

ORDINANCE NO. 17

AN ORDINANCE OF THE CITY OF RIDGECREST  
PROVIDING FOR RABIES CONTROL AND FOR  
THE CONTROL AND REGULATION OF CERTAIN  
ANIMALS WITHIN SAID CITY

The City Council of the City of Ridgecrest does ordain as follows:

Section 1. Public Pound. A public pound is hereby authorized and established in the City of Ridgecrest under the direction and control of the health officer of said city.

Section 2. Appointment of Health Officer. The City Council of the City of Ridgecrest may appoint or designate the Health Officer of the County of Kern or any other officer or official of said County to perform any duty called for in this ordinance, at its discretion.

Section 3. Duty of Health Officer. It shall be the duty of the health officer to take and have charge of the public pound and to take and impound all animals found at large upon any street, sidewalk, lane, alley or other public or unclosed place within the City of Ridgecrest, except dogs which have been regularly licensed and vaccinated as required by law, and also excepting dogs under the age of six months fastened securely by a chain, rope or leash or confined within the private property of their owners; and it shall be his duty to take and impound all dogs found in any place within the city which are being kept or maintained contrary to the provisions of this ordinance.

Section 4. Dogs - Licensing Required. It shall be unlawful for any person owning, harboring or having the care, custody or possession of any dog to keep or maintain any such dogs in any place in the city, unless such dog is licensed as provided herein. This section shall have no application to dogs under the age of six months fastened securely by a chain, rope or leash or confined within the private property of their owners.

Section 5. Dogs - Vaccination Required. It shall be unlawful for any person owning, harboring or having the care, custody or possession of any dog to keep or maintain any such dog in any place in the city, unless such dog has been vaccinated as required by this section, excepting dogs under the age of six months fastened securely by a chain, rope or leash or confined within the private property of their owners and excepting dogs exempted from the requirement of vaccination by reason of the likelihood of serious injury as herein provided.

Section 6. No Licensing Without Vaccinating. The license collector shall not license any dog until it has been vaccinated with canine rabies vaccine by injection or other method approved by the health officer during the calendar year for which it is licensed, and the owner or person in possession of the same submits

a certificate from a licensed veterinarian issued within the preceding sixty days stating that in his opinion the rabies vaccination would be likely to seriously injure the dog. Any dog so excepted from rabies vaccination shall be restricted to the enclosed yard of the owner or person in possession of the same except when held upon a chain, rope or leash. Any violation thereof by the owner or person in possession of such shall be unlawful.

Section 7. Vaccination; Performance. Said vaccination shall be performed by any duly qualified and licensed physician or veterinarian. This person may be hereinafter referred to as the "vaccinator." The vaccinator shall issue to the owner or person in possession of said dog a certificate of vaccination.

Section 8. License Fee - Amount. On or after the 1st day of January, 1964, every person, firm or corporation owning or maintaining a dog or dogs in the city, excepting dogs under the age of six months, as provided herein, shall pay to the license collector an annual license fee of Two and 50/100 (\$2.50) Dollars for each such dog.

Section 9. License Fee - When Due. The license fee provided in this ordinance shall be due and payable on the 1st day of January of each year, or as soon thereafter as any dog subject thereto is brought into the city, or whenever any dog exempted under Section 8 hereof reaches the age of six months, and the same shall be charged against and be payable by the said owner or the person having the care, custody and control or who has in his possession or harbors said dog, as aforesaid.

Section 10. Dog License Tag. Upon exhibition of the proper certificate of vaccination or a proper certificate of exemption from vaccination and payment of the license fee, there shall be delivered to the person making such payment a metal tag, with the number and year stamped or cut thereon, and words "Dog Tag" stamped thereon, which dog tag shall be securely fastened to a collar or harness must be worn at all times by the dog for which the tag was issued. If the dog is exempted from vaccination, the dog tag shall have a distinguishing mark as evidence of such fact. Said tag while attached to a dog's collar or harness shall be prima facie evidence that the dog for which the same was issued has been licensed during the calendar year for which said tag was issued and has been vaccinated or is exempt from the requirement of vaccination.

Section 11. Dogs Without License Tags. If any dog is found in or upon any place in the city without having an official tag attached to its collar or harness as required by this ordinance, said dog shall be presumed a stray dog and not to have been vaccinated or licensed as required by law. The Health Officer, his deputies or assistants and also any person employed for that purpose by the City of Ridgecrest must and are hereby authorized and empowered to capture any unlicensed stray dog which is found running at large in or upon any place within the City of Ridgecrest and confine such dog at the public pound. In the event that the animal appears to be free from rabies and the owner desires to claim said animal it shall be returned to him upon his paying to the City the cost of obtaining

an official vaccination and licensing tag for such animal, if such animal has not been vaccinated before seizure, and upon the payment of such other fees as are hereafter provided in this ordinance. In the event the owner does not claim the said animal within three days after seizure and in the event the city continues to hold the possession, the city may deliver the dog to any other person desiring the animal upon his paying the fees as provided for in this ordinance, or the city may otherwise dispose of or destroy the dog in a humane manner. Any officer or other person capturing and holding a dog under the provisions of this section shall make reasonable effort to locate and notify the owner thereof that the animal is being held at the public pound and may be reclaimed by him within a period of three days from the date of seizure, as provided herein.

Section 12. Lost License Tag. Whenever a dog tag issued for the current calendar year has been lost or taken or stolen by parties unknown to the owner or person having the care, custody or control of the dog for which the same was issued, such owner or person having said care, custody or control of such dog may, upon the payment of fifty cents and exhibition of his certificate of vaccination or of exemption from vaccination of such dog, and on making and subscribing to an affidavit of such loss of such tag, receive from the license collector a duplicate tag for the remaining portion of the calendar year for which the original dog tag was issued.

Section 13. License Collector - Enforcement Deputies. The license collector may deputize without compensation the health officer, or any deputy or agent thereof, or any duly qualified and licensed physician or veterinarian to license any dog, collect the license fee thereon and issue to the person paying said fee the dog tag herein provided or, at the same time said dog is vaccinated with canine rabies vaccine and a certificate of vaccination is issued, or at the same time that said dog is given a certificate of exemption from such vaccination. Any person so authorized by the license collector to perform the aforementioned acts shall account to the license collector not less than once each month for all dogs so licensed and all license fees collected. The City Clerk of the City of Ridgecrest is designated as the License Collector.

Section 14. Confinement of Dogs Seized. Any dog taken up and impounded by the health officer by reason of no vaccination during the calendar year shall be separately confined in a safe place. It shall be the duty of the health officer to cause any dog suspected of having rabies to be examined by a licensed veterinarian to determine whether or not it is afflicted with rabies.

Section 15. Animals - Symptoms of Rabies. Whenever the owner or person having the custody or possession of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable

suspicion that it may have rabies, such owner or person having the custody or possession of such animal shall immediately notify the health officer. The health officer shall cause an inspection or examination of such animal to be made by a licensed veterinarian until the existence or non-existence of rabies in such animal is established to the satisfaction of such veterinarian.

Section 16. Reports of Dog Biting. Any person owning, possessing or harboring any dog that bites any person and any person bitten by such dog may report the same to the health officer, who shall place said dog under regulation and quarantine for such time as may be required by State law or the rules and regulations of the State Department of Public Health. Said regulation or quarantine may be had at the home of the owner or possessor of said dog or at such other place as may be designated by the health officer, and said dog shall be kept securely enclosed and under strict observation.

Section 17. Biting by Animal Suspected of Rabies. Whenever any animal shall be bitten by another animal suspected of having rabies, the owner or person having the custody or possession of the animal so bitten shall, upon being informed thereof, notify the health officer and either kill such animal or quarantine it and keep it confined or tied up for such time as may be required by State law or the rules and regulations of the State Department of Public Health; and the health officer shall have power, in his discretion, to quarantine the animal so bitten in case the owner or person having custody or possession thereof shall fail to do so immediately or in case he is not readily accessible.

Section 18. Disposition of Animal with Rabies. If it shall appear to the health officer from the report of a licensed veterinarian that an animal is afflicted with rabies, he shall kill and destroy such animal forthwith and/or shall take such other action as in his discretion he deems necessary to prevent the spread of such disease.

Section 19. Handling of Vicious Dogs. If it shall be determined by the health officer, after giving the order of quarantine mentioned in Section 7 that the said dog is a vicious dog, although not afflicted with rabies, the health officer shall thereupon order the person who owns or has the custody of said dog to keep the said dog at all times securely fastened by chain or securely confined within the private property of such owner or person having the custody of said dog, or keep said dog in such manner as said health officer shall direct, to prevent it from biting or having the opportunity of biting any person, including persons lawfully on the premises where said dog is so fastened or confined, until further order of the health officer.

Section 20. Violation of Order on Vicious Dog. Any violation, by the said owner or person having custody of said dog, of the said order of the health officer shall be unlawful.

Section 21. Vicious Dogs - What Are. In determining whether or not a dog is vicious, the health officer shall be guided by the following: (a) Whether or not the said dog has bitten any person or persons at any time other than the occasion which gave rise to the operation of Section 19; (b) The circumstances surrounding the occasion indicating the temper or ferocity of the said dog; (c) The reputation of the said dog in the community in regard to its temper and ferocity; and (d) its general menace to the public. This section shall be operative, even though the dog in question has been vaccinated and licensed as required by this ordinance.

Section 22. Treatment and Record of Animals Seized. The health officer shall keep a true and faithful record of the number and description of all animals taken into his custody, with the date of their impounding and the date and manner of their disposition. He shall provide the necessary subsistence for animals while in his custody and shall not alter, nor suffer to be altered, any mark or brand thereon, and shall not suffer cruel treatment thereof.

Section 23. Disposition of Animals other than Dogs and Cats - Notifying Owner. All animals, other than dogs and cats and except animals affected with rabies, taken into custody of the health officer, if not reclaimed within twenty-four (24) hours thereafter, may be sold by the health officer, after giving at least three (3) days' notice of such sale. The notice shall describe the animal and shall state the time and place of sale and shall be posted at the Courthouse door and at the entrance to the pound. A copy of said notice shall be mailed at least three (3) days in advance of the sale to the owner or person formerly in possession or control of said animal at his residence or place of business, if known to the health officer.

Section 24. Sale of Animals. At the time advertised the health officer shall sell all the animals, so advertised, at public auction, to the highest bidder, for cash. If no bid is offered for the animals, the health officer shall dispose of them by private sale, gift or destroying them. The health officer shall not knowingly make a gift of or sell any animal, including dogs and cats, to any person or institution to be used for experimental or laboratory purposes.

Section 25. Disposition of Proceeds of Sale. The proceeds of such sale, after first deducting fees and charges of the health officer, including costs of sale, shall be paid by the health officer to the treasurer of the City of Ridgecrest, who shall pay them over to the owners of such animals sold upon a warrant ordered by the City Council if claimed within six months thereafter. If not so claimed, said proceeds shall be transferred by the treasurer into the general fund of the City.

Section 26. Redemption of Animals by Owners. The owner, or person entitled to the control of any animal impounded, may at any time before the sale or other disposition thereof redeem the same by paying the health officer all fees and charges thereon; and, if a dog, by arranging for the vaccination of said

dog with canine rabies, unless the dog is exempted therefrom as herein provided, and paying the license fee therefor, in addition, if said dog has not been licensed during the current calendar year.

Section 27. Costs of Redemption. The health officer shall charge and collect the following fees and charges from persons redeeming animals impounded:

- A. For any animal, excepting dogs, the sum of Two Dollars (\$2.00);
- B. For each dog, except as herein otherwise provided, the sum of One Dollar (\$1.00);
- C. For each vicious dog, the sum of Five Dollars (\$5.00);
- D. For each female dog in heat, the first time any such dog is redeemed, the sum of One Dollar (\$1.00); for the second and any subsequent time any such dog is redeemed, the sum of Five Dollars (\$5.00);
- E. For keeping every animal per day, Fifty Cents (\$.50).

Section 28. Disposition of Infirm Animals. (a) It shall be unlawful for any person to wilfully abandon or turn loose to run at large any animal unfit for further use, by disease, old age or injury; (b) Whenever any animal, except a dog, is taken up for impounding, which by reason of age, disease or other infirmity is unfit for further use or dangerous to be kept impounded, the health officer shall within twenty four hours thereafter destroy such animal.

Section 29. Offenses - Resisting Actions of Health Officer. Any person rescuing or attempting to rescue any animal from the health officer, while about to convey the same to the pound, or in any way, directly or indirectly, removing or delivering the same from said pound, or from the possession of said health officer, or causing or enabling the same to escape therefrom, shall be deemed guilty of a misdemeanor.

Section 30. Disposition of Dead Animals on Owner's Request. The health officer may, in his discretion, upon the request of any owner or possessor of any dead animal which was kept or maintained in the City of Ridgecrest immediately prior to its death, to forthwith bury or destroy the same, or cause the same to be buried or destroyed, for which services he shall charge and collect the following fees:

- A. For animals weighing 500 or more pounds, each \$15.00;
- B. For animals weighing 300 pounds or more, but under 500 pounds, each \$10.00;
- C. For animals weighing 100 pounds or more, but under 300 pounds, each \$5.00;
- D. for animals weighing under 100 pounds, each \$1.50.

Nothing in this section shall be construed so as to require the health officer to bury or destroy any dead animals or cause the same to be buried or destroyed or to require the health officer to transport any dead animals to a place of disposal.

This section shall have no application to animals used for the purpose of making any test or performing any experiments in a doctor's or dentist's office, hospital or laboratory or any similar office, institution, organization or place.

Section 31. Disposition of Dead Animals Found on Public Roads. It shall be the duty of the health officer whenever it comes to his knowledge that any dead animal is upon any of the public streets, alleys, sidewalks or other public places within the City, to order the owner or person, who had possession or control of such animal while alive, to bury or destroy the same in the manner herein provided. In the event the owner, or person who had possession or control of the animal while alive, fails to bury or destroy the same, as herein provided, after being so ordered by the health officer, the health officer is hereby authorized to employ any person or persons to bury or destroy said animal or animals, at a cost not in excess of the fees herein provided, and he shall collect said fees from the owner or person formerly having had possession or control of such animal or animals. In the event the owner or person having had possession or control of the animals is unknown, the health officer is hereby expressly authorized to employ any person or persons to remove said animal at a cost not in excess of the charges specified in Section 30 hereof, which costs shall be a charge against the City.

Section 32. Offenses: Failure to Dispose of Dead Animal. It shall be unlawful for an owner or person who, having had the possession or control of any animal while alive to place the body of such animal after its death, or cause or permit it to be placed or to knowingly allow or permit the same to remain, in or upon any public street, alley, sidewalk, lane or other public place.

Section 33. Offenses: Failure to Furnish Information. Any person owning, or having the care, custody or control of, any dog in the City of Ridgecrest, who wilfully refuses, fails or neglects to furnish to the health officer, license collector or any duly qualified and licensed physician or veterinarian authorized to vaccinate and license dogs and collect the license fees thereon, as provided herein, the information necessary to properly vaccinate and license such dog, or who shall resist, hinder or prevent the health officer or any of his assistants in the exercise of his duties, or who fails, neglects or refuses to pay the license fee at the time and in the manner herein provided; or who violates any of the provisions of this chapter declared to be unlawful, shall be guilty of a misdemeanor and shall be punished upon conviction thereof, by a fine of not exceeding \$500.00 or by imprisonment in the County Jail for not exceeding six months, or by both such fine and imprisonment.

Section 34. Health Officers: Authority to Accept Vaccination Charges. The health officer, his deputies and assistants and any other person employed by the City of Ridgecrest for enforcing the provisions of this ordinance, as referred to in Section 11, are authorized to accept and receive charges for vaccination of a dog when the amount of said charge is offered to them by the owner of the dog when he desires to claim said animal when it is captured under said section, either before or after being taken to the pound, and shall issue a separate and official receipt for said charges collected to the person paying them.

Section 35. Amount of Vaccination Charges. The sum of \$1.50 constitutes an estimate of the probable charge by a vaccinator for the vaccination of each dog hereunder and said sum is fixed as the amount of charge to be collected for said vaccination by the officials enforcing provisions of Section 11, when the owner desires to claim an animal under the circumstances mentioned in said Section.

Section 36. Deposit of Sums Collected in City Treasury. All sums received by the health officer, deputies and assistants and by any other authorized person enforcing the provisions of Section 11 for costs of vaccination shall be deposited in the City Treasury forthwith.

Section 37. Receipt to Authorize Vaccination. The receipt referred to in Section 34 shall contain a statement that if the owner of the dog secures the vaccination of the dog by a vaccinator in this City and surrenders said receipt to the vaccinator, said person, if he accepts said receipt in payment of charges for vaccination of said dog, may reimburse himself from the City of Ridgecrest for said charges, not to exceed the amount therein provided. If a vaccinator accepts said receipt in payment, he shall not make any other charge for said vaccination for such dog.

Section 38. Reimbursement of Vaccinator. The vaccinator accepting the receipt referred to in Section 31, upon presenting his claim to the City Council accompanied by said receipt and approved by the Health Officer, for the charges for said vaccination, shall be entitled to payment from the City Treasury for the amount of said charge, not exceeding the amount of money as to each dog for which said receipt was issued.

Section 39. Ordinance Effective. This ordinance shall become effective thirty (30) days from and after the date of its passage.

I hereby certify that the foregoing ordinance was passed and adopted by the Council of the City of Ridgecrest at a regular meeting thereof held on the 5<sup>th</sup> day of March 1964, by the following vote:

AYES: HUGO, DUGUID, GILMER, JULES, WEBB

NOES: None

ABSENT: None

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk