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### ARTICLE I. DEFINITION

#### SEC. 4.1 DEFINITIONS

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

- (a) DOG. Any member of the canine family and shall include female as well as male dogs.
- (b) OWNER. Any person owning, having an interest in or having control or custody or possession of any animal.
- (c) AT LARGE. A dog on or upon any public street, alley or other public place, or in or upon any unenclosed lot or premises within the City, and not under restraint by leash, rope or chain nor over six feet in length securely and continuously held by a competent person.
- (d) ANIMAL. Any mammal, including but not limited to, horse, cow, goat, sheep, dog and cat.

- (e) HORSE. Includes mule, burro, pony, jack, hinny or jenny.
- (f) WILD ANIMAL. Any animal not ordinarily and customarily domesticated but under human control, including, but not limited to, skunk, raccoon, opossum, squirrel and fox.
- (g) PERSON shall include any person, partnership, corporation, trust and association of persons.
- (h) DIRECTOR. The Alameda County Director of Field Services or his authorized deputy or representative.
- (i) SHELTER. A facility designated by the director for the impoundment of animals.
- (j) AREA. The unincorporated area of the county or any city that has adopted the provisions of this chapter. (Ord. No. 291 N.S., '1; Ord. No. 353 N.S., '1)

## ARTICLE II. DOG LICENSES<sup>1</sup>

### SEC. 4.2 LICENSE-REQUIRED.

Every person within the area owning, possessing, controlling, harboring or keeping any dog over four months of age shall procure a dog license tag for each dog, as long as ownership of the dog continues, or within ten days after acquiring or bringing into the area any dog over the age of four months, and thereafter on expiration of the rabies vaccination. (Ord. No. 291 N.S., '1; Ord. No., 353 N.S., '2)

### SEC. 4.3 LICENSE-EXEMPTIONS

This article does not apply to dogs found within the area of the county under any of the following conditions:

- (a) When the dog is owned by, or in the care of any person who is a nonresident or who is traveling through the area, or who is temporarily sojourning therein for a period not exceeding thirty days, if the dog is not permitted to run at large;
- (b) When the dog is brought into the area, and kept therein for a period not

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<sup>1</sup> For state law as to authority of cities to require dog licenses, see Gov. C ' 38792; see also Ag. C. ' 30801 et seq.

exceeding thirty days, for the exclusive purpose of entering the dog in any bench show, dog exhibition, field trials or competition, if the dog is not permitted to run at large;

(c) When the dog is brought or sent into the area for the exclusive purpose of receiving veterinary care in any dog hospital, if the dog is not permitted to run at large;

(d) When the dog has a valid license from Alameda County or any city within Alameda County, it shall not be subject to the license requirement hereunder. (Ord. No. 291 N.S., ' 1; Ord. No. 353 N.S., ' 3)

#### SEC. 4.4 LICENSE-TERM

The effective period of each dog license issued shall be from the date of issue until a like date during the month in which the antirabies vaccination expires as shown in the vaccination certificate. (Ord. No. 291 N.S., ' 1; Ord. No. 341 N.S., ' 1)

#### SEC. 4.5 LICENSE-APPLICATION

The owner shall state, at the time application is made, and upon standard printed forms of application provided for such purpose, his name and address and the name, breed, color, age and sex of each dog and name and address of the veterinarian or clinic who issued the vaccination certificate when application is made. (Ord. No. 291 N.S., ' 1; Ord. No. 353 N.S., ' 4)

#### SEC. 4.6 ANTIRABIES VACCINATION CERTIFICATE<sup>2</sup>

As a condition for the issuance of a license all applicants for such license shall procure and deliver to the licensing authority a certificate issued by a duly licensed veterinarian certifying that the dog to be licensed has been administered an antirabies vaccination which will be effective at least one month after the issuance of such license. Notwithstanding any other provisions of this section, every person owning, possessing, controlling or keeping any dog within the City shall be required to keep such dog vaccinated against rabies at all times after the dog attains the age of four months. (Ord. No. 291 N.S., ' 1; Ord. No. 353 N.S., ' 4)

#### SEC. 4.7 ISSUANCE OF TAGS AND CERTIFICATES.

A metallic tag and license certificate with corresponding number shall be furnished by the licensing authority upon payment of the appropriate fee prescribed in Article V of this

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2 For state law as to rabies control, see H. & S.C.A. ' ' 1900 to 2000.

chapter. (Ord. No. 291 N.S., '1)

**SEC. 4.8 RECORD OF LICENSEES TO BE KEPT-LICENSE TAG TO BE WORN BY DOG AT ALL TIMES**

The licensing authority shall keep a record of the name of such owner or person making payment of such license fee and to whom a certificate and tag shall have been issued, and the number and date of such certificate and such tag. Such metal tag issued shall be securely fixed to a collar, harness or other device to be worn at all times by the dog for whom the registration is issued. (Ord. No. 291 N.S., '1)

**SEC. 4.9 INSPECTION OF LICENSE TAG BY AUTHORITIES**

No person shall fail or refuse to show to the chief of police, his representative, or any police officer, the license certificate and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under such person's immediate control. (Ord. No. 291 N.S., '1; Ord. No. 353 N.S., '5)

**SEC. 4.10 REMOVAL OF REGISTRATION TAGS PROHIBITED**

No unauthorized persons shall remove from any dog any collar, harness or other device to which is attached a registration tag for the current period, or remove such tag therefrom. (Ord. No. 291 N.S., '1; Ord. No. 353 N.S., '6)

**SEC. 4.11 REPLACEMENT OF LOST AND DESTROYED TAGS**

If the dog license tag is lost or destroyed, the owner shall immediately procure a new duplicate license tag from the licensing authority. (Ord. No. 291 N.S., '1)

**SEC. 4.12 COUNTERFEIT AND IMITATION TAGS**

No person shall imitate or counterfeit the tags prescribed by this article, or have in his possession any imitation or counterfeit tags. (Ord. No. 291 N.S., '1)

**ARTICLE III. BITING ANIMALS AND ANIMALS RUNNING AT LARGE<sup>3</sup>**

**SEC 4.13 RUNNING AT LARGE PROHIBITED**

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3 For state law as to dogs running at large, See Ag. C.A. '30951.

It shall be unlawful for any person owning or having in charge, care, control or custody any dog, except a Seeing Eye dog actually being used by a blind person, to cause, allow or permit such dog, whether licensed or unlicensed, on or upon any public street, alley or other public place, or in or upon any unenclosed lot or premises with the City unless such dog is kept securely confined by a rope, chain or other leash not over six feet in length, securely and continuously held by a competent person, or to permit either willfully or through failure to exercise due care or control any such dog to commit any nuisance on any property other than the street gutters outside of pedestrian ways or on any improved private property other than that of the owner or persons having charge, care, control or custody of such dog. For purposes of this section, any dog confined within any vehicle shall be deemed to be on the enclosed premises of the operator thereof, and any dog securely tied or chained so as to be confined within any unenclosed lot or premises shall be deemed to be on an enclosed lot or premises. It shall be unlawful for any person owning or having in charge, care, control or custody any dog to suffer or permit any such dog to trespass on private property. As an exception to this section, the City Council shall by resolution designate specific areas within the City in which any dog under the control of a competent person may be permitted to run without being secured by a rope, chain or other leash; provided that at no time shall a dog in such specified areas be further than fifty yards distance from the competent person controlling such dog or be allowed to threaten, intimidate, bite or endanger any person in such specified areas; provided further, that the City Council may by resolution from time to time set forth specific times or days in such designated areas during which no dog may be permitted to run without being secured by a rope, chain or other leash not over six feet in length. (Ord. No. 291 N.S., '1; Ord. No. 316 N.S., '1)

#### SEC. 4.14 BITING ANIMALS TO BE QUARANTINED

1. Purpose and Intent: There have been, are and will be in the future in the City of Piedmont dogs and animals which are vicious and which, as such, constitute a public nuisance which should be abated. The provisions of this Section are intended to provide a process pursuant to which such dogs and animals found, following a hearing at which oral and documentary evidence is considered, to be a public nuisance may be removed from the City or otherwise abated. This Section is intended to supplement rather than supplant any other remedy available either under State law or City ordinance. (Ord. No. 474 N.S. 2/3/86)

2. Vicious Animal Defined: The term "vicious animal" as used in this Section shall mean any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behavior patters, which are reputedly presumed to be vicious:

(a) An attack, without provocation, which requires a defensive action by any person to prevent bodily injury or property damage in a place where such person is conducting himself peaceably and lawfully.

(b) An attack, without provocation, on another animal which occurs off the property of the owner of attacking animal.

(c) An attack, without provocation, that results in an injury to a person in a place where such person is conducting himself peaceably and lawfully.

(d) Any aggressive behavior, without provocation, that constitutes a physical threat of bodily harm to a person where such person is conducting himself peaceably and lawfully.

For the purposes of this subsection 4.14.2, a person is peaceably and lawfully upon the private property of the owner of an animal when he/she is on such property in the performance of any duty imposed upon him/her by the laws of this state or any City or County or the laws of postal regulations of the United States or when he/she is on such property upon invitation, expressed or implied.

3. Investigation: In the event of a report or incident involving an animal biting a human, any animal is quarantined pursuant to Subsection 4.14.4 for biting a human being or other animal, the case shall be investigated by the Piedmont Animal Control Officer with the assistance of the City Police. In cases in which the owner of the animal refuses to cooperate in the investigation, the Animal Control Officer may request the assistance of the City Police. If, based on said investigation, the Animal Control Officer concludes there is probable cause to believe that the animal is vicious, then he/she shall so certify in writing to the Piedmont Police Department.

4. Confinement of Animal: If, pursuant to Subsection 4.14.3, an animal is certified to the Police Department as being probably vicious, the Animal Control Officer shall ensure that the animal is confined either on the premises of the owner or, if considered necessary to protect the public health, safety and welfare, at any approved animal shelter with the cost of confinement therein deemed a part of the cost of abatement if such is eventually the order. Said confinement shall continue pending disposition of the hearing provided for in Subsection 4.14.5.

5. Scheduled Hearing: The Police Department shall upon receipt of certificate under Subsection 4.14.3 schedule a hearing before the Chief of Police or his designate (hereafter called "Hearing Officer). The hearing date shall be no longer than 10 days from receipt by the Police Department of the certification. The Police Department shall mail by both regular and certified mail to the owner of the animal at the address where the animal is kept and maintained at least 7 days prior to the date set for hearing a notice in form substantially as follows:

'NOTICE OF HEARING REGARDING VICIOUS ANIMAL'

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4.14

of the City Code of the City of Piedmont, the Animal Control Officer has certified your animal being probably vicious. The animal is described as:

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FURTHER NOTICE IS HEREBY GIVEN that on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 198\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., in the Police Department, 403 Highland Avenue, Piedmont, Alameda County, California, the report of the Animal Control Officer will be considered by the Hearing Officer together with such oral and documentary evidence bearing upon the question of whether the animal herein is vicious.

In the event the animal herein is found to be vicious he will be abated as a public nuisance and the cost, if any, of said abatement assessed against you.

Dated: \_\_\_\_\_  
Chief of Police

In addition to sending such notice by mail, the Police Department shall either deliver a copy of such notice by personal service to an adult at the address where the animal is kept and maintained or shall post such notice prominently at such address, either by means of providing notice to be accomplished at least 5 days prior to the date set for hearing.

In the event that the record owner of the property on which the animal is kept and maintained is listed in the real property records of the City as residing elsewhere, a copy of such notice shall also be mailed to such record owner of the property at the other address in the same manner as if he were owner of the animal.

6. Hearing. At the hearing before the Hearing Officer, which may be continued from time to time at the discretion of the Hearing Officer, both oral and documentary evidence shall be taken and considered bearing upon the question of whether or not the animal in question is vicious, consistent with the provision so Subsection 4.14.3 hereof. No hearing shall be continued without proof to the Hearing Officer that the public is being adequately protected from any further attacks by the animal in question.

7. Findings: Public Nuisance. If, based upon the hearing, the Hearing Officer finds that the animal in question is vicious, he shall so specify in writing together with particular findings of fact. Any animal found to be a vicious animal is hereby deemed a public nuisance and shall be, pursuant to the order of the Hearing Officer, humanely destroyed by the Animal Control Officer, removed from the City or otherwise abated.

8. Appeal to Superior Court.

(a) The decision of the Hearing Officer may be appealed by any interested party to the Superior Court.

(b) The Hearing Officer will automatically stay the effect of his or her decision upon request for up to thirty (30) days provided that the animal's owner must demonstrate to the satisfaction of the Hearing Officer that the public is being adequately protected from the possibility of any further attacks by the animal in question.

(c) After an action has been commenced, the Superior Court may stay the Hearing Officer's decision provided that the animal's owner must demonstrate to the satisfaction of the Court that the public is being adequately protected from the possibility of any further attacks by the animal in question.

(d) Superior Court review shall be in accordance with Code of Civil Procedure Section 1094.5 and the Court shall exercise its independent judgement based upon the record of proceedings before the Hearing Officer.

9. Cost of Abatement. The cost of abatement shall be paid for by the owner of the animal and shall become a lien against the property of the owner, if any, upon which the animal is kept and maintained until said assessment is paid.

10. Payment of Assessment. It shall be lawful for any person to pay the amount of such assessment on or before the 15th day of July following its imposition. If said assessment is not paid on or before said date the total amount thereof shall be entered on the next fiscal year tax roll as a lien against the property of the owner upon which property the animal was maintained and shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.

11. Collection of Assessment. In the event that legal action is necessary to collect said assessment the owner of the animal shall pay all the expenses thereof, including but not limited to reasonable attorneys' fees incurred by the City, all as determined by the Court. (Ord. No. 291 N.S., ' 1; Ord. No. 353 N.S., ' 7; Ord. No. 474 N.S., ' 2 2/3/86)

#### SEC. 4.15 ANIMALS WHICH DIE WHILE UNDER ISOLATION

The head of an animal which dies while under isolation shall be submitted to the laboratory of the county health department for examination for rabies. (Ord. No. 291 N.S., ' 1)

#### SEC. 4.16 DUTY TO REPORT KNOWLEDGE OF BITE

Whenever any person having charge, care, control, custody or possession of any animal has knowledge that such animal has bitten any person or animal, or has been bitten by another animal, the person having such charge, care, control custody or possession of such animal shall report such fact forthwith to the chief of police or his representative. The report shall state the name and address of the person bitten, a description of the animal bitten, if any, the time and place where such person or animal was bitten, and any other information so requested b the chief of police or his representative. A copy of the report shall be forwarded by the chief of police or his representative to the county health officer within forty-eight hours. (Ord. No. 291 N.S., ' 1; Ord. No. 353 N.S., ' 8)

**SEC. 4.17 INTERFERENCE WITH AND MISTREATMENT OF POLICE DOGS**

No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the county sheriff or police department in the performance of the functions or duties of such department, or interfere with or meddle with any such dog while being used by such department or any member thereof in the performance of any of the functions or duties of such department or of such officer of member. (Ord. No. 291 N.S. ' 1)

**ARTICLE IV. IMPOUNDING OF ANIMALS<sup>4</sup>**

**SEC. 4.18 DUTY OF CHIEF OF POLICE TO IMPOUND ANIMALS**

It shall be the duty of the chief of police or his representative to take up, impound and safely keep any of the animals enumerated in Sec. 4.2 hereof and found running at large, staked, tied or being herded or pastured in any street, lane, alley, court, square, park or other place belonging to or under the control of the City, or upon any private property, contrary to the provisions of this chapter. (Ord. No. 291 N.S., ' 1; Ord. No. 353 N.S., ' 9)

**SEC. 4.19 NOTICE TO DIRECTOR OF STRAY ANIMALS; DISPOSITION OF STRAY ANIMALS**

Every person taking up any stray animal or such animal which is running at large contrary to the provisions of this chapter shall within eight hours thereafter give notice to the director of the following:

- (1) The fact that he has such animal in his possession;

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4 For state law as to killing and seizure of dogs, see Ag. C.A., 31101 et seq.

- (2) The complete description of such animal;
- (3) The license number of such animal, if any, and by what county or municipal corporation issued; if such animal has not license, such person shall so state;
- (4) The place where such animal is confined.

Every such person and any person in whose custody such animal may, in the meantime, be placed, may deliver such animal to the shelter without fee or charge, and the director shall thereupon hold and dispose of such animal in the same manner as though such animal had been found at large and impounded by him. (Ord. No. 291 N.S., ' 1)

#### SEC. 4.20 NOTICE TO OWNERS OF IMPOUNDED DOGS

The chief of police or his representative shall, immediately upon impoundment of dogs or other animals, make every reasonable effort to notify the owners of such dogs or other animals impounded, and inform such owners of the conditions whereby they may regain custody of such animals. If the dog has a valid license, the owner shall be notified. Such notice shall be either personal or by deposit in the mail properly addressed and postage prepaid. (Ord. No. 291 N.S., ' 1; Ord. No. 353 N.S., ' 10)

#### SEC. 4.21 DISPOSITION OF IMPOUNDED ANIMALS-GENERALLY

All animals impounded at the shelter shall be provided with proper and sufficient food and water by the director. Unless such unlicensed animals shall have been redeemed within five days after being impounded, or licensed animals seven days after notification provided for in Section 4.20, they may be sold by the director to the person offering to pay a cash amount set by the director, but not less than ten dollars therefor; provided, that the purchaser shall not be given possession of any dog or dogs until he shall have paid to the licensing authority the license fee or fees prescribed for such dog or dogs. If any dog or other animal impounded by the director shall not have been redeemed within such period and cannot be sold within a reasonable time thereafter, it may be destroyed by he director in a humane manner. In lieu of destruction the director may release without charge animals to any humane organization that provides an animal adoption service. The director shall maintain a file at the shelter describing each animal impounded therein, for at least the period prescribed herein, beginning on the day any such animal is taken or delivered into the possession of the shelter. The owner must within five days show proof of a current, valid antirabies vaccination. (Ord. No. 291 N.S., ' 1)

#### SEC. 4.22 DISPOSITION OF IMPOUNDED ANIMALS-RECLAMATION OF LICENSED ANIMALS BY OWNER

The owner of any licensed impounded animal shall have the right to reclaim the same at any time prior to the lawful disposition thereof upon payment to the director of the costs and charges hereinafter provided in this chapter for the impounding and keeping of such animals. (Ord. No. 291 N.S., ' 1)

SEC. 4.23 REPEALED BY ORDINANCE NO. 355 N.S.

SEC. 4.24 DISPOSITION OF IMPOUNDED ANIMALS-DESTRUCTION OF UNFIT OR DANGEROUS ANIMALS

It shall be the duty of the director, and he is authorized, to destroy any animal lawfully impounded which is by reason of age, disease or other cause unfit for adoption, or is dangerous to keep impounded. (Ord. No. 291 N.S., ' 1)

**ARTICLE V. FEES**

SEC. 4.25 AMOUNT FOR LICENSES

The dog license fee shall be set from time to time by City Council resolution, and shall be payable in full for the complete license period. (Ord. No. 291 N.S., ' 1; Ord. No. 341 N.S., ' 3; Ord. No. 448 N.S., ' 2)

SEC. 4.26 PENALTY FOR FAILURE TO PROCURE LICENSE

Any person who fails to procure within forty-five days of the date required for procuring such license shall, in addition to any other penalty prescribed by this chapter, be subject to a late charge in the same amount as the dog license would be to be added to and collected with the license fee. (Ord. No. 291 N.S., ' 1; Ord. No. 338 N.S., ' 1; Ord. No. 353 N.S., ' 11)

SEC. 4.27 EXEMPTION FROM LICENSE FEE-SEEING EYE DOGS

Seeing Eye dogs owned and actually used by blind persons shall be exempt from a license fee as specified in this article (Ord. No. 291 N.S., ' 1)

SEC. 4.28 EXEMPTION FROM LICENSE FEE-POLICE DOGS

Any dog owned by the county or a city and used by the sheriff or police department in the performance of the functions or duties of such department shall be exempt from a license

fee as specified in this article (Ord. No. 291 N.S., '1)

**SEC. 4.29 DUPLICATE TAGS**

The fee for replacement of a current tag which has been lost or stolen is one dollar. (Ord. No. 291 N.S., '1)

**SEC. 4.30 CHARGES FOR ANIMAL CONTROL SERVICES**

The director shall charge, receive and collect such service charges relating to animal control services, including but not limited to collection and impoundment charges, as shall be set from time to time by City Council resolution. (Ord. No. 291 N.S., '1; Ord. No. 355 N.S., '1; Ord. No. 372 N.S. '1)

**SEC. 4.31 REPEALED BY ORDINANCE NO. 355 N.S.**

**SEC. 4.32 REPEALED BY ORDINANCE NO. 355 N.S.**

**ARTICLES VI. PENALTIES**

**SEC. 4.33 PENALTIES, CITATIONS, AND ENFORCEMENT**

Any person violating any of the provisions of this chapter, except for Section 4.13, is guilty of a misdemeanor and, upon conviction thereof, is punishable by a fine of not more than fifty dollars, or by imprisonment in the county jail for a period of not more than ten days, or by both. Each person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by him, and such person shall be punishable therefor as provided in this chapter.

Any person violating the provisions of Section 4.13 of this chapter is guilty of an infraction and upon conviction thereof is punishable for the first offense by a fine not to exceed ten dollars, for the second offense by a fine not to exceed twenty-five dollars, for a third and each additional offense for a fine not to exceed fifty dollars. In the case of a violation of Section 4.13, a citation or written notice to appear in court may be served upon the owner of the dog or person violating the provisions of Section 4.13.

The animal control officer of the City and any duly appointed assistant animal control officer shall be primarily responsible for the enforcement of the provisions of this chapter and said animal control officers shall have the power to enforce the provisions of the chapter in the manner set forth in California Penal Code Section 836.5; provided, that any police officer of the

City shall also have the power to enforce the provisions of the chapter in the manner set forth in California Penal Code Section 936.5. (Ord. No. 291 N.S., ' 1; Ord. No. 318 N.S., ' 1 Ord. No. 339 N.S., ' 1)

SEC. 4.34 REMOVAL OF DOG DEFECATION

(a) It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner, by placing in a closed or sealed container and depositing in a trash receptacle, any feces deposited by such dog upon any public or private property not owned or controlled by the owner or person having custody of such dog.

(b) Any person who has the charge or control of any dog in a location other than on property owned or controlled by such person, or on the property of the owner of the dog, shall have in his possession a suitable wrapper, bag, or container for the purpose of complying with the requirements of this section. The failure of any person to carry such a wrapper, bag, or container when in charge or control of any dog in a location other than on property owned or controlled by such person, or on the property of the owner of the dog, shall constitute a violation of this section.

(c) The violation of any provision of this Section 4.34 shall be an infraction. The City Council shall set the fine for violations from time to time by resolution. (Ord. No. 515 N.S., 12/89)

Rev. 5/8/95