

ORDINANCE NO. XXX N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 8 OF THE MUNICIPAL CODE
ADDING CHAPTER 8.06 – MENACING AND AGGRESSIVE ANIMALS**

WHEREAS, the City contracts with the San Luis Obispo County Division of Animal Services for the provision of animal care and control services; and

WHEREAS, the City is required to enact municipal codes, which are similar to and consistent with the County's codes regarding the care, keeping, and management of animals.

WHEREAS, the City Council desires to support the safe and responsible keeping of animals within the City; and

WHEREAS, the City desires to protect the safety and welfare of responsible pet owners and their pets from animals demonstrating aggressive or menacing behavior that threatens to cause or actually causes harm to city residents and their pets; and

WHEREAS, the City Council finds that current laws governing aggressive and menacing animals are insufficient to address the adverse health, safety and welfare impacts of aggressive and menacing animals within the City; and

WHEREAS, the County of San Luis Obispo recently enacted an ordinance to strengthen the regulation of aggressive and menacing animals, which the City Council finds to serve the best interests of the citizens and visitors of the City of Paso Robles.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 8 – Animal Control, of the Paso Robles Municipal Code is hereby revised to add new Chapter 8.04 – Menacing and Aggressive Animals, in substantially the form set forth in Exhibit A hereto.

SECTION 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 4. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code Section 36933.

Introduced at a regular meeting of the City Council held on March 4, 2014, and passed and adopted by the City Council of the City of El Paso de Robles on the ___ day of _____, 2014 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Dennis Fansler, City Clerk

Exhibit A

Title 8 – Animal Control

Chapter 8.06 – Menacing and Aggressive Animals

8.06.10 – Animal owner and property owner responsibility.

- A. It is unlawful for any person to keep, harbor, or maintain any aggressive or menacing animal which threatens, harasses, or intimidates a person who is peaceably and lawfully upon public or private property, unless it is contained in an enclosure of a construction adequate to keep it securely confined and prevent its escape.
- B. It is unlawful for any person to permit any animal owned, harbored, or controlled by him or her to attack and cause severe bodily injury or death to another domestic or captive animal while off the property of its owner or keeper.
- C. Upon notification of a violation of subsection A, the animal owner(s) must immediately confine the animal to an enclosure or location which mitigates the aggressive and menacing behavior.

8.06.20 - Definitions

Aggressive animal. Any animal whose past and/or current observable behavior causes a person observing that behavior reasonably to believe that the animal may attack a person or another animal without provocation.

Menacing animal. Means any animal which, through its past and/or current behavior, causes a person observing or subject to that behavior to be in reasonable fear for his or her safety, or the safety of animals kept by him or her. Police or military service canines being utilized in an official capacity are excluded from this definition.

Severe bodily injury. Means any physical injury which results in deep lacerations with separation of subcutaneous tissues, muscle tears or lacerations, fractures or joint dislocations, or permanent impairment of locomotion or special senses.

8.06.30 - Penalties

- 1. \$100 for the first violation.
- 2. \$200 for the second violation of subsection A or B within one year.
- 3. \$500 for each additional violation of subsection A or B within one year.
- 4. For the purposes of this section, a first violation of subsection A will be deemed to have occurred if the menacing or aggressive animal is not confined as required by subsection C within 24 hours of notification; a separate violation of subsection A shall be deemed to exist for each 24 hour period following notification in which an animal's menacing or aggressive behavior continues unmitigated.

8.06.40 - Liability of property owners

1. Owners of properties upon which a tenant keeps, harbors, or maintains any aggressive or menacing animal may, along with the animal owner(s), may be jointly and severally liable for penalties related to violations of subsection A, provided that they have received at least 14 days prior written notice of the existence of such violation and the violation has not been abated. No penalty shall be imposed upon the property owner if the property owner can demonstrate, within 14 days following notification that a violation has occurred, that the property owner has initiated action to abate the illegal activity on the property.