

(O-88-111)

ORDINANCE NUMBER 17020 (NEW SERIES)

ADOPTED ON FEB 08 1988

**AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4,
DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 44.0300, 44.0310 AND BY
REPEALING SECTION 44.0311 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 and 44.0310 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 Ordinances Nos. 7182, and 7177 (New Series), one copy of each of which is on file in the office of the City Clerk of The City of San Diego as Document Nos. 00-16829-1 and 00- 17020 , 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 subsections 62.645.1 through 62.645.13), 62.646, 62.647, 62.660, 62.661, 62.662, 62.664, 62.665, 62.667, 62.668, 62.669 (including subsections 62.669.1 and 62.669.5), 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, 62.700 and 62.701, 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. OO-16829-2: Sections 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of said sections as herein adopted which are in conflict with any of the other provisions of this Division shall be superseded by the provisions of this Division.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. 44.0310 ANIMALS IN TRANSIT AND DEAD ANIMALS

Except as provided in sections 62.700 and 62.701 of the San Diego County Code, nothing in this Division shall be applicable to dead animals or to animals which are in transit through the city for commercial abattoir purposes, provided there is no stoppage while in transit for longer than 24 hours.

Section 2. That Chapter IV, Article 4, Division 3, of the San Diego Municipal Code be and the same is hereby amended by repealing Section 44.0311.

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 Mary Kay Jackson
Mary Kay Jackson
Deputy City Attorney

MKJ:mrh
01/04/88
Or.Dept:Fin.Mgmt.
O-87-220
Form=o.none

OLD LANGUAGE: STRUCK OUT
NEW LANGUAGE: UNDERLINED

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ADOPTION BY REFERENCE

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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. 44.0310 ANIMALS IN TRANSIT AND DEAD ANIMALS

Except as provided in Sections ~~44.0311~~ 62.700 and 62.701 of the San Diego County Code, nothing in this Division shall be applicable to dead animals or to animals which are in transit through the city for commercial abattoir purposes, provided there is no stoppage while in transit for longer than 24 hours.

SEC. ~~44.0311~~ ANIMALS IN VEHICLES

(a) No person shall transport or carry on any public highway or public roadway any animal in a motor vehicle, unless the animal is safely enclosed within the vehicle or protected by a cab or container, secured cage, cross-tether or other device which will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.

(b) No person shall leave an animal in an unattended motor vehicle without adequate ventilation and in such a manner as to

subject the animal to extreme temperatures or conditions which adversely affect the animal's health or welfare/

(c) As used herein, the term "motor vehicle" includes a trailer or any other vehicle defined in the California Vehicle Code/

(Old SEC/ 4410311 CITY POUND + ESTABLISHED repealed 3+7+74 by Ord/ 11267 N/S/Y

(New SEC/ 440311 ANIMALS IN VEHICLES added 10+27+86 by Ord/ 16734 N/S/Y

FEB 08 1988

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	** <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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"/>

**McCcoll opposed to the portion of the Ordinance concerning "vicious dogs"

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)

Jena M. Martin
By....., 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

JAN 25 1988, and on FEB 08 1988

~~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)

Jena M. Martin
By....., Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17020 Adopted FEB 08 1988

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: TENA MARTIN

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 4, DIVISION
3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS
44.0300, 44.0310 NAD BY REPEALING SECTION 44.0311
RELATING TO ANIMALS.

NO.

ORDINANCE NUMBER O-17020 (NEW SERIES)
ORDINANCE AMENDING CHAPTER IV, ARTICLE 4, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 44.0300, 44.0310 AND BY REPEALING SECTION 44.0311 RELATING TO ANIMALS.
This ordinance amends the Animal Control provisions of the San Diego Municipal Code contained in Chapter IV, Article 4, Section 44.0311, by making certain technical amendments. The technical amendments adopt Sections 62.700 and 62.701 of the San Diego County Code and repeal identical provisions in Section 44.0311 of the San Diego Municipal Code. These sections provide for the restraint of animals in moving vehicles and for the proper ventilation of animals in unattended vehicles.
The technical amendment further makes explicit that subsections 62.645.1 through 62.645.13, 62.689.1 and 62.689.5 of the San Diego County Code were also originally adopted as part of the City of San Diego Municipal Code. Those sections deal generally with animal restraint, restraint of dogs running at large and the control of vicious ferocious animals, all of which are contained within Sections 62.645 and 62.689 of the San Diego County Code.
Adopted and adopted by the Council of The City of San Diego FEB 22 1988
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
Clerk of The City of San Diego, California
TENA M. MARTIN Deputy
CLERK

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-17020 (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:

FEB. 22

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

Dated at San Diego, California this 22 day of FEB., 19 88.

Thomas D. Kelleher

(Signature)

32 lines x .98 = \$62.72

2 7/8 x 2 x 10.78 = \$61.98