AN ORDINANCE OF THE COUNTY OF SOLANO PROVIDING FOR THE LICENSING OF ALL DOGS, PROHIBITING DOGS FROM RUNNING AT LARGE OR IN VIOLATION OF STATE LAW, AUTHORIZING THE IMPOUNDING OF DOGS, PROVIDING PENALTIES, CREATE THE OFFICE OF POUNDMASTER, SETTING FOR THE POWERS AND DUTIES OF SAID POUNDMASTER, PROVIDING RULES AND REGULATIONS FOR THE CONTROL OF OTHER SPECIES OF ANIMALS AND SETTING FORTH MISCELLANEOUS RELATED RULES AND REGULATIONS

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1: Short Title: This ordinance shall be known and may be referred to in all pleadings and proceedings as "The Animal Ordinance".

SECTION 2: Definitions of Terms:
For the purposes of this ordinance, the following words and phrases are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that a different meaning is indicated.

(a) "Animal" shall mean any animal, poultry, bird, reptile, fish or any other dumb creature.

(b) The word "dog" as used in this ordinance shall include female as well as male dogs.

(c) "Dog License" as used herein shall refer to the license required to be annually issued for each individual dog.

(d) "Kennel" shall mean any person, firm or corporation engaged in the commercial business of breeding, buying, selling, or, boarding dogs and cats.

(e) "Cat" shall mean any cat of either sex or any age.

(f) "Unlicensed Dog" shall mean any dog for which the license for the current year has not been paid or to which the tag provided for in this ordinance is not attached.

(g) "Licensed Dog" shall mean any dog for which the license for the current year, has been paid to and to which the tag provided for in this ordinance is properly attached.

(h) "Owner" shall mean any person, firm or corporation owning, having an interest in, or having control or custody of possession of any animal.

(i) "At large" shall mean any animal off the premises of its owner and not under restraint by leash, or chain, or not otherwise controlled by a competent person.

(j) "Horse" shall include mule, burro, pony, jack, hinny or jenny.

(k) "Herded" shall mean any animal herded in violation of Section 423 of the Agricultural Code.

(l) "Person" shall include any person, partnership, corporation, trust and association of persons.

(m) Whenever any reference is made to any portion of this ordinance such reference applies to all amendments and additions thereto new or hereafter made.

(n) The present tense includes the past and future tenses and the future, the present.

(o) The singular number includes the plural and the plural, the singular.

(p) Whenever a power is granted to, or a duty is imposed upon the Poundmaster or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this ordinance expressly provides otherwise.

SECTION 3: Office of Poundmaster Established: There is hereby created and established the Office of County Poundmaster who shall be appointed by the Board of Supervisors and hold office at the pleasure of said Board, and who shall have such deputies as the Board may from time to time establish by ordinance or resolution.

SECTION 4: Qualifications: No person shall be eligible to the Office of the County Poundmaster or deputy to said County Poundmaster unless he be a citizen of the United States and over the age of twenty-one (21) years.

SECTION 5: Badges: The Poundmaster and his deputies, while engaged in the execution of their duties, shall wear in plain view a badge having in the case of the Poundmaster, the word "Poundmaster", and in the case of the Deputy Poundmaster, the words "Deputy Poundmaster", engraved thereon.

SECTION 6: Rince Pources: The Poundmaster and all deputy poundmasters shall, upon appointment as herein provided, and during the tenure of their office, become and be vested with the powers and duties of Peace Officer of the County of Solano and each shall have the power and it shall be their duty to make arrests for violations of any of the provisions of this ordinance.
SECTION 7: Powers and Duties: The powers and duties of said Poundmaster and his deputies shall be as follows, to wit:

(a) To enforce all provisions of this ordinance and all the laws of the State of California relating to the care, treatment and impounding of dumb animals.

(b) To make arrests for the violation of any of the provisions of this ordinance.

(c) To maintain and keep a pound or other place, as directed by the Board of Supervisors, for the care and protection of all animals as provided for in this ordinance.

SECTION 8: The Poundmaster shall, upon his appointment to the office, give a bond to the County of Solano in an amount established from time to time by the Board of Supervisors.

SECTION 9: Impounding: It shall be the duty of the Poundmaster to take up, impound, and safely keep any animal found running at large, staked, tied or being herded or pastured in any street, road, lane, alley, court, square, park or other place belonging to or under the control of said County, or upon any private property in said County, contrary to the provisions of this ordinance.

SECTION 10: Care of Animals: When any animal is so impounded, it shall be provided with proper and sufficient food and water by the Poundmaster.

SECTION 11: Notification of Owner: The Poundmaster shall immediately upon impoundment of dogs or other animals make a reasonable effort to notify the owners of such dogs or other animals impounded and further by complying with Section 28 of this ordinance in the case of a licensed dog and inform such owners of the conditions whereby they may regain custody of such animals.

SECTION 12: Reclaiming Animals: The owner of any impounded animal shall have the right to reclaim the same at any time prior to the lawful disposition thereof upon payment to the Poundmaster of the costs and charges hereinafter provided for the impounding and keeping of said animals.

SECTION 13: Entering Upon Premises: The Poundmaster is authorized to enter upon any premises upon which any animal is kept, for the purpose of taking up, seizing or impounding any animal found running at large, staked, tied or being herded or pastured, contrary to the provisions of this ordinance or for the purpose of ascertaining whether such animal is licensed as provided in this ordinance, provided further that the Poundmaster shall make a reasonable effort to notify the occupant of the premises within which said animal is located in accordance with Section 11.

SECTION 14: Exhibition of License: No person shall fail or refuse to exhibit the registration of any animal required to be licensed by this ordinance when required to do so by said Poundmaster.

SECTION 15: Duties: It is hereby made the duty of the Poundmaster to enforce any other section of this ordinance whether enumerated as a duty or not.

SECTION 16: Interference With Duty: No person shall interfere with the Poundmaster or his deputies in the performance of their official duties.

SECTION 17: Fines and Charges: The Poundmaster shall charge, receive and collect the following fines and charges upon impounded animals.

(a) For every dog the sum of $2.00

(b) For every cat the sum of 1.00

(c) For every cow, bull, steer, horse, mule, horse, pony, jack, jenny or hinny the special transportation costs plus the sum of 10.00

(d) For every rabbit, bird, fowl, or other animal not otherwise provided for in this ordinance the estimated cost for this service

(e) For feeding and caring for animals, the following sums per day:

(1) For each dog .50

(2) For each cat .50

(3) For horses, mares, colts, mules, jacks, jennies, calves, sheep, lambs, goats, and hogs the sum of 1.00

(4) For rabbits, birds, fowl or other animals not specified or set out in this section the sum of .50

SECTION 18: Multiple Impoundments: The Poundmaster shall proceed under Section 37 of this ordinance against the owner of any animal impounded more than two times in any one year period.

SECTION 19: Destruction of Impounded Animals Unfit For Use By Reason of Disease, or Other Cause: It shall be the duty of the Poundmaster, and he is hereby authorized and empowered to forthwith destroy any animal lawfully impounded, which is by reason of injury, disease or other cause, unfit for further use, or is dangerous to keep impounded.
SECTION 20: Accounting of Sum Collected: The County Poundmaster shall pay into the County Treasury of Solano County all fees, collected by him in the discharge of his duties under this ordinance, and the County Tax Collector shall likewise pay all license fees by him collected into the said County Treasury, and the County Treasurer shall deposit all such monies in the General Fund. Said deposits shall be made by the Poundmaster and Tax Collector on or before the 5th day of each month, and said Poundmaster shall render with the money so deposited by him an itemized statement of collections, which statements shall be separately filed and preserved together by the County Auditor.

SECTION 21: Dogs - License Procedure: The County Tax Collector of the County of Solano is hereby authorized and directed to have prepared suitable application blanks and license tags to be issued to the owner or owners of dogs, or persons having dogs in their custody and control, or who harbor dogs. Said tags shall be metallic, and shall have a stamp thereof bearing the name of the County of Solano and the year of its issuance. They shall be numbered serially, and each tag shall have its number stamped thereon and the owner or person harboring, controlling, or having the custody of any dogs, as provided herein, shall pay to the County Tax Collector or the Poundmaster of the County of Solano or other duly authorized person, as hereinafter provided, the fees or fees required hereunder within the time provided herein, and shall procure such license and tag and shall attach said tag to a collar, harness, or other device to be permanently worn by the dog for which such license was issued. It shall be the duty of the owner harboring, controlling, or having the custody of any registered dogs to inform the County Tax Collector of any change of address. The application forms hereinbefore referred to shall bear the name and address of the owner of said dog, the sex, color, and breed of the dog for which such license is applied, and shall be signed by the owner or his duly authorized agent. Upon the issuance of said license, the County Tax Collector, the Poundmaster, or other duly authorized person shall endorse upon said application the number of the license tag issued in pursuance thereof, and all such applications so endorsed shall be filed in the office of said Tax Collector and shall be at all times open for public inspection. It is hereby made the duty of the Tax Collector and Poundmaster or other duly authorized person to collect in advance of the issuance of such license, the fees herein required. The cost of procuring the necessary tags and application forms for said licenses are hereby declared to be a charge against the County of Solano.

(a) Any person, other than County employees, authorized by the County Tax Collector to issue licenses under this ordinance shall receive in full, compensation for all services rendered under this ordinance the sum of ten cents ($0.10) per license issued, to be allowed by the Board of Supervisors upon a claim verified by the County Tax Collector, filed and approved as other claims against the County.

(b) Every person, owning or having control, custody or possession of any dog within the County of Solano shall procure a license for each such dog over four (4) months of age, between the 1st day of July and the 31st day of August, next ensuing of each year hereafter, and shall pay for such license as a license fee the sum of $3.00.

(c) Any person failing to procure and pay for such license until after the 31st day of August of any year, shall pay as a penalty for such failure, in addition to license fees, the sum of $3.00.

Provided, however, that the additional penalty provided for in this section for non-payment of license fees on or prior to August 31st in any year, shall not apply to the owner of any such dog who brings such dog into the County of Solano after said 31st day of August; nor shall any such penalty apply in any case where such dog is not yet four (4) months of age on or prior to said 31st day of August, if such owner shall take out such license within ten (10) days after bringing such dog into Solano County, or within ten (10) days after such dog shall have arrived at the age of four (4) months, provided further that the full amount of such license tax shall be payable for any fraction of such year.

(d) Such license shall be issued upon the payment of the fees hereinafter fixed and shall be renewed and the fees due and payable prior to August 31, of each year.

(e) Whenever a tag, issued for the then current year by the County Tax Collector, the Poundmaster or other duly authorized person, has been stolen or lost, the owner or possessor of the dog for which the same was issued, may, upon the payment of fifty cents ($.50) to said County Tax Collector or said duly authorized person, receive a duplicate tag for the remaining period of the then current year.

(f) No license tax shall be required with respect to licenses and tags issued for dogs which have been specially trained and are principally used for the purpose of leading persons with defective eyesight.

(g) The provisions of Section 21 of this ordinance shall not apply to any dog owned by or in the care or charge of a non-resident of the County who is traveling through
the County or temporarily sojourning therein for a period not exceeding thirty (30) days, nor
to any dog temporarily brought into the County for the exclusive purpose of being entered in a
bunch show or dog exhibition, provided such dog is so entered and not kept elsewhere in the
County.

(h) No person shall fail or refuse to show to the Poundmaster, the Deputy Poundmaster,
or any duly authorized person of said County, the license certificate and the tag for any duly
registered dog kept or remaining within any home or upon any enclosed premises under his
immediate control.

(i) No unauthorized person shall remove from any dog any collar, harness, or other
device to which is attached a registration tag for the current year, or to remove such tag
therefrom.

SECTION 22: Permitting Dogs To Run In Parks, Etc.: It shall be unlawful for the
owner or person having control of any dog to suffer or permit the same, under any circumstances
to run at large in any public park, or public square, or in any school or upon any school
grounds; or in any commercial district as defined by ordinance; and every dog found running at
large in violation of the provisions of this section shall be immediately seized and impounded.

SECTION 23: Impounding and Quarantine: It shall be the duty of the Poundmaster, and
his duly authorized deputies to take up all unlicensed dogs found in the streets, roads, lanes,
alleys, parks, or other public places, or upon any vacant, unoccupied, or unenclosed lots, lands,
practises within the County of Solano.

SECTION 24: Dogs To Be Leashed: No person owning, having an interest in,
harboring, or having charge, care, control, custody or possession of any dog shall cause or permit such
dog to be in or upon any public street, road, alley or other public place or in or upon any
unenclosed lot or premises, unless such dog be under restraint by leash or chain or at "heel"
beside a competent person and obedient to that person's command, or confined within an automo-
obile.

SECTION 25: Stray Animal: Every person except the Poundmaster or a duly authorized
deputy taking up any stray animal or any such animal which is running at large contrary to the
provisions of this ordinance shall within twenty-four (24) hours, Sundays and holidays excluded,
thereafter give notice to the Poundmaster of:

1. The fact that he has such animal in his possession.
2. The complete description of such animal.
3. The license number of such animal, if any, and by what county or municipal
   corporation issued. If such animal has no license, such person shall so
   state.
4. The place where such animal is confined.

Every person and anyone in whose custody such animal may, in the meantime, be
placed, shall deliver such animal to the Poundmaster without fee or charge; and the Poundmaster
shall thereupon hold and dispose of such animal in the same manner as though such animal had been
found at large and impounded by him. The provisions of the above paragraph shall not apply to
an animal shelter maintained and operated under Title I, Division 2, Part 4 of the Corporations
Code of the State of California, however any animal placed by the Society must be licensed as
required by this ordinance.

SECTION 26: Biting Animal To Be Quarantined For Fourteen (14) Days: Whenever it is
shown that any dog or other animal has bitten any person, no owner or person having custody or
possession thereof upon order of the Health Officer, shall fail, refuse, or neglect to quarantine
such animal and keep it tied up or confined for a period of fourteen (14) days, or shall fail,
refuse, or neglect to allow the Health Officer or his deputies to make an inspection or examina-
tion thereof at any time during said period. No such dog or animal shall be removed without
written permission of the Health Officer or his deputies.

SECTION 27: Knowlege or Bite -- Duty To Report: Whenever any person having charge,
care, control, custody, or possession of any dog has knowledge that such dog has bitten any
person, the person having charge, care, control, custody or possession of such dog shall report
said fact forthwith to the Health Officer or his deputies. The report shall state the name and
address of the person bitten and the time and place such person was bitten.

SECTION 28: Redemption of Impounded Dogs (Animals) - Minimum Period of Impoundment -
Licensed and Unlicensed Animals -- Sale: All animals impounded at the Solano County Pound shall
be provided with proper and sufficient food and water by the Poundmaster.

(a) Unlicensed Dogs (Animals). Unless such unlicensed dog or animal shall have been
redeemed within seventy-two (72) hours after being impounded, Sundays and holidays excluded,
they may be sold by the Poundmaster to the person offering to pay the highest cash amount
therefore, provided that the purchaser shall not be given possession of any dog or dogs until he shall have paid to the County Tax Collector, the Poundmaster or other authorized person the license fee or fees prescribed for such dog or dogs. If any dog or other animal impounded by the Poundmaster shall not have been redeemed within said seventy-two (72) hour period, and cannot be sold within a reasonable time thereafter, it may be destroyed by the Poundmaster in a humane manner.

(b) Licensed Dogs: Unless licensed dogs have been redeemed with one hundred twenty hours (120) after impoundment, Sundays and holidays excluded, such dogs may be sold by the Poundmaster to the person offering to pay the highest cash amount therefor. The Poundmaster shall notify the registered owner of said animal by mail within twenty-four hours (24) of impoundment. If any licensed dog impounded by the Poundmaster shall not have been redeemed within said one hundred twenty (120) hour period and cannot be sold within a reasonable time thereafter, the Poundmaster is authorized to destroy said dog in a humane manner.

SECTION 29: Estrays: Notwithstanding any provisions in this ordinance to the contrary, the Agricultural Code of the State of California, Division 3, Chapter 5, shall be complied with in reference to estray bovine animals, horses, mules or burros.

SECTION 30: Kennel Regulations: Every person owning or controlling a kennel or place where are kept four (4) or more dogs for breeding, training, sale or other commercial purposes, shall pay an annual license fee of ten dollars ($10.00) for such kennel, which shall be the license for all dogs regularly kept therein. Such license fee shall be paid between the 1st day of July and the 31st day of August, of each year, and shall be a license for said kennel for the period of one (1) year commencing the 1st day of July, and if paid after the 31st day of August of each year, shall be the sum of twenty dollars ($20.00) for such kennel.

(a) All kennels, or other places where dogs are kept in Solano County for breeding, training, sale or other commercial purposes, shall be so constructed as to prevent dogs confined therein from running at large off the premises where said kennel is maintained, and shall be maintained, and operated and constructed in a sanitary and proper manner so that the same will not become a nuisance to the neighborhood thereof. Dogs may be removed from kennels for training or treatment purposes, provided competent control and supervision is maintained over said dogs at all times.

(b) No kennel license shall be issued until the Poundmaster shall have first issued a certificate that the same is operated or is to be operated in accordance with the provisions of this ordinance, and such certificate shall be presented to the Tax Collector with an application for such kennel license.

(c) Whenever a dog is removed from any such kennel, the owner thereof shall forthwith apply for and obtain an annual license as otherwise required by this ordinance.

(d) The provisions of this section requiring the payment of an annual license fee, shall not apply to an animal shelter maintained and operated under Title 1, Division 2, Part 4 of the Corporations Code of the State of California.

SECTION 31: Livestock or Wild Animals Not Permitted At Large: No person, owning or having control of any ox, steer, bull, cow, horse, colt, jack, mule, calf, sheep, goat, or hog, or any animal commonly referred to as a "wild species" shall:

(a) Permit such animal to run at large in the County of Solano; or

(b) Cause or permit any such animal to be pastured, herded, staked or tied in any street, road, lane, alley, park or other public place, or

(c) Tie, stake or pasture or permit the tying, staking or pasturing of any such animal upon any private property within the County of Solano, without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street, road, public place or upon any such private property; or

(d) Permit any of said animals to be or remain during the night time secured by a stake, or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such animal, or by securely fastening such animal by means of a rope or chain of sufficient strength to restrain to some permanent object of sufficient size, strength and weight to effectively restrain such animal; or

(e) Fail to provide the necessary sustenance, drink, shelter, or protection from the weather, or otherwise.

SECTION 32: Removal of Dead Animals: All dead animals located on public property shall be handled and removed by the County Poundmaster.

SECTION 33: Fowl and Rabbits - Not To Run At Large - Unlawful To Sell Fowl or Rabbits As Pets or Novelties: It is hereby declared to be a nuisance and no person shall suffer or permit any chickens, geese, ducks, turkeys, pheasants, doves, pigeons, squabs or similar fowl or rabbits, owned or controlled by him or it, to run or fly at large or go upon the premises of any other person in the County of Solano.
It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings or other fowl as pets or novelties, whether or not dyed, colored, or otherwise artificially treated. This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised for food purposes.

SECTION 34: Cleanliness of Premises Where Animals Are Kept: Every person owning or occupying premises where any animal, fowl or bird is kept shall keep the stable, barn, stall, pen, coop, building or place in which said animal is kept in a clean and sanitary condition.

SECTION 35: Vicious Dog - Dangerous Animal - Nuisance Abatement: It shall be unlawful to permit any vicious dog or dangerous animal to go unrestrained.

(a) The keeping or harboring of any dog, cat or other animal or fowl whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any considerable number of persons or neighborhood is unlawful, and is hereby declared to be a public nuisance and each day shall constitute a separate offense.

(b) It shall be unlawful to suffer or permit any animal or fowl to trespass on private property so as to damage or destroy any property or thing of value and the same is hereby declared to be a nuisance and any such animal may be impounded by the Poundmaster. Whenever it shall be affirmed in writing by three (3) or more persons having separate residences, or regularly employed in the neighborhood that any animal is a habitual nuisance by reason of trespassing, howling, barking, or other noise, or damage to property, being vicious or by its actions potentially vicious or in any other manner causing undue annoyance, the Poundmaster if he finds such nuisance to exist, shall serve notice upon the owner or custodian that such nuisance must be abated.

SECTION 36: Legality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases thereof be declared invalid or unconstitutional.

SECTION 37: Penalties: Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the Solano County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person, firm or corporation and shall be punished therefor as provided by this ordinance.

SECTION 38: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 39: This ordinance shall take effect July 6, 1958, and the Clerk of the Board of Supervisors is hereby directed to cause this ordinance to be published in the Benicia Herald, a newspaper of general circulation, printed and published in the County of Solano, one time within fifteen (15) days immediately following the passage thereof.

ATTORNEY:

LEWIS MORRILL (SEAL)
County Clerk and ex-officio
Clerk of the Board of Supervisors of Solano County, State of California

I, LEWIS MORRILL, County Clerk of the County of Solano, State of California, and Clerk of the Board of Supervisors of said County, hereby certify that the above and foregoing Ordinance was regularly introduced, passed and adopted by said Board on the 6th day of May, 1958, by the following vote:

AYES: Supervisors Goheen, Lopes, Hewers and Church
NOES: Supervisor Kilby

ABSENT: SupervisorsNone

WITNESS my hand and the Seal of said Board this 6th day of May, 1958.

LEWIS MORRILL (SEAL)
Clerk