Chapter 6.12 DOGS*

***Note to Chapter 6.12.**

** Prior code history: Prior code §§ 6.12.010--6.12.140 and 6.16.010--6.16.130.*

Article I. Registration and Licenses

6.12.010 Dog registration and licensing.

Except as provided in Section 6.12.080, it is unlawful to own, keep or control any dog unless (and except) a license has been procured therefor as provided in this chapter. This section shall have no application to dogs under the age of four months fastened securely by a rope, chain or leash, or confined within private property of the owner or person having control of the dog. (Ord. 2000-01 (part), 2000)

6.12.020 Dogs—Vaccination required.

It is unlawful for any person owning, harboring, or having the care, custody or possession of any dog to keep or maintain such dog in any place in the city, or except as provided in Section 6.12.030, unless such dog has been vaccinated as provided herein. This section shall have no application to dogs under the age of four months, who are fastened securely by a rope, chain or leash, or confined within the private property of the owner or person having control of the dog. (Ord. 2000-01 (part), 2000)

6.12.030 Vaccination—Exception.

The police department or other agency designated by resolution shall not license any dog until it has been vaccinated with canine rabies vaccine by injection or other method approved by the health officer during the time prescribed by state law or the rule and regulations of the State Department of Public Health, unless the owner or person in possession of the same submits a certificate from a licensed veterinarian issued within the preceding sixty days, stating that, in his opinion, the rabies vaccination 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 rope, chain, or leash. Any violation thereof by the owner or person in possession of such dog is unlawful. (Ord. 2000-01 (part), 2000)

6.12.040 Vaccination—Procedure.

The vaccination shall be performed by a duly qualified and licensed veterinarian. The veterinarian vaccinating the dog shall issue to the owner or person in possession of the dog a rabies vaccination tag and a certificate of vaccination, which certificate shall include:

A. The type of vaccine used;

B. The date of vaccination;

C. Description of the dog, including age, breed and color;

D. Serial number of rabies vaccination tag issued to dog;

E. Name and address of owner of dog;

F. Statement that the dog is male, neutered male, female, or spayed female. A copy of this certificate shall be sent to the police department or other agency designated by resolution. (Ord. 2000-01 (part), 2000)

6.12.050 Registration record.

The police department or other agency designated by resolution shall maintain a record in which it shall, upon the application of any person owning or having the custody of any dog in the city, and the payment to it of the license fee prescribed, register the dog by entering in the record its name, if any, its sex and general description, whether it has been spayed or neutered, the name of its owner or custodian, the number of the tag issued therefor, the date of expiration of the rabies vaccine, the date of issuance and the amount received for the license fee. (Ord. 2000-01 (part), 2000)

6.12.060 Dog tags.

Upon exhibition of the proper evidence of 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 - County of San Luis Obispo", 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. This tag, while attached to a dog's collar or harness, shall be prima facie evidence that the dog for which the tag was issued has been licensed during the calendar year for which the tag was issued, and has been vaccinated. (Ord. 2000-01 (part), 2000)

6.12.070 Annual registration required.

On January 1st of each year, all prior licensing made under the provisions of this chapter shall be canceled and all tags theretofore issued shall become null and void and of no effect, and all dogs kept or permitted to remain in the city must be again licensed. The

new license fee shall become due and payable on January 1st of each year. (Ord. 2000-01 (part), 2000)

6.12.080 License fees.

All license fees shall be set annually; provided, however, that the fees previously set forth in this chapter shall be applicable until that date:

A. For licensing each altered dog, male or female, the police department or other agency designated by resolution shall collect and receive a fee, and for licensing each unaltered dog, male or female, it shall collect and receive a fee, unless the owner or custodian of the dog chooses to place a deposit for the spaying or neutering of the dog with the police department or other agency designated by resolution. This deposit shall be forfeited to the police department or other agency designated by resolution if the operation is not performed by the expiration date of the license issued;

B. The license fee shall be paid by March 8th of each year. After this date, a late penalty shall take effect and the late license fee shall be twice the pre-penalty fee;

C. Puppies must be licensed upon reaching the age of four months. A spay/neuter deposit may be placed with the police department or other agency designated by resolution, at which time the lesser fee shall be charged;

D. Any dog brought within the city after March 15th of each year shall be registered within thirty days, or these penalties shall attach from date of entry into the city; provided, that any dog which has a valid license from any other county or city within the state shall be so registered upon a fee of one-half the established fee;

E. Proration of License Fee. Any person acquiring ownership, care or custody of a dog, or having a dog reaching the age of four months between July 1st through December 31st, shall pay a license fee of one-half the established fee. (Ord. 2000-01 (part), 2000)

6.12.090 Lost tags.

If the tag issued for any duly registered dog is lost or accidentally destroyed during the year it is issued, the owner or custodian of such dog, upon making proof to the satisfaction to the police department or other agency designated by resolution of its loss or destruction, shall, upon payment of a fee of two dollars, receive for such dog another tag, whereupon the police department or other agency designated by resolution shall enter the number of the tag so issued on the register and cancel the tag previously issued for such dog. (Ord. 2000-01 (part), 2000)

6.12.100 License exceptions.

The provisions of this chapter requiring the licensing of dogs shall not apply to:

A. Dogs under the age of four months if fastened securely by a rope, chain or leash, or confined within the private property of the owner or person having control of the dog;

B. Dogs owned by or in custody or under the control of persons who are nonresidents of the city traveling through the city or temporarily sojourning therein for a period not exceeding thirty days;

C. Dogs brought into the city exclusively for the purpose of entering the dogs in any dog show or exhibition, and which are actually entered in and kept at such show or exhibition;

D. Dogs on sale in duly licensed pet shops, or dog kennels;

E. Dogs under the ownership, custody and control of the owner of a dog kennel duly licensed under the provisions of Section 6.12.080, or his duly authorized employee or agent, when such dogs are removed from such kennel in the bona fide operation thereof for the purpose of exercise or training; provided, that any such dog bear an identification tag attached to its collar, which tag shall set forth the name of the licensed kennel. A dog bearing such identification tag shall be treated in all respects as any other dog in the event of its escape and subsequent impoundment. (Ord. 2000-01 (part), 2000)

6.12.110 License fee exemptions.

A. All seeing-eye dogs and all dogs which have served with the armed forces of the United States of America during any period of actual hostilities must be licensed and vaccinated under the provisions of this chapter, but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued.

B. Dogs used by any governmental agency for the purpose of law enforcement must be licensed and vaccinated under the provisions of this chapter, but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued.

C. All dogs being raised and trained specifically to perform as a seeing-eye dog must be licensed and vaccinated under the provisions of this chapter, but their owners shall be exempt from the license fee as imposed, providing adequate evidence can be furnished at such time the license is issued. (Ord. 2000-01 (part), 2000)

6.12.120 Failure to obtain license or provide information.

It is unlawful for any person owning or having the care, custody or control of any dog in the city, to refuse, fail or neglect to pay the license fee at the time and in the manner herein provided, or to refuse, fail or neglect to furnish to the police department or other agency designated by resolution, the health officer, or any of their duly qualified and authorized deputies or employees, the information necessary to properly license the dog. (Ord. 2000-01 (part), 2000)

6.12.130 Counterfeiting.

No person shall imitate or counterfeit such registration tags or rabies vaccination tags. It is unlawful for any person to remove any tag from any dog not owned by him or not lawfully in his possession or under his control, or to place on any dog any such license tag not issued provided for above for that particular dog for the then current year, or to make or to have in his possession or to place on a dog any counterfeit or imitation of any license tag or vaccination tag provided for. (Ord. 2000-01 (part), 2000)

Article II. General Regulations

6.12.140 Stray dog—Defined.

"Stray dog" means any dog, licensed or unlicensed, which is in or on any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot, premises or property of another when not accompanied in the near vicinity by the person owning, having interest in, harboring, or having charge, care, control, custody or possession of such dog. Any stray dog shall be immediately seized and impounded by the police department or other agency designated by resolution. (Ord. 2000-01 (part), 2000)

6.12.150 Leash law.

A. Any person owning and/or possessing a dog must keep the animal on a leash not exceeding six feet in length. Further, the leash must be held by a person capable of controlling such dog.

B. Exceptions. A dog can be unleashed under any of the following circumstances:

1. When the dog is on private property of the owner or of another who has consented and is either:

a. Contained on the enclosed property of the owner or of another who has consented, or

b. Is under control of a person who is in the presence of the dog; or

2. When the dog is assisting a peace officer who is engaged in law enforcement duties; or

3. When the dog is in designated parks, as specified in a resolution of the city council. (Ord. 2000-01 (part), 2000)

6.12.160 Duties of police department—Enforcement.

It shall be the duty of the police department or other agency designated by resolution to patrol the incorporated area of the city from time to time and within notice of the public for the purpose of enforcing the provisions of this chapter. (Ord. 2000-01 (part), 2000)

6.12.170 Duty of police department—Impounding.

It shall be the duty of the police department or other agency designated by resolution to seize and impound, in a lawful manner, and subject to the provisions of this chapter, all stray or unlicensed dogs found within the incorporated area of the city. (Ord. 2000-01 (part), 2000)

6.12.180 Dogs running at large.

Any dog found trespassing on any private property in the city may be taken up by the owner or possessor of the property and delivered to the police department or other agency designated by resolution or detained on the property until picked up by the police department or other agency designated by resolution. (Ord. 2000-01 (part), 2000)

6.12.181 Dogs in public places--Prohibited locations.

Except as provided in Section 6.12.182 of this chapter, it is unlawful for any person owning, having an interest in, harboring or having charge of the care, custody, control or possession of any dog to cause or permit such dog to be on the city pier. (Ord. 2000-01 (part), 2000)

6.12.182 Exemptions to prohibition.

Section 6.12.181 shall not apply in the following circumstances:

A. To any recognized guide dog, when such dog is accompanying a totally or partially blind person, or a totally or partially deaf person or a person otherwise handicapped so as to require the assistance of such dog for the purpose of guiding such person; or when such dog is receiving training by a person licensed to train guide dogs.

B. Dogs used by or under the authority of the police department or other law enforcement agency for law enforcement purposes. (Ord. 2000-01 (part), 2000)

6.12.183 Removal of dog feces required.

Any person owning, having an interest in, harboring or having charge of the care, custody, control or possession of any dog which defecates upon public property (including, but not limited to, streets, walkways and parks) within the city must immediately remove and legally dispose of the feces. Failure to so remove and dispose of the feces shall constitute an infraction. Nothing herein shall be deemed to authorize any person to enter upon or to dispose of dog feces on the private property of another without permission. (Ord. 2000-01 (part), 2000)

6.12.190 Delivery to police department by private persons.

Every person taking up any dog under the provisions of this chapter, and every person finding any lost, strayed or stolen dog shall, within twenty-four hours thereafter, give notice thereof to the police department or other agency designated by resolution and every

person in whose custody such dog may, in the meantime, be placed shall surrender such animal to the police department or other agency designated by resolution without fee or charge; and the police department or other agency designated by resolution shall thereupon hold and dispose of such dog in the same manner as though such dog had been found running at large and impounded by same. (Ord. 2000-01 (part), 2000)

6.12.200 Notice of impoundment.

As soon as possible, but not later than the period of time as specified in SEC. 12. Section 31108 of the Food and Agricultural Code, after impounding any dog properly registered under the provisions of this chapter, the police department or other agency designated by resolution shall notify the registered owner or person having control of the dog by telephone, mail or orally that such dog is impounded, and that it can be redeemed within the period of time as specified in SEC. 12. Section 31108 of the Food and Agricultural Code, and unless redeemed, the dog will be disposed of in any manner as provided by this chapter. (Ord. 2000-01 (part), 2000)

6.12.210 Redemption of impounded dogs.

A. The police department or other agency designated by resolution shall securely keep any dog impounded for a period of time as specified in SEC. 12. Section 31108 of the Food and Agricultural Code unless the dog is sooner reclaimed or redeemed by the owner or person having control thereof. Except as may be provided in Section 6.12.230, the owner or person entitled to the custody of the dog so impounded may, at any time before the sale or other disposition thereof, during the office hours of the pound, reclaim or redeem the dog by exhibiting to the police department or other agency designated by resolution the license certificate or license tag showing that the license for the dog for the then current year has been paid and by paying the police department or other agency designated by resolution any charges provided for.

B. No fees whatsoever shall be charged or collected for or on account of any dog which has been unlawfully taken up or impounded. If the owner or person entitled to the custody of the dog believes that the dog has been unlawfully taken up or impounded, that owner or person may, within the seventy-two-hour redemption period, request that an impartial hearing be conducted to determine the sole issue of whether the dog was lawfully seized and impounded. If a dog has been unlawfully taken up or impounded, it shall be returned to its owner or the person entitled to the custody thereof. (Ord. 2000-01 (part), 2000)

6.12.220 Redemption fees.

The owner or person entitled to the custody of the dog impounded shall pay fees established by the police department or other agency designated by resolution before such dog is released:

A. Registration or license fee for the then current year, unless such fee has been previously paid and evidence of paid fee adequately exhibited;

B. Impound fee for the first occasion of any dog impounded within a calendar year;

C. Impound fee for the second occasion of any dog impounded within a calendar year;

D. Impound fee for the third and each subsequent occasion of any dog impounded within a calendar year;

E. Impound fee for the fourth and each subsequent occasion of any dog impounded within a calendar year. (Ord. 2000-01 (part), 2000)

6.12.230 Disposition of dogs.

At any time after the expiration of the period of time specified in SEC. 12. Section 31108 of the Food and Agricultural Code, the police department or other agency designated by resolution may, without further notice, and without advertising in any manner, sell, give away or dispose of in a humane way, any dog not reclaimed or redeemed as aforesaid; provided, however, the police department or other agency designated by resolution may not sell, give away or transfer title to any dog or any other animal to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biologic sciences or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs. (Ord. 2000-01 (part), 2000)

6.12.240 Injured and diseased dogs.

Every dog taken into custody by the police department or other agency designated by resolution which by reason of injury, disease or other good cause as determined by a licensed veterinarian as dangerous or inhumane to keep impounded, shall be forthwith destroyed by the police department or other agency designated by resolution in a humane manner unless the owner or person entitled to the custody of the dog can be notified by the police department or other agency designated by resolution within a reasonable period of time to arrange and provide for medical care. The police department or other agency designated by resolution shall release such dog to its owner or person having control thereof upon payment of the redemption fees and other charges as provided in this title. However, if the licensed veterinarian determines that the dog is diseased and by reason of such disease is dangerous to persons or to other animals, or to the general health and welfare of the city, the police department or other agency designated by resolution shall destroy the dog. (Ord. 2000-01 (part), 2000)

6.12.250 Care of impounded dogs.

The police department or other agency designated by resolution shall provide all dogs in their custody with proper food and water, and shall give them all necessary care and attention. The police department or other agency designated by resolution may charge a fee at the time an impounded dog is redeemed by its owner or person having custody, or may charge these fees at such time that an unclaimed dog is sold. Specific fees for board are to be set annually. (Ord. 2000-01 (part), 2000)

6.12.260 Vicious and dangerous dogs.

A. If any dog within the city is known to have bitten any person or persons on at least two separate occasions, the police department or other agency designated by resolution shall notify the owner or person having control of such dog to so keep or surrender the dog in such manner as the police department or other agency designated by resolution shall direct. If it is determined by the police department or other agency designated by resolution that the dog cannot be properly controlled in order to ensure public safety, then the police department or other agency designated by resolution shall destroy the dog in a humane manner.

B. If any dog within the city is determined by the police department or other agency designated by resolution to be vicious and dangerous to the safety of any person or persons, the police department or other agency designated by resolution shall notify the owner or person having control of such dog to so keep or surrender the dog in such manner as the police department or other agency designated by resolution shall direct. If it is determined by the police department or other agency designated by resolution that the dog cannot be properly controlled in order to ensure public safety, the police department or other agency designated by resolution shall destroy the dog in a humane manner.

C. It shall be the duty of the owner or person having control of a vicious and dangerous dog, or a dog which has bitten human beings, to surrender the dog as may be ordered by the police department or other agency designated by resolution. (Ord. 2000-01 (part), 2000)

6.12.270 Biting dogs.

It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him, to inflict upon any human being a bite that penetrates the skin while the person bitten is in any public place, or legally upon any private property. The person bitten may request the police department or other agency designated by resolution to initiate criminal proceedings against such person by submitting a signed, written complaint. (Ord. 2000-01 (part), 2000)

6.12.280 Impounding of biting dogs.

A. Upon written notice by the health officer, police department or other agency designated by resolution, the owner or person having the control of any dog which has, within the preceding ten days, bitten any person or animal shall, upon demand, and in the discretion of the health officer, police department or other agency designated by resolution, follow one of the following procedures:

1. Confine the dog to his own premises; or

2. Surrender the dog to the police department or other agency designated by resolution who shall impound and keep the dog in a separate kennel for a period of not less than ten days; or

3. Surrender the dog to a licensed veterinarian as designated by the health officer or police department or other agency designated by resolution; or

4. Surrender the dog to the police department or other agency designated by resolution for a quarantine at any location or facility designated and approved by the health officer or police department or other agency designated by resolution.

B. If the dog is quarantined on the premises of the owner, the police department or other agency designated by resolution may post a quarantine sign on such premises, and it is unlawful for any person to remove the sign during the term of such quarantine without the consent of the health officer, the police department or other agency designated by resolution. Any quarantine provided in this section shall be for a term of not less than ten days unless otherwise specified by the health officer. During the period, it shall be the duty of the health officer, upon being notified by the police department or other agency designated by resolution that the dog has been impounded to determine whether or not such dog is suffering from any disease. If a duly licensed veterinarian designated by the health officer shall determine that the dog is diseased and, by reason of such disease, is dangerous to persons or to other animals, he shall so notify the police department or other agency designated by resolution in writing, to destroy the dog. A copy of the notice may also be served upon the owner or person having control of the dog. If the veterinarian shall determine that the dog is not so diseased, the police department or other agency designated by resolution shall notify the person owning or having control of the dog at the address from which the dog was surrendered to the police department or other agency designated by resolution and shall, upon demand, release the dog to the owner or person lawfully entitled thereto, upon payment of any charges provided therefor, including expenses of quarantine and veterinary care; provided, however, that if no person lawfully entitled to such dog shall within three days after the date of giving the last mentioned notice, appear at the kennel where the dog is impounded and request the release of the dog, and pay the charges, the dog may be sold or destroyed by the police department or other agency designated by resolution in the same manner provided in this chapter.

C. Whenever a dog is ordered to be quarantined on the premises of the owner, an administrative fee to cover the expense of monitoring the quarantine will be charged. The fee shall be set annually. (Ord. 2000-01 (part), 2000)