

ORDINANCE NO. 453

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE REGULATING AND LICENSING DOGS AND REPEALING ORDINANCE NO. 434

The City Council of the City of Blue Lake does ordain as follows:

SECTION 1. *Purposes.* This ordinance is adopted for the following purposes:

1. Require that all dogs boarded and kept within the city limits are annually registered and licensed with the City.
2. Require all registered and licensed dogs to display a valid dog license tag issued annually by the City which helps identify and facilitate the return of a stray registered dog to its owner and also provide a visual assurance that the dog has a current anti-rabies vaccination.
3. Require that no dogs are allowed to "run at large" at any time and must always be under the immediate control of owner.
4. Authorize the seizure and impounding of dogs found running at large and also provide for the animal to be held, to the extent possible, for the specified periods required by California Food and Agriculture Code Sections 31108, 31752, 31752.5 and 31754, as amended or added by Chapter 752 of the Statutes of 1998 to allow the dog to be claimed by the owner before the dog is euthanized or otherwise disposed as prescribed in Section 13 of this ordinance.
5. Define violations of this Ordinance as infractions.
6. Such other purposes as may be authorized by law.

SECTION 2. *Definitions.*

1. The term "Dog License" as used herein, shall refer to a license issued annually by the City for each individual dog kept within the city limits after it been registered and all fees paid.
2. The term "Dog Licence Tag" or "Dog Tag" or "Tag" as used herein, shall refer to the physical identification label that serves as tangible evidence that a dog license has been issued by the City.

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3. The word "owner" as herein used shall be construed to include any person who owns or controls or harbors or keeps in his possession, any dog over the age of four months.
4. The term "Animal Control Officer" as used in this Ordinance shall mean the Chief of Police and any police officer(s) designated by the Police Chief to administer and enforce the provisions of this Ordinance. In addition, the Chief of Police may also authorize other City employees to act as an animal control officer with the approval of the City Manager.

SECTION 3. ***Dogs Not to Run at Large.*** Whether or not a dog is licensed under this Ordinance, it shall be unlawful and an infraction for any person to cause or permit or allow any dog or dogs owned, harbored, or controlled or kept by him to do any of the following:

1. To roam or run or stray away from the premises where the same is or are owned, harbored, or kept, at any time, except under and in the custody and control of the owner or some responsible person thereunto by the owner duly authorized.
2. To annoy, alarm, harass, or threaten the safety or well being of any person, or prevent the comfortable enjoyment and use of any public sidewalk, street, alley, or public meeting place within the City.
3. To trespass or go upon any private property after such person has been notified by the owner or occupier of such private property that such owner or occupier does not want such dog or dogs to trespass or go upon such private property.
4. To be in the City unattended unless such dog is securely enclosed in a pen, a fenced yard, or other enclosure, or is securely tethered.

SECTION 4. ***Nuisance.*** It is hereby declared a nuisance and it shall be unlawful to keep, maintain, or permit on any parcel, lot, or piece of land any dog or dogs which by any sound, smell or cry should unreasonably disturb the peace of any neighborhood, or interfere with any person or prevent the reasonable and comfortable enjoyment of life or property.

SECTION 5. *Vaccinated Pups to be Restrained.* All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by the owner, keeper or harbinger, and such restraint shall continue until a period of thirty (30) days has elapsed after vaccination of the particular dog with an approved anti-rabies vaccine in accordance with Ordinance No. 253 and amendments thereto; and any violation of this section is unlawful and is an infraction.

SECTION 6. *Required Annual Dog License.*

1. The City will issue dog licenses and dog tags that are valid for one year beginning on the first of July and ending on the last day of June the following year. The City will accept applications and issue dog licenses for the upcoming year (July 1 to June 30) starting on the first day of May each year.
2. A late charge penalty will be levied if a license is not obtained as follows:
 - a. All dog license renewals are due by July 31st.
 - b. Puppies, upon reaching the age of four months must be licensed by the City within thirty days.
 - c. Dogs not licensed by the City that are moved into the city limits must be licensed with thirty days.
3. Dogs not licensed by the City that are moved into the city limits or puppies that have reached the age of four months after the first day of January of any year will be charged $\frac{1}{2}$ the normal annual charge.
4. Applications for an annual dog license and the receipt of payment of all fees, fines, and citations will be administered by the City's Business Office.
5. The Animal Control Officer is responsible for acquiring suitable dog license tags and maintaining the City's dog license records.
6. Dog license applications shall request sufficient information from the dog owner concerning both dog and the dog owner to allow the City to effectively regulate, enforce, and charge applicable fees.
7. The City will issue replacement dog tags to replace a lost dog tag for a fee.

SECTION 7. ***License Fees, Penalties and Fines.*** The City Council will establish a schedule of fees, penalties, and fines by resolution which may be amended from time to time by the City Council.

SECTION 8. ***Kennel License.*** Each person who owns or controls a Kennel or place where there are kept five or more dogs for breeding purposes or for training, or treating, or sale, or other commercial purposes, shall pay an annual license fee as established in a schedule of fees which are in addition to any other dog licensed fee required by this ordinance.

Such license fee shall be paid on or before the first day of July each year. If the said license fee is not paid on or before the 30th day of each such July, the said owner shall be required to pay the sum of twice the annual fee per year for each Kennel. Any owner, or proprietor, or person in control of such Kennel who refuses to obtain and pay for such license within the time required herein, shall be guilty of an infraction.

It is further provided that such Kennel shall be so constructed as to prevent dogs confined therein from running at large off the premises where said Kennel is maintained, and shall be maintained in a sanitary and proper place and condition and will not cause detriment or nuisance in the immediate neighborhood.

It is further provided that no Kennel license shall be issued without a certificate signed by the Animal Control Officer that such Kennel is operated, or is to be operated, in accordance with provisions of this ordinance, and unless such certificate is made, the owner of said Kennel will not be entitled to a Kennel License according to the provisions of this ordinance.

SECTION 9. ***"Seeing Eye or Special Assistance Dog" License Fee.*** Any person having the custody and control of any certified "seeing eye" or "special assistance" dog may file a one time affidavit with the City's Business Office. The affidavit shall contain the name and address of the person, the required description of the dog and the statement "I am disabled and need the services a "seeing eye" or "special assistance" dog. The applicant must deliver the affidavit and a current Anti-Rabies Vaccination Certificate to the City Business Office. The license application will be endorsed as a "Seeing-Eye or Special Assistance" dog and the City will issue the annual dog license and dog tags at no charge to the applicant.

SECTION 10. ***License Tag Attached to Dog Collar.*** The owner, or person having the control of any dog, as provided herein, shall securely attach the license tag to the dog's collar to be continuously displayed to provide visual assurance that the dog has a valid anti-rabies vaccination.

SECTION 11. *Impounding of Dogs Running at Large.* Any dog running at large upon the streets or alleys or in any public place in the City of Blue Lake, whether or not said dog is licensed under the provisions of this ordinance, shall be taken up and impounded by the Animal Control Officer and kept in a safe place provided for such purposes. No dog which is impounded shall be released unless it is duly licensed as required by this ordinance.

Upon impounding a licensed dog, the Animal Control Officer shall make every reasonable effort to give notice to the owner, at the address upon the application for the license tag, of the impounding of such dog. Such notice may be given through the United States mails.

Upon impounding an unlicensed dog, the Animal Control Officer shall make every reasonable effort to give notice to the owner, if known, of the impounding of such dog.

Any impounded dog may be redeemed after it is impounded within the time limit prescribed by California Food and Agriculture Code.

An impounded dog will be released to the owner after the payment¹ of all applicable fees. If the dog does not have a current license with the City, an annual dog license application must be completed and the license fees paid¹.

There shall be no pound fee on the first occurrence within any fiscal year, and the pound fee shall be set by resolution which may be amended from time to time. The boarding charge shall be such actual boarding charge as may be set and made from time to time by the City or the agency the City may contract with for boarding purposes.

SECTION 12. *Destruction of Impounded Dogs.* The Animal Control Officer or any person or entity contracting with the City of Blue Lake pursuant to Section 17 of this ordinance may, by humane methods, summarily destroy:

- (1) Any impounded dog which is suffering from an incurable, dangerous or contagious disease;
- (2) Any impounded unlicensed vicious dog; or

¹All applicable licensing fees will be paid at the City's Business Office. If the City's Business Office is not open to receive payment at the time the dog is released by the Animal Control Officer to the owner, payment must be made the first day the City's Business Office is open after the release of the dog. However, the owner must present a valid anti-rabies certificate to the Animal Control Officer before the dog will be released.

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(3) Any impounded dog which is not redeemed after impoundment within the time limit prescribed by California Food and Agriculture Code.

If any impounded dog is not redeemed after impoundment within the prescribed time limit, the Animal Control Officer or any person or entity contracting with the City of Blue Lake pursuant to Section 17 of this ordinance may sell such dog.

No impounded dog shall be sold if it has been determined to be vicious or is suffering from any infectious or communicable disease.

Whenever the Animal Control Officer or any person or entity contracting with the City of Blue Lake pursuant to Section 17 of this ordinance sells any impounded or unredeemed dog, a bill of sale shall be issued to the purchaser. The bill of sale shall operate to vest complete title of the dog in such purchaser.

The City may contract with another public agency, or any other party, for pound service, and such contract may provide that the dog becomes the property of the contracting party if not redeemed after impoundment within time limit prescribed by California Food and Agriculture Code.

SECTION 13. ***Vaccination Certificate Required Before Licensing.*** All dogs licensed by the City must be vaccinated for rabies and have a current anti-rabies vaccination certification issued by a licensed veterinarian and the immunity period on the vaccination certificate must be valid to at least the expiration of the license.

SECTION 14. ***Penalties.*** Any violation of any provision of this ordinance is hereby declared to be an infraction, and any person, upon conviction of said infraction, shall be punished in accordance with the penalties for infractions as provided for by the State of California in the Penal Code.

SECTION 15. ***Citations.*** The Animal Control Officer and his assigned deputies are hereby empowered and have the duty to issue citations to the person or persons responsible for any violation of any provision of this ordinance in accordance with California Penal Code Sections 853.5 and 853.6.

SECTION 16. ***Impoundment Services.*** The City may enter into such agreement or agreements with other qualified persons or entities, public or private, for the impoundment of dogs at facilities located within or without the City limits of Blue Lake, as the City deems necessary and proper to carry out the intents and purposes of this ordinance, including, but not limited to, the transfer, holding, impoundment, sale or destruction of dogs, and for the sale of Blue Lake dog licenses, record keeping, collection of fees, accounting, and the payment of reasonable sums of money for such services. All procedures of such contracting parties not inconsistent with this ordinance shall apply.

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SECTION 17. **Repeal.** Ordinance 434 is hereby repealed; and further all ordinances and parts of ordinances in conflict herewith are repealed.

SECTION 18. **Effective Date.** This ordinance shall be in force and effect thirty (30) days after its adoption.

Passed, approved, and adopted this 20th day of June 2000, by the following roll call vote:

AYES: *Sheets, Nakamura, Schapiro, Ricca, Jones*

NAYS: *None*

ABSENT: *None*

Adelene Jones

Mayor, City of Blue Lake

ATTEST:

Karen Newell

City Clerk, City of Blue Lake

CLERK'S CERTIFICATE

THIS IS TO CERTIFY that Ordinance No. 453 of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, held May 23, 2000. This ordinance again read at the regular meeting of the Blue Lake City Council, held on the 20th day of June 2000, and at the time passed by roll call vote.

AYES: *Sheets, Nakamura, Schapiro, Ricca, Jones*

NAYS: *None*

ABSENT: *None*

Karen Newell

City Clerk, City of Blue Lake