

(O-87-108)

ORDINANCE NUMBER O- 16829 (NEW SERIES)

ADOPTED ON MAR 16 1987

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 44.0300, 44.0302, 44.0303, 44.0304, 44.0305; AND BY ADDING SECTION 44.0304.1, RELATING TO ANIMALS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IV, Article 4, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 44.0300, 44.0302, 44.0303, 44.0304 and 44.0305, to read as follows:

SEC. 44.0300 SAN DIEGO COUNTY ANIMAL CONTROL ORDINANCE -
ADOPTION BY REFERENCE

(a) The following sections of the County Code of the County of San Diego, California, adopted by the Board of Supervisors as Ordinance No. 7182, (New Series), one copy of which is on file in the office of the City Clerk of The City of San Diego as Document No. 00-16829-1, are hereby adopted as the Animal Control Ordinance of The City of San Diego: sections 41.102.1, 62.601, 62.603, 62.604, 62.610, 62.611, 62.612, 62.613, 62.614, 62.615, 62.616, 62.617, 62.618, 62.619, 62.620, 62.622, 62.623, 62.624, 62.630, 62.631, 62.641, 62.642, 62.645 (including all subsections), 62.646, 62.647, 62.660, 62.661, 62.662, 62.664, 62.665, 62.667, 62.668, 62.669, 62.671, 62.673, 62.674, 62.675, 62.676, 62.677, 62.678, 62.679, 62.680, 62.682, 62.683, 62.684,

62.685, and in regard to kennel licensing, the following sections of the County Code of the County of San Diego, one copy of which is on file in the office of the City Clerk of the City of San Diego as Document No. 00-16829-2: 16.101 (less all subsections except (m)), 16.102, 16.103, 16.104, 16.105, 16.106, 16.107, 16.108, 16.109, 16.110, 16.111, 16.112, 16.113, 16.114 and 16.115, all relating to animal control and regulation. Each and all of the regulations, provisions, conditions and terms of said sections are hereby referred to, adopted and made a part hereof as if fully set out in this Division; provided, however, that any of the provisions of said sections as herein adopted which are in conflict with any of the other provisions of this Division shall be superseded by the provisions of this Division.

(b) Any person who violates a provision of the San Diego County Code as adopted and incorporated hereinabove shall be charged with a violation of the applicable section of the County Code and upon conviction said person shall be punished as prescribed by Section 11.12 of the San Diego Municipal Code, irrespective of whether the County Code specifies that that violation is a misdemeanor or an infraction.

SEC. 44.0302 SPECIAL PERMITS

Special permits may be granted for the maintenance of domestic animals not in strict conformity with the provisions of this Division, if the Director of Public Health makes a finding that because of soil, drainage, prevailing winds, absence of insect life, unusually effective sanitation measures, population density in the area, innocuousness of the animal or animals

involved, or like conditions, the public and welfare will not be endangered thereby and such animals shall be kept in a manner consistent with the conditions, if any, imposed in such special permit and within the scope thereof.

SEC. 44.0303 DENIAL AND REVOCATION OF PERMITS

Permits for the maintenance of domestic animals may be denied or revoked in whole or in part or conditionally by the Director of Public Health upon finding that, because of any of the conditions mentioned in the preceding section or because of the ineffectiveness of sanitation measures or a particular or peculiar hazard connected with the animal or animals involved, the public health and welfare will be endangered unless such action is taken.

SEC. 44.0304 PUBLIC NUISANCE AND ABATEMENT

The bringing or maintenance within the City of any animals in contravention of this Division is, in addition to being a misdemeanor, hereby declared to be a public nuisance and the Director of Public Health or Director of Animal Control, is hereby authorized, directed and empowered to summarily abate any such public nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved.

SEC. 44.0305 WILD ANIMALS AND OTHER PROHIBITED SPECIES

(a) No person shall offer for sale, give away, bring into or maintain within an area coming within the jurisdiction of this ordinance, any lion, tiger, bear, monkey, wolf, cougar, ocelot, wildcat, skunk, ferret or other members of the family mustelidae,

venomous or dangerous snake, or other such wild animals (ferae naturea), irrespective of their actual or asserted state of docility, tameness or domesticity. The County Director of Animal Control may impound any such animal and dispose of it in a humane manner in accordance with the applicable provisions of the County Code.

(b) Exceptions - This section shall not apply to:

1. Legally operated zoos or circuses unless the County Veterinarian, the County Health Officer or the Director of Animal Control shall give forty-eight (48) hours advance notice that by reason of inadequate caging or other means of protection of the public from such animals or by the ineffectiveness of sanitation measures or by a particular hazard connected with the animal or animals involved, the public health and welfare will be endangered.

2. Any service or helping animal, pursuant to a permit issued by the Director of Animal Control, that is trained or being trained to assist a physically disabled person by the augmentation of one or more of the senses of touch, taste, smell, hearing or sight, provided such training is or has been done under the auspices of a recognized organization that regularly provides such animals for such purposes. Such animals shall be kept and maintained subject to the provisions of this Division.

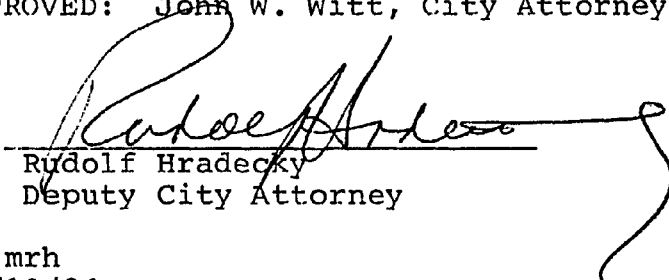
Section 2. That Chapter IV, Article 4, Division 3, of the San Diego Municipal Code be and the same is hereby amended by adding Section 44.0304.1, to read as follows:

SEC. 44.0304.1 COMMITTING NUISANCE

No person shall allow a dog in his/her custody to defecate or to urinate on public property or any improved private property other than that of the owner or person having control of the dog. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this section. The failure to do so and to immediately remove any feces to a proper receptacle constitutes a violation of this section. Unsighted persons while relying on a guide dog shall be exempt from this section.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
Rudolf Hradecky
Deputy City Attorney

RH:mrh
11/12/86
Or.Dept:Cit.Asst.
O-87-108
Form=o.none

MAR 16 1987

Passed and adopted by the Council of The City of San Diego on....., by the following vote:

On Ordinance provisions:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On vicious dogs provision:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 23 1987

MAR 16 1987

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16829

MAR 16 1987

Adopted

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE AMENDING CHAPTER IV, ARTICLE 4,

ORDINANCE NUMBER O-16829 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 44.0300, 44.0302, 44.0303, 44.0304, 44.0305; AND BY ADDING SECTION 44.0304.1, RELATING TO ANIMALS.

This ordinance adopts the Animal Control provisions of the County of San Diego within the City limits except as follows:

The possession of wild animals is defined to specifically include ferrets and other members of the family mustelidae as prohibited in the City limits, except for wild animals kept in zoos or circuses and service or helping animals that assist the physically disabled, pursuant to a special permit. Minor revisions are made to clarify that only domestic animals may be kept within the city limits in designated areas pursuant to permit. The adoption of the County Code further addresses the licensing and maintenance of kennels, the licensing and control of dogs, the abatement of vicious dogs as a public nuisance, and other general provisions applicable to the public health aspects and rabies vaccination requirements for keeping of dogs. The existing noise abatement provisions of the Municipal Code for barking dogs are retained instead of the County Code provisions. Owners or custodians of dogs are required to curb the dog and clean up the feces deposited on public property or private property other than that of the dogowner or custodian.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON FEBRUARY 23, 1987
Passed and Adopted by the Council of The City of San Diego on MARCH 18, 1987

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA

(SEAL)
By MAYDELL L. PONTECORVO, Deputy.
Pub. March 30

75085

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

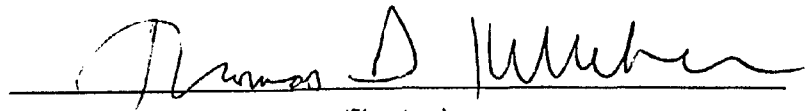
ORDINANCE NUMBER O-16829
(NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MARCH 30

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 30 day of MARCH, 19 87.



(Signature)

6 3/4" x \$10.24 = \$69.12

RECEIVED

CITY CLERK'S OFFICE

1987 APR -3 AM 11:42

SAN DIEGO, CALIF.

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