

Chapter 6.04**ANIMAL CONTROL**

Sections:

6.04.010	Purpose.
6.04.020	Definition of terms.
6.04.030	Animal control.
6.04.040	Animal Control Officer authorized to enter private premises.
6.04.050	Use of the County pound.
6.04.060	License and license tax for dogs.
6.04.070	Vaccination.
6.04.080	Dog license tag to be maintained on dog at all times.
6.04.090	Loss of dog license tag.
6.04.100	Animals at large.
6.04.110	Control of animal excrement.
6.04.120	Notice to owner.
6.04.130	Authority to kill, injure or impound stray dog.
6.04.140	Disposition of impounded animals.
6.04.150	Redemption of impounded animals.
6.04.160	Diseased or vicious animals.
6.04.170	Removal of dead or live animals.
6.04.180	Ranch dogs.
6.04.185	Prohibited conduct.
6.04.190	Violation – Penalty.

6.04.010 Purpose.

It is the intention of the ordinance codified in this chapter to provide for the control, prevention and eradication of rabies, for the regulation and impounding of stray animals, for levying of license tax on the ownership and/or possession of all dogs in the City and to make it unlawful to willfully allow animals to run at large and to provide penalties for violations hereof. (Ord. 380 § 2, 1982).

6.04.020 Definition of terms.

For the purposes of this title, the following words and phrases are defined and shall be construed as hereinafter set forth, unless it shall be apparent from the context that a different meaning is indicated:

A. "Animal" shall mean any wild or domestic animal, including, birds, and fish, or any other non-human creature.

B. "At large" shall mean any animal off the premises of its owner and not under the direct control of the owner or some responsible person authorized by such owner.

C. "Dog license" shall mean the license required to be annually issued for each individual dog.

D. "Kennel" shall mean any person engaged in the commercial business of breeding, buying, selling or boarding animals.

E. "Owner" shall mean any person owning, having control or custody or possession of any animal.

F. "Quarantine" shall mean the taking up and impounding of an animal in the County Animal Shelter by the Animal Control Officer for a period of 10 days, or, in the discretion of the Animal Control Officer or the Health Officer, the confinement of an animal in a substantial pen, or tied by a stout chain on the property of the owner of the animal so that the animal does not come into contact with any other animal or any human being for a period of 10 days.

G. "Unlicensed dog" shall mean a dog for which the license for the current year has not been paid and to which the tag provided for in this chapter is not properly attached. (Ord. 380 § 2, 1982).

6.04.030 Animal control.

It is found and determined by the Council that the public interest, health, safety, and welfare of the residents of the City require that the Napa County Department of Environmental Health be designated as the enforcement agency of animal control within the City. Such enforcement agency is authorized and charged to enforce the provisions of this chapter within the City limits.

All references in this chapter to "Animal Control Officer" shall mean the animal control officer for the County, also known as the rabies control officer.

6.04.040 Animal Control Officer authorized to enter private premises.

A. The Animal Control Officer is authorized to demand the exhibition of any dog, owned or under the control or in the custody of any person residing within the City, and to require the exhibition of the license for such dog or any other reasonable information that may be required. It shall be the duty of such person to exhibit the dog and such license to the Officer upon demand.

B. Pursuant to Section 12031 of the Penal Code the Animal Control Officer is authorized to carry firearms when acting within the course and scope of that officer's employment.

C. If the Animal Control Officer in discharging any firearm or tranquilizer gun in the exercise of duties under this chapter, shall injure or destroy any animal, neither the officer, nor the City shall be liable as a result thereof. (Ord. 380 § 2, 1982).

6.04.050 Use of the County pound.

The Animal Control Officer shall use the County pound. (Ord. 380 § 2, 1982).

6.04.060 License and license tax for dogs.

A. Every owner of any dog in the City, which dog is over the age of three months, shall obtain annually a license for such dog from the Animal Control Officer and shall pay therefor a fee as set forth pursuant to the Napa County Code.

B. A license shall be valid only for the particular dog for which it is procured and as described in the application therefor. In the event of the transfer of ownership of any dog, the existing license may be transferred to the name of the new owner upon application of the new owner to the Animal Control Officer.

C. This section shall not apply to:

1. Any dog brought into the City and kept therein for a period not to exceed 60 days by a person who is a nonresident and is traveling through the City or temporarily sojourning therein for a period not to exceed 60 days;

2. Any dog brought into and kept in the City for a period not to exceed 60 days for the exclusive purpose of entering the dog in any show, exhibition, field trials or other competition;

3. Any dog found in the City whose owner resides in any other place in the County and such dog is wearing a license tag for the current year issued by the County; or

4. Any dog brought or sent into the City for the exclusive purpose of receiving veterinary care in any veterinary hospital; provided, that such dog is kept at all times within such hospital. (Ord. 380 § 2, 1982).

6.04.070 Vaccination.

A. No dog license shall be issued to any person for any dog until such person presents to the Animal Control Officer a certificate from a licensed veterinarian upon such forms as are approved by the Animal Control Officer showing that such dog has been vaccinated against rabies with a vaccine of an approved type.

B. Every owner of any dog in the City over the age of three months shall have such dog vaccinated against rabies at least once every two years. (Ord. 380 § 2, 1982).

6.04.080 Dog license tag to be maintained on dog at all times.

It is unlawful for any person to own, harbor or keep or to have possession, charge, care, custody or

control of any dog within the City over the age of four months, unless the dog is licensed and has attached to its neck a substantial collar on which a license tag is attached. (Ord. 380 § 2, 1982).

6.04.090 Loss of dog license tag.

In the event a license tag is lost from any dog for which it has been issued, the owner shall procure a new license tag, the fee for which shall be in accordance with the Napa County Code. (Ord. 380 § 2, 1982).

6.04.100 Animals at large.

A. It is unlawful for any person who owns, harbors or keeps or who has possession, charge, care, custody or control of any animal within the City to willfully or negligently allow such animal to stray or run at large upon any public property or street or to permit such animal to run upon the property of another without the consent of the owner.

B. Each dog, other than a working dog, shall be confined by its owner or the owner's agent on a leash of not more than 10 feet in length during any time such dog is removed from the property of its owner or from an enclosed, private place.

C. "Working dog," as used in this chapter, shall mean a dog, while under the control of a human, which is used in the movement of livestock, or the lawful hunting or taking of game, or in field trials, exhibitions or competitions, or is an assistant to a disabled person. (Ord. 380 § 2, 1982).

6.04.110 Control of animal excrement.

A. It is unlawful for any person who owns, harbors or keeps, or who has possession, charge, care, custody or control of any animal to leave the excrement of any such animal on any public property or street or other place, or to leave the excrement of such animal upon the property of another without the consent of the owner.

B. Any person walking or exercising an animal upon any public property, street, or other place shall possess an appropriate receptacle to retrieve any excrement should such animal defecate during such walk or exercise. (Ord. 380 § 2, 1982).

6.04.120 Notice to owner.

When a dog is impounded and the owner of the dog is known, the Animal Control Officer shall so notify the owner of the dog in writing. (Ord. 380 § 2, 1982).

6.04.130 Authority to kill, injure or impound stray dog.

A. It is unlawful for any person to kill, injure, or impound any dog, the owner of which has complied with the provisions of this chapter, except as otherwise provided in subsections (B)(1) and (B)(2) of this section.

B. Any person may kill any dog in the City if either of the provisions of this subsection apply:

1. The dog is found in the act of killing, wounding or persistently pursuing livestock or poultry on land or premises not owned or possessed by the owner of the dog.

2. The person has such proof as conclusively shows that the dog has recently engaged in killing or wounding livestock or poultry on land or premises not owned or possessed by the dog's owner and the dog is not at that time under the reasonable control of the dog's owner or keeper. (Ord. 380 § 2, 1982).

6.04.140 Disposition of impounded animals.

A. The Animal Control Officer shall observe the following rules in disposing of impounded dogs and cats:

1. Subject to the provisions of subsection (A)(3) of this section, in the case of impoundment of a dog or cat whose owner can, in the judgment of the Animal Control Officer, reasonably be expected to be positively identified, the animal shall continue to be impounded for a period of six days while the Animal Control Officer takes all reasonable steps necessary to notify the owner of the impoundment. Such steps shall not be required to include publication of notice in a newspaper. If the Animal Control Officer is successful in notifying the owner or a representative of the owner, the animal shall continue to be impounded for a period of not more than four days from the date of notification, during which period the animal may be redeemed in accordance with the provisions of this chapter. If at the end of the four-day period the owner has not redeemed the animal, it shall be sold or otherwise disposed of or destroyed.

2. Subject to the provisions of subsection (A)(3) of this section, in the case of impoundment of a dog or cat whose owner cannot, in the judgment of the Animal Control Officer, be reasonably expected to be positively identified, the animal, if a dog, shall continue to be impounded for a period of not more than four days. If a cat, the animal shall be impounded for a period of not more than three days. During the time of impoundment, the animal may be redeemed in accordance with CMC

6.04.230. If at the end of such period the animal has not been redeemed, it shall be sold or otherwise disposed of or destroyed.

3. Any impounded dog or cat which, in the opinion of the Animal Control Officer, is sick, injured, feral or under the age of one month, may be destroyed by the Animal Control Officer, without complying with the provisions of subsections (A)(1) or (A)(2) of this section.

B. The Animal Control Officer shall dispose of or destroy all other impounded animals in accordance with applicable provisions of the California Agricultural Code. (Ord. 380 § 2, 1982).

6.04.150 Redemption of impounded animals.

The owner or person entitled to possession of any animal impounded under the provisions of this chapter may redeem the animal during regular business hours Monday through Friday (holidays excepted) before sale or disposal as herein provided, by paying to the Animal Control Officer the appropriate fees as set forth in the Napa County Code. (Ord. 380 § 2, 1982).

6.04.160 Diseased or vicious animals.

A. Whenever it appears that any animal in the City has bitten any person, it shall be the duty of the owner, or any other person having knowledge of such fact, to report the same to the Animal Control Officer, the County Health Officer, or other law enforcement officer of the City or County.

B. Whenever it appears to the owner, or any other person, that an animal in the City shows symptoms or signs of rabies or acts in such manner that would lead to a reasonable person to suspect that such animal might have rabies, it shall be the duty of such owner or other person to immediately notify the Animal Control Officer. It shall also be the duty of the owner to immediately confine such animal.

C. Whenever there is reasonable cause to believe that any animal is diseased or has bitten any person or livestock, the Animal Control Officer is authorized to take custody of such animal and keep it confined or quarantined for such period of time as is required in order to observe, examine and determine whether or not it is diseased or vicious or constitutes a menace to the public health or safety.

D. It shall be the duty of the County Health Officer to observe and examine any animal quarantined and determine whether the same is rabid and if the County Health Officer so determines, the officer shall direct the Animal Control Officer to destroy it.

E. Whenever any animal is bitten by an animal having, or suspected of having, rabies, the owner or person having custody or possession of the animal so bitten shall immediately notify the County Health Officer or the Animal Control Officer and shall restrain or confine such animal. The County Health Officer or the Animal Control Officer is authorized to quarantine any animal so bitten, or suspected of having been so bitten, for such period of time as is necessary to determine whether or not the animal has rabies.

F. Whenever any animal is quarantined, it is unlawful for the owner, or any other person, to violate the quarantine by removing the animal from the premises, allowing it to run at large, destroying it without authorization, concealing it from the County Health Officer or the Animal Control Officer, or disobeying any other quarantine restriction that may have been imposed by the County Health Officer or the Animal Control Officer. (Ord. 380 § 2, 1982).

6.04.170 Removal of dead or live animals.

The owner of any animal may request the Animal Control Officer to pick up and dispose of such animal or the body thereof, and the fee for such service shall be as set forth in the Napa County Code. (Ord. 380 § 2, 1982).

6.04.180 Ranch dogs.

Notwithstanding any other provision contained in this chapter, the owner or the person actually in control of the operation of any ranch, not less than 40 acres in area, who uses a dog or dogs for the purpose of assisting in the control or herding of livestock shall not be required to keep a license tag attached to the dog or dogs while upon the premises of the ranch. (Ord. 380 § 2, 1982).

6.04.185 Prohibited conduct.

A. No owner or possessor of any animal shall cause or permit it to do any of the following:

1. To trespass upon any private property without the consent of the owner thereof, and to knowingly permit the animal to remain upon the property or to habitually continue to trespass thereon.

2. To suffer or permit such animal to habitually bark or meow or act in such a manner as to continuously disturb the peace of any citizen or to be a public nuisance.

3. To be without proper and adequate food, water, shelter, care, and attention as described in Section 597(f) of the Penal Code.

B. No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions, or in such a manner as to subject the animal to extreme temperatures which may adversely affect the animal's health or safety.

1. Any animal control officer or law enforcement officer who witnesses a violation of this section shall have the right to impound the animal if, in the officer's opinion, the animal's health or safety is or will be thereby endangered. (Ord. 511 § 1, 1995).

6.04.190 Violation – Penalty.

Any person interfering or opposing any City official performing any duty imposed upon him or her by this chapter shall be deemed guilty of a misdemeanor.