

## CHAPTER V

### ANIMAL CONTROL

#### 5-1 Definitions.

As used in this section;

- a. "*Dog*" shall be deemed to include both male and female dogs, irrespective of age.
- b. "*Health Officer*" shall mean the duly appointed and acting health officer of the County of Kern while performing the duties of health officer in the City of Ridgecrest pursuant to Section 476 of the Health and Safety Code of the State of California. It shall include his duly authorized assistants, sanitarians, and animal control officers.
- c. "*Animal Control Officer*" shall mean the duly appointed Animal Control Officer of the City.
- d. "*License Collector*" shall mean the City Clerk of the City. (Ord. No. 85, § 2)

#### 5-2 Animal Shelter.

An animal shelter is hereby authorized and established for the impounding of animals under the direction and control of the Animal Control Officer. (Ord. No. 85, § 3)

#### 5-3 Duty of Animal Control Officer.

It shall be the duty of the Animal Control Officer to take and have charge of the animal shelter and to take and impound all animals, except cats, found at large upon any street, sidewalk, lane, alley, or other public or unoccupied place within the City, except animals fastened securely by a chain, rope, or leash, or except confined securely within private property legally controlled by the person in possession of the animal. It shall be the duty of the Animal Control Officer to take and impound all animals found in any place within the City which are being kept or maintained contrary to the provisions of this section. (Ord. No. 85, § 4)

(Original Animal Control Ord. No. 17, adopted 3/5/64, and its amendments, Ord. No. 27, 37, 53 and 58 were repealed by Ord. No. 85.)

**5-4 Animal Control Regulations.**

**5-4.1 Leash Law.** It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain any dog in any place in the City except fastened securely by a chain, rope, or leash, or except confined securely within private property legally controlled by the person in possession of the dog. (Ord. No. 85, § 5)

**5-4.2 Barking, Howling, or Other Unreasonable Animal Noise.** Persons owning or keeping an animal shall prevent such animal from disturbing the peace of another person by loud and persistent or loud and habitual barking, howling, yelping, braying, whinnying, crowing, calling, or making another loud and persistent or loud and habitual noise, whether the animal is on or off the owner's or keeper's premises.

(Ord. No. 02-01, §§ 2, 3)

**Editor's note**—Ord. No. 02-01, §§ 2, 3, repealed and reenacted § 5-4.2 to read as herein set out. Formerly, § 5-4.2 pertained to animal noises and derived from Ord. No. 85, § 6.

**5-5 Licensing.**

**5-5.1 Dogs, Licensing Required.** It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain any such dog in any place in the city, unless such dog is licensed as provided herein. This section shall have no application to dogs under the age of four months which are fastened securely by a chain, rope, or leash, or confined within private property legally controlled by the person in possession of such dog. (Ord. No. 85, § 7)

**5-5.2 Dogs, Vaccination Required.** It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain any such dog in any place in the City, unless such dog has been vaccinated as required by this section, excepting dogs under the age of four months fastened securely by a chain, rope, or leash, or confined within private property legally controlled by the person in possession of such dog. (Ord. No. 85, §8)

**5-5.3 *No Licensing Without Vaccination.*** No person shall license any dog in the City until it has been vaccinated with canine chick-embryo origin modified live-virus rabies vaccine or other biennially-effective method approved by the Health Officer, or the owner or the person in possession of a dog submits a certificate from a licensed veterinarian issued within the preceding 60 days stating that in his opinion the rabies vaccine would be likely to seriously injure the dog. Any dog so excepted from rabies vaccination shall be restricted to the enclosed yard of the owner or person in possession of the same except when held upon a chain, rope, or leash. Any violation hereof by the owner or person in possession of such dog shall be unlawful. (Ord. No. 130, §1; Ord. No. 85, §9)

**5-5.4 *Vaccinator.*** Said vaccination shall be performed by any duly qualified and licensed physician or veterinarian. This person may be hereinafter referred to as the "vaccinator". The vaccinator shall issue to the owner or person in possession of the dog which has been vaccinated a certificate of vaccination in a form approved by the Health Officer and endorsed by the vaccinator showing the date of such vaccination. (Ord. No. 130, §2; Ord. No. 85, §10)

**5-5.5 *Fees and Penalties.*** License fee amount, due date and penalties shall be set forth by resolution. (Ord. No. 79-2, §2; Ord. No. 130, §3; Ord. No. 85, §11)

**5-5.6 *Dog License Tag.*** Upon exhibition of the proper certificate of vaccination or a proper certificate of exemption from vaccination and payment of the license fee, there shall be delivered to the person making such payment a metal tag, with the number and year stamped or cut thereon, and the words "Dog Tag" stamped thereon, which dog tag shall be securely fastened to a collar or harness which must be worn at all times by the dog for which the tag was issued. If the dog is exempted from vaccination, the dog tag shall have a distinguishing mark as evidence of such fact. Said tag while attached to a dog's collar or harness shall be prima facie evidence that the dog for which the same was issued has been licensed during the calendar year for which said tag

§ 5-5.7 CITY OF RIDGECREST ORDINANCES

was issued and has been vaccinated or is exempt from the requirement of vaccination. (Ord. No. 85, §12)

5-5.7 *License Issuance by Others.* In order to facilitate the licensing of dogs in the City and the collection of fees thereon, the license collector may authorize the Animal Control Officer, his deputies, or any duly qualified and licensed physician or veterinarian to license any dog, collect the license fee thereon and issue to the person paying said fee the dog tag herein provided for at the same time said dog is vaccinated with canine rabies vaccine and a certificate of vaccination is issued, or at the same time that said dog is given a certificate of exemption from such vaccination. Any person so authorized by the license collector to perform the aforementioned acts shall account to the license collector not less than once each month for all dogs so licensed and all license fees collected. (Ord. No. 85, §13)

5-5.8 *Lost License Tag.* Whenever, during the biennial period for which it is effective, a dog tag issued pursuant to this section has been lost or taken or stolen by parties unknown to the owner or person having the care, custody, or control of the dog for which the dog tag was issued, such owner or person having the care, custody, or control of such dog may, upon payment of one (\$1.00) dollar and exhibition of evidence of vaccination in compliance with this section and on making and subscribing to an affidavit of such loss of the tag, receive from the license collector a duplicate tag for the remaining portion of the biennial period for which the original dog tag was issued. (Ord. No. 85, §14; Ord. No. 130, §4)

5-6 Seizure of Dog.

5-6.1 *Seizure of Dogs Without License Tags.* If any dog is found in or upon any place in the City without having an official tag attached to its collar or harness as required by this section, said dog shall be presumed a stray dog and shall be presumed not to have been vaccinated or licensed as required by this section. The Animal Control Officer, his deputies or assistants, any person employed by the City, and citizens acting pursuant to subsection 5-15 of this section, are

## ANIMAL CONTROL

§ 5-6.5

hereby authorized and empowered to capture any unlicensed stray dog which is found running at large in or upon any place within the City. The Animal Control Officer is authorized, empowered and directed to confine such dogs at the animal shelter. (Ord. No. 85, §15)

**5-6.2 *Citizen Seizure of Dogs.*** Any citizen finding at any time any dog at large contrary to the provisions of subsections 5-3 or 5-4 of this section may take up and hold the same; provided, however, that such person so taking up such dog shall within four hours after taking up such dog notify the Animal Control Officer of the fact that he has such dog in his possession and shall, upon demand, surrender possession of such dog to the Animal Control Officer. Such person taking up such dog may deposit such dog at the animal shelter of the City if such shelter is open for business. It shall be the duty of the Animal Control Officer to take custody of any such dog immediately upon receipt of such notification and impound the same subject to the provisions of this section pertaining to the redemption and/or disposition of dogs impounded. (Ord. No. 85, §16)

**5-6.3 *Confinement of Dogs Seized.*** Any dog taken up and impounded by the Animal Control Officer shall be confined in the animal shelter. It shall be the duty of the Animal Control Officer to cause any dog suspected of having rabies to be examined by a licensed veterinarian to determine whether or not it is affected with rabies. (Ord. No. 85 §17)

**5-6.4 *Notification to Owner.*** Any officer or other person capturing and holding a dog under the provisions of this section shall make a reasonable effort to locate and notify the owner thereof, if known, that the animal is being held at the animal shelter and may be reclaimed by him within a period of three days from the date of seizure, as provided herein. (Ord. No. 85, §18)

**5-6.5 *Release of Unlicensed Dogs — Vaccination Receipt.*** In the event that an unlicensed dog appears to be free from rabies and the owner desires to claim said dog before or after it is impounded, it shall be returned to him upon his paying to the Animal Control Officer the following:

a. Cost of obtaining a vaccination, if the owner does not produce a certificate that the dog has either been vaccinated as required by this section or been exempted;

b. Cost of a dog license tag;

c. Sheltering costs, if dog was impounded.

The Animal Control Officer shall issue for such vaccination cost and other costs a receipt containing the date and a statement that if the owner of the dog secures the vaccination of the dog by a vaccinator in the City and surrenders said receipt to the vaccinator, said vaccinator, if he accepts said receipt in payment of charges for vaccination of said dog, may reimburse himself from the City for said charges, not to exceed the amount herein specified. If a vaccinator accepts said receipt in payment, he shall not make any other charge for said vaccination of such dog. The sum of five (\$5.00) dollars is hereby fixed as the cost of vaccination to be charged by officials enforcing the provisions of this section. No person shall issue a license tag for such released animal until the owner shall produce a certificate of vaccination endorsed by a licensed physician or veterinarian. (Ord. No. 85, §19)

*5-6.6 Audit of Receipts — Reseizure.* The Animal Control Officer shall monthly audit all vaccination receipts issued to ascertain whether any person receiving a released dog shall have failed to have the released dog vaccinated or have failed to obtain a license tag for such dog. When such failure has been confirmed, the Animal Control Officer shall immediately search for and seize and impound said dog. For the purpose of seizing and impounding a dog pursuant to this section, the Animal Control Officer is authorized and empowered to enter upon the private property of the owner or person in possession of said dog to seize and impound said dog. (Ord. No. 85, §20)

*5-6.7 Sale or Destruction of Unclaimed Animals.* In the event the owner does not claim an impounded animal within three days after seizure and in the event the City continues to hold the possession of the animal, the Animal Control Officer is authorized and empowered to deliver the animal to any other person pursuant to the provisions of subsection 5-6.9 through 5-6.13 of this section. (Ord. No. 85, §21)

5-6.8 *Record and Treatment of Animals Seized.* The Animal Control Officer shall keep a true and faithful record of the number and description of all animals taken into his custody, with the date of their impounding, area where collected, duration of detention at the animal shelter, date and manner of their disposition, fees collected, and such other information as may be required by the City Administrator. He shall provide the necessary subsistence for animals while in his custody and shall not alter, nor suffer to be altered, any mark or brand thereon, and shall not suffer cruel treatment thereof. (Ord. No. 85, §22)

5-6.9 *Notice of Public Auction of Unclaimed Animals.* All animals, except animals affected with rabies, taken into custody of the Animal Control Officer, if not reclaimed within 24 hours thereafter, may be sold by the Animal Control Officer after giving at least three days notice of such sale. The notice shall describe the animal and shall state the time and place of sale and shall be posted on the official City Hall Public Bulletin Board, the official Police Department Public Bulletin Board, and at the entrance to the animal shelter. A copy of said notice shall be mailed at least three days in advance of the sale to the owner or person formerly in possession or control of said animal, if known to the Animal Control Officer, at such person's residence or place of business. (Ord. No. 85, §23)

5-6.10 *Public Auction of Unclaimed Animals.* At the time advertised the Animal Control Officer shall sell all the animals so advertised at public auction to the highest bidder for cash. He shall begin the bidding at a price which shall include the costs of sheltering for each auctioned animal and dog vaccination and licensing fees, where appropriate. If no bid is offered for an animal, the Animal Control Officer shall dispose of it by private sale or destruction in a humane manner. The Animal Control Officer shall not release an unlicensed dog until he shall have issued to the person obtaining the dog a receipt for vaccination and license fees in accordance with subsection 5-6.5 of this chapter. Proceeds of such sale and fees shall be accounted for in a manner

§ 5-6.11 CITY OF RIDGECREST ORDINANCES

required by the City Administrator and delivered to the City Clerk the day of the sale or the next working day. (Ord. No. 85, §24)

5-6.11 *Owner Claim to Auction Proceeds.* The City Council, after the City Clerk has deducted vaccination, licensing, sale, and sheltering costs, shall pay the balance of the proceeds of public auction or private sale to the owners of such animals sold who claim such proceeds within three months of the date of the sale. (Ord. No. 85, §25)

5-6.12 *Costs of Sheltering.* Costs of sheltering shall be set forth by resolution. (Ord. No. 85, §26; Ord. No. 79-2, §3)

5-6.13 *Fees and Charges to License Collector.* All fees and charges collected by the Animal Control Officer or his deputies in the performance of their duties under this chapter shall be delivered to the license collector for deposit in the City treasury. (Ord. No. 85, §27)

5-7 Rabid Dogs

5-7.1 *Symptoms of Rabies.* Whenever the owner or person having the care, custody, or control of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such owner or person having the custody or possession of such animal shall immediately notify the health officer. The health officer shall cause an inspection or examination of such animal to be made by a licensed veterinarian until the existence or non-existence of rabies in such animal is established to the satisfaction of such veterinarian. (Ord. No. 85, §28)

5-7.2 *Reports of Dog Biting.* Any person owning or having the care, custody, or control of any dog that bites any person and any person bitten by such dog may report the same to the health officer. The Animal Control Officer shall also be notified and he shall place said dog under regulation and quarantine under direction of the health officer for such time as may be required by State law or the rules and

regulations of the State Department of Public Health. Said regulation or quarantine may be had at the home of the owner or possessor of said dog or at such other place as may be designated by the health officer, and said dog shall be kept securely enclosed and under strict observation. (Ord. No. 85, § 29)

**5-7.3 *Biting by Animal Suspected of Rabies.*** Whenever any animal shall be bitten by another animal suspected of having rabies, the owner or person having the custody or possession of the animal so bitten shall, upon being informed thereof, notify the health officer and either kill such animal or quarantine it and keep it confined or tied up for such time as may be required by State law or the rules and regulations of the State Department of Public Health; and the health officer shall have power, in his discretion, to quarantine the animal so bitten in case the owner or person having custody or possession thereof shall fail to do so immediately or in case he is not readily accessible. (Ord. No. 85, § 30)

**5-7.4 *Disposition of Animal with Rabies.*** If it shall appear to the health officer from the report of a licensed veterinarian that an animal is afflicted with rabies, he shall kill and destroy such animal forthwith and/or shall take such other action as in his discretion he deems necessary to prevent the spread of such disease. (Ord. No. 85, § 31)

## **5-8 Vicious Dogs**

**5-8.1 *Handling of Vicious Dogs.*** If it shall be determined by the health officer, after giving the order of quarantine mentioned in subsection 5-7.3 of this chapter that the said dog is a vicious dog, although not afflicted with rabies, the health officer shall thereupon order the person who owns or has the custody of said dog to keep the said dog at all times securely fastened by chain or securely confined within the private property of said owner or person having the custody of said dog, or keep said dog in such manner as said health officer shall direct, to prevent it from biting or having the opportunity of biting any persons, including persons lawfully on the premises where said dog is so fastened or confined, until further order of the health officer. (Ord. No. 85, § 32)

5-8.2 CITY OF RIDGECREST ORDINANCES

5-8.2 *Violation of Order on Vicious Dog.* Any violation by the said owner or person having custody of said dog of the said order of the health officer shall be unlawful. (Ord. No. 85, § 33)

5-8.3 *Determining Vicious Dogs.* In determining whether or not a dog is vicious, the health officer shall be guided by the following:

- a. Whether or not the said dog has bitten any person or persons at any time other than the occasion which gave rise to the operation of subsection 5-7.2;
- b. The circumstances surrounding the occasion indicating the temper or ferocity of the said dog;
- c. The reputation of the said dog in the community in regard to its temper and ferocity; and
- d. Is general menace to the public.

This section shall be operative even though the dog in question has been vaccinated and licensed as required by this chapter. (Ord. No. 85, § 34)

**5-9 Disposition of Infirm Animals.**

It shall be unlawful for any person to willfully abandon or turn loose to run at large any animal unfit for further use by reason of disease, old age, or injury. Whenever any animal is taken up for impounding which in the opinion of the Animal Control Officer is, by reason of age, disease, or injury, unfit for further use or dangerous to be kept impounded, the Animal Control Officer shall within twenty-four (24) hours thereafter destroy such animal. (Ord. No. 85, § 35)

**5-10 Disposition of Dead Animals on Owner's Request.**

- (a) The Animal Control Officers upon the request of any owner or person in possession of any accessible dead animal, under one hundred (100) pounds in weight, may pick up and dispose of said animal as allowed by law. The Animal Control Officer and the Health Officer shall each have the power to require the owner or person in possession of any dead animal over one hundred (100) pounds in weight to forthwith bury the same. If such owner in possession shall

refuse to bury the same, the Animal Control Officer and the Health Officer shall each have the power to cause the rental and operation of such heavy equipment or the employment of such persons as is necessary to bury said dead animal and to cause the cost of such rental and operation of said heavy equipment or the wages of said employed persons to be a charge against the owner or person in possession of said dead animal over one hundred (100) pounds in weight, which charge the Animal Control Officer shall have the power to collect. In the event that the owner or person having had possession or control of said dead animal is unknown, said charge shall be a charge against the City treasury. Nothing in this section shall be construed so as to require the Animal Control Officer or the Health Officer to bury or cause to be buried or cause to be picked up any dead animal.

- (b) Fees for this service shall be established by the City Council by resolution. (Ord. No. 85, § 36; Ord. No. 96-04, § 2)

#### **5-11 Disposition of Dead Animals Found on Public Streets.**

It shall be the duty of the Health Officer and the Animal Control Officer whenever it comes to their knowledge that any dead animal is upon any of the public streets, alleys, sidewalks, or other public places within the City, to order the owner or person who had possession or control of such animal while alive to bury or destroy the same. In the event the owner or person who had possession or control of the animal while alive fails to bury or destroy the same after being so offered by the Animal Control Officer or Health Officer, the Animal Control Officer and the Health Officer are each hereby authorized to cause the rental and operation of such heavy equipment or the employment of such persons as is necessary to bury said animal and to cause the cost of such rental and operation of said heavy equipment or the wages of said employed persons to be a charge against the owner or person having had possession or control of such animal, which charge the Animal Control Officer shall have the power to collect. In the event the owner or person having had possession or control of said dead animal is unknown, said charge shall be a charge against the City treasury. (Ord. No. 85, § 37)

**5-12 Offenses.**

**5-12.1 Offenses: Placement of Dead Animals on Public Streets.** It shall be unlawful for an owner or person having had the possession or control of any animal while alive, to place the body of such animal or cause or permit it to be placed or to knowingly allow or permit the same to remain, in or upon any public street, alley, sidewalk, lane, park, or other public place. (Ord. No. 85, § 38)

**5-12.2 Offenses: Resisting Action of Animal Control Officer or Health Officer.** Any person rescuing or attempting to rescue any animal from the Animal Control Officer or Health Officer while either is about to convey the animal to the animal shelter, or in any way directly or indirectly removing or delivering an animal from the animal shelter or from a vehicle operated by the Animal Control Officer or the Health Officer, or causing or enabling an animal to escape therefrom without the express consent of such officer, shall be deemed guilty of a misdemeanor. (Ord. No. 85, § 39)

**5-12.3 Offenses: Failure to Furnish Information.** Any person owning or having the care, custody, or control of any dog in the City who willfully refuses, fails, or neglects to furnish to the Animal Control Officer, or to the Health Officer, or to the License Collector, or to any duly licensed physician or veterinarian authorized to vaccinate and license dogs and to collect the license fees thereon, as provided herein, the information necessary to properly vaccinate and license such dog, or who fails, neglects, or refuses to pay the license fee at the time and in the manner herein provided; or who violates any of the provisions of this chapter declared to be unlawful, shall be guilty of a misdemeanor and shall be punishable by imprisonment in the County Jail for a term of not to exceed six (6) months or a fine of not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment. (Ord. No. 85, § 40)

**5-13 Citation Power.**

The Animal Control Officer and the Chief of Police and their deputies are hereby designated as persons who may issue citations for the violation of any of the provisions of this chapter

pursuant to the citation procedure as prescribed by ordinance or State law. Failure to appear in court in violation of a written promise to so appear shall be punishable as set forth in ordinance or State Law. (Ord. No. 85, § 41)

#### **5-14 Penalties.**

Violation of this chapter is an infraction as defined by Penal Code Section 19c; and is punishable by a fine not to exceed fifty dollars (\$50.00) for a first offense, and a fine not to exceed one hundred dollars (\$100.00) for a second offense, and a fine not to exceed two hundred fifty dollars (\$250.00) for a third and any subsequent offense. Prior offenses must be pleaded and proven. (Ord. No. 85, § 42; Ord. No. 79-2, § 4)

#### **5-15 Cleanliness of Animal Cage or Pen Required.**

It shall be unlawful for any person, firm or corporation owning, possessing or controlling any dog, cat, fowl, reptile, pet or animal of any kind to permit the pen, cage, yard or other facilities in which such animal is kept and maintained to accumulate dropping, food, garbage, refuse or any other matter so as to cause flies, odors or other noxious, or unsanitary conditions to exist, or to allow any pen, cage, yard or other facilities in which such animal is kept to be maintained in any condition which is dangerous to the health or safety of any person. (Ord. No. 108, § 1; Ord. No. 79-7, § 1)

**5-15.1 Penalties.** Any person, firm or corporation violating any provision of this section shall be deemed guilty of an infraction and upon conviction thereof shall be liable to the penalty established in Chapter I, Section 1-5. Each day the condition exists shall be deemed a separate offense for which the violator may be cited and fined. (Ord. No. 108, § 2; Ord. No. 79-7, § 2)

#### **5-16 Sale of Animals Prohibited.**

**5-16.1 Prohibitions.** It shall be unlawful for any person to display, sell, offer for sale, barter or give away, upon any street, sidewalk, or other public place in the City, as pets or novelties, any cat, dog, fish, fowl, reptile, rodent, or other live animal. This shall not be construed to prohibit the display, advertising for sale,

5-16.2 CITY OF RIDGECREST ORDINANCES

or sale of such live animals legally for sale in or at licensed pet shops, kennels, aviaries, fish hatcheries or for sale at ranches or stables located outside of the city limits. (Ord. No. 78-4, § 1)

5-16.2 *Penalties.* Any violation of this section shall, upon conviction, be liable to the penalty established in Chapter I, Section 1-5. (Ord. No. 78-4, § 2)