and Impound Stray Animals. It shall be the duty of the Poundkeeper to seize and impound, subject to the provisions of this section, all animals found upon any public highway, or street or alley, or court, or place, or public square, or public grounds or upon any unfenced land or lot within the Town of San Anselmo.

(d) Diseased animals, Etc., to be Destroyed. All animals so taken into custody of the Poundkeeper, and which, by reason of age, or disease, or other cause, are unfit for further use or dangerous to keep impounded, shall be forthwith destroyed by the Poundkeeper.

as though such animal had been found running at large and impounded by him. Poundkeeper shall thereupon hold and dispose of such animal in the same manner

liver such animal to the Poundkeeper without fee or charge; and the person in whose custody such animal may, in the meantime, be placed, shall de-

give notice thereof to the Poundkeeper, and every such person and any per-

son up any animal under the provisions of this section shall immediately thereafter

(g) Delivery to Poundkeeper by Private Persons. Every person taking any person and delivered to the Poundkeeper.

permission of the owner or person in charge of such lands, may be taken up by

on the lands of another, where poultry or livestock are kept, without the at interest and delivered to the Poundkeeper, and any dog found running at large private enclosure in the Town of San Anselmo may be taken up by any person

(f) Trespassing Animals. Any animal found trespassing on any

such horses or colts shall be collected from the State of California.

provisions of the Agricultural Code, and the charges for impounding and keeping to the Director of Agriculture of the State of California in accordance with the o'clock noon on the date stated in said notices, respectively, shall be released

have not been destroyed, be reclaimed or redeemed by the hour of twelve (12)

Poundkeeper shall sell all provided, however, that all horses or colts which twelve (12) o'clock noon on the day stated in said notices, respectively, the dately after due advertisement as provided in this section, and at the hour of

paper of general circulation published within the County of Marin. Time- as being impounded and for sale by a notice published for one (1) day in a news- the expiration of the said forty-eight hours, and shall also be advertised

spicuously posted at the entrance of the public pound for seven (7) days after impounded shall be advertised for sale by the Poundkeeper by written notice con- hours. Colt, horse, mare, mule, ass, ox, cow, or bull after the same are

public pound for five (5) days after the expiration of said forty-eight (48)

Poundkeeper by written notice conspicuously posted at the entrance of the hours after the same are so impounded, shall be advertised for sale by the hogs not so destroyed and not reclaimed and redeemed within forty-eight (48)

(e) Procedure for Sale, Etc. All sheep, lambs, calves, goats or

(h) Redemption by Owners, Etc. The owner or person entitled to the custody of any animal so impounded may, at any time before the sale or other disposition thereof, during the office hours of the Public Pound reclaim or redeem the same by paying to the Poundkeeper all fines and charges imposed thereon, as provided for herein.

Section 2 - (a) Seizure of Stray Dogs. The Poundkeeper shall seize and impound every dog found running at large or found upon any public highway or street, or alley, or court, or place, or public square, or public park, or public grounds or upon any unfenced lot or not within a sufficient enclosure within the Town of San Anselmo, whether in the immediate presence of the owner or otherwise; provided, however, that except as provided hereinafter, no such seizure or impounding shall be made of any dog led by a string, rope, chain or leash not over six feet in length, or having around its neck or leg a license tag showing that such dog is duly licensed as required by any ordinance of the Town of San Anselmo, or any duly incorporated city or town within Marin County.

(b) Redemption of Stray Dogs. The Poundkeeper shall keep any dog so impounded for a period of ninety-six (96) hours, unless the same be sooner reclaimed or redeemed by the owner or person having control thereof as hereinafter provided. Such redemption shall be made by paying the Poundkeeper the fine and charges hereinafter provided for. Upon such redemption being made the Poundkeeper shall release such dog' provided, however, that if the license for any such dog for the then current fiscal year was actually paid prior to the date of the impounding of such dog, and there shall be exhibited to the Poundkeeper as evidence of such payment said certificate or license tag, the fine hereinafter provided for shall be remitted, but in all cases the charges hereinafter provided for keeping such dog must be paid.

(c) Sale or Destruction of Stray Dogs. At any time after the expiration of said period of ninety-six (96) hours the Poundkeeper may, without further notice, and without advertising in any manner, sell for cash, any dog not so reclaimed or redeemed as aforesaid; provided, however, that no dog shall be sold for less than three (\$3.00) dollars. All dogs impounded and not

so reclaimed, redeemed or sold shall be humanely destroyed by the Poundkeeper. 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 to him the amount of the purchase price paid by him to the Poundkeeper, and in addition thereto a sum equal to twenty-five cents (25 cents) per day for the number of days from the date of sale to and including the date of such redemption.

(d) Duty of Person Taking Possession of Stray Dogs - Duty of Poundkeeper. It shall be the duty of every person who shall take into his possession any stray dog or any dog not owned by him or not placed in his possession by the person having the lawful custody and control thereof, immediately to notify the Poundkeeper and to release such dog to the Poundkeeper upon demand and without charge. If there shall be attached to such dog a license tag for the then current year, said Poundkeeper shall notify in writing the person to whom such license was issued at the address given in said license certificate, and shall upon demand made within twenty-four (24) hours thereafter, and without charge, release such dog to such person; provided, however, that if no person lawfully entitled to such dog shall, within nine (9) days after the date of giving said last mentioned notice, appear at the public pound and claim such dog, such dog may be sold or destroyed by the Poundkeeper in the manner hereinabove provided for unlicensed dogs.

(e) Return of Dog by Poundkeeper. If there is no license tag for the current year attached to any dog surrendered to the Poundkeeper as provided herein, and such dog has not been redeemed by its owners within ninety-six (96) hours from the time of impounding such dog, the Poundkeeper may return such dog to the person who surrendered such dog, provided that such person procures a license for such dog for the current year.

(f) Redemption of Returned Dog by Owners. The owner of any dog at the time it is so impounded may, at any time within thirty (30) days after such dog has been returned to the person surrendering such dog to the Poundkeeper, redeem the same from such person by paying to him the amount he paid for the

license tag, and in addition thereto a sum equal to twenty-five (25¢) cents per day for the number of days from the date of receiving such dog from the Poundkeeper, to and including the date of such redemption.

(g) 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, under any circumstances, to run at large in any public park, or public square, or in any school or upon any schoolgrounds; or in any Business District as defined by ordinance; or to suffer or permit any female dog to run at large in violation of the provisions of this section, and any such dog so running at large shall be immediately seized and impounded.

(h) Running at Large Where Livestock Is Kept. It shall be unlawful for the owner or person having control of any dog to suffer or permit the same to run at large on the lands of another whereon livestock or domestic fowls are kept without the consent of the owner or person entitled to the use or possession of such lands; provided, that such consent does not constitute an excuse or exemption under that portion of this ordinance requiring dogs over the age of three months to be licensed.

Section 3 - (a) Vicious and Dangerous Dogs. If any dog within the Town of San Anselmo is known to be vicious or dangerous to the safety of any person or animal, and the owner or person having control of such dog shall allow such dog to run at large, after being notified in writing by the Poundkeeper to keep such dog within a secure enclosure unless such dog is adequately muzzled, such owner or person having control of such dog shall be guilty of a misdemeanor. If, upon the trial of any such person, the court shall determine that such dog is vicious or dangerous to persons or other animals, the court may order that such dog be muzzled, or that such dog be kept within a sufficient enclosure, or that such dog be delivered to the Poundkeeper and by him destroyed.

(b) Impoundment of Biting Dogs. Upon written notice by the Poundkeeper, the owner or person having control of any dog which has within the

preceding fourteen (14) days bitten any person or animal, shall, upon demand, and in the discretion of the Poundkeeper, follow one of two procedures as follows: He shall either (1) confine such dog to his own premises, or (2) surrender such dog to the Poundkeeper, who shall impound and keep such dog at the Public Pound, in a separate kennel, for a period of not less than fourteen (14) days; during the said period it shall be the duty of the Poundkeeper to determine whether or not such dog is suffering from any disease. If a duly licensed veterinarian designated by the Poundkeeper, 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 Poundkeeper, 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 the said veterinarian shall determine that such dog is not so diseased, and if the license required for such dog shall have been duly paid for the then current year, the Poundkeeper shall notify by mail the person to whom the license for such dog was issued and at the address from which the dog was surrendered to the Poundkeeper, and shall, upon demand, release such dog to the owner or person lawfully entitled thereto, upon payment of a sum equal to twenty-five (25¢) cents per day for each day the said dog has remained in the Public Pound; provided, however, that if no person lawfully entitled to such dog shall, within five (5) 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 Poundkeeper in the same manner hereinabove provided.

Section 4 - (a) Care of Animals by Poundkeeper. The Poundkeeper shall provide all animals in his custody with proper food and water and shall give them all necessary care and attentions.

(b) Fines and Charges Upon Impounded Animals. The fines and charges upon animals impounded shall be as follows: (1) For every horse, mare, mule, ass, ox, cow, bull, colt or calf over the age of six (6) months, a fine of ten (\$10.00) dollars and an additional charge as follows: Two (\$2.00) dollars per day for keeping, and of one (\$1.00) dollar additional if advertised, and of two (\$2.00) Dollars if received from a stable as

hereinafter provided; (2) for every colt or calf under the age of six (6) months, and for every sheep, lamb, goat or hog, a fine of five (\$5.00) dollars and a charge of one (\$1.00) dollar per day for keeping, and of one (\$1.00) dollar additional if advertised; (3) for every unlicensed dog a fine of three (\$3.00) dollars and a charge of twenty-five (25¢) cents per day for keeping; (4) for every licensed dog impounded in violation of any of the provisions of Sections 1 and 2 of this ordinance, a charge of twenty-five (25¢) cents per day for keeping; (5) for every cat a fine of one (\$1.00) dollar; (6) for every other animal a fine of three (\$3.00) dollars and a charge of fifty (50¢) cents per day for keeping.

(c) Release upon Payment of Charges, etc. - Exception.

No animal shall, under any circumstances, be released by the Poundkeeper or his deputies until all the fines and charges imposed thereon, as provided by this section, shall have been paid. Provided, however, that if it shall be made to appear to the Poundkeeper that any of the animals impounded by him, mentioned in subdivision (1) of sub-section (b) hereof, have broken out, or were left out, of the fenced enclosure of the owner without fault on his part, the Poundkeeper may release the said animals without charge. If the said Poundkeeper refuses to release any such animal, and the owner pays the demanded charges, the owner may apply by petition to the City Council to have such charges refunded, and the City Council may order the repayment, without cost to the owner, of the charges so paid if it shall appear that the said animals broke out, or were left out, of the fenced enclosure of the owner without fault on his part.

(d) Record of Poundkeeper. The Poundkeeper shall keep a record of the number, description and disposition of all animals impounded, showing in detail in the case of each animal the date of receipt, the date and manner of disposal, the manner and time of advertising for sale, the name of the person reclaiming, redeeming or purchasing, the reason for destruction, and the fines and charges and proceeds of sales received on account thereof, and such additional records as the Poundkeeper may from time to time feel necessary; such

records shall be kept by the Poundkeeper in a book or books as provided for that purpose, which shall be the record book or books of the office of the Poundkeeper and shall not be removed therefrom except upon written order from a duly constituted authority.

(e) Deposit of Moneys - Reports. All moneys received by the Poundkeeper as provided for herein shall be deposited in the General Fund and shall be by him delivered at least weekly to the Treasurer of the Town of San Anselmo. The Poundkeeper shall file with the City Council a monthly report of animals impounded and fees collected.

(f) Appointment and Duties of Deputy Poundkeepers. The Poundkeeper may at any time appoint, at his own expense, as hereinafter provided, as many Deputy Poundkeepers as he may require to properly discharge the duties required of him. The authority of the said Deputy Poundkeepers shall be the same as the authority of the Poundkeeper himself as to the apprehending, taking up, catching, driving to and receiving into the Public Pound any of the animals named in any of the Sections of this ordinance; and their authority shall also include the power of arrest in connection with the enforcement of any of the provisions of this ordinance.

(g) Badges. The Poundkeeper and his Deputies, while engaged in the execution of their duties, shall each wear in plain view a badge having in the case of the Poundkeeper, the word "Poundkeeper," engraved thereon; provided that a duly appointed humane officer of the Marin County Humane Society may wear his humane officer's badge in lieu of the badge of the Deputy Poundkeeper if he is appointed a Deputy Poundkeeper. Any person who has not been appointed a Deputy Poundkeeper as provided hereinabove, or whose appointment has been revoked, who shall represent himself to be or shall attempt to act as such Deputy Poundkeeper, shall be guilty of a misdemeanor.

(h) Duty of General Public. It shall be unlawful for any person to resist or obstruct the Poundkeeper or any of his Deputies in the exercise of his duties as such Poundkeeper or Deputy Poundkeeper.

(1) Violations. If the Poundkeeper, or anyone in his employ, shall knowingly sell or give any impounded animal to any person, firm, corporation, association, medical college or university of the State for the purpose of animal experimentation, the offender shall be guilty of a misdemeanor. Any person, firm or corporation who, by or through fraud, misrepresentation, coercion or threats, induces any violation of the foregoing provisions, shall also be guilty of a misdemeanor.

Section 5 - (a) Dog Licenses. Except as provided in subdivision (e) of this Section 5 it shall be unlawful to own, keep or control any dog unless and except a license has been procured therefor as herein provided: An annual license fee of two ^(\$3.00) ~~(\$2.00)~~ dollars shall be paid for every male dog, and every ^{or unspayed} spayed female dog, and four ~~(\$4.00)~~ dollars for every unspayed female dog over three months of age owned, kept or controlled in the Town of San Anselmo. Every person owning, keeping or having control of any dog within the Town of San Anselmo shall pay such annual license fee for each fiscal year commencing July 1st and ending June 30th, or any part thereof, on or before August 31 of such fiscal year, or within 60 days after said dog attains the age of three months or after said dog is first brought into the Town of San Anselmo, whichever be the earliest; and upon failure so to do shall pay an additional sum of one (\$1.00) dollar for said license.

(b) Certificate to Owner. The Tax Collector shall be the issuing authority for dog licenses. Upon payment of the license fee hereinabove provided, there shall be issued a certificate stating the fiscal year for which such license fee is paid, the date of payment, the name and residence address to whom such license is issued, the name, breed and sex of the dog licensed, and the number of the licensed tag hereinafter provided for. Such certificate shall be delivered to the persons paying such license fee and a duplicate thereof shall be retained by the Poundkeeper. All such duplicates shall be kept in the office of the Public Pound as a part of the records thereof during the fiscal year for which the same are issued. The Tax Collector of the Town of San Anselmo shall at the same time issue and deliver to the person paying such

license fee a metal tag of such form and design as the Poundkeeper shall designate, with the words "San Anselmo Dog License" and a serial number and the fiscal year for which issued plainly inscribed thereon. The owner or person having control or possession of the dog for which said license has been paid and such tag issued shall attach such tag license to a collar around the dog's neck or to a strap around its leg.

(c) Removal of Tag Prohibited. It shall be unlawful for any person to remove any such tag from any dog not owned by him or not lawfully in his possession or under his control, or to place on any dog any such license tag not issued as above provided for that particular dog for the then current fiscal year, or to make or to have in possession or to place on a dog any counterfeit or imitation of any license tag provided for in this section.

(d) Duplicate License Tag Issued. If any license tag shall be lost or stolen, the person owning, possessing or having control of the dog for which the same was issued shall be entitled to receive a duplicate of such tag by presenting to the Tax Collector the original certificate showing ownership of said tag and subscribing to an affidavit sufficiently showing that such tag was lost or stolen. The Tax Collector, upon receipt of fifty (50¢) cents, shall issue a properly numbered duplicate tag, and shall keep on file in his office the original affidavit upon which said duplicate tag was issued.

(e) Exceptions. The provisions of this Section requiring the licensing of dogs shall not apply to dogs under the age of three (3) months if kept within a sufficient enclosure, nor to dogs owned by or in custody or under the control of persons who are non-residents of the Town of San Anselmo, traveling through said city, or temporarily sojourning therein for a period not exceeding thirty (30) days, nor to dogs duly licensed with the current license of any other incorporated city within the County of Marin, nor to dogs brought to said Town of San Anselmo, 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, nor to dogs under treatment in the custody or control of animal hospitals, nor to dogs on sale in duly licensed pet shops, nor to

dogs owned, kept or controlled by any person, firm, or corporation having a permit to keep and maintain a dog kennel, provided, that such dogs are kept enclosed within such pet shop or dog kennel, nor to 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 employees or agent when such dogs are removed from such kennel in the bona fide operation thereof for the purpose of exercise or training provided that any such dog bear a metal identification tag attached to a collar around the dog's neck or to a strap around its leg, which tag shall be of a size and type designated by the Poundkeeper, shall be furnished at the sole cost and expense of the owner of said kennel and shall set forth the name and address of said kennel; and a dog bearing such tag shall be treated in all respect as a licensed dog in the event of its escape and subsequent impoundment; and provided, further, that no licensed dogs shall be allowed to run at large.

(f) Dog Kennel Defined. A "Dog Kennel" is hereby defined to be any lot, building, structure, enclosure or premises whereon or wherein four (4) or more dogs are kept or maintained for any commercial purpose, 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 nor to the Marin County Humane Society.

(g) Pet Shop Defined. 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 or 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 the Marin County Humane Society, nor to a licensed dog kennel.

(h) 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 section without first obtaining a permit from the City Council. The granting of such permit shall be in the discretion of the City Council which shall take into consideration the type of construction to be employed as it relates to sanitation and manner in which the animals, birds or fowls 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 City Council may appoint the Poundkeeper as his agent to act in its behalf in investigating applications for such permits. Upon the issuance of a pet shop or dog kennel permit by the City Council, the applicant shall pay to the Poundkeeper an annual license fee of Twenty (\$20.00) dollars for the privilege of maintaining such dog kennel or pet shop. 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 first day of July of each year, and shall expire on the thirtieth day of June of the next year, provided the above mentioned permit has not been revoked. The license issued pursuant to this section shall be in lieu of any business license required by the Business License Ordinance of the Town of San Anselmo numbered 212, and amendments thereto.

(1) Dog Kennel and 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 City Council or its agent, such dog kennel or pet shop is not being properly maintained or operated from the standpoint of sanitation of the premises or proper care of the animals, birds, or fowl. Upon revocation of such permit the license issued by the Poundkeeper for the then current fiscal year shall be null and void and the entire fee paid for such annual license shall be forfeited.

4 Section 6. It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away any baby chicks, rabbits, duckling, other fowls as pets or novelties, whether or not dyed,

colored, or otherwise artificially treated. This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised for food purposes.

Section 7 - Enforcement. It shall be the duty of the Poundkeeper to enforce the provisions of this ordinance, and it shall be the duty of every city official to cooperate with the Poundkeeper in the enforcement of his duties.

Section 8 - Penalty. Any person violating any of the provisions of this ordinance shall be, for every such offense guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of up to five hundred (\$500.00) dollars, or by imprisonment in the county jail for up to sixty (60) days, or by both such fine and imprisonment.

Section 9. Ordinance Number 13 of the Town of San Anselmo and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10. Within fifteen days after its final passage and adoption copies of the foregoing ordinance shall be posted at the three following public places, to-wit:

- (a) Bulletin board, San Anselmo Post Office;
- (b) Bulletin board, San Anselmo Public Library; and
- (c) Bulletin board, San Anselmo City Hall,

which said places are hereby designated for said purpose and said ordinance shall be in full force and effect thirty (30) days after its final passage and adoption.

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The foregoing ordinance was regularly introduced at a regular meeting of the City Council of the Town of San Anselmo held in said town on the 11 day of Oct, 1949, and was thereafter at a regular meeting of the City Council of the Town of San Anselmo held in said town on the 18 day of Oct, 1949, duly passed and adopted by the following vote, to-wit:

AYES: COUNCILMEN *Booth, Miller, Allen, Love, Smith*

NOES: COUNCILMEN *none*

ABSENT: COUNCILMEN *none*

Signed and approved this 18 day of Oct, 1949.

Arthur W. Smith

Mayor of the Town of San Anselmo

ATTEST:

R. M. Berdick

City Clerk

AFFIDAVIT OF POSTINGS

Oct 318

STATE OF CALIFORNIA)
)SS.
COUNTY OF MARIN))

Wilbur Soggin, being first duly sworn, deposes and says: That he is over the age of twenty-one years, and is not interested in, nor a party to the matter referred to in annexed Notice: that on the 19 day of Oct 1949, he posted three notices (3) of which the attached is a true and correct copy, in three (3) of the most public places in the Town of San Anselmo, County of Marin, State of California, to wit:

- (a) One of said notices at the Bulletin Board, City Hall, San Anselmo, California;
- (b) One of said notices at the Bulletin Board U.S. Post Office, San Anselmo, California
- (c) One of said notices at the Bulletin Board in the Public Library, San Anselmo, California.

W. Soggin

Subscribed and sworn to before me
this 19th day Oct 1949

Anne Grant
Deputy City Clerk