

Chapter 6.12

DOGS

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6.12.010 Dogs Prohibited in De la Guerra Plaza.

It shall be unlawful for any person owning or having possession, charge, custody or control of any dog to cause or permit or allow the same, whether or not on leash, to be upon the grass area known as De la Guerra Plaza.

This Section shall not apply to any blind person owning or having possession, charge, custody or control of a guide dog or to a police dog.

This Section shall not apply to participants in events issued a permit by the Parks and Recreation Director which permit specifically allows dogs upon De la Guerra Plaza. (Ord. 5150, 2000; Ord. 4621, 1990; Ord. 4460, 1987; Ord. 4346, 1985; Ord. 4067, 1980; Ord. 3828, 1976.)

6.12.020 Dogs Creating Nuisance on Beaches, in Public Parks and on Sidewalks.

No person owning or having custody or control of any dog shall knowingly or through failure to exercise due care or control permit such dog to defecate or commit any other nuisance and allow such nuisance to thereafter remain on any beach, in any public park, or other public property, upon the sidewalk or parkway of any street, or upon any private property which is improved or occupied, without the consent of the owner or person in lawful occupation thereof. A person shall not be considered in violation of this Section if the person has necessary equipment, i.e., shovel, bag, etc., readily available and does take immediate and necessary action to accomplish the removal of such nuisance.

This Section shall not apply to any blind person owning or having possession, charge, custody or control of a guide dog or to a police dog. (Ord. 4968, 1996; Ord. 4621, 1990; Ord. 4460, 1987; Ord. 4346, 1985; Ord. 4067, 1980; Ord. 3859, 1976.)

6.12.030 Vicious Dog - Defined.

The Animal Control Supervisor or designated animal control officer is authorized to determine whether a dog is vicious, and shall be guided by the following criteria: (1) whether or not the dog has bitten any person at any other time; (2) the circumstances surrounding the occasion indicating the temper or ferocity of the dog; (3) the reputation of the dog in the community with regard to its temper and ferocity; (4) its propensity to bite persons or animals without provocation or (5) its general menace to the public. The Animal Control officer need not consider whether the dog in question has been vaccinated and licensed as required by this Title. (Ord. 4621, 1990; Ord. 4460, 1987; Ord. 4346, 1985; prior Code §5.18.)

6.12.040 Vicious Dogs - Disposition.

If it is determined by the Animal Control Supervisor or designated animal control officer that any dog impounded pursuant to Section 6.16.050 is a vicious dog, the Animal Control Supervisor or designated animal control officer may thereupon order the person who owns or has the custody of the dog to keep the dog at all times securely fastened by a chain, or securely con-fined in a manner determined by the Animal Control Supervisor or designated animal control officer, until further order of the Animal Control Supervisor or designated animal control officer. If, given the severity of the bite or the temper and ferocity of the dog, it is the opinion of the Animal Control Supervisor that the dog should be destroyed, the owner of the dog shall be notified of the decision by certified mail sent to the address listed on the license application. Upon receipt of the notice, the owner shall have five (5) calendar days to request a hearing before the Chief of Police or the designated representative. The decision of the Chief of Police or the designated representative shall be final. In the absence of a timely request for a hearing, the decision of the Animal Control Supervisor shall be final. (Ord. 4621, 1990; Ord. 4460, 1987; Ord. 4346, 1985; Ord. 3488 §1, 1971; prior Code §5.17.)