

ORDINANCE NO. 05-06

AN ORDINANCE OF THE CITY OF FERNDALE REGULATING ANIMALS,
LICENSING DOGS AND REPEALING ORDINANCE 299

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS
FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE, SCOPE AND REPLACEMENT

- §1.01 This ordinance shall be known and cited as the “Animal Control Ordinance”
- §1.02 Purpose: It is declared that this article is enacted for the purpose of the preservation of the public health, safety and welfare in connection with the protection of human beings. This shall be defined as:
 - 1.02.1 To prevent dogs or any other animal defined herein from running at large at any time.
 - 1.02.2 Require the registration and licensing of dogs for identification purposes.
 - 1.02.3 Provide for establishment of an Animal Control Officer.
 - 1.02.4 Authorize the seizure, impounding or killing of dogs found at large.
 - 1.02.5 Define violations as infractions, except as otherwise specified.

- 1.02.6 Declare that the owner of any dog is responsible to confine his dog to his premises to prevent the dog from damaging the person or property of others.
 - 1.02.7 Declare that the owner of any animal defined here is required to confine such animal or animals to their own property.
 - 1.02.8 Such other purpose as may be authorized by law.
 - 1.02.9 Nothing in the provisions of this ordinance shall be construed to interfere with the game laws of the State of California, nor with the right to destroy any venomous reptile, or any animal known as dangerous to life, limb or property, nor with the right to kill animals for food or any properly conducted scientific experiments or investigations, which experiments and investigations shall be performed only under the staff of some licensed educational or research facility.
- §1.03 Scope: This ordinance shall apply to all animals, domestic or wild, within the City Limits of Ferndale.
- §1.04 The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.
- §1.05 Upon the effective date of this Ordinance, Ordinance 299 is hereby appealed.

(Note: Check current Zoning Ordinance for animals allowed per zone)

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

- §2.01 The governing body of any city may enact ordinances concerning the regulation and licensing of dogs. Ca. Food & Agric. Code §30501. Penalties for violations of Cal. Food & Agric. Code §§30501 et seq. are described in Cal Food & Agric. Code §§31401 and 31402.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

- §3.01 Administration and Enforcement
- 3.01.1 The Chief of Police of the City of Ferndale, or his/her appointee, shall serve as the Animal Control Officer.
 - 3.01.2 The Duties of the Animal Control Officer shall be:
 - a. Maintain and enforce all Animal Control Laws of the State of California, and the City of Ferndale concerning the licensing, seizure, impounding and killing of dogs.
 - b. Maintain all equipment in good order and keep accurate records of all activity as well as maintain the dog license file in an up-to-date manner, and such other duties as may be required by law.

ARTICLE 4: DEFINITIONS

- §4.01 Definitions. Whenever words or phrases used in this ordinance are not defined in the Food and Agricultural Code of this state, such definitions are incorporated in this section and shall be deemed to apply to such words and phrases used in this ordinance.
- 4.01.1 Animal: Any non-human living creature, domestic or wild.
 - 4.01.2 Dog License: A required license to be issued for each individual dog.
 - 4.01.3 Kennel License: An annual license to be issued to the owner or proprietor of such kennel, where there is maintained more than five dogs over the age of four months for breeding, training or sale or for other purpose.
 - 4.01.4 Livestock: Any domestic chicken, turkey, duck, swine, goose, horse, burro, mule, cow, bull, steer, ox, sheep, or goat.
 - 4.01.5 Owner: Shall include any person who owns or controls or harbors or keeps in his possession any dog over the age of four months or any other animal as herein defined.
 - 4.01.6 Vaccination: The vaccination of a dog by a duly licensed veterinarian with a canine anti-rabies vaccine which has been approved for immunity by the Health Officer of the County of Humboldt.

ARTICLE 5: DOGS

- §5.01 Confinement of Dogs (This section is also listed in the Nuisance Ordinance)
- 5.01.1 Confined to premises: It shall be unlawful for any person to cause or permit or allow any dog or dogs, owned, harbored, controlled or kept by him, to roam or run or stray away from the premises where the same is or are owned, harbored or kept, at any time, except in the custody and control of the owner or some responsible person who has been authorized by the owner.
 - 5.01.2 Leashed: Dogs shall be kept on a leash not to exceed eight (8) feet in length in all areas of the incorporated City, not on the owner's premises.
 - 5.01.3 Impound: It shall be the duty of the Animal Control Officer to impound any dog found running at large at any time contrary to the provisions of this ordinance.
 - 5.01.4 Puppies: All dogs under four months of age shall be confined to the premises of, or kept under the physical restraint by the owner, keeper or harbinger, and such restraint shall continue until a period of thirty (30) days has elapsed after vaccination of the particular dog with an approved anti-rabies vaccine.
 - 5.01.5 Female Dogs: All unsprayed female dogs shall be strictly confined to the owner's premises when the dog is in breeding conditions.

- 5.01.6 Barking Dogs: It shall be unlawful for any person to cause or permit or allow any dog or dogs, owned, harbored, controlled or kept by said person, to disturb the peace of the neighborhood with unnecessary barking.

§5.02 Dog Tags and Licenses

- 5.02.1 The City Clerk of the City of Ferndale shall procure suitable applications and license tags to be issued to the owner or owners of dogs as required by this ordinance. Said tag shall be metallic or of other durable material and have stamped "City of Ferndale", the expiration date of the license and a consecutive serial number.
- 5.02.2 Each person owning any dog over the age of four (4) months shall procure a license for such dog within thirty (30) days after the dog reaches the age of four (4) months, or within ten (10) days after the arrival of such dog in the incorporated area of the City of Ferndale, and shall be required to pay for such license at said time, the sum set by resolution of the Ferndale City Council for each dog.
- 5.02.3 The Animal Control Officer, or his/her designee, may demand such proof as may be necessary to ascertain that the dog has in fact reached the age of four (4) months within the thirty (30) days next preceding the application for a license, or that the dog has arrived in the incorporated area of the City of Ferndale within the ten (10) days next preceding the application for a license.
- 5.02.4 Thereafter, on or before the first day of July, each person owning a dog required to be licensed shall procure a license for such dog and shall be required to pay the sum as set by resolution of the Ferndale City Council for each dog, whether spayed, neutered, or not.
- 5.02.5 The dog tag shall be affixed to a permanent collar and worn by the dog at all times when off the owner's premises.
- 5.02.6 It shall be unlawful for any person to attach a dog license tag to the collar of any dog other than the one described in the application.
- 5.02.7 Duplicate Tag – the fee for issuing a duplicate tag will be as set by resolution of the Ferndale City Council.
- 5.02.8 Non-Residents of the City – This section shall not apply to non-residents of the city who are keeping only domestic pets, provided that animals of such owners shall not be kept in the City longer than thirty (30) days and the animal shall be kept under restraint.

§5.03 Dog Kennels

- 5.03.1 Any person who owns or controls a kennel or place where there are kept five (5) or more dogs over the age of four months for breeding purposes or for training, or sale, or for any other purpose, shall pay an annual license fee as set by resolution of the Ferndale City Council for

such kennel, which shall be the license for all dogs regularly kept at said kennel.

- 5.03.2 The Kennel License Fee shall be paid on or before the first day of July every year.
- 5.03.3 The Dog Kennel shall be operated so that dogs cannot run at large off the premises, and shall be maintained in a sanitary and proper place and condition and will not cause detriment or nuisance in the immediate neighborhood.
- 5.03.4 A Use Permit is required for anyone wishing to place a dog kennel within the City Limits of Ferndale.
- 5.03.5 The Animal Control Officer or the Health Inspector may at any time enter on the premises to inspect the dog kennel to insure that the premises are being maintained in a sanitary and proper condition, and that such kennel has not been permitted to become a nuisance or detriment in the immediate neighborhood. If the Dog Kennel is not so maintained, the Use Permit may be revoked.
- 5.03.6 No Kennel License shall be issued without a certificate signed by the Animal Control Officer that such kennel is operated, or is to be operated, in accordance with the provisions of this ordinance, and, unless such certification is made, the owner of the kennel will not be entitled to a Kennel License. In addition, when any dog is removed from such kennel, the owner shall obtain an individual license as required under this ordinance.

§5.04 Seeing Eye Dogs

- 5.04.1 The license tag fee for a “Seeing Eye Dog”, either trainer or owner, shall be waived, but a tag issued. A trainer or a visually impaired person having the custody and control of a “Seeing Eye Dog” shall supply the required application form and a current rabies certificate to receive a license for the same amount of time as the rabies certificate (1 to 3 years).

§5.05 Authority to Kill a Dog

- 5.05.1 Any person may kill any dog found in the act of killing, wounding or persistently pursuing or worrying livestock or poultry on land or premises not owned or possessed by the owner of the dog, if he has observed the dog engaged in killing or wounding livestock or poultry on land or premises not owned or possessed by his owner, and no action, civil or criminal, shall be maintained for killing such dog.

§5.06 Impounding Procedures

- 5.06.1 Impounding Fees: When a dog has been impounded, the dog will be held by the City of Ferndale for three (3) days, and the owner notified if possible. At the end of the time period the dog will be transported to Rescue Facility and the owner will be responsible for applicable fees set by the Rescue Facility prior to release of dog. If the owner of the dog claims the animal from the City of Ferndale, the owner shall be responsible for Impound Fees as set by resolution of the Ferndale City Council.
- 5.06.2 Impound Records: When any dog has been impounded, the Animal Control Officer shall keep a record of the time of day, description of the dog and license tag number, if any.
- 5.06.3 Notice to Owner: If an impounded dog has a license tag attached, the Animal Control Officer shall contact the owner of record by mail or telephone.
- 5.06.4 Abandonment of Dog: The refusal or failure of the owner of a dog to pay fees and charges within a period of seventy-two (72) hours from the time it was impounded constitutes abandonment of the dog by its owners.
- 5.06.5 Presumptive Notice of Impounded Dog: The owner of any unlicensed dog or dog not wearing a license which has strayed from the premises of its owner, keeper or harbinger, is on notice that such dog may be impounded in any animal control center and may therefore be humanely destroyed seventy-two (72) hours after impounded by the Animal Control Officer.
- 5.06.6 Disposal of Abandoned Dog: The Animal Control Officer may give any abandoned dog to any person whom he/she believes will provide a suitable home for such dog. The new owner shall pay a total fee as set by resolution of the Ferndale City Council. Forty-eight (48) hours shall be allowed for the new owner to have the dog vaccinated for rabies. Upon presentation of a valid rabies certificate, the said dog will be licensed per §5.02 of this ordinance.
- 5.06.7 Dogs Biting Humans: The Animal Control Officer shall be responsible for the isolation of dogs that have bitten human beings. In all such cases, the Animal Control Officer shall notify the City and County Health Officer of the incident. In each instance, the dog shall be held for such time as prescribed by the Health Officer; provided, however, that when the Health Officer deems it proper, a licensed and vaccinated dog that has bitten a human being may be quarantined on the owner's premises or in the care of a vet or in a licensed kennel. If such dog is not claimed after the period of impoundment is ended, such dog may be destroyed.

§5.07 Compulsory Rabies Vaccination

- 5.07.1 No person shall own or harbor any dog over the age of four (4) months which has not complied with Title 17, California Administrative Code; with regards to Rabies Vaccinations.
- 5.07.2 Certificate: After vaccinating any dog, the veterinarian shall sign a certificate in triplicate containing the following information.
- a. The name, address and telephone number of the dog's owner;
 - b. The description of the dog, including breed, color and sex;
 - c. The date of immunization;
 - d. The type of rabies vaccine administered;
 - e. The name of the manufacturer;
 - f. The lot number of the vaccine used.
- 5.07.3 The vet shall present the original certificate to the owner or harbinger of the dog, the duplicate to the Animal Control Officer or appropriate City Clerk, and the triplicate retained by the Vet. The City Clerk shall notify owner of the need to license the dog with the City. All such certificates shall be on a form approved by the Health Officer of the County of Humboldt.
- 5.07.4 No person who owns or harbors a dog shall obtain a license for such dog pursuant to any existing or future ordinance of the City of Ferndale providing for the licensing of dogs without first having provided evidence that the dog has been vaccinated as provided in this section, and that the vaccine will be effective for the duration of the licensing period.
- 5.07.5 No person shall represent that any vaccination certificate in his possession or under his control was issued as a result of the vaccination of any dog other than the dog that was in fact vaccinated.
- 5.07.6 No person shall make use of or have in his possession or under his control a stolen, counterfeit or forged vaccination certificate.
- 5.07.7 No person who owns or harbors a dog shall refuse to exhibit the certificate upon demand of any peace officer, the Animal Control Officer of the City or the County of Humboldt or their authorized agents.
- 5.07.8 Vaccination 10 days after arrival: Any person who owns or harbors any dog which has been brought into the incorporated area of the City of Ferndale shall have the dog vaccinated or provide proof of vaccination to the City Clerk within ten (10) days of arrival within the City of Ferndale.

ARTICLE 6: OTHER ANIMALS:

- §6.01 Skunks: It shall be unlawful for any person to trap, capture, barter, exchange, give or transport a skunk for use as a pet in California.
- §6.02 Swine: Swine shall be housed only at the fairgrounds for purposes of exhibition.

- §6.03 Loose Livestock: It shall be unlawful for any person to cause or permit or allow any domestic animal such as: chicken, turkey, duck, swine, goose, horse, burro, mule, cow, bull, steer, ox, sheep, goat, or pig, etc., to be or run at large or to be astray within the corporate limits of the City of Ferndale.

ARTICLE 7: SANITATION REQUIREMENTS:

- §7.01 It is the duty of all animal owners, allowing their animals off their property to clean up after the animal. Owners allowing animals to defecate on property other than their own shall clean up after their animal. Owners in violation of this section shall be cited.

ARTICLE 8: INJURED ANIMALS:

- §8.01 Removal of Injured Animals for Treatment: At the discretion of the Animal Control Officer, any injured animal found in a public area may be removed to a qualified veterinarian for treatment.
- §8.02 Humane Care of Animals: No owner shall fail to provide any animal adequate food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering because of injury, illness or advanced age, and with humane care and treatment. No person shall cruelly, ill treat, torment, mutilate, overload, overwork, or otherwise abuse any animal. No owner shall abandon any animal.

ARTICLE 9: PENALTY PROVISIONS

- §9.01 Penalties: This provision provides the following penalties for violation of the Animal Control Ordinance except when in conflict with existing state statutes which take precedence.
- 9.01.1 The Animal Control Officer or any police officer of the City of Ferndale may issue to the known owner of any animal violating this ordinance a citation for ordinance violation. Such citation shall carry a bond of \$50.00 for the first violation in any 12 month period, \$75.00 for the second violation in any 12 month period, and \$100.00 for the third violation in any 12 month period, which bond may be forfeited in lieu of court appearance. In the event that a bond is not posted within the time period prescribed, a criminal warrant may be initiated before a magistrate and, upon conviction of a violation of this ordinance; the owner shall be punished in accordance with law.
- 9.01.2 Any violation of any provision of this ordinance is declared to be an infraction punishable by a fine or not more than Fifty dollars (\$50.00) for the first offense, and for a second or subsequent offense, a fine of not more than Five Hundred dollars (\$500.00).

9.01.3 Any person who shall interfere with, or oppose, or resist the Animal Control Officer or other person authorized under the provisions of this ordinance, while in the performance of any act, or duty, authorized or prescribed by this ordinance shall be guilty of a misdemeanor and punishable by fine not to exceed One Thousand Dollars (\$1000.00), or by imprisonment in the County Jail not to exceed six months, or both.

ARTICLE 10: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 11: EFFECTIVE DATE: This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 12: POSTING REQUIREMENT: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 13: ENACTING DATE AND SIGNATURES: Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on December 1, 2005 by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

Frances Scalvini, City Clerk

Elizabeth Anderson, Mayor

First Reading: November 3, 2005
Second Reading: December 1, 2005