

ORDINANCE 2002- 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON ADOPTING BY REFERENCE NAPA COUNTY ORDINANCE 6.16 REGULATING VICIOUS AND NUISANCE ANIMALS AND ADOPTING A NEW MUNICIPAL CODE CHAPTER 8.06 REGULATING BARKING DOGS

WHEREAS, the City Council of the City of American Canyon desires to adopt an ordinance regulating dangerous and vicious animals and barking dogs; and

WHEREAS, Napa County has adopted an ordinance regulating dangerous and vicious animals; and

WHEREAS, the City of American Canyon contracts with Napa County Animal Control; and

WHEREAS, Napa County Animal Control will enforce the County ordinance if adopted by reference with no changes; and

WHEREAS, the City Council also desires to adopt an ordinance regulating barking dogs in the City; and

WHEREAS, the City Council held a public hearing on July 18, 2002, at which these ordinances were discussed: and

WHEREAS, the City Council considered all written and oral testimony presented at this public hearing before taking action to introduce and hold the first reading of the ordinances.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN THE FOLLOWING:

SECTION 1:

A new Municipal Code Chapter 8.05, Dangerous Animals, is hereby added to the Municipal Code as follows:

Chapter 8.05

Dangerous Animals

Sections:

- 8.05.010 Use of Napa County's Dangerous Animal Ordinance
- 8.05.011 City Expenses to be recovered

8.05.010 Use of Napa County's Dangerous Animal Ordinance. Napa County Code Chapter 6.16, Dangerous Animals, as it may be amended from time to time, is adopted by reference as though fully set forth in this chapter.

8.05.011 City Expenses to be recovered. Any costs incurred by the City as a result of implementing or enforcing this chapter shall be deemed a cost of abatement, which shall be recoverable through the same procedures as set forth in Napa County Code, Section 6.16.090, Impoundment Costs—Assessment.

SECTION 2:

A new Municipal Code Chapter 8.06, Barking Dogs, is hereby added to the Municipal Code as follows:

Chapter 8.06

Barking Dogs

Sections:

- 8.06.010 Intent and Purpose
- 8.06.020 Public Nuisance Declared
- 8.06.030 Notice to Dog Owner
- 8.06.040 Failure to Abate Nuisance

8.06.010 Intent and Purpose. The intent and purpose of this Chapter is to ensure the peace and comfort of residents in the City of American Canyon by providing for penalties to owners of dogs that cause a nuisance to neighbors by habitually barking, howling, or yelping and therefore disturbing the peace and tranquility of the neighborhood.

8.06.020 Nuisance Declared. No person shall knowingly keep or harbor any dog that habitually barks, howls, or yelps and thereby causes great discomfort of the peace and quiet of the neighborhood or materially disturbs or annoys persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared a public nuisance.

8.06.030 Notice to Dog Owner. Whenever any person complains to the Police Department that a dog that habitually barks, howls, or yelps is being kept by any person in the City, the Police Department shall notify the owner of the dog or the resident or tenant at the property where the dog is being kept that a complaint has been received and that the person shall take whatever steps necessary to alleviate the barking, howling, or yelping.

8.06.040 Failure to Abate Nuisance.

- A. If the warning given to the owner of the dog or the tenant or resident at the property pursuant to Section 8.06.030 where the barking, howling, or yelping dog is being kept is ineffective, then a verified complaint of at least two citizens not from the same household may be presented to the Police Department, alleging that a dog that habitually barks, howls, or yelps is being kept by such person within the City. The Police Department shall inform the owner of the dog or the resident or tenant of the property at which the dog is being kept that such a petition has been received and shall cite the owner of the dog for a violation of this Chapter as alleged in the complaint.
- B. Notwithstanding the provisions of Subsection A, above, if a Police Officer responds to a complaint from a resident and hears the barking, howling, or yelping, the Officer shall give a warning for a first offense and shall issue a citation for any additional complaints received beyond the initial warning without the need for petition from two or more citizens.
- C. In the event the nuisance continues, citations will be issued in accordance with the provisions of the Administrative Citation Ordinance.

SECTION 3:

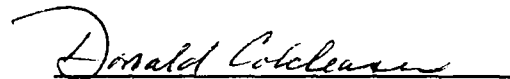
The provisions of this Ordinance shall be severable. If any portion is found to be unconstitutional, illegal or invalid, the remainder shall survive and remain effective and enforceable.

SECTION 4:

A summary of this Ordinance shall be published once in the Vallejo Times Herald, a newspaper of general circulation serving the City of American Canyon, within fifteen (15) days after its passage and shall become effective thirty (30) days after the date of its adoption.

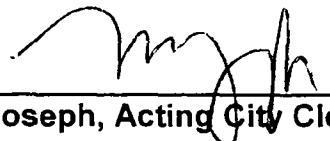
SECTION 5: The foregoing Ordinance was introduced and read at the regular meeting of the City Council of the City of American Canyon, State of California, held on the 18th day of July, 2002, and approved and adopted at a regular meeting on the 1st day of August, 2002, by the following vote:

AYES: Anderson, Canziani, Colcleaser, Luporini, Shaver
NOES: None
ABSTAIN: None
ABSENT: None


Donald Colcleaser, Mayor

ATTEST:

APPROVED AS TO FORM:


Mark Joseph, Acting City Clerk


William D. Ross, City Attorney