

ORDINANCE NO. 2021-1

AN ORDINANCE OF THE TOWN OF FORT JONES, CALIFORNIA
CREATING ANIMAL CONTROL ORDINANCE

The Town Council of the Town of Fort Jones does hereby ordain as follows:

Section 1: The Town hereby amends its code by adding the following as sections, attached hereto as Exhibit A:

- 6.04 General Provisions
- 6.08 General Animal Control Regulations
- 6.12 Dogs
- 6.16 Impoundment

INTRODUCED at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 8th day of February, 2021, and adopted at a regular meeting of the Town Council of the Town of Fort Jones, California, on the 8th day of March, 2021.

APPROVED: Michelle DeCausmaker
Michelle Decausmaker, Mayor

ATTEST: Paula Basteyns
Paula Basteyns, City Clerk

The foregoing Ordinance No. 2021-1 was adopted at a regular meeting of the Town Council of the Town of Fort Jones, held on the 8th day of March, 2021 by the following vote:

AYES: M. DeCausmaker, B. Beckwith, M. Garcia, K. Banks, C. Sherfy

NOES: None

ABSENT: None

ABSTAIN: None

Paula Basteyns
Paula Basteyns, City Clerk

APPROVED AS TO FORM: Margaret Long
Margaret Long, City Attorney

Exhibit A

ANIMALS

Chapters:

- 6.04 General Provisions
- 6.08 General Animal Control Regulations
- 6.12 Dogs
- 6.16 Impoundment

Chapter 6.04

GENERAL PROVISIONS

Sections:

- 6.04.010 Definitions
- 6.04.020 Enforcement
- 6.04.030 Complaint procedure
- 6.04.040 Right of entry
- 6.04.050 Interference with animal control officer

6.04.010 Definitions

As used in this section, the following words and terms shall have the following meaning:

“Animal” means any living creature, except humans.

“Animal control officer” means any person appointed by the town council as animal control officer. This includes but is not limited to the code enforcement officer, chief of police or designee, other governmental agency or employee thereof contracting to provide enforcement of this chapter.

“Animal, vicious” means any animal, except a dog assisting a peace officer engaged in law enforcement duties, which shows a propensity to attack or has attacked, to bite or has bitten, has scratched or harasses people or other animals without provocation.

“Animal, wild” means any animal that would normally live on its own without human intervention or interaction. This includes but it not limited to venomous snakes, reptiles, mammals, fowl or fish. Wild animals would also include vicious animals, such as dogs and cats over which the owner has not maintained control.

“Apiary” means a place where bees are kept; a collection of beehives.

“At large” means any animal off the premises of its owner and not under direct physical control of the owner or responsible person designated by the owner.

“Camellia” means a honey-producing insect of the species *apis mellifica*, including the adults, eggs, larvae, pupae or other immature states thereof.

“Beehive” means any receptacle or container made for use of bees, or box or similar container of which bees have taken possession.

“Cat” means a domestic cat (*felis catus*). A cat is not the personal property of its owner.

“Dog” means domestic dog (*canine familiaris*) of any age and either sex.

“Domestic fowl” means chickens, ducks, pigeons, geese, turkeys and other domesticated fowl.

"Emotional support animal" defined under the ADA (Americans with Disabilities Act) is a dog or other animal that is not trained to perform specific acts directly related to an individual's disability. Instead, the animal's owner derives a sense of well-being, safety, or calm from the animal's companionship and presence.

“Flyway barrier” means a barrier that raises the flight path of bees as they come and go from a hive or apiary.

“Impoundment” means the picking up of any animal by the animal control officer or a duly authorized person and bringing such animal into a shelter for custody, confinement and disposition.

“Kennel” means any establishment where more than four dogs and/or cats over four months of age, or other animals, are kept or maintained for any purpose.

“Commercial kennel” means a kennel where animals are boarded and bred, and/or kept for sale or for hire. Commercial kennels shall require use permits and business license. Forms and fees may be set by resolution of the city council.

“Livestock” means and includes cattle, horses, llamas, donkeys, sheep, goats, swine and all other domesticated animals other than household pets.

“Owner” means any person over eighteen years of age owning, keeping, harboring or having custody or possession of any animal. An animal shall be deemed to be harbored if it is fed or sheltered for fifteen or more consecutive days. This definition shall not apply to a veterinarian in the regular practice of his profession as to any animal in his possession while being treated or

cared for. This definition shall not apply to an operator of a commercial kennel as to any animal that is being boarded in the regular practice of his business.

“Person” means and includes any firm, partnership, corporation, trust, association or person.

“Quarantine” means the impounding of an animal in a designate shelter by the animal control officer for a period prescribed by the Siskiyou County health department so that the animal does not come in contact with any other animal or human being during that period.

“Senior citizen” means a person 62 years of age or older.

“Service animal” defined under the ADA (Americans with Disabilities Act), is a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. In some circumstances, this can also extend to miniature horses.

“Unlicensed dog” means any dog for which the license fee for the current year has not been paid to which the dog license tag provided for in this title is not properly attached.

“Vaccination” means a protective inoculation against rabies with an anti-rabies vaccine given by a licensed veterinarian and approved by the Siskiyou County health department.

“Veterinarian” means a person licensed to practice veterinary medicine by the state of California.

6.04.020 Enforcement

A. Violations of requirements of this title shall be infractions, with the same maximum fines as set forth by bail schedule. The bail schedule shall be established by resolution adopted and approved by the Fort Jones town council. Before any fines are levied, a one-time warning will be issued in person and in writing to the violator, with 48 hours to correct the condition. If the violation is not corrected within that time frame, the bail fee schedule will be put into effect. The 48-hour grace period does not apply to FJMC 6.08.030.

B. A second complaint from any person within thirty (30) days of the first offense regarding the same animal shall result in a citation being issued. Before issuing the citation, the animal control officer shall obtain a documented complaint which shall include the identification of the complainant, date, time and location of the offending animal.

6.04.030 Compliant procedure.

Any resident of the town may file an oral, telephone, or written complaint regarding violations of any section of this title with the animal control officer. The animal control officer will issue citations based on his/her own observations of violations. Upon receipt of a complaint, the animal control officer shall without delay contact the owner/possessor of the animal and cite the owner/possessor as directed by this title. A record shall be kept of all complaints. Such record shall include the owner's name, location, type of infraction, date, action taken and the amount of any fines levied.

6.04.040 Right of entry

Any official designated to administer and enforce the provisions of this title may enter upon all private and/or public premises for the purpose of enforcing the provisions of this title.

6.04.050 Interference with animal control officer.

Any interference with the animal control officer in performance of his duties shall be considered a misdemeanor and will be dealt with accordingly.

Chapter 6.08

GENERAL ANIMAL CONTROL REGULATIONS

Sections:

<u>6.08.010</u>	<u>Unreasonable animal noise</u>
<u>6.08.020</u>	<u>Animals at large</u>
<u>6.08.030</u>	<u>Prohibition of wild or vicious animals running at large</u>
<u>6.08.040</u>	<u>Vicious animal – bites</u>
<u>6.08.050</u>	<u>Vicious animal – euthanized</u>
<u>6.08.060</u>	<u>Permits required to keep wild animals on private property</u>
<u>6.08.070</u>	<u>Property damage by animals</u>
<u>6.08.080</u>	<u>Beehives and Swarms</u>
<u>6.08.090</u>	<u>Tying of animals on public lots</u>
<u>6.08.100</u>	<u>Conditions for keeping animals</u>

6.08.010 Unreasonable animal noise.

A. It is unlawful for any person/owner to suffer or permit any animal/domestic fowl to bark, cry, howl, crow or make other frequent or long-continued (30 minutes) noise that disturbs the peace and quiet of persons who reside or work in the neighborhood; provided, that at the time the animal/ domestic fowl is making such noise, no person is trespassing or threatening to trespass on the premises where the animal is kept, or no person is teasing or provoking the animal. Such noise constitutes a public nuisance and each day the animal is permitted to continue the noise constitutes a separate offense. A violation of this section by any animal/domestic fowl owner or possessor may be cited as an infraction.

B. This section shall not apply to the following situations.

1. An animal kennel regulated by a use permit.
2. To customary animal noises of livestock, horses or other animals kept for agricultural activities in areas including but not limited to farms, ranches and stables or rodeo grounds which are zoned or legally permitted for such purposes.
3. Parades or other sanctioned events

6.08.020 Animals at large.

A. It is unlawful for any owner/possessor of any animal to suffer or permit such animal to be at large as defined in this chapter. Violations of this section are subject to citation, and the animal at large is subject to impoundment as authorized by this title.

B. In the case of dogs, "at large" means a dog that is not on the premises of the owner/possessor or the premises of another with the permission of that owner or occupant, or not under physical restraint by a person capable of controlling the dog by means of a leash not exceeding six feet in length. This definition does not apply to:

1. Guide dogs for the blind or hearing-impaired while performing their duties.
2. Dogs participating in field or obedience trials and animal exhibitions.
3. Dogs assisting their owner/possessor in the herding of livestock.
4. Dogs assisting a security guard or police officer engaged in law enforcement duties.

C. In the case of animals other than dogs, "at large" refers to any animal which is off the premises of its owner/possessor while not under the physical restraint of a person capable of controlling the animal.

D. It is the duty of the animal control officer to apprehend or cause to be apprehended any animal found running at large contrary to the provisions of this section and such animal shall be impounded. The owner of any animal so impounded may reclaim such animal upon payment of the impoundment fees as set forth in Chapter 6.16, together with any licensing fee, if required.

6.08.030 Prohibition of wild or vicious animals running at large.

No person owning or possessing any animal or reptile known by such person to be vicious or dangerous, or commonly so known, or any animal referred to as “wild animal,” or any poisonous reptile, shall permit or allow the same to be at large upon highway, street, road, or other public place or upon any private property other than the enclosed premises of such owner/possessor. Any dog having a disposition or propensity to attack or bite any person or animal without provocation is defined as a wild or vicious animal. The animal control officer shall notify the owner/possessor in person and in writing to keep such animal within a substantial enclosure or securely attached to a chain or other type of reasonably adequate control. If, upon receiving the personal/written notification, the owner/possessor fails to provide adequate restraint or control of the animal as ordered by the animal control officer, said animal shall then be subject to summary seizure and impoundment.

6.08.040 Vicious animal - bites

Any animal that has bitten any person without provocation must be quarantined in a manner approved by the local health officer, code enforcement officer, chief of police or his/her designee and be observed for at least 14 days (dogs and cats 10 days) after the day of infliction of the bite. Quarantine location will be determined case by case with the local health officer, code enforcement officer or chief of police.

6.08.050 Vicious animal – euthanized

Any animal that is deemed vicious according to the provisions of this section shall be euthanized.

A. 1. Any animal, which record indicates the animal has bitten two persons on separate occasions within any one-year period, unless such person bitten was trespassing when bitten.

2. Any animal, which attacks, without provocation, any person off the owner’s premises or property resulting in considerable injury to the person.

B. 1. Prior to being euthanized, the town council shall review the case of the animal in question and may affirm or modify the determination of the animal control officer. The owner/possessor of the animal shall be given a sufficient written notice of the date and time of the hearing by the council so as to allow the owner/possessors attendance at the meeting. Such hearing shall convene as soon as practical after the incident wherein the animal was determined to be vicious.

2. Humane euthanasia shall be done by a licensed veterinarian of the state of California. Documentation of procedure shall be presented to the animal control officer within 48 hours after the procedure.

6.08.060 Permits required to keep wild animals on private property

No person owning or having possession of any wild animal, reptile or snake shall allow such animal, reptile, or snake within the enclosed premises of such person unless he has first secured a permit from the California Fish and Game Department to do so and has complied with all terms and conditions of such permit. In addition, such animal, reptile, or snake shall at all times be confined, controlled and restrained in such a manner as to not endanger the life, limb, or property of any person lawfully entering such premises. Skunks may not be kept for any purpose except by permit of the California Department of Health. If the above permits are not in place, or if wild animals, reptiles or snakes are not controlled as stated in this section, such animals are subject to summary seizure and impoundment.

6.08.070 Property damage by animals.

It is unlawful for any owner/possessor of an animal to suffer or permit that animal to destroy or cause damage to property not belonging to or under the control of the owner/possessor. The owner/possessor is liable for the damage or destruction of such property.

6.08.080 Beehives and Swarms

The purpose of this section is to establish certain requirements for beekeeping within the city, to avoid issues which might otherwise be associated with beekeeping in populated areas.

A. Compliance No Defense

1. Compliance with this section shall not be a defense to a proceeding alleging that a given colony constitutes nuisances or violates applicable ordinances, but such compliance may be offered as evidence of the beekeeper's compliance with acceptable standards of practice among beekeepers within the town of Fort Jones.

B. Number of Hives Permitted.

1. A maximum of three hives on a property less than one acre.
2. A maximum of six hives on a property between one and two acres.
3. For properties over two acres, an additional three hives per acre permitted.
4. Bees shall be kept in hives with removable frames or combs, which shall be kept in a sound and usable condition.
5. Hives shall not be placed in a front yard. A beehive must be located 10 feet from a dwelling.
6. The flyway barrier must be up to six feet and may consist of a wall, fence, dense vegetation or a combination thereof, such that the bees will fly over rather than through the material to reach the colony.
7. A flyway barrier is not required if the property adjoining the apiary lot line (a) is undeveloped, or (b) is zoned agricultural or industrial.

8. Products generated on site from bees, such as honey, shall be permitted to be sold on the property per applicable business license or home occupation regulations.

C. Swarms.

1. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily hive the swarm on their property for up to 30 days from the date acquired, at which time the hive limit requirements of subsection (B) of this section apply once more.

D. Inspection.

1. The cities animal control officer or his/her designated shall have the right to inspect any apiary for the purpose of ensuring compliance with this section between 8:00 a.m. and 5:00 p.m. once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

E. Notice of Violation.

1. The owner/possessor maintaining an apiary in violation may be served with a written notice of such violation by any enforcement officer of the town. The notice may be served upon the person in possession of or owning such apiary or apiaries, personally or by mail, or if the address of such person is not known, by posting said notice in a conspicuous place on the apiary. Any violations of the provisions of this section may be cited as an infraction and subject to the fines on the town of Fort Jones bail schedule.

F. Nonexclusive Remedy.

1. This section is an alternative to and does not supersede any other provision of the law that authorizes a nuisance to be abated or enjoined.

6.08.090 Tying of animals on public lots

It is unlawful to tie any animal to any fence, tree or bench upon any public or vacant lot or place within the city. A violation of this section by any animal owner/possessor may be cited as an infraction and will be subject to the fines on the town of Fort Jones bail schedule.

6.08.100 Conditions for keeping animals

A. It is unlawful to keep any livestock, domestic fowl and/or other animals in such a manner which will endanger the health, peace and safety of the citizens of the town. The owner/possessor shall assure that such livestock, domestic fowl and other animals are kept in a clean and sanitary condition at all times and are not subject to suffering, cruelty or abuse.

B. The owner/possessor of any animal within the town shall be responsible for removing and managing the manure/feces deposited by such animal, so that it will not create a public nuisance or hazard to public health and safety. This shall include public parks, sidewalks, public streets and/or private property of another. It shall also include accumulation on the private property of a kennel operator or any other owner or controller of an animal.

C. It is unlawful to keep any livestock, domestic fowl or to place any pen, hutch or other structure to contain such animal in the front yard of any parcel within the town. Pens and containment structures must be maintained at least twenty (20) feet from any other landowner's boundary/property lines.

D. **Livestock** will be permitted in a residential area on a minimum parcel of one half (1/2) acre under the following conditions.

1. Large livestock, over 400 pounds, such as cattle, horses, llamas and donkeys over six months of age with a maximum number of one (1) animal per one half (1/2) acre. All male animals must be castrated before they become six months of age.

2. Small livestock, under 400 pounds, such as sheep, goats and other similar animals over six months of age are limited to two (2) per one half (1/2) acre. All male animals must be castrated before they become six months of age.

3. In computing animal density as specified above, combinations of species, both large and small, will be permitted as long as the maximum number of animals does not exceed one (1) animal per one half (1/2) acre, as set forth above in subsection (D)(1) of this section and/or two (2) per one half (1/2) acre, as set forth above in subsection (D)(2) of this section.

E. Chickens, ducks and turkeys are the only **domestic fowl** that will be permitted in a residential area under the following conditions.

1. Parcels on lots less than one-half acre will be permitted to have a maximum of four (4) chickens or ducks, including one (1) rooster/drake over 6 months of age and a maximum of two (2) turkeys, including one (1) tom over 6 months of age.

2. Parcels of one half (1/2) acre or more will be permitted to have a maximum of six (6) chickens or ducks, including one (1) rooster/drake over 6 months of age and a maximum of four (4) turkeys, including one (1) tom over six months of age per one half (1/2) acre.

F. Owners/possessors that owned, kept or harbored livestock or domestic fowl prior to the passing of this ordinance must show proof, such as bill of sale or veterinary records, and register them with the town clerk or code/law enforcement officer. The code/law enforcement officer shall be allowed to inspect premises and verify such registration when it is convenient with owner/possessor, within 72-hours of registration. All livestock or domestic fowl that do not conform to this section shall be removed from the premises.

G. It is unlawful for any person/possessor to keep or maintain livestock or domestic fowl other than for the manner described above in this section. A violation of this section by any animal owner/possessor may be cited as an infraction and subject to the fines on the town of Fort Jones bail schedule.

Chapter 6.12

DOGS

Sections:

<u>6.12.010</u>	<u>Rabies vaccine – requirements</u>
<u>6.12.020</u>	<u>Rabies vaccine – not required</u>
<u>6.12.030</u>	<u>Dog License – requirements</u>
<u>6.12.040</u>	<u>Dog License – not required</u>
<u>6.12.050</u>	<u>Dog License – Fee and Issuance</u>
<u>6.12.060</u>	<u>Dog License – enforcement and penalty of violations</u>
<u>6.12.070</u>	<u>Dogs under the age of four months</u>
<u>6.12.080</u>	<u>Maximum number of dogs</u>
<u>6.12.090</u>	<u>Confinement of dogs during heat</u>
<u>6.12.100</u>	<u>Dogs – Playgrounds and ball fields</u>
<u>6.12.110</u>	<u>Dogs – City/town hall and public works</u>

6.12.010 Rabies vaccine – requirements

A. Any person residing within the incorporated area of the town and owning, keeping, harboring, having custody or control of any dog four months of age or older within the town, shall, at intervals not more than once a year, have such dog vaccinated with an anti-rabies vaccine by a licensed veterinarian.

B. Dogs over four months of age are to be vaccinated with the anti-rabies vaccine within a period of thirty (30) days from the date of owning, harboring, keeping or having custody of a dog within the town, or from the date the dog attains the age of four months.

C. A valid rabies vaccination certificate, with a minimum six-month validity remaining, shall be presented to the town clerk upon application for an annual dog license. A valid rabies vaccination certificate shall be a requisite for the issuance of a dog license.

D. The dog's rabies vaccination tag, issued by the veterinarian to the owner of the dog, shall be securely attached to a collar, harness or other device permanently worn by the dog for which the tag was issued.

E. The dog owner/possessor shall retain the vaccination certificate issued by the veterinarian as a permanent record for the length of time that the vaccination is valid.

F. No person keeping or harboring a dog for which licensing and/or vaccination is required pursuant to this title fail or refuse to exhibit the tags required by the provisions of this title upon the demand of any official designated to carry out the provisions of this title.

6.12.020 Rabies vaccine – not required

A. No dog shall be required to be vaccinated while such dog is afflicted with an illness or other condition which, in the opinion of a licensed veterinarian, would be detrimental to the dog.

B. Such dog shall be strictly confined to the premises of, or kept under physical restraint by the owner for the duration of the illness or condition.

C. Immediately following the termination of the illness or condition, the dog shall be vaccinated in accordance with the provisions of this title.

D. Should the annual license fee fall during this period of time, the licensing clerk shall issue a dog license upon presentation by the applicant of a recent letter from a licensed veterinarian indicating the reason for no vaccination.

6.12.030 Dog License – requirements

A. Any person residing within the incorporated area of the town and owning, keeping, harboring, having custody or control of any dog over four months of age shall register and purchase a dog license for each dog in their custody.

B. Every person owning/possessing a dog four months of age or older must register and purchase a dog license within thirty (30) days of becoming a resident of the town.

6.12.040 Dog License – not required

The provisions in Section 6.12.030 shall not apply to any of the following.

- A. Any dog brought into the town for the purpose of participating in any dog show, dog exhibition, field trials or competitions scheduled not more than thirty days thereafter.
- B. Any dog owned or in the possession of a non-resident of the town which is not to be maintained in the town for a period exceeding thirty days.
- C. Any dog owned or in the possession of a resident of the town which is not to be maintained in the town for a period not exceeding thirty days.

6.12.050 Dog License – Fee and Issuance

License fees shall be in the amount established by town council resolution. The license shall be issued to the dog owner upon payment of the current license fee and proof of current rabies vaccination.

- A. Each license issued pursuant to the provisions of this title shall be signed by the licensing clerk or his/her representative and shall state the name and resident address of the person to whom the license is issued, the date when issued, the expiration date, and the number of the tag. It shall also include the name, breed, sex, age and coloration of the dog. The licensing clerk shall keep a record of all licenses issued.
- B. Dog licenses will be issued annually or every three years in correspondence with the validity date of the rabies certificate provide by a licensed veterinarian.
- C. A valid rabies vaccination certificate, with a minimum six-month validity remaining, shall be presented to the town clerk upon application for an annual dog license. A valid rabies vaccination certificate shall be a requisite for the issuance of a dog license.
- D. Pack licenses for professional use may be purchased with proof of current rabies vaccination for all animals that are to be on the license. Pack licenses require a minimum of four dogs.
- E. Upon payment of the license fee, a license certification and metallic tag shall be issued to the owner of each dog licensed. The tag shall have stamped thereon the license number. Service animals will receive a fee waiver, but must obtain a license.
- F. The dog owner and/or possessor shall secure the current tag to a collar, harness or similar device attached to the dog for which the license was issued. The owner and/or possessor shall ensure that the dog wears such license tag at all times except when the dos is being exhibited at field or obedience trials or other dog shows and exhibitions.
- G. Whenever a license tag is lost or damaged, the owner shall apply for and secure a replacement from the town clerk upon payment of the prescribed fee, set by town council resolution, for the remaining portion of the license.
- H. License tags shall not be transferred from one dog to another.
- I. A certificate or official patient chart from a licensed veterinarian shall be presented to show proof of a spayed or neutered dog.
- J. No refunds shall be made on any remaining term of any dog license due to death, other loss of the dog or if the owner is leaving the town before the expiration of the license.

6.12.060 Dog License – enforcement and penalty of violations

- A. It is the duty of the town clerk to demand of every person who owns or possesses a dog within the town, the payment of license fees, and upon refusal of such person to pay the same or to produce the stub showing payment of such fee, the town clerk will at once file a complaint with the animal control/code enforcement officer. Any proof showing non-payment or refusal to pay will be taken by the town clerk as evidence of the failure to pay such fees.
- B. A violation of this chapter by any dog owner/possessor may be sited as an infraction. Any person in violation will be subject to the fines on the town of Fort Jones bail schedule.
- C. The license fee shall be paid on the date of application. The license fee shall become due on the expiration of the current license. Any person failing to procure and pay for such license on or before the due date shall pay a late fee in the amount established by resolution of the city

council as a penalty for such failure. Such late fee shall be in addition to the license fee payable for such dog.

D. Any person who acquires ownership, custody or control of a dog not currently licensed pursuant to this title and any person who owns or has custody of a dog which attains the age of four months shall be immediately liable for payment of the license fee.

6.12.070 Dogs under the age of four months

A. All dogs under the age of four months shall be strictly confined to the premises of, or kept under physical restraint by the owner, keeper or possessor. The provisions of this section shall not prevent the sale or transportation of puppies four months of age or younger.

B. The late fee penalty shall not apply in connection with the initial licensing of any dog reaching the age of four months or whose owner first brings such dog into the city or acquires ownership, custody or control of the dog.

6.12.080 Maximum number of dogs

A. No person, dwelling or structure shall keep or maintain more than three dogs which are over the age of four months. Violations of this section will be cited and any dogs more than three shall be removed from the premises.

B. Exceptions to this section

1. Professional businesses including but not limited to licensed dog trainers, veterinarian services and commercial kennels.

2. Dogs that were owned, kept or harbored prior to the passing of this ordinance. Proof, such as a rabies certificate, dog license or bill of sale, must be produced upon request to the town clerk or code/law enforcement officer. Any dog that does not conform to this section shall be removed from the premises.

6.12.090 Confinement of dogs during heat

Any person owning and/or possessing a female dog in heat shall securely confine the dog within an enclosure, unless the dog is under the immediate physical restraint of its owner/possessor to prevent unplanned access by male dogs or attraction of male dogs in the vicinity.

6.12.100 Dogs – Playgrounds and ball fields

A. No owner/possessor shall allow their dog(s) on the field of any baseball/softball park within the town, except when the field is being used for a non-baseball scheduled event, including but not limited to concerts, car shows or fairs.

B. No owner/possessor shall allow their dog(s) to enter any playground within the town.

C. Violations of this provision may be cited as an infraction. Any person in violation will be subject to fines set forth on town of Fort Jones bail schedule.

6.12.110 Dogs – City/town hall and public works

This provision will define the allowable assess of dogs/animals inside the Fort Jones City Hall and the Fort Jones Public Works buildings.

- A. No dogs are allowed inside the above-mentioned buildings unless they are deemed a “service animal” defined under the Americans with Disabilities Act (ADA).
 - a. Two questions allowed to determine a service dog per the ADA:
 - i. Is the dog a service animal required because of a disability?
 - ii. What work or task has the dog been trained to perform?
- B. “Emotional support animals” as defined under the ADA are not allowed in the above-mentioned buildings.
- C. Employees of the Town of Fort Jones, with disabilities, are allowed under California law to bring service dogs and emotional support animals to work, with some limitations under the California's Fair Employment and Housing Act.
- D. Violations of this provision may be sited as an infraction. Any person in violation will be subject to fines set forth on town of Fort Jones bail schedule. Claiming an animal to be a service animal is a violation of the California state law and is a misdemeanor, punishable by imprisonment in a county jail for six months or a fine up to \$1000 or both. Cal. Penal Code 365.7 (1994), Cal. Food & Agriculture Code 30850(b) (2004)

Chapter 6.16

IMPOUNDMENT

Sections:

<u>6.16.010</u>	<u>Impoundment – General grounds</u>
<u>6.16.020</u>	<u>Impoundment – Specific grounds</u>
<u>6.16.030</u>	<u>Impoundment – Notice</u>
<u>6.16.040</u>	<u>Impoundment Registry</u>
<u>6.16.050</u>	<u>Impoundment – Holding periods</u>
<u>6.16.060</u>	<u>Impoundment – Redemption</u>
<u>6.16.070</u>	<u>Impoundment – Fees</u>
<u>6.16.080</u>	<u>Impoundment – Disposition of unclaimed animals</u>

6.16.010 Impoundment – General grounds

A. The animal control officer may seize and impound an animal which is at large as defined in Section 6.08.020. If the owner and/or possessor is not at home at the time of impoundment, the dog may still be impounded, but the animal control officer shall post a notice of such impoundment on the front of the owner's and/or possessor's dwelling. Such notice shall contain the information required by California Government Code Section 53704.1.

B. Except as provided in subsection A of this section, an animal may be impounded for violation of any provisions of this chapter, or the laws of this state, in accordance with the procedure specified in Section 6.16.020.

C. Any person in violation of this section shall be guilty of an infraction and subject to the fines set by the bail schedule plus the cost of impoundment.

6.16.020 Impoundment – Specific grounds

The animal control officer may immediately seize and impound an animal for violation of this chapter or the laws of this state under the following circumstances:

A. The owner and/or possessor of the animal provides consent for the impoundment;

B. The animal is at large and immediate impoundment of an animal is authorized under Section 6.08.020;

C. The animal control officer has reasonable grounds to believe that the animal may be rabid;

D. The animal control officer has reasonable grounds to believe that the animal is a vicious animal as defined in Section 6.08.030 and that immediate impoundment of the animal is required for any of the reasons specified in Section 6.08.030;

E. To protect an animal which is injured, sick, starving or suffering from heat, cold or confinement which is in need of immediate care;

F. When the animal control officer has reasonable grounds to believe that immediate impoundment to protect the public health or safety of any person or animal.

6.16.030 Impoundment – Notice

The animal control officer shall within twenty-four hours of the impoundment serve in person or attach to the owner's door a notice of impoundment to the owner and/or possessor of the animal if the owner has been ascertained and located. The notice shall state:

A. The date of impoundment and the place where the animal is impounded;

B. The grounds for impoundment;

C. The period the animal will be held pursuant to Section 6.16.040 before being humanely destroyed or otherwise disposed of.

6.16.040 Impoundment Registry

The animal control officer shall maintain a registry of impounded animals describing the type, sex and other identifying characteristics of the animals, the date of impoundment, if licensed, the license number of the dog, the date and manner of disposition of the animal, the name and address of the person redeeming.

6.16.050 Impoundment – Holding periods

Impounded animals shall be maintained at the town's containment facility, local veterinary clinic or any agency or person contracting with the city prior to disposition by the animal control officer. All unclaimed animals will be considered abandoned. All animals determined abandoned pursuant to the provisions of this section shall be disposed of in accordance with this title.

A. All dogs, licensed or unlicensed, shall be maintained a minimum of three days following the date of impoundment.

B. All other animals shall be maintained a minimum of five days following the date of impoundment.

Isolation. Any rabid animal, clinically suspected rabid animal, or biting animal shall be isolated in strict confinement as follows:

C. Impoundment/Isolation of biting animals. At the discretion of the local health officer, any animal which bites a person shall be isolated in strict confinement in a place and manner approved by the local health officer and observed for at least 14 days (dogs and cats 10 days) after the day of infliction of the bite, with the exception that the following alternative to the 10 day isolation of dogs and cats is permitted - dogs or cats which have been isolated in strict confinement under proper care and under observation of a licensed veterinarian, in a pound, veterinary hospital, or other adequate facility in a manner approved by the local health officer, may be released from isolation by the local health officer after five days of veterinary observation if upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease. Notwithstanding the foregoing provisions, a local health officer may authorize, with permission of the owner and other legal restrictions permitting, the euthanasia of a biting animal for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in an approved public health laboratory. Title 17, California Code of Regulations Section 2606 (b)(2)

D. Impoundment/Isolation of rabid animals or clinically suspected rabid animals. Any rabid animal or clinically suspected rabid animal shall be isolated in strict confinement under proper care and under the observation of a licensed veterinarian, in a pound, veterinary hospital, or other adequate facility in a manner approved by the local health officer, except where such responsibility has been delegated to a comparable officer by the governing body, and shall not be killed or released for at least 10 days after the onset of symptoms suggestive of rabies, with the exception that such animals may be sacrificed with permission of the local health officer for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in an approved public health laboratory. Title 17, California Code of Regulations Section 2606 (b)(1)

6.16.060 Impoundment – Redemption

The owner of an impounded animal shall have the right to redeem the animal any time after the provisions of this section have been met.

- A. Provided proper identification that you are the owner of such animal.
- B. Provide proof of current dog license. If the license fee has not been paid, then the redeeming party must provide current rabies vaccination and pay such license fee.
- C. Owner must pay impoundment and bail schedule fees.
- D. Owner must pay any additional costs to the city that was incurred while it is necessary to impound an animal, including but limited to care, feeding and veterinary treatment of the animal.
- E. All fees above shall be paid to the town clerk.

6.16.070 Impoundment – Fees

Fees for impoundment shall be set by town council resolution.

6.16.080 Impoundment – Disposition of unclaimed animals

- A. If an animal has not been claimed before the holding period specified in Section 6.16.050 has expired, then the animal shall be considered unclaimed or abandoned;
- B. It is the duty of the animal control officer to destroy any animal lawfully impounded that is unclaimed or abandoned;
- C. The destruction procedure shall be humane and be done by a local veterinarian, agency or person contracting with the town for such services;
- D. Notwithstanding the foregoing, the animal control officer or any agency or person contracting for the impoundment of animals in the city, may release the same for adoption in the event the animal is abandoned or unclaimed.