

8-6-96

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: July 16, 1996  
AGENDA ITEM NO.: 15 (A-11)

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes \_\_\_ No x)

Waive first reading and introduce Ordinance/<sup>8/</sup>Waive second reading and adopt Ordinance which amends the existing vicious dog Ordinance by establishing a method to identifying vicious/dangerous dogs in Mariposa County. The District Attorney's office and the Sheriff's Department believe that there continues to be a problem identifying dogs that are vicious and dangerous. Once identified, a vicious/dangerous dog can be better controlled by confinement and/or muzzled.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Ordinance No. 645, also known as the vicious dog Ordinance, in 1985.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- > Adopt Ordinance as drafted.
- > Do not adopt Ordinance as drafted. Revise as the Board desires and adopt.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

SOURCE: ( ) 4/5ths Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:  
Ordinance.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CLERK'S USE ONLY:

Res. No.: \_\_\_\_\_ Ord. No. 903

Vote - Ayes: 5 Noes: \_\_\_\_\_

(8) Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

(8) Approved ( ) Denied

( ) Minute Order Attached ( ) No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: \_\_\_\_\_

A.O. Initials: [Signature]

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

MARIPOSA COUNTY ORDINANCE NO. 903

**AN ORDINANCE AMENDING  
THE VICIOUS DOG ORDINANCE**

**WHEREAS**, there is a concern of a continuing problem identifying vicious/dangerous dogs in the County of Mariposa, and

**WHEREAS**, the establishment of a method to identify vicious/dangerous dogs is necessary in order to remedy this problem, and

**WHEREAS**, the Board of Supervisors believes that the adoption of this Ordinance is in the best interests of the citizens of the County;

**NOW, THEREFORE, THE BOARD OF SUPERVISORS** of Mariposa County, a political subdivision of the State of California, does ordain as follows:

**SECTION I:** Section 6.08.300.30 entitled "Investigation" of Chapter 6.08 entitled "Animal Control" of the Mariposa County Code shall be amended as follows:

"...or proceed pursuant to subsection 6.08.300.70 of this chapter....."

**SECTION II:** Section 6.08.300.50 entitled "Destruction of vicious dog" shall be renumbered to read section 6.08.300.60.

**SECTION III:** Section 6.08.300.60 entitled "Impoundment of vicious dog" shall be renumbered to read section 6.08.300.70.

**SECTION IV:** A new section 6.08.300.50 shall be added and entitled "Registration of vicious/dangerous dog" and shall read in its entirety as follows:

"Any dog found to be vicious or dangerous by a court of competent jurisdiction shall be registered with the sheriff's office. All such dogs shall be registered within ten (10) days of the effective date of the finding. The sheriff's office shall establish a registration fee not to exceed \$25.00.

Furthermore, the keeping of a registered dog shall be subject to the following conditions:

a) **Number and Identification.** The owner or keeper shall have the licensing number assigned to such dog, or such other identification number as the sheriff's office shall determine, tattooed by a licensed veterinarian on the dog's upper inner lip, inner thigh or elsewhere as directed by the sheriff's office. The sheriff's office may require other methods of identification, e.g., installation of a microchip by a licensed veterinarian. For the purposes of this section, "tattoo" shall be defined as any permanent numbering of a dog by means of indelible or permanent ink with the number designated by the sheriff's office or any other permanent method of tattooing acceptable to the sheriff's office.

b) **Display of Sign.** The owner or keeper shall display a sign on his or her premises warning that there is a vicious/dangerous dog on the premises. The sign shall be visible and capable of being read from the fronting street or public highway. The sign shall be prepared by the County and paid for by the owner or keeper of the animal.

c) Confinement Indoors. No registered dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition except to a secured enclosure. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

d) Confinement Outdoors. When outside, all registered dogs shall be confined in a secure enclosure, except when necessary to obtain veterinary care or to comply with commands or directions of a county official. All such enclosures must be adequately lighted and ventilated and kept in a clean sanitary condition.

Whenever necessity requires a registered dog to be outside of the enclosure, the dog shall be securely muzzled if it is vicious, and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, with handgrip, and shall be under the direct control and supervision of the owner or keeper of the dog.

e) A registered dog shall not be returned to an owner or keeper unless the owner or keeper shows County proof of liability insurance covering the registered dog.

f) For purposes of this section, the following definitions of 'vicious' and 'dangerous' shall apply:

Vicious Dog: Any dog which (1) kills a person; (2) inflicts serious wounds to a person, including multiple bites, or serious disfigurement, serious impairment of health, or serious impairment of any bodily function; (3) continues to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog provided that its owner or keeper has been given notice of that finding; or (4) which has been found vicious by a court of competent jurisdiction.

Dangerous Dog: Any dog which (1) causes a wound to any person without provocation on public or private property; (2) while off the property of its owner or keeper, has killed or injured a domestic animal; (3) attacks any person; or (4) has been declared dangerous by a court of competent jurisdiction."

**SECTION V:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code § 25123.


**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 6th day of August, 1996 by the following vote:

- AYES: Reilly, Balmain, Stewart, Parker, and Taber
- NOES: None
- ABSENT: None
- ABSTAINED: None

  
\_\_\_\_\_  
DOUG BALMAIN, Chairman  
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
MARGIE WILLIAMS  
Clerk of the Board

  
\_\_\_\_\_  
JEFFREY G. GREEN  
County Counsel