

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BAKERSFIELD AMENDING  
CHAPTER 6.04 OF THE BAKERSFIELD MUNICIPAL CODE  
RELATING TO PUBLIC POUND-DOG LICENSES.

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Chapter 6.04 of the Bakersfield Municipal Code is hereby amended to read as follows:

Chapter 6.04 Public Pound-Dog Licenses.

Sections.

6.04.010 Definitions.

6.04.020 Public ~~animal shelter~~ pound established.

6.04.030 Duties of director of animal control.

6.04.035 Duties of ~~the shelter director~~ animal control officers.

6.04.040 Dog license—Required— Vaccination.

6.04.050 Dog license—Fee—Tag—Issuance of duplicate tag.

6.04.060 Dog license—Fee—Collectors.

6.04.070 Reserved.

6.04.080 Reports of biting dogs—Quarantine.

6.04.090 Examination when rabies suspected.

6.04.100 Dogs without vaccination— Destruction of rabid animals.

6.04.110 Reserved.

6.04.120 ~~Unleashed dogs; Property damage—Female dogs in heat.~~

6.04.130 Impounded animals—Records— Care during impoundment.

6.04.140 Impounded animals—Disposition.

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6.04.180 Interfering with impounding or removing animals from pound.

6.04.190 Removal of dead animals from public streets and places.

6.04.200 Reserved.

6.04.210 Reports by director of animal control. ~~Reserved~~

6.04.220 Dogs at large—Impounding.

6.04.230 Keeping noisy animals— Complaints—Investigation.

6.04.240 Natural enemies.

6.04.250 Reserved.

6.04.260 Animal control officers—Carrying loaded firearms authorized ~~Reserved.~~

6.04.270 Violation—Penalty.

**6.04.010 Definitions.**

When used in this chapter, the following terms shall have the meaning specified in this section unless a different meaning clearly appears from the context:

“Animal control officer” means any officer employed to enforce the provisions of this chapter and applicable animal regulations and laws within the city jurisdiction and the state of California.~~by the organization which,~~

“Sheltering agency” means any organization ~~by contract with the city,~~ is responsible for the operation of the a public shelter facility servicing city residents. ~~pound, the licensing of animals and the impounding of such animals within the city. “Animal control officer” includes license collectors.~~

“Animal owner” means any person or entity who owns or has custody or possession of a dog or other animal referred to in this chapter.

“Director of animal control” means the ~~executive~~ director or supervisor of the organization, or designee, which, ~~by contract with the city,~~ has the responsibility of enforcing the provisions of this chapter.

“Dog” includes both male and female dogs, irrespective of age.

“License collector” means the person, department or agency authorized by the city to collect a license fee ~~for owning and maintaining a dog or dogs.~~

**6.04.020 Public animal shelter~~pound~~ established.**

A public animal shelter~~pound~~ is authorized and established for the city to provide animal related services to city residents.

**6.04.030 Duties of the animal shelter director~~director of animal control~~.**

A. It shall be the duty of the director or manager of the animal shelter ~~animal control~~ to take and have charge of the public animal shelter~~pound~~ and to receive and care ~~take and impound~~ for all dogs animals, ~~excepting cats,~~ found by city residents running at large upon any street, sidewalk, lane, alley, park or other public place, or upon the property of any person, other than the animal owner, without the permission of the owner or occupant of such property.

B. It shall be the duty of ~~the director~~ of animal control to take and impound ~~all~~ dogs ~~animals~~ found in any place within the city which are being kept or maintained contrary to the provisions of this chapter, including diseased, aged, ~~or~~ injured dogs and atypical animals upon assessment of the situation.

**6.04.035 Duties of animal control officers.**

A. It shall be the duty of the animal control officers of the city to enforce the provisions of this chapter under the direction of the ~~director~~ of animal control **supervisor**.

B. Pursuant to the provisions of California Penal Code Section 836.5, any animal control officer of the city may enforce the provisions of this chapter and may arrest a person without a warrant whenever that **animal control** officer or employee has probable cause to believe that the person to be arrested has committed ~~an infraction or a~~ misdemeanor in his presence which is a violation of any of the provisions of this chapter. An animal control officer making an arrest under the authority of this section shall follow the citation-release procedures prescribed in Chapter 5C, Title 3, Part 2 of the California Penal Code (Sections 853.5, et seq.) or such procedure hereafter enacted by the state of California.

**6.04.040 Dog license—Required— Vaccination.**

A. It is unlawful for any animal owner to keep or maintain a dog in any place in the city, unless such dog is licensed as provided in Section 6.04.050. This section shall have no application to dogs under the age of **three**~~four~~ months ~~fastened securely by a chain, rope or leash,~~ or confined within the private property of their owners.

B. 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 director of animal control~~ during the calendar year for which it is licensed, and the animal owner shall produce a certificate of such vaccination, unless the animal owner submits a certificate from a licensed veterinarian issued within the preceding **60**~~sixty~~ days stating that in his opinion the rabies vaccination would be likely to seriously injure the dog. Any dog so exempted 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 animal owner constitutes a violation of this chapter.

C. The vaccination shall be performed by any duly authorized person, licensed physician or veterinarian. The person vaccinating such dog shall issue to the animal owner a certificate of vaccination.

D. It is unlawful for any animal owner 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 **three**~~four~~ 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 provided in subsection B of this section.

**6.04.050 Dog license—Fee—Tag—Issuance of duplicate tag.**

A. Every animal owner shall pay to the license collector a license fee pursuant to Chapter 3.70 of this code, except dogs under the age of ~~three~~<sup>four</sup> months as provided for in Section 6.04.040.

B. The license fee shall be due and payable as soon as any dog subject to this chapter is brought into the city, or whenever any dog exempted under subsection A of this section reaches the age of ~~three~~<sup>four</sup> months, and the same shall be charged against and be payable by the animal owner. Such license fee shall be delinquent ~~30~~<sup>sixty</sup> days after due and payable, and a delinquency fee prescribed by resolution of the city council shall ~~be~~<sup>may</sup> be added to the license fee. 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 ~~dog license~~<sup>dog license</sup> tag, with ~~a~~<sup>a</sup> the number and year stamped or cut thereon, and the words "CITY DOG TAG" stamped thereon, which dog tag shall be securely fastened to a collar or harness, which 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. Such 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 period for which such tag was issued, and has been vaccinated or is exempt from the requirement of vaccination.

C. If any dog is found in or upon any place in the city without having an official tag attached to his collar or harness as required by this chapter, such dog shall be presumed not to have been vaccinated or licensed as required by this chapter.

D. Whenever a dog tag issued for the current calendar year has been lost or ~~misplaced~~<sup>stolen</sup> by parties unknown to the animal owner or for which the same was issued, such animal owner may, upon the payment of a ~~replacement~~<sup>replacement</sup> fee in the amount prescribed by resolution of the city council, 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 ~~purchase~~<sup>purchase</sup> a duplicate tag for the remaining portion of the period for which the original tag was issued.

**6.04.060 Dog license—Fee—Collectors.**

A. In order to facilitate the licensing of dogs in the city and the collection of fees thereon, the ~~treasury, animal control, and the Animal Shelter~~<sup>treasury, animal control, and the Animal Shelter</sup> license collector, the director of animal control and any licensed veterinarian ~~is~~<sup>are</sup> authorized to license any dog, collect the license fee thereon and issue to the person paying such fee the dog tag as provided in this chapter.

B. Any duly qualified person, physician or veterinarian vaccinating a dog with canine rabies vaccine shall supply the city ~~or the license collector~~ with a copy of the certificate of vaccination, which copy shall include the name and address of the dog owner and the date of vaccination, and which copy shall be supplied to city ~~or the license collector~~ within **30**~~thirty~~ days after the canine rabies vaccine was administered.

C. Any person authorized by the license collector to collect a license fee shall account to the license collector not less than once each month for all dogs so licensed and for all license fees collected.

#### **6.04.070 Reserved.**

#### **6.04.080 Reports of biting dogs—Quarantine.**

Any animal owner of a dog that bites any person and any person bitten by such dog shall immediately report the same to the ~~director of animal control~~ **unit**, who shall place such dog under ~~regulation and~~ quarantine for **10 days or** ~~such time as may be required by state law~~. Such regulations or quarantine may be had at the home of the animal owner or at such other place as may be designated by the ~~director of animal control, and under guidelines established by the director of animal control~~.

#### **6.04.090 Examination when rabies suspected.**

A. Whenever an animal owner observes or learns 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 animal owner shall immediately notify ~~the director of animal control~~.

B. ~~The director of~~ **A** animal control shall cause an inspection or examination of such animal to be made by **the public health department** ~~a licensed veterinarian~~ until the existence or nonexistence of rabies in such animal is established to the satisfaction of such veterinarian.

#### **6.04.100 Dogs without vaccination— Destruction of rabid animals.**

A. Any dog taken up and impounded by ~~the director of animal control~~ by reason of no vaccination during the calendar year shall be separately confined in a safe place.

B. It shall be the duty of ~~the director of animal control~~ to cause any dog suspected of having rabies to be **destroyed and** examined by **the public health department** ~~a licensed veterinarian~~ to determine whether or not it is afflicted with rabies.

C. If a licensed veterinarian determines that it is afflicted with rabies, ~~the director of animal control~~ shall ~~kill and~~ destroy the same forthwith, and/or shall

take such other action as in his discretion he deemeds necessary to prevent the spread of such disease.

#### **6.04.110 Reserved.**

#### **6.04.120 Property damage—Female dogs in heat ~~Unleashed dogs; Female dogs in heat.~~**

A. Any ~~dog~~dog animal found damaging or destroying any property in the city may be taken up by the owner or occupant of such property, or his agent, and committed to ~~the director of~~ animal control, who shall hold the same subject to redemption by the owner upon payment of the fees prescribed in this chapter.

B. All persons owning or having under their control female dogs in heat shall keep the same securely enclosed. ~~It shall be the duty of the director of~~ animal control shall impound all female dogs in heat not confined in compliance with this section.

#### **6.04.130 Impounded animals—Records— Care during impoundment.**

A. The sheltering agency ~~director of animal control~~ shall keep a true and faithful record of the number and description of all animals taken into their his custody, with the date of their impounding and the date and manner of their disposition, ~~and shall keep conspicuously posted at the place of custody a list of animals detained therein.~~

B. The sheltering agency ~~director of animal control~~ shall be responsible for provide ing the necessary sustenance subsistence for animals while in their his custody and shall not alter, nor suffer to be altered, any mark or brand thereon, ~~and shall not suffer cruel treatment thereof.~~

#### **6.04.140 Impounded animals—Disposition.**

All animals taken into the custody of the sheltering agency ~~director of animal control~~ shall be impounded and held in accordance with the laws of the state of California, ~~including but not limited to California Food and Agriculture Code Section 31108, et seq.~~

#### **6.04.150 Impounded animals—Redemption procedure.**

An animal owner of any animal impounded may, at any time before the release sale or other disposition, redeem the same by paying the shelter ~~director of animal control~~ all required fees and charges, including, but not limited to, vaccination and license ing fees. Animals impounded more than once, shall be spayed or neutered prior to redemption.

**6.04.160 Impounded animals—Redemption charges.**

The fees and charges for redeeming animals impounded shall be pursuant to Chapter 3.70 of this code.

**6.04.170 Abandoned animals.**

It is unlawful for any person to ~~willfully~~ **willfully** abandon, or turn loose to run at large, any animal.

**6.04.180 Interfering with impounding or removing animals from pound.**

Any person ~~rescuing, or attempting to rescue~~ **or free** any animal from the director of animal control while about to convey the same to the pound, or in any way, directly or indirectly, removing or delivering the same from such **shelter facility** ~~pound, or from the possession of such director of animal control, or causing or enabling the same to escape therefrom,~~ shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Section 6.04.270.

**6.04.190 Removal of dead animals from public streets and places.**

A. It shall be the duty of the ~~director of animal control to~~ **attempt to locate and** remove dead animals upon any of the public streets, alleys, sidewalks, lanes or other public places ~~or on property of any other than the animal owner, within the city, to transport the same for proper disposition. It shall be a violation of this chapter for any animal owner to place dead animals in or upon any public street, alley, sidewalk, lane or other public place.~~

B. The ~~director of~~ **A** animal control may, upon request of any animal owner of any dead animals, take up and transport the same for proper disposition, ~~for which services a fee in the amount prescribed by resolution of the city council may be charged.~~

**6.04.200 Reserved.****6.04.210 Reports by director of animal control **Reserved.****

~~Quarterly reports of the director of animal control showing the amounts collected, the amounts expended, the work performed and general report of the director of animal control shall be furnished by such director of animal control in writing to the city manager.~~



**6.04.220 Dogs at large—Impounding.**

A. It is unlawful for any ~~dog~~ **dog** animal owner to cause, permit or allow a dog, whether or not the same is licensed and/or vaccinated, to stray, run, or in any other manner, to be at large in or upon any public highway, street, sidewalk, alley, lane, park or other public place, or upon the property of any person other than the animal owner, without the permission of the owner or occupant of such property; ~~provided, however, that a dog is not at large within the meaning of this chapter if it is under the control of a competent person and restrained by a substantial chain or leash not exceeding six feet in length.~~

B. Any person finding at any time any dog at large contrary to the provisions of this chapter may take up and hold the same; provided, however, that such person so taking up such dog shall, within four hours after taking up such dog, or if such dog is taken up at a time when the ~~city pound~~ **shelter facility** is not open for the transaction of business, within four hours after the ~~shelter~~ **shelter** is again open for business, notify ~~the director of animal control~~ **and the shelter** of the fact that ~~they~~ **he** ~~have~~ **has** such dog in ~~their~~ **his** possession and shall, upon demand, surrender possession of such dog to the ~~director of animal control~~ **sheltering agency or** ~~or the shelter~~ **director of animal control**. It shall be the duty of ~~the director of animal control~~ **or the shelter** to take custody of any such dog and impound the same subject to the provisions of this chapter.

**6.04.230 Keeping noisy animals— Complaints—Investigation.**

A. No person shall keep or maintain, or cause or permit to be kept or maintained upon any premises in the city, or upon any public street, highway, sidewalk, alley, park, playground or other public place in the city, any animal, bird or fowl which by any sound or cry whatsoever unreasonably disturbs the peace and comfort of any neighborhood or interferes with the reasonable and comfortable enjoyment of life or property by any person. Every day during which any person continues to keep or maintain any such animal, bird or fowl shall be a separate violation of this chapter.

B. It shall be the duty of the chief of police to receive and investigate or cause to be investigated all complaints regarding any animal, bird or fowl being kept or maintained in violation of the provisions of this section, and to enforce the provisions of this chapter.

**6.04.240 Natural enemies.**

It is unlawful to allow ~~animals which are natural enemies,~~ **animals, which** ~~animals which are natural enemies,~~ temperamentally unsuited, or otherwise incompatible, to be quartered together, or so near each other as to cause injury, fear or torment. ~~If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies.~~



**6.04.250 Reserved.**

**6.04.260 Animal control officers—Carrying loaded firearms authorized Reserved.**

~~The animal control officers of the city are authorized to carry a loaded firearm on their person when acting in the course and scope of their employment.~~

**6.04.270 Violation—Penalty.**

A. Any animal owner who **willfully** ~~willfully~~ refuses, fails or neglects to furnish to ~~the director of animal control, treasury license collector or a~~ any duly qualified and licensed physician or veterinarian authorized to vaccinate and license dogs and collect the license fees thereon, as provided in this chapter, the information necessary to properly vaccinate and license such dog, or who resists, hinders, gives false information to, or prevents ~~the director of animal control~~ in the exercise of **their** ~~his~~ duties, or who fails, neglects or refuses to pay the license fee at the time and in the manner provided in this chapter, or who violates any of the provisions of this chapter, with the exception of Section 6.04.230, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than **\$300** ~~three hundred dollars~~ or by imprisonment in the county jail of the county for not more than **90** ~~ninety~~ days, or by both such fine and imprisonment.

B. Any person who violates any provision of Section 6.04.230 shall be guilty of an infraction and upon conviction thereof shall be punishable by:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation within one year;
3. A fine not exceeding five hundred dollars for each additional violation within one year.

**SECTION 2.**

This Ordinance shall be posted in accordance with the Bakersfield Municipal Code and shall become effective thirty (30) days after the date of its passage.

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**I HEREBY CERTIFY** that the foregoing Ordinance was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on \_\_\_\_\_, by the following vote:

AYES: COUNCILMEMBER: ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR  
NOES: COUNCILMEMBER \_\_\_\_\_  
ABSTAIN: COUNCILMEMBER \_\_\_\_\_  
ABSENT: COUNCILMEMBER \_\_\_\_\_

\_\_\_\_\_  
**JULIE DRIMAKIS, CPMC, MMC**  
CITY CLERK and Ex Officio Clerk of the  
Council of the City of Bakersfield

APPROVED:

By: \_\_\_\_\_  
**KAREN GOH**  
Mayor

APPROVED AS TO FORM:  
**VIRGINIA GENNARO**  
City Attorney

By: \_\_\_\_\_  
**ASHLEY E. ZAMBRANO**  
Deputy City Attorney