

AN ORDINANCE
ADDING CHAPTER 6.16 ENTITLED
"BARKING DOG(S) - PUBLIC NUISANCE"
TO TITLE 6 ENTITLED "ANIMALS"

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY does ordain as follows:

SECTION I: Chapter 6.16 entitled "Barking Dog - Public Nuisance", is added to Title 6 entitled "Animals", to read in its entirety as follows:

"Chapter 6.16

BARKING DOG(S) - PUBLIC NUISANCE

Sections:

- 6.16.010 Barking dog(s) - defined.
- 6.16.020 Barking dog(s) - declared public nuisance - notice to owners.
- 6.16.030 Complaint process - enforcement.
- 6.16.040 Violation - penalty.

6.16.010 Barking dog(s) - defined.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps to the great discomfort of the peace and quiet of the neighborhood or in such manner as to disturb or annoy persons in the neighborhood who are of ordinary sensibilities.

6.16.020 Barking dog(s) - declared public nuisance - notice to owner.

The dog(s) referred to in the section above are hereby declared a public nuisance, as defined in Penal Code Section 370. Upon written complaint of four (4) or more persons residing in the immediate neighborhood to the animal control officer that a dog which habitually barks, howls, or yelps is being kept by any person in the county, the animal control officer shall notify the person who owns, or keeps, or has control of the dog that a complaint has been received and the person shall take whatever additional steps the animal control officer deems necessary to alleviate the howling, yelping or barking.

6.16.030 Complaint process - enforcement.

If the person alleged to be keeping a dog and/or dogs as set forth in Section 6.16.010 above does not take the steps required of him/her by the animal control officer to alleviate the howling, yelping, or barking of his/her

dog(s), the animal control officer shall refer the complainant to the office of the district attorney to sign a formal complaint for violation of this section. The district attorney may then bring an action in the superior court to abate the nuisance (dog(s)) pursuant to Code of Civil Procedure Section 731.

6.16.040 Violation - penalty.

A. Violation of Section 6.16.010 of this chapter is an infraction subject to the penalties set forth in Chapter 1.20 of this Code, except that a third, and any subsequent, violation occurring within a year of the first may be charged as a misdemeanor.

B. A separate offense shall be deemed committed for each day the condition referred to in Section 6.16.010 above exists following the giving of the notice referred to in Section 6.16.020 of this chapter."

SECTION II: This ordinance shall become effective thirty (30) days from the date of final passage, pursuant to California Government Code Section 25123.

PASSED AND ADOPTED this 3rd day of April, 1990 by the Mariposa County Board of Supervisors by the following vote:


AYES: BAGGETT, PUNTE, BAGGETT, RADANOVICH, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



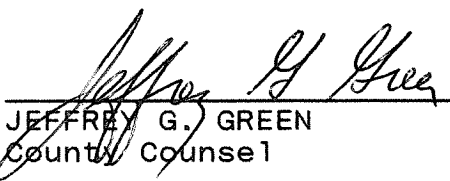
ARTHUR G. BAGGETT, JR., Chairman
Mariposa County Board of Supervisors

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ATTEST:



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel