

DEPARTMENT: County Counsel BY: Thomas P. Guarino PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt Ordinance amending Section 6.16.020 of Chapter 6.16 of the Mariposa County Code entitled "Barking Dogs - Public Nuisance". Amending Section 6.16.020 will eliminate the current requirement of 4 persons that reside in the immediate area to file written complaints to Animal Control and incorporate a new requirement of only 1 written complaint from a person being disturbed by the barking dog(s). This change will help in the enforcement of the Ordinance and bring a faster resolution to the complaints received by Animal Control.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Ordinance No. 769 was adopted by the Board of Supervisors in 1990 creating Chapter 6.16 defining barking dogs and the process which must be taken when they become a public nuisance.

This issue came before the Board of Supervisors on May 3, 2005 for discussion and direction. At that meeting the Board directed staff to bring this matter back for introduction and adoption of an ordinance amending Section 6.16.020 of the Mariposa County Code.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:


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

5/17-05
 Clerk's Use Only: 6-2-05
 Res. No.: _____ Ord. No. 1019
 Vote - Ayes: 4 Noes: _____
 Absent: Frita
 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: 

MARIPOSA COUNTY ORDINANCE NO. 1019

**AN ORDINANCE AMENDING SECTION 6.16.020 OF
CHAPTER 6.16 OF THE MARIPOSA COUNTY CODE
ENTITLED "BARKING DOGS – PUBLIC NUISANCE"**

WHEREAS, the Board of Supervisors desire to amend Section 6.16.020 of Chapter 6.16 of the Mariposa County Code, and

WHEREAS, this amendment will eliminate the current requirement of 4 persons that reside in the immediate area to file written complaints to Animal Control and incorporate a new requirement of only 1 written complaint from a person being disturbed by the barking dog(s),

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

SECTION I: Section 6.16.020 of Chapter 6.16 of the Mariposa County Code is hereby amended to read as follows:


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 to the animal control officer of one (1) or more persons residing in the immediate neighborhood 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.

SECTION II: 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 7th day of June 2005 by the following vote:

AYES:	STETSON, TURPIN, BIBBY, FRITZ, PICKARD
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE



BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:



THOMAS P. GUARINO
County Counsel