

CITY OF SAN ANSELMO

ORDINANCE NO. 511

An ordinance of the City of San Anselmo repealing Article 1, Chapter 1, Title 5 of the San Anselmo Municipal Code and amending Article 1, by providing for the licensing, confinement, inoculation, impounding and control of animals within the City.

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

Section 1. Article 1, Chapter 1, Title 5 of the San Anselmo Municipal Code is hereby repealed and said Article 1 is reenacted as follows:

5-1.101. Definition of Terms. For the purposes of this ordinance, the following words and phrases are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that a different meaning is intended.

- (a) "Dog" means any animal of the canine family.
- (b) "Owner" means any person who owns, keeps or harbors an animal for fifteen or more consecutive days except a veterinarian or an operator of a kennel or a pet shop engaged in the regular practice of his business as such.
- (c) "Dog License" means the license required to be annually issued for each individual dog.
- (d) "Licensed Dog" means any dog for which the license for the current year has been issued and to which the tag provided for in this ordinance is properly attached.
- (e) "City" means the City of San Anselmo.
- (f) "Commercial Animal Establishment" means any premises whereon or wherein is carried on a business of buying, selling, bartering, renting or boarding of dogs, cats or other animals, wild or domestic, or fowl, provided that this definition shall not apply to the buying or selling of livestock for dairy purposes, nor to dairy establishments, the business activities of a duly licensed veterinary hospital, nor to the business or activities of the Humane Society of Marin County.

5-1.102. License Requirements. Every owner of a dog which is over the age of four months and which is kept in the City shall procure a license for each such dog. Such license shall be procured within thirty (30) days after the day upon which the dog is four months old, or within thirty (30) days after the day upon which the dog, if over the age of four months, is first owned by a resident of the City, and thereafter, shall be maintained on a current basis from year to year.

5-1.103. Rabies Vaccination. Whenever the laws of this state require vaccination of dogs against rabies, no license shall be issued for any dog required to be vaccinated until the issuing authority is given satisfactory written evidence of compliance under such law. Provided, however, that whenever state law does not require the vaccination of dogs against rabies, a license may be issued for any dog without evidence of rabies vaccination.

5-1.104. Confining of Dogs Under the Age of Four Months and Rabies Quarantine. Unlicensed dogs under the age of four months shall be confined to the property of the owner and all dogs shall be so confined for thirty (30) days after receiving the initial rabies vaccination. If any person shall fail or refuse to obey any lawful order for the quarantine of an animal for observation of rabies, any Animal Control Officer may impound the animal for such quarantine at the expense of the owner at the redemption rate set forth in Section 5-1.114.

5-1.105. License Fee. A dog license fee of ~~\$4.00~~ <sup>4.00 OK</sup> per year is hereby imposed. The said fee is due and payable with the issuance of a license as required in Section 5-1.102 hereof. The fee shall be for licensing during the fiscal year and shall not be prorated.

5-1.106. Delinquent License Penalty. Any owner failing to procure and pay for such license within the period allowed in Section 5-1.102 hereof shall pay a delinquent penalty for such failure in the sum of One Dollar (\$1.00). Such delinquent penalty shall be in addition to the regular license fee and shall be paid at the time of issuance of the license.

5-1.107. Duplicate License Tags. If a license tag is lost the owner may secure a duplicate license tag upon presentation of satisfactory proof of such loss, and payment of a fee of fifty cents.

5-1.108. Display of License Tags. The license tag issued to the owner upon securing of a license shall be attached securely to a collar or harness or other suitable device on the dog for which issued at all times that the dog is in the City and not confined indoors or in an enclosed yard or pen. The license certificate and tag shall be shown by the owner or person in control of the dog at any time upon demand by the Animal Control Officer or his deputies.

5-1.109. Exceptions. Any dog owned and used by a blind person as a guide dog is exempt from the license fee while so owned and used, but is not exempt from being licensed or from any required vaccination. The provisions of Section 5-1.102 of this ordinance shall not apply to any dog owned by or in the care of a non-resident of the City who is travelling through the City or temporarily sojourning therein for a period not exceeding thirty days.

5-1.110. Appointment of Animal Control Officer. The Humane Society of Marin County is hereby appointed as and shall be the Poundkeeper for the City, and said Humane Society shall appoint suitable persons to act as Animal Control Officers.

5-1.111. Powers and Duties. The powers and duties of the Poundkeeper and its Animal Control Officers shall be as follows:

(a) To enforce all provisions of this ordinance and all the laws of the State of California relating to the care, treatment and impounding of animals.

(b) To maintain and keep an animal shelter or other place where all animals which are subject to be impounded may be kept and safely held and provided with proper and sufficient food and water.

on every male dog and  
spayed female dog and \$5.00  
on every female dog

(c) To take up, impound and safely keep any animals found to be in violation of the provisions of this ordinance.

(d) To collect any costs or charges hereinafter provided in this ordinance for the impounding and keeping of any animal.

(e) To enter upon any premises upon which any animal is kept for the purpose of taking up, seizing or impounding any animal found to be in violation of any of the provisions of this ordinance, or for the purpose of determining whether such animal is licensed or is violating the provisions of this ordinance.

(f) To forthwith destroy any animal lawfully impounded which by reason of injury, disease or other cause is unfit for further use or is dangerous to keep impounded.

5-1.112. Disposition of Animals by Poundkeeper. The Poundkeeper shall keep any dog or animal impounded for violation of the provisions of this ordinance or turned over to him for disposal for the period of time hereinafter specified and shall dispose of the same in accordance with the following provisions:

(a) Unlicensed dogs. Unless an unlicensed dog shall have been redeemed within ninety-six (96) hours after being impounded, Sundays and holidays excepted, it may be sold by the Poundkeeper, provided that the purchaser shall not be given possession of any such dog until he has secured a license for the same and has paid such fees as are required for redemption.

(b) Licensed dogs. Unless a licensed dog shall have been redeemed within seven (7) days after impoundment, Sundays and holidays excepted, such dog may be sold by the Poundkeeper, the same as an unlicensed dog. The Poundkeeper shall notify the registered owner of said dog by mail at the address shown in the licensing records of the City, said notice to be given within twenty-four (24) hours of impoundment.

(c) Other animals. The Poundkeeper shall keep any other impounded animal for a period of at least seven days. At any time after the expiration of such period, the Poundkeeper may, unless the animal is redeemed, or unless a bona fide home has been obtained for such animal, destroy the same in a humane manner.

5-1.113. Redemption of Impounded Animals. Redemption of an impounded animal by the owner shall be made by exhibiting to the Poundkeeper any required license certificate or license tag or other satisfactory proof of ownership, and by paying the charges provided for under Section 5-1.114 hereof. If an animal is sold or released to a person other than the owner, the owner of such animal may, at any time within thirty (30) days after such sale or release, redeem the same from such purchaser or other person by paying him the amount of the purchase price if any, plus a sum equal to fifty cents (50 cents) per day from the date of such sale or release to and including the date of redemption, except that no person may redeem an animal under this section if he was given written notice of such impoundment by the Poundkeeper and failed for a period of five (5) days after the mailing of such notice to redeem or release such animal from impoundment.

5-1.114. Redemption Fees. No dog or other animal shall be released by the Poundkeeper until all charges, costs of redemption and the current year's license charge, if any, have been paid. The charges and costs of redemption of impounded animals shall be a fee of \$3.00 for the first impoundment in any fiscal year, a fee of \$5.00 for the second impoundment in any fiscal year, a fee of \$7.00 for the third impoundment in any fiscal year, a fee of \$10.00 for each additional impoundment in any fiscal year, plus in each impoundment a charge of 50 cents per day for keeping.

5-1.115. Permitting Dogs to Run in Certain Public Areas and Game Refuges. 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 parks, or in any school, or upon any said school grounds, or in any commercial district, or in any game refuge, or in any public watershed area; and every dog found running at large in violation of the provisions of this section shall be immediately seized and impounded. Any duly authorized peace officer shall be entitled to take such other action as may be reasonably necessary for the protection of wild game in those cases involving dogs running at large in game refuges or public watershed areas.

5-1.116. Permitting Dogs to Run on Certain Private Lands. It shall be unlawful for the owner or person having control of any dog to suffer or permit the same to run upon the lands of another whereon livestock or domestic fowl are kept, without the consent of the owner or person entitled to the use or possession of such lands.

5-1.117. Nuisance Abatement. It shall be unlawful to permit any vicious dog or dangerous animal to go unrestrained. 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 that such act is continued, shall constitute a separate offense. It shall be unlawful to suffer or permit any animal or fowl to trespass on private or public property so as to damage or destroy any property or thing of value, or so as to commit any other act dangerous to public health or safety, and any animal committing any such act is hereby declared to be a public nuisance and may be impounded by the Poundkeeper. Whenever it shall be affirmed in writing by three 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, or being vicious or by its actions potentially vicious, or in any manner causing undue annoyance, the Poundkeeper or the Chief of Police, if it is found by such authority that a nuisance exists, may serve notice upon the owner or custodian that such nuisance must be abated. If the owner or custodian does not abate such nuisance within forty-eight (48) hours after the giving of such notice, the Poundkeeper may impound the animal or fowl.

5-1.118. Stray Animals. Any person discovering a stray or apparently lost animal shall report the same to the Poundkeeper. Any person who apprehends or picks up a stray or lost animal shall report the same to the Poundkeeper within eight (8) hours thereafter and shall release such animal to the Poundkeeper upon demand.

5-1.119. Biting Animals to be Reported. The owner or other person having custody or control of any animal which bites a human being shall immediately notify the City Health Officer of such bite, giving the name and address of the person bitten, if known to him, and shall faithfully obey any quarantine instructions given by the Health Officers.

5-1.120. Quarantine Charges. Whenever the City Health Officer shall order the quarantine of any animal pursuant to the provisions of any local ordinance or state law, the owner of such animal shall pay to the City of San Anselmo a quarantine charge of \$3.00 for the first quarantine of such animal, in any fiscal year, a charge of \$5.00 for the second quarantine of such animal in any fiscal year, a charge of \$7.00 for the third quarantine of such animal in any fiscal year, and a charge of \$10.00 for any subsequent quarantine of the same animal in any fiscal year.

5-1.121. Estrays. Notwithstanding any provisions in this ordinance to the contrary, the Agricultural Code of the State of California, Division 3, Chapter 5, shall be complied with in reference to stray bovine animals, horses, mules or burros.

5-1.122. Use of Animals for Exhibits. It shall be unlawful for any person to operate, conduct or maintain any commercial show, circus, animal exhibition, carnival or advertising display or device in which any dog, cat or other animal, wild or domestic, or fowl is used or kept without first having obtained a permit therefor. A permit fee of \$25.00 is hereby imposed for such purposes. The Poundkeeper shall in connection with the issuance of any such permit, establish such conditions as may be reasonably necessary to protect the public health and safety, and to provide for the humane care and treatment of any dogs, cats or other animals, wild or domestic, or fowl which may be so used.

5-1.123. Commercial Animal Establishments. It shall be unlawful for any person to operate or maintain any commercial animal establishment without first obtaining a permit therefor. The Poundkeeper shall in connection with the issuance of any such permit establish such conditions as may be necessary to protect the public health and safety, and to provide for the humane care and treatment of the dogs, cats or other animals, wild or domestic, or fowl. The Poundkeeper may deny or revoke such permit when necessary to protect the public health or safety or when necessary to assure the humane care and treatment of the dogs, cats or other animals, wild or domestic, or fowl.

5-1.124. Sale of Animals for Experimentation. Neither the Poundkeeper nor anyone in its employ shall knowingly sell or give any impounded animal to any person, firm, corporation, association or school for the purpose of animal experimentation. No person, firm, corporation, association or school shall by fraud, misrepresentation, or coercion induce the Poundkeeper or anyone employed by it to sell or give away any impounded animal for the purpose of animal experimentation.

5-1.125. Effective Date. This ordinance shall become effective thirty (30) days from and after the date of its adoption and shall be published at least once within fifteen (15) days after its adoption, in the Ross Valley Times, a newspaper of general circulation printed and published within the City.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo City Council held at the Council Chambers on May 26, 1964, and was thereafter at a regular meeting of the City Council held on June <sup>Special</sup> 11, 1964, duly passed and adopted by the following vote:

Ayes: Councilmen Clute, Reichmuth, Smith, Capurro  
Noes: Councilmen  
Absent: Councilmen Franchini

\_\_\_\_\_  
Acting Mayor

Attest:

Anita Gannon  
City Clerk