

ORDINANCE NO. 1035

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO REPEALING §§ 5-1.01, 5-1.02, AND 5-1.03 OF THE SAN ANSELMO MUNICIPAL CODE, ADOPTING BY REFERENCE TITLE 8 OF THE MARIN COUNTY CODE ADDRESSING ANIMALS AND ADOPTING FEES TO BE COLLECTED AS REVISED AND ADOPTED JUNE 3, 2003, AND ADOPTING NEW §§ 5-1.01, 5-1.02, AND 5-1.03 OF THE SAN ANSELMO MUNICIPAL CODE.

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

SECTION I. SECTION 5-1.01 OF THE SAN ANSELMO MUNICIPAL CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

5-1.01 Adoption Of Marin County Code Addressing Animals

Pursuant to § 50022.9 of the Government Code, the Marin County Code addressing animals, set forth in Title 8 of the Marin County Code, codified in Chapter 8.04 of Title 8 of the Marin County Code along with the fees to be collected for animal control services, are hereby adopted by reference and shall be in full force and effect within the Town of San Anselmo.

SECTION II. SECTION 5-1.02 OF THE SAN ANSELMO MUNICIPAL CODE IS HEREBY REPEALED AND REPLACED WITH NEW SECTION 5-1.02 REGARDING PENALTY PROVISIONS OF THE MARIN COUNTY CODE ADDRESSING ANIMALS INCORPORATED BY REFERENCE ARE ENACTED IN FULL AS FOLLOWS:

5-1.02 Penalty For Violations

- (a) As provided in Section 8.04.070, any owner failing to procure and pay for a dog license within the

period allowed in Section 8.04.030 shall pay a delinquent penalty in the amount set forth by separate ordinance of the Board of Supervisors. The delinquent penalty may be waived where failure to pay is due to reasonable cause and circumstances beyond the control of the dog owner/guardian which shall be determined by the Animal Services Agency or the County Administrator's office. Any person dissatisfied with a determination denying waiver of a delinquent penalty shall be entitled to a hearing which shall be conducted pursuant to the provisions of Section 8.04.122.

- (b) As provided in Section 8.04.184(c) any person who boards, has, keeps, maintains, or has in his/her possession or control, for any length of time, any wild and/or undomesticated animal in violation of any provisions of Sections 8.04.182 through 8.04.184.1 of the Marin County Code shall be guilty of a misdemeanor and shall be subject to imprisonment in a county jail for not more than six months or a fine not to exceed \$1,000 or both.
- (c) As provided in Section 8.04.260(a) of the Marin County Code, any person violating any of the provisions of Section 8.04.179, 8.04.180, 8.04.181, 8.04.225, 8.04.230, 8.04.240, 8.04.245 and 8.04.246 of Chapter 8.04 is guilty of a misdemeanor.
- (d) As provided in Section 8.04.260(b) of the Marin County Code, any person violating any other of the provisions of Chapter 8.04 is guilty of an infraction as provided in Section 19.6 of the Penal Code, and upon conviction thereof shall be punished by a fine of not more than fifty dollars for the first offense, and for a second or subsequent offense by a fine of not more than one hundred dollars.
- (e) As provided in Section 8.08.030 of the Marin County Code, any person or persons violating any provision or provisions of Chapter 8.08 shall be deemed guilty of a misdemeanor and punishable at a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.
- (f) As provided in Section 8.12.020, every owner, claimant or keeper of any dog accustomed to or having the propensity to hunt, chase, course or kill deer who suffers or permits such hound or hounds or other dogs to go or run at large in the County of Marin shall be guilty of a misdemeanor.

- (g) As provided in Section 8.12.030, any person violating any provision of Chapter 8.12 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than one hundred dollars, nor more than five hundred dollars.

SECTION III. SECTION 5-1.03 OF THE SAN ANSELMO MUNICIPAL CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

5-1.03 Exception regarding ostrich farms.

Excluded from the provisions of Section 5-1.01 are ostriches housed at any ostrich farm existing on the operative date of this amendment, so long as the owner or operator of any such ostrich farm obtains a permit from the Marin Humane Society within sixty (60) days thereafter. Any such ostrich farm may continue to exist as permitted until such farm is closed or abandoned for a period of six (6) months.

SECTION IV. THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED

If any section, subsection, sentence, clause or phrase of Title 8 of the Marin County Code addressing animals and the fees to be collected for animal control services adopted by reference by this ordinance should for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the provisions incorporated by this ordinance. The Town Council hereby declares that it would have passed this ordinance incorporating the Marin County Code Addressing Animals and the Fees Collected for Animal Control Services and each section, subsection, sentence, clause or phrase, thereof, irrespective that any one or more sections, subsections, sentences or phrases be declared unconstitutional or invalid.

This ordinance was introduced on the 14th day of October, 2003 at a regular meeting of the Town Council of the Town of San Anselmo wherein the Council set a public hearing for the 25th day of November, 2003. After notice of the hearing published pursuant to Gov't. Code § 6066, the Council, at the close of the hearing, adopted the ordinance on the 25th day of November, 2003 by the following vote:

AYES: Chignell, Kilkus, Kroot and Thornton

NOES: (None)

ABSENT: Breen

ASTAIN: (None)



MAYOR

ATTEST:



TOWN CLERK

SA/GEN ORDINANCE SECTIONS 5-1.01-TITLE 8