

Chapter 5.01 - ANIMALS—POUND: DOGS

Sections:

5.01.010 - Established.

A public pound for the City for the impounding of animals is hereby authorized, created and established. The public pound shall be maintained at such place as the Council may determine from time to time by resolution.

5.01.020 - Poundmaster duties.

The Poundmaster, whether he is an employee of the City or a contractor with the City, together with his agents and employees, has the duty to enforce the provisions of Chapters 5.01 and 5.04 of this Code.

Pursuant to the provisions of Section 836.5, California Penal Code, the Poundmaster, together with his agents and employees, is authorized to arrest persons for violations of Chapters 5.01 and 5.04 of this Code, provided that the Poundmaster, or the agent or employee of the Poundmaster, making the arrest shall have satisfactorily completed an introductory course of training prescribed by the Commission on Peace Officer Standards and Training pursuant to California Penal Code Section 832.

(Ord. No. 1863, Amended, 01/14/93)

5.01.030 - Animals at large.

It shall be unlawful for any person owning or having possession, charge, custody, or control of any animal to cause, permit, or allow the same to stray, run, or in any other manner to be at large in or upon any public place or property of another in the City.

5.01.040 - Dogs to be chained while in public.

It shall be unlawful for any person to suffer or permit any dog, when harbored or controlled by him, to run at large on any public place or property of another in the City unless such dog is restrained by a substantial chain or leash not exceeding six (6') feet in length and is in charge, care, custody, or control of a competent person.

No animal shall be allowed or permitted to be at large or on leash or chain in or upon any beach, public pier, or in any store, market, restaurant, cafe, lunchroom, soda fountain, bakery, or kindred establishment wherein vegetables, meats, and other foods for human consumption are serviced, sold, or kept for sale, public park or playground in the City, which parks or playgrounds are not limited to but shall include: Culiacan Park, Live Oak Park, Manhattan Heights Park, Manhattan Village Park, Marine Avenue Park, Polliwog Park, and Sand Dune Park, except where the permission of the Council shall be first had and obtained for the conduct of animal exhibits, training, clinics, or any other purpose that shall be approved by Council; provided, however, dogs shall be permitted in Manhattan Beach Parkway when restrained by a chain or leash and in control of a competent person.

(§ 1, Ord. 1761, eff. September 17, 1987)

5.01.050 - Dogs permitted at large on owner's property.

Nothing contained in this chapter shall be construed to prevent the owner or custodian of any dog from permitting the same to be at large upon any property owned or controlled by the owner or custodian, provided that the property is enclosed in such a manner as to prevent the dog from escaping therefrom.

5.01.060 - Poundmaster to take dogs found at large.

Any dog permitted to run at large in violation of the provisions of this chapter shall be taken in charge by the Poundmaster. Such dog shall be kept by the Poundmaster for a period of five (5) working days, at which time the dog shall be humanely disposed of by the Poundmaster unless redeemed as provided in this chapter.

5.01.070 - Poundmaster to take animals found at large.

Any animal found trespassing upon any private ground or premises within the City may be taken up by the party owning, controlling, or having possession of such ground or premises or by the agent or representative of such person and committed to the Poundmaster to be dealt with as provided in this chapter. Any person taking up any such stray animal found running at large or trespassing upon any property, ground, or premises owned, controlled, or in possession of such person shall promptly notify the Poundmaster of such taking up. It shall be unlawful for any such person to fail or refuse to surrender such animal to the Poundmaster or his duly authorized representative upon demand therefor.

5.01.080 - Poundmaster to keep records.

The Poundmaster shall keep a full, true, and correct record of all animals taken, received, and impounded, the date of such impounding, and the date and manner of their release, discharge or disposal, and shall conspicuously post, at the entrance to the Pound, a list of all animals contained therein, together with a brief description of each of such animals at all times during which such animals remain in the Pound. The Poundmaster shall also provide necessary subsistence and properly care for all animals while in his custody. The costs of such subsistence and care shall be a charge against and paid by the City unless otherwise provided for by contract which may be awarded for such Pound service, in which case the costs thereof shall be paid and discharged as provided in such contract.

5.01.090 - Redemption of impounded animals.

The owner or any person entitled to the control of any animal impounded shall have the right to reclaim the same at any time prior to the sale or other actual disposal thereof upon the payment of the costs and charges provided for in this chapter.

5.01.100 - Redemption fees.

The Poundmaster shall collect from the owner of all animals impounded fees for impounding and keeping the animals as established by Council under separate resolution.

5.01.110 - Proceeds of sale.

Whenever any animal is sold as provided by the provisions of this chapter, the proceeds of such sale, unless otherwise provided for by contract, shall be paid to the Pound.

5.01.120 - Poundmaster to turn over fees to city treasury.

All money received by the Poundmaster as fees and charges of any kind in connection with the licensing, impounding, sale, or keeping of any animal, unless otherwise provided for by contract, shall be paid by him into the City treasury.

5.01.130 - Right to contract for Poundmaster and Pound.

- A. **Pound Expenses.** The salary, compensation, or fees of the Poundmaster shall be fixed by resolution of the Council from time to time as occasion may require. All expense of keeping, maintaining and establishing the Pound, unless otherwise provided for by contract, shall be paid by the City. All claims therefor, unless otherwise provided for by contract, shall be presented, allowed, and paid as other claims against the City are presented, allowed, and paid.
- B. **Designation of Poundmaster and Pound.** The Council, in its discretion, at any time and for such period as to the Council may seem proper may appoint a person as Poundmaster on a fixed monthly salary, or may advertise for bids for furnishing the City with a public Pound and for the performance of all the duties of Poundmaster in connection therewith, including, if the Council shall so desire, the collection and issuance by the Poundmaster of any license hereunder.
- C. **Term of Poundmaster.** In the event the Council accepts the bid of any bidder bidding thereon and awards a contract to such bidder, the person so named in the bid and the contract made pursuant thereto shall be named and known for the period designated in the contract, subject to the provisions thereof, as the Poundmaster of the City and shall receive compensation for furnishing the Pound and the performance of the duties of Poundmaster.
- D. **Location of Pound.** The public Pound of the City shall in such case be maintained at the place indicated in the contract and in the resolution awarding the same, or at such places as the parties to the contract may mutually agree upon. Should the Council advertise for such bids, the notice calling therefor may permit the bidders to state in their respective bids either a definite sum per month for the furnishing of the Pound and the performance of the duties, services, and functions of the Poundmaster or the percentage of the fees collected for dog licenses which such bidders will charge the City in lieu of a fixed sum per month for the diligent and faithful performance of all such duties, services and functions, and the furnishing of a Pound.
- E. **Dog license fees to be turned over to City.** In case a contract is awarded, regardless of the basis of award, all moneys collected on dog licenses must be turned in to the City treasury, and proper demands for such proportion thereof as may be specified in the contract must be presented, audited and allowed as in all other cases of demands against the City (regardless of whether the award is based upon a fixed compensation per month or upon a percentage basis).

5.01.140 - Annual dog license required.

Except as in this chapter provided, it shall be unlawful for any person to have, keep, maintain, or harbor within the City any dog over 4 months old for a period of thirty (30) days without having obtained from the City an annual dog license.

5.01.150 - License fees.

In order to accommodate the public of the City and to expedite the issuance of licenses required by this chapter, the Animal Licensing Authority is hereby authorized, subject to the general authority of the Poundmaster, to issue any license required by this chapter at the office of the Animal Licensing Authority.

Every person owning, harboring, or controlling any dog within the City shall, prior to the first day of September of each year, procure a license for the keeping and maintaining of such dog and shall pay to the Animal Licensing Authority or contractor employed by the City to enforce and carry into effect the provisions of this chapter, a license fee as established by Council under separate resolution; provided, however, that except as provided by this Section it shall not be necessary to procure a license or pay a license fee for any dog under the age of (4) months.

Each such license shall be payable annually in advance on the first day of September of each year, and shall expire at midnight on the 31st day of August of each succeeding year, provided, however, such fee can be prorated for the remainder of the current license year but on not less than a quarterly basis.

5.01.160 - Penalty fee.

For failure to pay license fees within the period prescribed by Section 5.01.150 of this chapter, the Animal Licensing Authority or authorized contractor shall add a penalty as provided by separate resolution with the City of Manhattan Beach to the amount of the license fee, and the amount of any license fee and penalty imposed by this chapter shall be deemed a debt to the City. Any person failing to obtain a license shall be liable in any action in the name of the City in any court of competent jurisdiction for the amount of the license fee or penalty due in addition to the penal provisions provided by this Code.

5.01.170 - Animal Licensing Authority.

The City Manager or his designee shall act as the Animal Licensing Authority for the purposes of this chapter.

5.01.180 - Receipt blanks: Duplicate tags.

The Animal Licensing Authority shall cause to be printed a sufficient number of receipt blanks to meet the requirements of this chapter which shall provide for the description of the dog for which a license is paid, the number of the tag which has been issued for such dog, and the name and address of the owner of the dog. The receipt shall also designate the sex of the dog for which such license has been paid. A charge as established by the Council under separate resolution shall be made for the issuance of a duplicate license tag, and this sum shall be included in the basis for computing the percentage of any contractor in the event a contract is awarded upon such basis unless otherwise specified in the contract.

5.01.190 - Delivery of tags and receipts to dog owner.

The City Dog License Collector, upon the payment of the license tax required by Section 5.01.150 of this chapter, shall deliver to the owner or person having control or charge of any dog within the City an appropriate tag for which such license has been paid and shall also deliver to such person a signed receipt for such sum of money as shall have been paid as license tax.

5.01.200 - Tags to be attached to dog.

The owner or person having the care, control, or custody of any dog upon which a license tax shall have been paid shall securely fasten the tag upon a suitable collar and securely fasten the collar with the tag attached thereto, upon the dog. A dog "harness" or other device may be substituted in lieu of the collar if so desired.

5.01.210 - Control under quarantine.

It shall be unlawful for any person owning or having the care, custody, or control of any dog to permit said dog to go at large at any time in any area within the City in which a quarantine on account of rabies exists during the period of such quarantine, such quarantine to be determined by Los Angeles County Health Department.

5.01.220 - License fee in addition to redemption costs.

When any redemption is made as provided by Sections 5.01.090 and 5.01.100 of this chapter, in addition to paying any impounding fee or costs incurred by reason of impounding any animal impounded hereunder, there shall also be paid the amount of any license fee which may then be due or payable on such animal in case a current license for such animal is not in existence at the time.

5.01.230 - Removal of dead animals.

In addition to any other duties imposed upon the Poundmaster by this chapter it shall be the duty of the Poundmaster to remove and dispose of any and all dead animals found in or upon any of the public highways, streets, avenues, ways, lanes, alleys, parks, squares, sidewalks, or other public places within the City and of any abandoned dead animal found or being upon private premises. It shall also be the service of the Poundmaster to remove and humanely dispose of any live animal which, either by reason of age or infirmity or request of the owner or person having the care, custody, or control thereof, is to be destroyed and disposed of within the City.

5.01.240 - Vicious animals.

It shall be unlawful for any person to own, possess or have the custody or control of any dangerous or vicious animal within the City limits. A vicious animal is any animal or animals that constitute a physical threat to human beings or other animals.

5.01.250 - Disposition of vicious animals.

- A. **Removal from City.** The Director of Animal Control shall have the right and power to determine, upon written complaint from a citizen or a Community Services Officer, whether an animal is vicious. If such a determination is made, then the vicious animal must be removed from the City limits by the owner, possessor, or one who has custody and control of the animal, within seven (7) days.
- B. **Impoundment.** After a determination has been made that an animal is vicious and is to be removed from the City, the Animal Control Department shall have the right and power to impound said animal if it is not removed from the City within the seven (7) day period. Cost of said impoundment to be paid by owner of impounded animal.
- C. **Appeal.** The owner, possessor, or one having custody and control of such animal as has been determined

vicious shall have the right to a public hearing of the City Council on the matter. The decision of the City Council shall be final and binding, and if the determination is that of a vicious animal, the owner, possessor, or one having custody or control of said animal shall have three (3) days to remove said animal from the City limits. This hearing shall be held as soon after an appeal is filed as is reasonably possible. An appeal fee of twenty-five dollars (\$25.00) shall be paid at time appeal is filed.

- D. Failure to remove said animal from City as provided by this section is a misdemeanor and punishable by law.
- E. **Right and power to protect public.** The Council hereby finds and determines the reservation of the right and power made in this section is necessary in order to protect the public peace, health, and safety of the City and its inhabitants, not only on account of physical danger from vicious and dangerous animals, but also because of the suppression and combating of the menace of rabies.

5.01.260 - Obstruction or interference with animal control officers.

Every person who willfully resists, delays, obstructs or interferes any City animal control officer in the discharge or attempt to discharge any duty of his or her office or employment shall be guilty of a misdemeanor.

(§ 2, Ord. 2084, eff. April 18, 2006)

5.01.270 - Report of stray dogs.

Any person finding a stray licensed or unlicensed dog shall report same to the Police Department, the Animal Licensing Authority or the Pound within twenty-four (24) hours.

5.01.280 - Public nuisance.

Any animal or animals which molest passersby or passing vehicles, attack other animals, trespass on school grounds, is repeatedly at large, damages, and/or trespasses on private or public property, bark, whines, or howls in an excessive, continuous, or untimely fashion, shall be considered a public nuisance.

Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits, or allows a public nuisance to exist thereon, after reasonable notice in writing from the Animal Aid Department of the City of Manhattan Beach has been served upon such person, is guilty of a misdemeanor and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and shall be prosecuted accordingly.

5.01.290 - City intervention.

If there are two (2) complaints filed with the City by two (2) individuals from separate residences or businesses regarding a violation of the Public Nuisance Section of this ordinance, the City may file a complaint against the alleged violator and direct the District Attorney to proceed with criminal action.

5.01.300 - Prohibition of noisy animals.

No person shall keep, maintain, or permit on any lot, parcel of land, or premises under his control, any animal which by sound or cry shall repeatedly and unreasonably disturb the peace and comfort of at least two different families or of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property.

5.01.310 - Nuisances committed.

It shall be unlawful for the owner or person having custody of any dog or other animal to permit, either willfully or through failure to exercise due care or control; any such dog or animal to commit any nuisance, and to allow such nuisance to thereafter remain, upon any public or private property not owned or possessed by the owner or person in control of said animal, provided that the person who owns, harbors, keeps or has charge or control of a dog (other than a sightless person who has charge or control of a guide dog) shall immediately and securely enclose all feces deposited by such dog in a bag, wrapper, or other container and dispose of the same, all in a sanitary manner. Any person (other than a sightless person with a guide dog) who has charge or control of a dog in a location other than on the property of such person or the property of the owner of the dog, shall have in his or her possession a suitable wrapper, bag, or container (other than articles of personal clothing) for the purpose of complying with the requirements of this section. Failure of such person to carry such wrapper, bag, or container when in charge or control of a dog in a location other than on the property of such person or the property of the owner of the dog or animal shall constitute a violation of this section.

For the purpose of this section a "nuisance" committed by a dog or animal shall mean defecation by said animal.