

DEPARTMENT: Sheriff

BY: Byron Robles

PHONE: 966-3615

RECOMMENDED ACTION AND JUSTIFICATION:

Waive first reading, introduce Ordinance amending Section 6.08.010 and create Section 6.08.145 of the Mariposa County Code entitled Leash Regulations for Dogs.

Amending Section 6.08.010 and creating Section 6.08.145 will assist the Animal Control Officers when being requested to act as a result of another not having their animal contained or under their immediate control. This action will ensure for a safer environment for citizens as well as animals when out in public or on privately owned property.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Ordinance No. 700 was adopted by the Board of Supervisors in 1987 rescinding and replacing Section 6.08.260 Owner Responsibilities of Chapter 6.08 but did not allow for adequate control of animals when off of the owners property. Mariposa County is charged with the implementation of County Ordinances.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Failure to accept this proposal to amend the County Ordinance could leave citizens and other animals vulnerable to injuries sustained by dogs that are not properly restrained. It would also result in limited enforcement action being taken when a dogs strays from its owner and causes a nuisance for others.

Financial Impact? () Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes (x) No () Partially Funded		
Amount in Budget: _____	List Attachments, number pages consecutively	
Additional Funding Needed: _____	_____ Ordinance	
Source:	_____	
Internal Transfer _____	_____	
Unanticipated Revenue _____ 4/5's vote	_____	
Transfer Between Funds _____ 4/5's vote	_____	
Contingency _____ 4/5's vote	_____	
() General () Other	_____	

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1075 #18
 Vote - Ayes: 5 Noes: _____
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments: _____

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

CAO: [Signature]

MARIPOSA COUNTY ORDINANCE NO. 1075

AN ORDINANCE AMENDING SECTION 6.08.010 AND CREATING SECTION 6.08.145 OF CHAPTER 6.08 OF THE MARIPOSA COUNTY CODE

WHEREAS, the Board of Supervisors desire to amend section 6.08.010 to clarify the definition of “at large” and to add the definition of “charge and control”, and

WHEREAS, the Board of Supervisors desire to create a new section covering dogs running at large, and

WHEREAS, this amendment will add language to clarify the prohibition of dogs without leashes in any public place or premises, or upon any private place or premises other than those of the owner, caretaker or keeper, except as otherwise stated in this chapter,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Section 6.08.010 of Chapter 6.08 of the Mariposa County Code is hereby amended to read as follows:

6.08.010 Definitions.

A. **“At large”** means an animal off the premises of its owner, caretaker or keeper and not under the reasonable control of such owner, caretaker or keeper of dog.

B. **“Dog”** means any canine, including coyotes and wolves, and any hybrid crosses of any of the above.

C. **“Charge and control”** means an owner, caretaker or keeper of a dog must accompany and restrain the dog on a leash. The leash must be in hand or securely attached to the owner or keeper of the dog, and the leash, chain, rope, cord or lead utilized to restrain the animal shall be of sufficient strength to restrain the animal should it try to run from the owner, caretaker or keeper.

D. **“Dog license”** means a license tag required to be purchased or obtained by this chapter for each dog over four (4) months of age in Mariposa County, and all renewals thereof.

E. **“Livestock”** includes domestic fowls and rabbits.

F. **“Owner”** means any person who owns, controls, harbors, or keeps in his possession any dog which is over four (4) months of age. This will not include the Mariposa S.P.C.A.

G. **“Animal Control Officer”** is the designated person to enforce this chapter. The animal control function shall be located in and supervised by the Mariposa County Sheriff’s Office.

SECTION II: Section 6.08.145 of Chapter 6.08 of the Mariposa County Code is hereby created to read as follows:

6.08.145 Leash regulations for dogs.

A. No owner, caretaker or keeper of a dog shall at any time allow or permit a dog to run at large in or upon any public place or premises, or upon any private place or premises other than those of the owner, caretaker or keeper or with the consent of the person in charge of the private place or premises. Dogs are to be securely restrained by a substantial leash not to exceed eight

(8) feet in length and in charge and control of a person competent to keep such dog under effective charge and control, except in the following situations:

1. When the dog is assisting a peace officer who is engaged in law enforcement duties or when the dog is participating in a search and rescue effort at the specific request of a law enforcement authority.

2. When the dog is enrolled in and actually participating in a dog training or obedience course, exhibition, or competition conducted by an organization on private or public property with the permission of the owner or operator of the grounds or facilities.

3. When the dog is assisting the owner or person in charge of livestock in the herding or control of such livestock.

4. When the dog is accompanying and under the direction of a person engaged in hunting on land where hunting is permitted and where the person hunting has a right to be.

5. When the dog is confined within a car, truck or boat that the driver properly restrain the dog in compliance with Vehicle Code Section 23117. This section is not intended to supersede Vehicle Code Section 23117 "Animal Restraints".

B. Under no circumstances shall a dog, even on a leash, be allowed on private property unless specific permission has been granted by the owner or other person lawfully in possession of such property.

C. No owner, caretaker or keeper shall permit their dog to defecate upon public property, or upon the private property of another, unless the owner immediately removes the feces and properly disposes of the feces by placing it in a closed or sealed container and depositing it in a trash receptacle. This subsection shall not apply to guide dogs, service dogs or signal dogs as defined in section 54.1 of the California Civil Code. This subsection does not authorize any person to enter upon the private property of another without permission.

SECTION III: 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 18th day of January 2011 by the following vote:

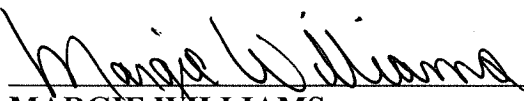
AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



Jim Allen, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



MARGIE WILLIAMS
Clerk of the Board



STEVEN W. DAHLEM
County Counsel