TITLE 6

ANIMALS

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Chapter 6.04

Animal Services

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6.04.010 Short title. This chapter shall be known and may be referred to in all proceedings as the animal services ordinance (ASO).

6.04.020 Definitions. For the purposes of this chapter, the following words and phrases are defined and shall be construed as hereinafter set forth unless it is stated a different meaning is intended.

A. "Animal Services Agency" means that agency appointed as the Animal Services Provider for the County of Marin under the provisions of Section 6.04.110.

B. "City" means the City of Mill Valley.

C. "Commercial animal establishment" means any location where the business of grooming, buying, selling, bartering, training, renting or boarding of dogs, cats, wild animals, domestic animals or fowl is conducted. This definition shall not apply to:

1. The use of goats, sheep, or other animals in herding operations for the purposes of clearing brush and ground cover for fire control purposes;
2. Buying or selling livestock for agricultural purposes;
3. Livestock establishments;
4. Buying and selling of dogs by dog hobbyists;
5. Buying and selling of dogs by ranch dog permittees;
6. Business activities of a duly licensed veterinary hospital;
7. Training facilities where owner/guardians are trained to handle their own pets;
8. Marin County designated Animal Services Provider.

D. "County" means the County of Marin.

E. "Director" means Chief Executive Officer of the Animal Services Agency or any person authorized to act on his/her behalf.

F. "Dog" means any animal that is a member of species ***canis familiaris*** four months old or older.

G. "Dog hobbyist" means any person who keeps, within or adjoining a private residence, four or more dogs for personal, recreational and noncommercial purposes who has secured a permit for such activity in accordance with the provisions of Section 6.04.245.

H. "Dog license" means the license required to be annually issued for each individual dog.

I. "Owner/guardian" means any person who has the legal responsibility and rights of an owner/guardian after keeping or harboring an animal for 15 or more days, except a veterinarian or an operator of a kennel engaged in the regular practice of this business. The use of the word "guardian" for all legal intent and purposes has the same meaning and effect as the term "owner/guardian" with respect to all federal, state, and county law, current and/or as modified.

J. "Licensed dog" means any dog for which the license for the current year has been issued and to which the tag is properly displayed.

K. "Ranch dog permittee" means any person who owns or keeps within or adjoining a residence, building, lot or area which is zoned for agricultural uses under Title 22, four or more dogs for personal, recreational, or noncommercial purposes.

6.04.030 Licenses required — Periods. Every owner/guardian of a dog which is over the age of four months and which is kept in the county shall procure a license for each such dog, for each year, commencing with the date of the rabies vaccination of the dog and expiring the year following the date of issuance of such license. Such license shall be procured within thirty days after the day upon which the dog is four months old, or within thirty days after the day upon which the dog, if over the age of four months, is first obtained by a resident of the county and thereafter shall be maintained on a current basis from year to year. Dog owner/guardians may, with proof of multi-year rabies vaccination, choose to obtain licenses for one, two or three years, with final expiration to coincide with the expiration of the rabies vaccination.

6.04.040 Rabies vaccinations, veterinarian reporting requirements.

A. Whenever the laws of this state require vaccination of dogs against rabies, no license shall be issued for any dog required to be vaccinated until the issuing authority is given satisfactory written evidence of compliance under such law.

B. All cats shall be vaccinated against rabies. Any person in possession, control, or owner/guardianship/guardianship of any cat shall have that cat vaccinated against rabies.

C. Any veterinarian operating either at an established place of business or at a mobile clinic shall provide a copy of a rabies vaccination certificate for any cat or dog vaccinated by him/her to the Animal Services provider within ten days of vaccination.

6.04.050 Confinement and quarantine. The owner/guardian of a quarantined animal shall pay a fee of thirty dollars toward the animal services costs in providing and insuring that the animal is properly quarantined. If any person fails or refuses to obey any lawful order for quarantine of an animal for rabies observation, any animal services officer may impound the animal for such quarantine at additional expense to the owner/guardian at the rate as may be established by separate ordinance of the Marin County Board of Supervisors. Quarantine fees are payable within thirty days of issuance of an invoice. Payment is delinquent if not received within sixty days.

6.04.060 License fee. A dog license fee shall be imposed on all dogs. The license fee for dogs which have not been sterilized shall be established by separate ordinance of the Marin County Board of Supervisors.

(a) The license fee for dogs which have been sterilized shall be established by separate ordinance of the Marin County Board of Supervisors. The fee is due and payable with the issuance of a license as required in Section 6.04.030.

6.04.070 Delinquent license penalty. Any owner/guardian failing to procure and pay for such license within the period allowed in Section 6.04.030 shall pay a delinquent penalty in the amount set forth by separate ordinance of the Marin County Board of Supervisors. The delinquent penalty may be waived where failure to pay is due to reasonable cause and circumstances beyond the control of the dog owner/guardian which shall be determined by the Animal Services Agency or the Marin County Administrator's office. Any person dissatisfied with a determination denying waiver of the delinquent penalty shall be entitled to a hearing which shall be conducted pursuant to the provisions of Section 6.04.122.

6.04.080 Duplicate license tags. If a license tag is lost, a duplicate tag may be acquired by the payment of a fee as may be established by separate ordinance of the Marin County Board of Supervisors.

6.04.090 Display of license tags. The license tag shall be attached securely to a collar or harness or other suitable device on the dog, for which issued, at all times that the dog is in the public areas of the county. The person in control of the dog shall show the license certificate or tag upon demand by a representative of the Animal Services Agency at any time.

6.04.100 Exceptions. Any dog bred, raised or providing service as a guide or service dog is exempt from the license fee but is not exempt from being licensed or from any required vaccination. The

provisions of Section 6.04.030 shall not apply to any dog in the custody or care of a nonresident of the county or temporarily therein for a period not exceeding thirty days.

6.04.110 Animal services officer — Appointment. The Marin Humane Society is appointed as the Animal Services Agency for the Marin County, and is hereby appointed as the Animal Services Agency for the City, and shall appoint suitable persons to act as Animal Services Officers. All Animal Services Officers shall, for the purpose of enforcing this chapter, be deemed to be peace officers.

6.04.120 Animal Services Agency and its Animal Services Officers — Powers and duties.

The powers and duties of the Animal Services Agency and Animal Services Officers shall be as follows:

A. To enforce all provisions of this chapter and all the laws of the state of California relating to the care, treatment, and impounding of animals, and specifically to issue citations and to make arrests for violations of the provisions of this chapter and related state laws;

B. To provide an animal shelter for all animals which are subject to impoundment. Animals shall be provided with humane care and treatment, including veterinary care when appropriate, throughout the duration of their impoundment consistent with state laws and local ordinances;

C. To take up, impound and safely keep any animals where authorized under the provisions of this chapter or the laws of this state;

D. To collect any costs or charges hereinafter provided in this chapter for the impounding and keeping of any animal;

E. Where authorized under the provisions of this chapter or the laws of this state, to enter upon any premises upon which any animal is kept for the purpose of taking up, seizing or impounding of any animal or for the purpose of determining whether such animal is licensed or is violating the provisions of this chapter;

F. To euthanize any animal lawfully impounded which by reason of injury, disease or temperament is unsuitable for adoption placement;

G. To enter upon any private or public property in order to pick up and dispose of any dead animal;

H. To destroy or dispose of any animal where authorized pursuant to the provisions of this chapter;

I. To make determinations in accordance with the provisions of this chapter;

J. To perform any and all services related to public records (handling, retention and availability) in the same manner as employees of the County of Marin regarding the handling of what would be public records if prepared, retained or distributed by Marin County employees.

6.04.122 Hearings.

A. The administrative hearing officer selected by the Marin County Administrator or designee is authorized to conduct hearings in all cases authorized by the provisions of this chapter. This shall include, but not be limited to, all permit denials, permit revocations or refusals to renew permits authorized under this chapter. Written notice of the time and place of the hearing shall be given to the animal owner/guardian, permittee or permittee applicant at least ten days prior to the date set for hearing, unless the animal owner/guardian, permittee or permittee applicant expressly requests, in writing, that the hearing be set for an earlier date, and the Animal Services Agency agrees to do so. Service of the notice shall be made in accordance with the provisions of Section 1.04.190 of the Marin County Code. If the owner/guardian of the affected animal, permittee or permittee applicant fails to appear at the hearing, the hearing shall nevertheless proceed, and an appropriate order shall be issued in accordance with the provisions of this chapter.

B. ADMINISTRATIVE HEARING AND FEES. The administrative hearing officer shall have the ability to impose administrative hearing fees authorized under a fee ordinance or resolution adopted by the governing body under whose authority the hearing has been undertaken. The administrative hearing officer may impose the fees based upon the complainant's, or business owner's or animal owner/guardian's culpability for causing administrative expenses to the Animal Services Agency's program. At the administrative hearing, the hearing fee shall be in lieu of the imposition of any applicable statutory fine. In a de novo appeal to the Superior Court, both administrative expense fees as well as statutory penalties may be imposed upon the animal owner/guardian as deemed appropriate. Criminal restitution, damages and/or injury awards are the domain of the superior courts and are not available by way of the administrative hearing process. In any hearings other than ones involving the determination of the status of a potentially dangerous animal or vicious animal, the decisions of the hearing officer shall be final but subject to review by the Superior Court pursuant to the provisions of CCP section 1094.5. De novo appeal of hearing officer decisions to the Superior Court is only available in the case of potentially dangerous animal or vicious animal hearings.

C. SANCTIONS HEARINGS AND FEES. If the animal owner/guardian does not appeal the orders of the hearing officer in a potentially dangerous or vicious animal case to the Superior Court within the time period prescribed in this Chapter, the hearing officer's orders shall be binding. In all other administrative hearings, the decisions of the hearing officer are final without further appeal to the Superior Court. Failure to abide by the hearing officer's orders shall, upon petition by the Animal Services Agency, subject the animal owner/guardian (or commercial animal establishment-related licensee or other permitees/licensees) to attend a noticed sanctions hearing where further regulatory actions to protect the public health and safety may be considered and imposed. Notice requirements shall be the same as in the case of the initial hearing before the hearing officer. (See (a) above.) The sanctions that may be imposed include any reasonable regulatory actions to preserve public health and safety including, but not limited to the destruction of the animal (which order is subject to de novo review), or in the case of a permit of license, loss of said permit or license. Lesser sanctions may be imposed provided the heath and safety of the public is not unreasonably placed at risk. Sanctions hearings shall be recorded or reported, and shall be final. The hearing officer shall have the authority to impose additional administrative fees authorized under a fee ordinance or resolution adopted by the governing body under whose authority the hearing has been undertaken for the expenses related to the sanctions hearing. The orders from such sanctions hearings shall be subject to review by the Superior Court pursuant to the provisions of CCP section 1094.5.

D. Any owner/guardian failing to abide by the final orders of the hearing officer within the period allowed within the orders or under law shall pay a civil administrative penalty in the amount of $500. The civil administrative penalty may be waived where failure to perform the required order(s) is/are due to reasonable cause and circumstances beyond the control of the dog owner/guardian which shall be determined by the hearing officer. Any person dissatisfied with a hearing determination denying waiver of the civil administrative penalty may petition for review by the Superior Court pursuant to the provisions of CCP section 1094.5.

6.04.130 Disposition of animals by Animal Services Agency. Except where otherwise provided in this chapter, the Animal Services Agency shall keep any animal impounded for violation of the provisions of this chapter or relinquished for the period of time hereinafter specified and shall determine the final disposition of the same in accordance with the following provisions:

A. Unidentified Stray Animals. All impounded unidentified stray animals shall be held for redemption for five working days. The stray holding period shall not include the day upon which the animal was impounded, days the animal shelter is closed or holidays. At the end of the stray holding period, the Animal Services Agency shall determine the final disposition of the animal, which may include adoption, redemption or euthanasia.

B. Identified Stray Animals. All impounded stray animals where an owner/guardian is known

shall be held eight working days. The stray holding period shall not include the day upon which the animal was impounded, days the animal shelter is closed or holidays. At the end of the stray holding period, the Animal Services Agency shall determine the final disposition of the animal, which may include adoption, redemption, or euthanasia. The Animal Services Agency shall notify the owner/guardian by mail at the last known address of the animal being impounded. Notice of impoundment shall be given to the animal owner/guardian within 24 hours of impoundment.

C. Release of dogs. All dogs four months old and older shall be released to their owner/guardians with a current dog license. All cats four months old and older shall be released to their owner/guardians with proof of a current rabies vaccination.

D. Sterilization of Animals Released for Adoption. No dog or cat shall be released for adoption without being sterilized.

E. The Animal Services Agency shall follow all laws of the State of California concerning holding periods and final disposition of animals.

6.04.140 Redemption of impounded animals. Except where redemption is not permitted by this chapter, redemption of an impounded animal by the owner/guardian shall be made by exhibiting to the Animal Services Agency proof of the owner/guardian's identity and any required license certificate, tag, or other satisfactory proof of custody. All charges provided for under Section 6.04.150 must be paid to the Animal Services Agency prior to the animal being redeemed. If such animal is released to a person other than the owner/guardian, the owner/guardian of such animal may, at any time within thirty days, request the Animal Services Agency to return the animal to the owner/guardian. All costs of impoundment, including charges for boarding, shall be collected prior to the animal being released to the owner/guardian. No person may redeem an animal under this section if he or she was given written notice of such impoundment by the Animal Services Agency and failed for a period of eight days after the mailing of such notice to redeem such animal from impoundment.

6.04.150 Fees for redemption, placement, surrender. Redemption Fees. No animal may be released by the Animal Services Agency to the owner/guardian until all appropriate charges have been paid. The redemption fee for an impounded animal shall be established by separate ordinance of the Marin County Board of Supervisors.

A. Boarding Fees. The Animal Services Agency shall collect boarding fees for dogs and cats as may be established by separate ordinance of the Board of Supervisors. Fees for livestock shall be collected pursuant to Section 6.04.220.

B. Veterinary Fees. The Animal Services Agency shall collect all fees associated with veterinary care provided to any impounded animal.

C. Surrender. Animals surrendered by their owner/guardians subsequent to impoundment for a violation of this chapter or any provisions of state law shall not relieve the owner/guardian of the obligation to pay such charges as set forth by separate ordinance of the Marin County Board of Supervisors, prior to such surrender.

6.04.155 Removal of Dog Feces. It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner, by placing in a trash receptacle, any feces deposited by such dog upon any public or private property not owned or leased by the owner or person having custody of such dog.

6.04.160 Dogs running in certain public areas. It is unlawful for the owner/guardian or person having control of any dog to permit the same, under any circumstances, to run at large in any public parks, or in any school, or upon any school grounds, or in any commercial district, or in any game refuge, or in any public watershed area; and every dog found running at large in violation of the provisions of this section shall be immediately seized and impounded. Any duly authorized peace officer or person exercising peace officer powers shall be entitled to take such other action as may be

reasonably necessary for the protection of public health and safety.

6.04.170 Dogs running on certain private lands. It is unlawful for the owner/guardian or person having control of any dog to suffer or permit the same to run upon the lands of another without the consent of the owner/guardian or person entitled to the use or possession of such lands.

6.04.175 Dog control by responsible person.

A. Dogs shall at all times be kept under the immediate control and direction of a competent, responsible person who is capable of controlling such an animal. Any dog that is not subject to such control and direction may be seized and impounded.

B. Every owner/guardian or possessor of a dog shall at all times prevent such dog from biting or physically harassing any person engaged in a lawful act and from interfering with the lawful use of public or private property.

C. Every owner/guardian or possessor of a dog shall at all times prevent such dog from causing injury to another domestic animal that results in veterinarian treatment or death while such domestic animal is lawfully upon public or private property.

D. Every owner/guardian or possessor of a dog shall desist from commanding or provoking such dog to attack, sic or threaten a person when such person is peaceably and lawfully upon public or private property.

6.04.179 Prohibition of habitual animal noise which unreasonably disturbs the peace.

A. Subject to the provisions of subsections (b), (c), (d), and (e) of this section, it is unlawful for any person to suffer or permit any dog, cat, fowl, or other animal to habitually bark, yelp, howl or create noise in such a manner which unreasonably disturbs the peace of any person(s).

B. Any person who shall keep or permit to remain on any premises, an animal which disturbs the peace of any person in the manner set forth in subsection (a) of this section shall be guilty of an infraction for a first citable offense (and under subsection (e) be subject to fines pursuant to Marin County Code Section 1.05.030) and for a subsequent second citable offense of a misdemeanor as provided in Section 6.04.260(b). Any person found in violation of this subsection for a third or additional citable offense shall be guilty of a misdemeanor under 6.04.260(a). An animal kennel regulated by a use permit under the provisions of the Marin County Code shall not be subject to the provisions of this section. This section shall not apply 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 that are zoned or legally permitted for such purposes.

C. Except as otherwise provided in subsection (d) of this section, where the animal owner/guardian is present and available at a household, the sheriff will notify the keeper of the offending animal of the noise violation and direct that such violation be abated. If the sheriff receives a second complaint from any person within thirty days of the notice of complaint of an additional violation by the animal, then the sheriff may issue a citation provided there is probable cause to believe the noise has been continuous for a half an hour or more. If an animal creates noise, but not to the extent of a half hour of continuous noise, and the owner/guardian is not present at home, the sheriff shall issue a written notice of complaint upon a first complaint that informs the owner/guardian that a further violation within thirty days of the notice of complaint may result in the issuance of a citation. Written notice of complaint shall be sufficient by securely posting the notice of the complaint upon the door of the household where the animal is kept. If the sheriff receives a second complaint from any person within thirty days of the notice of complaint of an additional violation by the animal, then the sheriff may issue a citation provided there is probable cause to believe the noise has been continuous for a half an hour or more. Whenever possible, the sheriff may recommend the services of county mediation to the complainant and the keeper of the animal as a means of resolving the animal nuisance noise. If mediation is refused by either party or is unsuccessful at the end of the thirty business days, then the matter shall proceed as if it were never referred to mediation.

D. If the animal owner/guardian of the offending animal is unavailable, the sheriff may issue a citation with a first complaint if it is determined by the sheriff after investigation of the complaint and interview of the complainant that the noise created by the animal has persisted for one half hour or more and cannot be abated or quieted so that it continues to disturb the peace of the complaining person(s). If the noise created by the animal can be abated or quieted so that it does not continue to disturb the peace, such abatement or quieting shall be done and the sheriff shall issue a written notice of complaint upon a first complaint that informs the owner/guardian that a further violation within thirty days of the notice of complaint may result in the issuance of a citation. Written notice of complaint shall be sufficient by securely posting the notice of the complaint upon the door of the household where the animal is kept. If the sheriff receives a second complaint from any person within thirty days of the notice of complaint of an additional violation by the animal, then the sheriff may issue a citation provided there is probable cause to believe the noise has been continuous for a half an hour or more. The sheriff may in addition make a referral to Animal Services so an investigation may ensue as to whether the animal should be taken into protective custody. The animal may be taken into protective custody by Animal Services for animal owner/guardian abuse, neglect, or any other grounds within their authority. An animal placed under protective custody under this section may be redeemed by the owner/guardian provided there is presented to the Animal Services Agency proof of the owner/guardian's identity and any required license certificate or license tag or other satisfactory proof of owner/guardianship and by paying the charges referenced under Section 6.04.150 and the fees that may be established by separate ordinance of the Board of Supervisors in reference thereto.

E. The owner/guardian of an animal taken into protective custody under this section shall be entitled to a hearing conducted by a hearing officer designated by the Marin County Administrator or his/her designee pursuant to the provisions of Section 6.04.122. The hearing shall be conducted for the purpose of determining whether the taking of the animal into protective custody was proper and whether the protective custody should continue. The hearing shall be held within ten business days following the taking of the animal into custody provided such owner/guardian files a written request for a hearing with the sheriff within five business days following written notice. Unless the hearing officer otherwise determines, the owner/guardian is liable for all charges related to such taking of the animal into protective custody.

F. Such repeated acts by an owner/guardian of allowing an animal to disturb the peace, as described by subsection (a) and subject to the limitations set forth in subsections (b), (c), and (d), shall constitute a public nuisance under the provisions of Marin County Code sections 1.05.020. Persons responsible for such disturbances may be held liable to the civil penalties set forth in Marin County Code section 1.05.030.

<u>6.04.180 Prohibition of animals trespassing on public or private property</u>. It is unlawful to suffer or permit any animal to trespass on private or public property so as to damage or destroy any property or thing of value, or so as to commit any other act dangerous to public health or safety, and any animal committing such an act is a public nuisance.

<u>6.04.181 Potentially dangerous and vicious dogs</u>. Except as otherwise provided under the provisions of subsections (b) through (e) of this section, the provisions of Chapter 9, Articles 1 through 5, Sections 31601 through 31683 and any amendments thereto exclusive of Sections 31602, 31603, 31606 and 31644 of the Food and Agricultural Code are adopted and incorporated by reference herein. The hearing provisions set forth in subsection (e) below shall be in addition to the provisions set forth above in Section 6.04.122.

A. "Potentially dangerous dog" means any of the following:

1. Any dog which, when unprovoked on two separate occasions within the prior thirty-six month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner/guardian of the dog;

2. Any dog which, when unprovoked, bites a person causing a less severe injury than

as defined in Section 31604 of the Food and Agricultural Code;

3. Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury or otherwise caused injury attacking a domestic animal off the property of the owner/guardian of the dog.

4. Any dog that has been deemed by another governmental jurisdiction as “potentially dangerous,” or “dangerous,” or similar designation.

B. “Vicious dog” means any of the following:

1. Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner/guardian under subdivision (a) of Section 597.5 of the Penal Code;

2. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being;

3. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner/guardian has been notified of this determination, continues the behavior described in subsection (b) or is maintained in violation of Section 31641, 31642 or 31643 of the California Food and Agricultural Code.

4. Any dog that has been deemed by another governmental jurisdiction as “vicious” or similar designation.

5. Any dog which has engaged in any aggressive behavior that demonstrates that the dog represents a clear and present substantial danger to public health or safety and that due to substantial risk to public health or safety it is unlikely that the dog could be safely maintained.

C. “Severe injury” means any physical injury directly caused by a dog attack that results in muscle tear(s), puncture(s), dislocation(s), broken bone(s) or disfiguring laceration(s), or which requires the suturing of a wound, corrective or cosmetic surgery and hospitalization for any of the aforementioned conditions.

D. A hearing on whether a dog shall be declared potentially dangerous or vicious shall be conducted in the following manner:

1. If the director has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious as defined by this section, a hearing shall be conducted. The director shall prepare a petition specifying the basis as to why the dog is potentially dangerous or vicious.

2. A documented complaint must be received from a member of the public which serves as the evidentiary basis for the director to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition.

3. Prior to commencement of a potentially dangerous dog hearing and if the allegations of the petition indicate that the dog is potentially dangerous as defined under subsection (b), the Marin County Administrator or his/her designee may offer in writing mediation services as an alternative to a hearing provided both the complainant and the owner/guardian agree in writing to mediation. Mediation must be concluded within thirty days of the offer to mediate. If mediation is refused or is unsuccessful, then the matter shall be referred to a hearing under this subsection.

4. The Marin County Administrator or his/her designee shall designate a hearing officer from a panel of up to five persons whose membership shall be designated by the board of supervisors. Hearing officer applicants shall have had a minimum of five years experience as a practicing attorney and prior experience in administrative,

arbitration or mediation hearings. Prior experience in care and control of animals shall also be considered but is not necessary. The hearing officer shall conduct a hearing as described in section 6.04.122 on whether a dog shall be declared potentially dangerous or vicious. The hearing officer shall be compensated for the actual hours devoted to the hearing and its determination at the Marin County approved hourly rate for said services.

5. The Marin County Administrator or his/her designee shall provide written notice to the owner/guardian of the specific behavior of the dog alleged in the petition and the date upon which a hearing will be held to consider the petition. The hearing shall be held within the time limits set forth by the Food and Agricultural Code Section 31621 or any amendments thereto. The notice shall advise the owner/guardian of the consequences of a finding of potentially dangerous or vicious. The hearing shall be open to the public and the hearing officer may admit into evidence all relevant evidence, and exercise the full scope of authority set forth in Food and Agricultural Code Section 31621. Service of the notice shall be made in accordance with Section 1.04.190. Where the owner/guardian's address of any dog is unknown, notice of the hearing shall be given by posting the same in the office of the director and by publication in a newspaper of general circulation. Notice shall then be deemed given on publication of the notice.

6. A hearing may be continued if the hearing officer deems it necessary and proper or upon a showing of good cause.

7. The time for hearing and the hearing provisions of this subsection shall be stayed if mediation services are offered pursuant to the provisions of (3) of this subsection. The time for hearing and the hearing provisions of this subsection shall recommence at the date the Marin County Administrator or his/her designee has determined in writing that mediation has not been accepted or has been unsuccessful.

8. Complaint(s) from the public serve as the evidentiary basis for the director to prepare a petition. At least one of the complainants or his or her designee in the matter must appear and testify at the hearing or the complaint shall be dismissed.

9. If the owner/guardian fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order shall be issued.

10. The hearing officer shall consider all relevant responsible evidence without regard to the formal rules of evidence, including circumstances of mitigation, and the record of any prior violations by the owner/guardian.

11. All witnesses shall testify under oath or affirmation. The oath shall be administered by the hearing officer. The hearing officer may, when appropriate, request the production of oral or documentary evidence which is reasonably necessary and relevant to conduct a hearing. All proceedings shall be tape recorded.

12. The hearing officer shall issue a written determination based upon a preponderance of the evidence, which shall be mailed to the owner/guardian within seven days after the hearing is completed. A determination that a dog is potentially dangerous or vicious is subject to de novo review by the Superior Court.

13. If an animal is found to be potentially dangerous or vicious by a preponderance of the evidence, the animal shall be so designated on the records of the animal services agency. Such a designation shall be considered in future determinations involving the animal and/or owner/guardian.

14. The owner/guardian of a dog for which a potentially dangerous or vicious dog petition has been issued may irrevocably waive his right to a hearing and any further appeal

under Food and Agricultural Code Section 31622 and accept all conditions, sanctions and penalties set forth in Food and Agricultural Code Sections 31641, 31642 and 61643.. The Marin County Administrator or his/her designee will mail a waiver form to the dog owner/guardian. The waiver must be signed by the dog owner/guardian and received by the county designee within thirty days from the date of agreement to waive or a hearing will be scheduled within thirty days of the refusal to sign the agreement to waive.

15. Obligations for the Owner/Guardian of dogs deemed potentially dangerous:

    a) In accordance with the provisions of Food and Agricultural Code Section 31641, the owner/guardian of a potentially dangerous dog shall, in addition to the regular licensing fee, pay to the animal control agency an annual fee as may be established by separate ordinance of the Board of Supervisors for the increased costs of maintaining the records of the dog.

    b) Within 30 days of the determination that dog is potentially dangerous, the owner/guardian of the animal shall have the dog sterilized and deliver proof of sterilization of the animal to the Animal Services Agency.

    c) Within 30 days of the determination that a dog is potentially dangerous, the owner/guardian shall provide a secure and humane enclosure for the animal on the owner/guardian's property. The animal must be confined in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children. Such pen or structure shall be constructed such that the animal cannot climb, dig, jump or otherwise escape of its own volition.

    d) All dogs found potentially dangerous shall be maintained under immediate control of a responsible adult by a substantial leash appropriate for the size of the dog and no more than six feet in length when off of the property of the owner/guardian.

    e) The owner/guardian of a dog found potentially dangerous under this Section, who has no additional violations of any of the provisions of Title 8 of the Marin County Code, within a thirty-six-month period from the date of designation as potentially dangerous, shall be removed from the list of potentially dangerous dogs by the director. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the thirty-six-month period if the owner/guardian of the dog demonstrates to the director that changes in circumstances or measures taken by the owner/guardian, such as training of the dog, have mitigated the risk to public safety.

16. Obligations for the owner/guardian of a dog deemed vicious

    a) The owner/guardian of a dog determined to be vicious shall, if it is not subject to destruction, in addition to the regular licensing fee, pay to the animal control agency an annual fee as may be established by separate ordinance of the Board of Supervisors to provide for the increased costs of maintaining the records of the dog.

    b) The owner/guardian of a dog determined to be vicious shall, if it is not subject to destruction, at his/her own expense, have the vicious animal registration number assigned to the dog tattooed upon the dog's left ear or, if the left ear is not available, on the left inner thigh, by a licensed veterinarian or a person trained, authorized and licensed to do business as an animal tattooist. As an alternative to tattooing, an owner/guardian may have a microchip injected beneath the skin, and between the shoulder blades of the animal by a licensed veterinarian. The owner/guardian shall provide proof satisfactory to the Animal Services Agency of

such tattooing or microchipping within thirty days of the vicious determination.

c) The owner/guardian of a vicious dog shall, if it is not subject to destruction, within ten days of such determination, upon request by the Animal Services Agency present said animal at the Animal Services Agency and allow photographs and measurements of the animal to be taken for purposes of identification.

d) Within 30 days of vicious dog determination, the owner/guardian of the dog, if it is not subject to destruction, shall provide proof to the Animal Services Agency that the dog is contained in a secure and humane enclosure for the animal on the owner's property.The animal must be confined in a securely enclosed and locked pen or structure, suitable to prevent the entry of children or unauthorized persons. Such pen or structure shall be constructed such that the animal cannot climb, dig, jump or otherwise escape. The pen or structure shall be constructed with sufficiently strong materials and shall have a top that is secured to the floor and sides of the enclosure.

e) Within 30 days of the determination that a dog is vicious, the owner/guardian of the dog, if it is not subject to destruction, shall provide proof of sterilization of the dog to the animal services agency.

f) The owner/guardian of a dog found vicious under this Section who has no additional violations of any of the provisions of Title 8 of the Marin County Code, after a thirty-six-month period from the date of designation as vicious, may apply to the director to remove the animal from the list of vicious animals. The director shall have the discretion to remove the animal from the list of vicious animals upon proof of the successful completion of at least eight weeks of formal obedience training, other similar evidence of training, or other rehabilitative efforts designed to mitigate the risk to public safety.

17. Regulatory measures in addition to those under State law: The administrative hearing officer shall have the authority to impose any of the regulatory actions authorized under the Food and Agricultural Code and this section. To the extent justified by the circumstances, the administrative hearing officer shall have the authority to impose additional regulatory restrictions that have a reasonable nexus to the circumstances of the case which may not be adequately addressed by the normal statutory remedies. Such measures shall be undertaken in the interests of public health and safety, and may include, but not be limited to the following:

a) Destruction of the dog

b) Muzzling of the dog

c) Confinement of the dog

d) Displaying conspicuously on the owner/guardian's property such signs as are required by Animal Services and to be obtained at owner/guardian's expense with a symbol warning of the presence of a potentially dangerous or vicious dog.

e) Restrictions upon the owner/guardian of the dog or similar animals

f) Loss of the right to maintain the dog or similar dogs identified by the hearing officer

g) Loss of the ability to take the dog off the confined premises of the owner/guardian's property

h) Restrictions upon the animal services business that may be subject to Animal Services regulation

i) Similar restrictions upon the dog or dog owner/guardian, or service provider calculated to prevent further loss of property, risk of harm to animals or risk to human life

j) Any measures, not otherwise hereinabove set forth, that are reasonably calculated to reduce the risk of harm to human life and safety, or reasonably calculated to prevent property loss or the loss or harm to animals.

18. Failure to comply with regulatory measures: In the event an owner/guardian of a dog fails to comply with the regulatory measures deemed necessary by an administrative hearing officer, a further hearing may be convened for the purposes of determining what, if any, sanctions are appropriately imposed. The procedures for such a hearing are set forth in 6.04.122(c).

6.04.182 Prohibition. No person shall feed, board, have, keep, maintain or have in his/her possession or control, for any length of time, any wild and/or undomesticated animal as defined in Section 6.04.183, on any real property within the City, except as permitted in this Chapter.

6.04.183 Definition of wild and/or undomesticated animal. For purposes of Sections 6.04.182 through 6.04.184.2, a "wild and/or undomesticated animal" is defined as an animal which is wild by nature and not customarily domesticated in Marin County and which, because of its size, disposition or other characteristics could constitute a danger to human life or property. Such wild and/or undomesticated animals shall be deemed to include but are not exclusive of:

A. Class Mammalia.

1. Order Carnivora.

a) Family Felidae (cat) including but not limited to such members as the tiger, the jaguar, the leopard, the lion, the serval, the mountain lion, the bobcat, the ocelot and the cougar, excepting Felis Domesticus (domestic cat),

b) Family Hyenidae (hyena),

c) Family Urisideae (bear),

d) Family Candidae (dog) excepting Canis Familiaris (domestic dog) and including but not limited to such members as the wolf, coyote and the jackal;

2. Order Probscidea (elephant);

3. Order Primata (primates), including but not limited to the chimpanzee, the baboon, the orangutan, the gibbon, the macaque and the gorilla, excepting the Family Hominidae (man);

4. Order Artiodactyla, even-toed hoofed mammals such as water buffalo, camels, elk, moose, deer and antelope, excluding the domesticated species of the Family Suidae (domestic pig) and Family Bovidae (cattle, sheep, goats, llamas and alpacas);

5. Order Perissodactyla, odd-toed hoofed mammals including the zebra and rhinoceros, excluding the domesticated species of the Family Equidae (horses, donkeys, etc.).

B. Class Reptilia.

1. Order Squamata.

a) Sub-Order Serpentes, all front and rear fanged venomous snakes,

b) Sub-Order Lacertilia, both venomous species of the Family Heloder Matidae (gila monster and Mexican beaded lizard);

2. Order Crocodilia (crocodile, alligator and caiman).

C. Class Aves.

1. Sub-Order Ratitae, such as, but not limited to, ostriches, rheas, cassowaries and emus, excluding small caged birds such as parakeets, canaries, love birds and finches.

2. Order Columbiformes, such as, but not limited to, pigeons, excluding caged doves raised for sport or hobby. This includes the Subfamily Columbinae, which covers all pigeon types, including Genus Columba, Genus Streptopelia, and Genus Patagioenas.

D. Any other species of the animal kingdom (as opposed to vegetable or mineral) which is venomous to human beings whether its venom is transmitted by bite, sting, touch or other means, except the honey-producing bee.

6.04.184 Remedial Measures.

A. Impoundment. Any wild and/or undomesticated animal as defined in Section 6.04.183 of this chapter determined to be in the County of Marin in violation of Section 6.04.183 may be impounded by Animal Services.

B. Notice of removal. Whenever Animal Services causes the impoundment of such wild and/or undomesticated animal as authorized in Section 6.04.184, Animal Services shall immediately give notice of such impoundment, the grounds thereof and the place to which such animal has been impounded.

C. Penalty. Any person who boards, has, keeps, maintains, or has in his/her possession or control, for any length of time, any wild and/or undomesticated animal in violation of any of the provisions of Sections 6.04.182 through 6.04.184.1 of this chapter shall be guilty of a misdemeanor and shall be subject to imprisonment in the county jail for not more than six months or a fine not to exceed one thousand dollars or both.

6.04.185 Limitation on number of dogs. Except as provided in Sections 6.04.245 and 6.04.246 of Chapter 6.04, and other than legal uses now in existence, it is unlawful for any person to keep or harbor more than three dogs which are over the age of four months on any lot, premises, dwelling, building, structure, boat or living accommodation. As used in this section, lot, dwelling, building and structure have the same meaning as set forth in Title 20 of the Mill Valley Municipal Code.

6.04.190 Stray animals. Any person discovering a stray or apparently lost animal shall report the same to the Animal Services Agency. Any person who apprehends or picks up a stray or lost animal shall report the same to the Animal Services Agency within eight hours thereafter and shall release such animal to the Animal Services Agency upon demand.

6.04.195 Fees for pickup and disposal of dead dogs, cats and small household pets and wildlife. A fee, as may be established by separate ordinance of the Marin County Board of Supervisors, shall be charged to an owner/guardian of a dead dog, cat or small household pet for the pickup and disposal of the animal by the Animal Services Agency. Fees as may be established by separate ordinance of the Marin Board of Supervisors, may be charged for pickup and disposal of dead wildlife under fifty pounds, and a higher fee may be charged for dead wildlife fifty pounds and over by the Animal Services Agency.

6.04.200 Biting animals to be reported. The owner/guardian or other person having custody or control of any animal which bites a human being shall immediately notify the county health officer or the Animal Services Agency of such bite, giving the name and address of the person bitten, if known, and shall faithfully obey any quarantine or other regulatory instructions (including but not limited to the temporary surrender of the deceased animal for testing) in furtherance of public health given by the health officer or his/her designated representative. To the extent the regulatory instructions of the health officer reach beyond the scope of the powers authorized under Health & Safety Code section 121710, violations of duties created under this Code shall be treated as infractions.

6.04.220 Stray livestock-Charges. Notwithstanding any provisions in this chapter to the contrary, the Agricultural Code of the state of California, Division 3, Chapter 5, shall be complied with in reference to stray bovine animals, horses, mules or burros; however, stray animals will be subject to fees as may be established by separate ordinance of the Marin County Board of Supervisors. The County of Marin shall also be entitled to collect for all costs incurred and fees in connection with such animals, including, but not limited to, the cost of herding, advertising, transporting, drugs, and veterinary services. The fees for said services may be established by separate ordinance of the Marin County Board of Supervisors.

6.04.225 Prohibition of big cats in residential areas. It is unlawful for any person to keep, possess, place, store, maintain, control, house, maintain custody of or board, or for any person to permit another, or to assist another in keeping, possessing, placing, storing, maintaining, controlling, housing, keeping custody of or boarding any kind or breed of any live cat (Family Felidae) except house cats (Felis Domesticus) in any area zoned as residential pursuant to Title 22 of the Main County Code in Marin County.

6.04.226 Feeding of Certain Wild Animals. No person shall intentionally feed or in any manner knowingly provide food for non-captive wild and/or undomesticated animals as defined in Section 6.04.183, including, but not limited to, coyotes, mountain lions, foxes, bobcats, raccoons, skunks, opossums and turkeys.

A. This Section shall not apply to persons legally engaged in trapping wild animals with devices utilizing food items as bait pursuant to applicable laws.

6.04.230 Use of animals for exhibits. It is unlawful for any person to operate, conduct or maintain any commercial show, circus, animal exhibition, carnival or advertising display or device in which any animal, wild or domestic, is used or kept without first having obtained a permit from the Animal Services Agency at least thirty days prior to the scheduled event.

A. The Animal Services Agency shall receive and review applications for such permits upon the applicant's filing and the payment of the applicable permit fee imposed for such purposes as may be established by separate ordinance of the Marin County Board of Supervisors within 30 days of the filing thereof. Only one fee shall be paid per application, irrespective of the number of animals or exhibitions for which the application is made.

B. The Animal Services Agency, may, in connection with this permit authority either, establish operating conditions, deny the application or revoke the permit if the Animal Services Agency can reasonably demonstrate that the conditions imposed upon issuance of the permit or its denial are necessary to protect the public health and safety, or provide for the humane care and treatment of any animals used or kept.

C. For the Marin County Fair, operating conditions must be conditions set out in the Fair Industry Animal Welfare Manual for the Western Fairs Association, which is attached hereto or as may be subsequently revised. For those conditions or exhibits not covered by the Fair Industry Animal Welfare Manual, the Animal Services Agency shall apply operating conditions as described in section (b) above. The Marin County Fair shall be entitled to a permit for its exhibits so long as it is in compliance with operating conditions.

D. The Animals Services Agency shall make written findings regarding the conditions imposed with issuance of the permit or written findings and explanation for denial of the permit within seven (7) business days of receiving the application. The Animal Services Agency may waive the permit fee when the use of the animals for exhibit benefits a nonprofit, educational or governmental organization and an inspection of the exhibit is not necessary. If the Animal Services Agency denies or revokes a permit, the applicant or permittee may request a hearing in accordance with the provisions of Section 6.04.241.

6.04.240 Commercial animal establishment. It is unlawful for any person to operate or maintain any commercial animal establishment without first obtaining a permit therefore. An annual

permit fee may be established by separate ordinance of the Marin County Board of Supervisors. Such permit shall expire on the last day of the twelfth month from the date of issue. In the event that application for renewal is not made on or before the date of expiration, a delinquency charge, as may be established by separate ordinance of the Marin County Board of Supervisors, may be assessed. For every calendar month of delinquency, an additional fee may be assessed if such a fee is established by separate ordinance of the Marin County Board of Supervisors.

The Animal Services Agency shall, in connection with the issuance of any such permit, establish such conditions as may be necessary to provide for the humane care and treatment of animals. The Animal Services Agency may deny or revoke such permit when necessary to insure public safety and the humane care or treatment of animals.

6.04.241 Hearing regarding permits for use of animals for exhibits. A request for a hearing shall be in writing and filed with the Animal Services Agency no later than seven (7) days following transmittal of the Animal Services Agency's decision and accompanying findings and conditions with findings to the permittee. Animal Services Agency shall set the hearing for a date no later than ten (10) days after its receipt of the request for hearing. The hearing shall be held by the hearing officer (Marin County Administrator or his/her appointee). The hearing officer shall render a decision within 10 days following completion of the hearing. The decision of the hearing officer shall be final.

6.04.242 Hunting. The provisions of this Chapter shall not apply to individuals engaged in hunting activities during the periods authorized and in the manner authorized by the California Fish and Game Code and the California Administrative Code.

6.04.243 Permitting dogs to run deer Every owner/guardian, claimant, or keeper of any dog who suffers or permits such hound or hounds or other dogs to hunt, chase, course, or kill deer in the County of Marin shall be guilty of a misdemeanor.

6.04.244 Allowing certain dogs at large. Every owner, claimant, or keeper of any dog accustomed to or having the propensity to hunt, chase, course, or kill deer who suffers or permits such hound or hounds or other dogs to go or run at large in the City of Mill Valley shall be guilty of a misdemeanor.

6.04.245 Dog hobbyists.

A. Regulations. The Animal Services Agency is authorized and directed to adopt and to submit for approval to the Marin County Board of Supervisors comprehensive regulations concerning dog hobbyist activities.

B. Permit. An individual who wants to qualify as a dog hobbyist must apply for a permit from the Animal Services Agency. A permit shall be issued if after investigation, the Animal Services Agency determines that the applicant is a bona fide dog hobbyist, maintains appropriate premises for the proper confinement and control of dogs. The Animal Services Agency must determine that issuance of a permit will not create a nuisance in the neighborhood in which the activity is proposed, and in all other respects complies with the regulations adopted by the Animal Services Agency pertaining to dog hobbyists. Permits may be issued subject to such conditions as the Animal Services Agency determines are necessary to protect the public health and welfare and to avoid the creation of a nuisance or public health hazard.

C. Hearings. Any applicant, permittee or other interested party aggrieved by the issuance, revocation or modification of a permit may request a hearing provided by Section 6.04.122. A request for a hearing or mediation shall be in writing and filed with the Animal Services Agency not later than thirty (30) working days following transmittal of the Animal Services Agency's decision to the applicant or permittee. Upon conclusion of the hearing, the presiding officer shall issue an appropriate order sustaining, modifying or setting aside the determination of the Animal Services Agency.

D. Revocation of Permit. A permit may be revoked, or continued, subject to limited conditions of use, if the Animal Services Agency determines that any of the following conditions exist:

1. The permittee has violated the provisions of this chapter twice in one license year.

2. The permittee has been convicted of cruelty to animals.

3. The permittee has failed to comply with the conditions of the permit.

4. Continuation of the permit will create a public nuisance or health hazard.

5. Continuation of the permit will create a nuisance in the neighborhood in which the permit has been issued.

E. Fees and Licenses. The Animal Services Agency shall collect a fee for the issuance of each dog hobbyist permit as may be established by separate ordinance of the Marin County Board of Supervisors. The issuance of a dog hobbyist permit shall include provision of an individual license for each dog harbored under the permit at no additional charge.

F. Confinement. All dogs under the control of a dog hobbyist must be confined to the owner/guardian's/guardian's property at all times, except when removed for training, recreational use or exhibition, at which times they must be under the immediate control of the permittee or agent.

6.04.246 Ranch dog permittees. The provisions and regulations provided in Section 6.04.245 for dog hobbyists shall govern and apply to all ranch dog permittees. The fees and license requirements for any ranch dog permittee shall be the same as provided in Section 6.04.245 for dog hobbyists.

6.04.250 Sale of animals for experimentation. The Animal Services Agency or anyone employed thereof shall not knowingly sell or give any impounded animal to any person, firm, corporation, association or school for the purpose of animal experimentation. No person, firm, corporation, association or school shall by fraud, misrepresentation or coercion induce the Animal Services Agency or anyone employed thereof to sell or give away any impounded animal for the purpose of animal experimentation.

6.04.252 Animals and vehicles.

A. No person, other than an individual actually working a dog for ranching purposes, shall transport or carry, on any public highway or public roadway any dog in a motor vehicle, unless the animal is safely enclosed within the vehicle or protected by a cap or container, cage or other device that will prevent the dog from falling from, being thrown from, or jumping from the motor vehicle.

B. No person shall leave an animal in an unattended vehicle without adequate ventilation, or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health or welfare.

6.04.255 Senior citizen, blind or disabled persons discount on specified fees.

A. Senior citizens age sixty-two and older, blind or disabled persons, upon satisfactory proof to the Animal Services Agency may be entitled to a fee discount for specified county fees referenced in this chapter.

B. For purposes of this section a person shall be considered to be disabled if that person is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to last for a continuous period of not less than twelve months, and only if the physical or mental impairments are of such severity that person is not only unable to do his or her previous type of work, but cannot, considering age, education and work experience, engage in any kind of substantial gainful work.

C. A person shall be considered blind if there has been a medical determination of either of the following conditions:

1. Central vision acuity (sharpness of vision) of no more than 20/200 with correction; or

2. Tunnel vision, which is limited visual field of twenty degrees or less.

6.04.260 Penalty for violation.

A. Except where otherwise provided, any person violating any of the provisions of Section 6.04.179, 6.04.180, 6.04.181, 6.04.225, 6.04.230, 6.04.240, 6.04.245 and 6.04.246 of this chapter is guilty of a misdemeanor.

B. Except where otherwise provided, any person or persons violating any provision or provisions of this chapter shall be deemed guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. (Ord. 1196, Sec. 1, Dec. 15, 2003, Ord. 1230, Jan. 7, 2008.)

Chapter 6.12

Keeping Animals Within City

Sections:

6.12.010 Purpose of chapter.
6.12.020 City--Defined.
6.12.030 Animals--Defined.
6.12.040 Poultry--Defined.
6.12.050 Household pets--Defined.
6.12.060 Dwelling--Defined.
6.12.080 Unsanitary conditions prohibited.
6.12.090 Animals at large prohibited.
6.12.100 Impounding by poundkeeper and animal control officers.
6.12.110 Unnecessary noise--Nuisance.
6.12.120 Rabbits--Poultry--Limitation on keeping.
6.12.130 Cattle--Calves--Swine--Goats--Limitations on keeping.
6.12.135 Horses, mules, donkeys and ponies.
6.12.140 Dairies--Stockyards--Apiaries--Prohibited after July 1, 1943.
6.12.150 Fresh, uncured or raw manure--Nuisance.
6.12.160 Riding academies--Permit required.
6.12.165 Exceptions--Annexed territory.
6.12.170 Special permits--Public hearings.
6.12.180 Penalties for violations.

6.12.010 Purpose of Chapter. The City Council does hereby find and determine that the growth and development of the City for residential purposes has reached such a stage that the keeping of animals within the City, unless properly regulated as to location and sanitary conditions and as to certain animals unless definitely limited in number or entirely prohibited, is detrimental to the public health, safety and general welfare and that the public interest requires that the City Council prescribe the following rules and regulations with respect thereto. (Ord. 317; Ord. 987; February 16, 1982.)

6.12.020 City--Defined. Wherever the term "City" is used in this Chapter it shall be construed to mean the City of Mill Valley. (Ord. 317, Sec. 23; Ord. 987; February 16, 1982.)

6.12.030 Animals--Defined. Wherever the term "animals" is used herein it shall be construed to include horses, foals, ponies, mules, jacks, jennies, cows, bulls, calves, heifers, sheep, goats, swine, rabbits, and all other domestic or domesticated animals other than household pets. (Ord. 987; February 16, 1982.)

6.12.040 Poultry--Defined. Wherever the term "poultry" is used it shall be construed to include pigeons, chickens, ducks, geese, turkeys and all other domestic or domesticated fowls other than household pets. (Ord. 317; Ord. 987; February 16, 1982.)

6.12.050 Household pets--Defined. Wherever the term "household pets" is referred to herein it shall be construed to include cats, dogs, canaries, parrots and other kindred animals and birds usually and ordinarily kept as household pets. (Ord. 317, Sec. 2(c); June 2, 1943.)

6.12.060 Dwelling--Defined. Wherever the term "dwelling" is referred to herein, it shall mean any habitable structure on the subject property or adjacent property. All dwellings must comply with the zoning district regulations in which they are located.

6.12.080 Unsanitary conditions prohibited. It is hereby declared to be a nuisance and it shall be unlawful for any person to keep or permit to be kept upon any premises, any animals or poultry or household pets in an offensive, or unsanitary condition as determined by the County Health Officer.

Refuse accumulated in the keeping of such animals shall be placed in a tight, covered box or receptacle. Refuse containers shall be cleaned and disinfected regularly.

6.12.090 Animals at large prohibited. It is declared to be a nuisance and it shall be unlawful to allow or permit animals, poultry, and household pets, to run at large upon any public street or place or to trespass upon the property of another. (Ord. 876; February 16, 1982.)

6.12.100 Impounding by poundkeeper and animal control officers. The Poundkeeper and Animal Control Officers designated in Chapter 6.04 of this Code are hereby authorized and empowered to take up and impound any animals or poultry found to be in violation of the provisions of this Chapter and to keep such animals subject to the conditions of impoundment and release set forth in Chapter 6.04. The Poundkeeper and Animal Control Officers, for the purpose of enforcing this Chapter, shall be deemed to be peace officers. (Ord. 987; February 16, 1982.)

6.12.110 Unnecessary noise--Nuisance. It is hereby declared to be a nuisance and it shall be unlawful to keep, maintain or permit on any lot or parcel of land, any animals, poultry or household pets, which by any sound or cry shall disturb the peace and comfort of any neighborhood, or interfere with any person in the reasonable and comfortable enjoyment of life or property. (Ord. 987; February 16, 1982.)

6.12.120 Rabbits--Poultry--Limitation on keeping. It is hereby declared to be a nuisance and it shall be unlawful to keep or permit to be kept, upon any premises in the City:

A. Any rabbits or poultry within forty feet of any dwelling on adjacent property;

B. More than 12 mature poultry or six mature rabbits;

C. Any crowing roosters, quacking ducks, geese, guinea fowl or peafowl, whatsoever. (Ord. 987; February 16, 1982.)

6.12.130 Cattle--Calves--Swine--Goats--Limitations on keeping. It is hereby declared a nuisance and it shall be unlawful to keep or permit to be kept upon any premises in the City, any bull, cow, calf, heifer, goat, sheep or swine. (Ord. 987; February 16, 1982.)

6.12.135 Horses, mules, donkeys and ponies. It is hereby declared that members of the equine family (horses, donkeys, mules and ponies) shall be permitted in the residential zoning districts established pursuant to Title 20 of this Code, subject to the following property development standards:

A. Neighborhood setting - This setting is defined as parcels of land less than three acres in size.

1. A maximum of three animals, not including foals, (young offspring of the equine family less than one-year old) shall be permitted on the property.

2. The minimum property area (lot size) for the keeping of one animal shall be one-half acre. An additional one-quarter acre shall be required for each additional horse kept on the property.

3. Restrictive encroachment area - Animals shall not be permitted within the following distances or areas:

a) 50 feet from any dwelling on adjacent property.

b) 40 feet from swimming pools, paved patios, decks, game courts, or outdoor permanent cooking facilities on adjacent property.

c) in yard areas or setbacks as established by Title 20 of this Code.

4. Shade trees or artificially covered areas shall be provided. The minimum size of the covered area shall be 10 feet by 12 feet for one animal. An additional covered area of 80 square feet shall be provided for each additional animal. The covered area shall not be included in the calculations of the required corral area. In no instance shall the covered area be narrower than 10 feet at any point.

5. Corrals shall be provided. The minimum size shall be 12 feet by 25 feet for one animal. An additional corral area of 300 square feet shall be provided for each animal; no dimension of the additional area will be less than 12 feet.

6. Sanitation conditions shall conform to the following:

a) Manure shall be cleared from the animal area daily.

b) Manure shall be stored in closed containers and removed from the premises at least once a week.

c) Adequate measures for fly control shall be provided.

7. Drainage. Each parcel of land upon which animals are maintained shall be well drained. The surface of all covered areas shall be graded (grade level to be from 5% to 10%) to prevent the accumulation of storm or casual water, and to prevent the erosion of top soil into water courses or drainage ditches or conduits. For the same reasons, all corral areas shall be graded (maximum grade not to exceed 25%). Upon request of the City, each horsekeeper shall obtain, at his expense, a letter or report from a licensed engineer attesting to the fact that the drainage is adequate and not detrimental to contiguous properties.

B. Open pasture setting - This is defined as parcels of land greater than three acres in size.

1. The minimum property area for the keeping of one animal shall be three acres. An additional animal may be kept for each additional three acres.

2. Should 50 percent of the pasture exceed a slope of 25%, a drainage and erosion control plan shall be prepared, if required by the City.

3. Restrictive Encroachment Area. Animals shall not be permitted to encroach within the following distances:

a) 50 feet from any dwelling on adjacent property.

b) 40 feet from swimming pools, paved patios, decks, game courts, or outdoor permanent cooking facilities on property.

4. A pasture shall be totally fenced. Fencing shall be of sufficient quality and height to ensure containment.

5. Animal Care - Appropriate shade trees or covered enclosures shall be provided. Sufficient water and feed shall be provided at all times.

C. Non-conforming uses - Within 180 days following the effective date of this Section 6.12.135, all existing uses must either be abated, conform to the requirements hereof, or have obtained a variance as provided in Section 6.12.170 of this Code.

D. Change of status - An owner of property who is keeping horses in accordance with the property development standards contained herein shall not be required to make adjustments in his activities as the result of changes or modifications which occur to adjacent properties as long as such adjacent properties are already improved by a dwelling at the time of adoption of this section. In the event the adjacent property is unimproved (by a dwelling) at the time of adoption of this ordinance, but is subsequently improved with a dwelling, the horsekeeper shall move his fences and corrals (all enclosures) so as not to be maintaining an animal within 50 feet of the neighbor's new dwelling. (Ord. 964; Ord. 987; February 16, 1982.)

6.12.140 Dairies--Stockyards--Apiaries--Prohibited after July 1, 1943. From and after July 1, 1943, it shall be unlawful for any person to construct, operate or maintain or to permit to be constructed, operated or maintained upon any premises within the City any cow, dairy, stockyards, or apiary, and the keeping of any thereof from and after said date upon any premises within the City shall be and the same is hereby declared to be a nuisance. (Ord. 317; Ord. 987; February 16, 1982.)

6.12.150 Fresh, uncured or raw manure--Nuisance. It is hereby declared to be a nuisance and it shall be unlawful to use fresh, uncured or raw manure as a fertilizer within the City limits, unless said manure is turned into the soil within twenty-four hours after it is spread. (Ord. 987; February 16, 1982.)

6.12.160 Riding academies--Permit required. From and after the effective date hereof, no riding academies, clubs, or schools having horse, mule or pony corrals or barns in connection therewith, may be commenced, maintained or operated within the City, excepting upon special permit from the City Council first had and obtained. (Ord. 317; Ord. 987; February 16, 1982.)

6.12.165 Exceptions - Annexed territory. With respect to any territory annexed to the City after the effective date of this section, the keeping of animals shall be allowed in conformance with the regulations of the County of Marin which were applicable at the time of annexation. Although such uses may not conform to the regulations herein specified, they may continue provided that such use shall not be enlarged or increased, nor extended to occupy a greater area than that occupied by such use at the time of annexation. If such use is discontinued for a continuous period of six months, the subsequent use of such land shall be in conformity with the regulations specified in this Title for the district in which such land is located. (Ord. 1010, Sec. 2, June 20, 1983.)

6.12.170 Special permits--Public hearings. In the event that any person believes that unreasonable restrictions, or unnecessary and extraordinary hardship, or damage will be imposed upon him or the safety and welfare of the animal involved, from the carrying out of the strict letter of any of the provisions of this Chapter, he may request a hearing thereon before the City Council and, after a public hearing thereon held upon notice to the claimant, if the City Council finds that unreasonable restrictions, unnecessary and

extraordinary hardship or damage will be imposed upon him or the safety and welfare of the animal involved, then any of the provisions or regulations hereof may be modified in harmony with the general purposes and objectives hereof to the end that the public health, safety and welfare of the people may be secured and substantial justice done.(Ord. 987; February 16, 1982.)

6.12.180 Penalties for violations. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than $500.00, or by imprisonment in the County jail for a period of six (6) months, or by both such fine and imprisonment. (Ord. 987; February 16, 1982.)

Chapter 6.16

Injuring Wild Birds and Animals

Sections:

6.16.010 Destroy or injure--Any wild animal.
6.16.020 Bird's nests--Robbing prohibited.
6.16.030 Penalties for violations.

6.16.010 Destroy or injure--Any wild animal. It shall be unlawful for anyone to shoot, trap, or in any way intentionally destroy or injure any wild birds and/or animals, with the exception of mice, rats, gophers, and moles, within the limits of the City of Mill Valley. (Ord. 987; February 16, 1982.)

6.16.020 Bird's nests--Robbing prohibited. It shall be unlawful for anyone to intentionally destroy, rob or in any way disturb any bird's nests in the trees, brush or grass, on properties within the limits of the City of Mill Valley. (Ord. 987; February 16, 1982.)

6.16.030 Penalties for violations. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than $500.00, or by imprisonment in the County Jail for a period of six (6) months, or by both such fine and imprisonment. (Ord. 987; February 16, 1982; Ord. 1230, January 7, 2008).