

IMPERIAL BEACH ORDINANCES

Title 6. ANIMALS

Chapter 6.04. GENERAL PROVISIONS

6.04.010. Provisions adopted by reference.

The animal control ordinance of the County of San Diego, the same being Title 6, Division 2, Chapters 6 and 7 of the San Diego County Code of Regulatory Ordinances, adopted and amended through Ordinance No. 8422, effective August 11, 1994, is hereby adopted by reference as the animal control ordinance of the City of Imperial Beach (hereinafter referred to as “animal control ordinance”). The City Clerk shall maintain a copy of the above chapters for public inspection.

In the event of any conflict between the provisions of Title 6 of the County of San Diego County Code and any amendment to the animal control ordinance contained in the City of Imperial Beach Municipal Code, the provisions contained in the Imperial Beach Municipal Code shall control. (Ord. 2006-1046 § 1 (part), 2006)

6.04.020. Definitions.

The following definitions shall govern construction of this chapter:

“Animal” means and includes, but is not limited to, birds, fishes, reptiles and nonhuman mammals.

“Approved rabies vaccine” means a vaccine which is approved for use in the animal concerned by the California Department of Health.

“At large” or “run at large” means to be untethered, unleashed or not confined to the limits of the owner’s or handler’s property by a fence or enclosure capable of containment or not under the physical control of an owner or handler when the animal is upon any property other than that of the owner or person responsible for the animal.

“Cat” means a *Felis domesticus* of either sex, altered or unaltered.

“City” means the City of Imperial Beach.

“Confine” means to hold within a location.

“County” means the County of San Diego.

“Dog” means a *Canis familiaris* of either sex, altered or unaltered; or any other member of the *Canis* genus if owned, kept, or harbored.

“Dog license” means a properly completed certification issued by County or other authorized agency, including the dog owner’s name, address, and telephone number; the dog’s name and description, including breed, color, sex, month, day (if known), and year of birth; rabies vaccination date; license tag number and expiration date.

“Health Officer” means the Director of Public Health and any regularly appointed sanitarian or employee of the Department of Public Health, or any regularly appointed sanitarian or employee of the Department of Public Health of the County of San Diego, or any other person contractually designated by the City to perform such duties, and the animal control officers of the City.

“Hen Chicken” means a female chicken.

“Leash” means any rope, leather strap, chain or other material not exceeding six feet in length, being held in the hand of a person capable of controlling and actually controlling the animal to which it is attached.

“License tag” means a piece of metal or other durable material inscribed with a date and number which has been issued by the County or other authorized agency.

“Licensed dog” means a dog wearing its current dog license tag as required by this title.

“Owner/guardian” means any person who has the legal responsibility and rights of an owner/guardian after keeping or harboring an animal for at least fifteen days, except a veterinarian or an operator of a kennel engaged in the regular practice of this business. The use of the term “owner/guardian” for all legal intent and purposes has the same meaning and effect as the term “owner” with respect to all federal, state and local regulations, current and/or as modified.

“Public Safety Director” means the Imperial Beach Public Safety Director, his/her agents or deputies.

“Rooster” means a male chicken regardless of age.

“Vaccinated dog” means a dog inoculated with an approved, currently valid antirabies vaccine, and wearing a current dog license tag indicating proof of such vaccination. (Ord. 2008-1074 § 2; Ord. 2006-1046 § 1 (part), 2006)

6.04.030. Keeping animals or fowl prohibited—Ownership.

A. No owner/guardian shall own, keep, harbor or maintain livestock, poultry or fowl within the City in violation of the provisions of this code, except as provided in Section 6.04.035;

B. Prohibited animals shall include any rooster regardless of size or whether it has been surgically de-crowed. (Ord. 2008-1074 § 3; Ord. 2006-1046 § 1 (part), 2006)

6.04.040. Conditions of animal ownership.

Any person, except a veterinarian or an operator of a kennel engaged in the regular practice of this business, who keeps an animal for more than fifteen days shall be deemed the owner/guardian and shall comply with all aspects of this code and other applicable laws. Owner/ guardians of animals must comply with the following conditions of animal ownership:

- A. Animals shall be restrained or confined as required by law.
- B. Animals shall be humanely treated at all times.
- C. Vaccinations, licenses, and permits shall be obtained as required by law.
- D. Animal premises shall be kept sanitary and shall not constitute a fly breeding reservoir, a source of offensive odors or of human or animal disease.
- E. Animal and animal premises shall not be permitted to disturb the peace or constitute a public nuisance or hazard. (Ord. 2006-1046 § 1 (part), 2006)

6.04.050. Disturbing the peace prohibited.

No owner/guardian shall own or harbor an animal in such a manner that the peace and quiet of the public is disturbed. The written affirmation by two persons having separate residences, indicating that the howling, barking or other noise issued by a dog or other animal, or that violation of a dangerous dog or curbing required, and Sections 6.04.040(D) and (E) of this chapter disturbs the peace of

such persons shall be prima facie evidence of a disturbance of the peace and quiet of the public. The destruction by a dog of property other than that which belongs to the owner/guardian of said dog shall be prima facie evidence of a disturbance of the peace and quiet of the public. For the purposes of this section, Section 415 of the Penal Code is incorporated by this reference. (Ord. 2006-1046 § 1 (part), 2006)

6.04.060. Animals running at large.

No owner/guardian or keeper of a dog shall allow or permit such dog, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, or in or upon any private place or premises other than those of said owner/guardian except with the consent of the person in charge of said private place or premises, unless such dog is securely restrained by a substantial leash not to exceed six feet in length and is in charge and control. For the purposes of this section, any dog in or upon any motor vehicle shall be deemed to be on the premises of the operator thereof. (Ord. 2006-1046 § 1 (part), 2006)

6.04.070. Inhumane treatment and abandonment prohibited.

No person or owner/guardian shall treat an animal in a cruel or inhumane manner or willingly or negligently cause or permit any animal to suffer unnecessary torture or pain. No owner/guardian shall abandon any domestic animal without care on any public or private property. (Ord. 2006-1046 § 1 (part), 2006)

6.04.080. Carrying instrument for removal of dog feces and actual removal of such feces required.

A. Any owner/guardian having custody of a dog while on public property, including any easements, beaches, and public parks, and private property not owned by such owner/guardian shall at all times carry an instrument suitable for removing and disposing of any feces which may be deposited by said dog and shall immediately remove any feces to a proper receptacle.

B. The provisions of this section shall not apply to dogs being used by the blind as guide dogs, or service dogs that are assisting disabled persons who are unable to remove such feces. (Ord. 2006-1046 § 1 (part), 2006)

6.04.090. Number of dogs on any one premise.

No owner/guardian owning or residing in any residential dwelling unit within the City shall keep or maintain more than five dogs over the age of four months within such unit or upon the premises where such unit is located. (Ord. 2006-1046 § 1 (part), 2006)

6.04.100. Animals in unattended vehicles.

No owner/guardian shall leave an animal in any 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. (Ord. 2006-1046 § 1 (part), 2006)

6.04.110. License—Terms—Conditions—Exceptions.

A. Except as provided in this section, every owner/guardian of a dog over the age of four months in the City of Imperial Beach shall pay a license fee for each such dog so owned, cared for, or controlled by such person.

B. No license shall be issued until the owner/guardian has presented a certificate from a licensed veterinarian or other satisfactory proof that said dog has been inoculated against rabies as hereinafter provided in this code. The information shall, in addition to any other information required by the City, include the animal's name, the animal's owner/ guardian's name, the animal's owner/guardian's address and the date and period for which the animal is vaccinated.

C. Every licensed dog shall at all times wear a suitable collar.

D. If a collar or license tag is not clearly visible, persons authorized to enforce the provisions of this chapter, may, in any place that is open to the public, check the dog's license tag to verify that it is attached to the collar.

E. Licenses shall be valid for a term not to exceed the maximum immunity duration periods specified for the various types of canine rabies vaccines approved by the California Department of Health Services and must be renewed prior to the expiration of the term by the payment of the current effective fee for each renewal. (Ord. 2006-1046 § 1 (part), 2006)

6.04.120. Owner's/guardian's duties upon transfer of animals.

A. An owner/guardian who transfers his or her dog that is required to be licensed under this chapter must provide the new owner/guardian with a current valid dog license.

B. An owner/guardian shall notify the City of the name and address of the person to whom a dog is transferred and within thirty days of said transfer, if the animal is required to have a license under this chapter and is to remain within the City for more than sixty days.

C. An owner/guardian who transfers his or her dog must provide the new owner/guardian with information relating to: (1) the vaccination status of the animal, and (2) City laws pertaining to animal control.

D. An owner/guardian who displays a dog with the intent of transferring the dog to a new owner/guardian, must display the animal's license, if the animal is required to be licensed under this chapter.

E. No person or organization shall display on public property any dog for the purpose of transferring ownership/guardianship, except for an animal shelter, animal rescue group, or humane society may do so upon written authorization by the City. (Ord. 2006-1046 § 1 (part), 2006)

6.04.130. Violation—Penalty.

It is unlawful to fail to comply with any requirements or restrictions imposed under this chapter. A violation of this chapter constitutes a misdemeanor and is punishable as provided in Chapter 1.12 of this code. (Ord. 2008-1074 § 5; Ord. 2006-1046 § 1 (part), 2006)