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TOWN OF SAN ANSELMO

ORDINANCE NO. 367

AN ORDINANCE REGULATING THE KEEPING OF CATS IN THE TOWN OF SAN ANSELMO AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

THE CITY COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the Town of San Anselmo does hereby find and determine that the keeping of six or more cats of the age of three months and upward within the city limits of the Town of San Anselmo, ~~excepting in pet stores duly licensed,~~ ^{as provided in this ordinance,} unless regulated as to location, sanitary conditions and proper fencing or security, is detrimental to the public health, safety and general welfare and that the public interest requires that the said City Council prescribe reasonable regulations for the more efficient control thereof.

SECTION 2. It shall be unlawful for any person, firm, company, or corporation to keep or maintain or cause to be kept or maintained, in or on any residential zone or in any dwelling place for human habitation, six or more cats over the age of three months after having had denied an application for a permit from the City Council of the Town of San Anselmo so to do.

SECTION 3. Any permit hereunder shall be revocable at any time the City Council shall find that the keeping of said cats is or may become detrimental to the public health, safety and/or general welfare.

SECTION 4. Any person, firm, company or corporation keeping or maintaining or causing to be kept or maintained, in or on any residential zone or place of human habitation in the Town of San Anselmo, six or more cats over the age of three months must make application so to do in the manner hereinafter

provided, and it shall be unlawful to fail or neglect to make said application.

SECTION 5. Applications shall be made to the Chief of Police upon such forms as he shall prescribe and which must include the written consent of the applicant permitting the Chief of Police and/or Health Officer of the Town of San Anselmo to make reasonable inspection of the premises where said cats are kept or maintained.

SECTION 6. Upon receipt of a completed application the Chief of Police shall forthwith cause an inspection to be made of the premises where said cats are to be kept or maintained and shall make a written report concerning the inspection which shall be attached to the said application; the report shall include, but is not to be limited to, health and safety factors, manner of housing and feeding, fencing or security, offensiveness, and proximity to neighbors' dwellings.

SECTION 7. The Chief of Police shall file the said application together with his said report to the City Clerk who shall immediately set a date for ^a public hearing on said application which said date shall be the first regular meeting of the City Council after fifteen (15) days shall expire from the date of said filing.

SECTION 8(a). The City Clerk, after receiving and filing said application shall cause to be published in the newspaper in which City Ordinances are published, a notice of public hearing before the City Council setting forth the time and place, the nature of the application and name and address of the applicant and stating that protests to the granting of a permit may be made in person or in writing.

(b). The City Clerk shall also forthwith notify, in writing, all persons owning real property within a radius of

two hundred fifty (250) feet of the premises where said cats are to be kept or maintained, of the public hearing setting forth the same information contained in the published notice. The mailing, postage prepaid, of a notice to the owner as shown on the assessment rolls shall constitute compliance with this sub-section, as shall such a notice otherwise delivered to any adult person at any residence within said area.

SECTION 9 (a). At the time set for the public hearing the City Council shall hear any persons either for or against the granting of the permit and consider the report of the Chief of Police and any written protests.

(b). The City Council shall then vote either against or for the granting of the said permit, with the imposition of any conditions deemed advisable, and the same shall be granted only if four councilmen vote for the granting of the permit.

SECTION 10. A fee of FIFTEEN (\$15.00) DOLLARS must be paid and accompany each application, no part of which shall be returned to the applicant. The Chief of Police shall not process any application until said fee is paid.

SECTION 11 (a). This Ordinance does not apply to any licensed business dealing in the purchase and sale of cats or keeping or boarding them for hire, or any licensed veterinarian, or animal hospital, where cats in number of six or more over the age of three months may be kept or maintained.

(b). This Ordinance does not apply to any show or exhibition of cats where such cats will be physically controlled and restrained and not permitted to run at large and provided the show or exhibition is of temporary nature.

SECTION 12. It shall be unlawful, whether or not a permit has been granted for the keeping of cats under this Ordinance,

for any owner of six or more cats over the age of three months or any person, firm, company, or corporation having the care, custody or control of six or more cats over the age of three months to permit or suffer the same, or any of them, to run at large upon any public street or place or without permission upon any property, real or personal, not in the ownership or control of said person, firm, company or corporation. It is hereby declared that a violation of this section shall, in addition to any other remedy, constitute a public nuisance and such nuisance shall be abated as provided by law.

SECTION 13. Any and every violation of this Ordinance or any provision hereof is hereby declared to be a misdemeanor and shall be punishable by a fine of not more than FIVE HUNDRED (\$500.00) DOLLARS or by imprisonment in the Marin County Jail for not more than six (6) months, or by both such fine and imprisonment. Violations of this Ordinance which are of a continuing nature shall constitute a separate offense, for each and every day of such continuing violation.

SECTION 14. Any and all remedies provided for the enforcement of this Ordinance are declared to be cumulative and not alternative.

SECTION 15. This Ordinance is urgently required for the immediate preservation of public health, peace, safety, and welfare. The following is a specific statement showing the urgency and necessity: For some time the City Council has received complaints from citizens living in close proximity to a residence where reportedly thirty to fifty cats are kept and maintained. The complainants state that many of these cats run large onto private property and destroy vegetable and flower gardens and deposit excrement on lawns, porches, garages, automobiles, sidewalks and other public property; that said large

number of cats are extremely offensive to the senses and are noisy and disturb the peace and quiet of the neighborhood; that they attract other cats; that this condition has existed for a long time and has caused not only discomfort to persons and damage to property but has caused at least one citizen to become physically sick and mentally distraught; that the joy and comfort derived by any citizen in keeping large numbers of cats on his property must be subordinated to the best interests of his fellow citizens in the community in the enjoyment of their property; that such damage and injuries will continue and be an invitation to others to keep large numbers of cats unless adequate legislation is enacted to control and limit their keeping. It is therefore necessary for the preservation of the public peace, health, safety, and welfare that this Ordinance take effect immediately upon its final passage.

SECTION 16. This Ordinance shall be published once within fifteen (15) days after its passage in the San Anselmo Times, a weekly newspaper of general circulation published and circulated in the Town of San Anselmo, which said newspaper is hereby designated for that purpose.

The above and foregoing Ordinance No. 367 was read, introduced and passed at a regular meeting of the City Council of the Town of San Anselmo, held on Tuesday the 13th day of July, 1954, and adopted by the following vote:

AYES: COUNCILMEN *Booth, Ball, Macton, Washburn*
NOES: COUNCILMEN *none*
ABSENT: COUNCILMEN *Smith*

Signed and approved this 13th day of July 1954.

Arthur W. Smith
MAYOR OF THE TOWN OF SAN ANSELMO

ATTEST: *Greta Gann*
CITY CLERK