

**ORDINANCE NO. 3225**

**ORDINANCE AMENDING CHAPTER 9.16 OF THE COUNTY CODE, GENERAL PROVISIONS**

The Board of Supervisors of the County of San Luis Obispo, State of California, does ordain as follows:

**Section 1:** Chapter 9.16, Animals, Poultry and Household Pet, is hereby amended add section 9.16.030:

9.16.030 - Menacing and aggressive animals

a) *It is unlawful for any person to keep, harbor, or maintain any aggressive or menacing animal which threatens, harasses, or intimidates a person who is peaceably and lawfully upon public or private property, unless it is contained in an enclosure of a construction adequate to keep it securely confined and prevent its escape.*

b) *Upon notification of a violation of subsection (a), the animal owner(s) must immediately confine it to an enclosure or location which mitigates the aggressive and menacing behavior.*

c) *It is unlawful for any person to permit any animal owned, harbored, or controlled by him to attack and cause severe bodily injury or death to another domestic or captive animal while off the property of its owner or keeper.*

d) *For the purposes of this section, the following definitions apply:*

- (1) An "aggressive animal" includes, but is not limited to, any animal whose behavior indicates it is prone to unprovoked attacks against a person or other animal.*
- (2) A "menacing animal" includes, but is not limited to, any animal which, through its behavior, demonstrates an intention to inflict harm or otherwise places a person in reasonable fear for his or her safety, or the safety of animals kept by him or her.*
- (3) "Severe bodily injury" means any physical injury which results in deep lacerations with separation of subcutaneous tissues, muscle tears or lacerations, fractures or joint dislocations, or permanent impairment of locomotion or special senses*

e) *Penalties for violation:*

- (1) \$100 for the first violation.*
- (2) \$200 for the second violation of subsection (a) or (c) within one year.*
- (3) \$500 for each additional violation of subsection (a) or (c) within one year.*
- (4) For the purposes of this section, a separate violation of subsection (a) shall be judged to exist for each 24 hour period in which an animal's menacing and aggressive behavior continues unmitigated.*

f) *Liability of property owners*

- (1) Owners of properties upon which a tenant keeps, harbors, or maintains any aggressive or menacing animal may, along with the animal owner(s), be jointly and severally liable for penalties related to violations of subsection (a), provided that they have received at least 14 days prior written notice of the existence of such violation and the violation has not been abated.*

**Section 2:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall

not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules adopted hereby. The Board of Supervisors of the County of San Luis Obispo hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 3:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names, of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 7<sup>th</sup> day of February, 2012, and passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 10<sup>th</sup> day of April, 2012, by the following roll call vote, to wit:

AYES: Supervisors Adam Hill, Bruce S. Gibson, Paul A. Teixeira and Chairperson James R. Patterson

NOES: Supervisor Frank Mecham

ABSENT: None

James R. Patterson  
Chairperson of the Board of Supervisors  
of the County of San Luis Obispo  
State of California

ATTEST:

JULIE L. RODEWALD  
County Clerk and Ex-Officio Clerk of  
the Board of Supervisors, County of  
San Luis Obispo State of California

By: Annette Ramirez  
Deputy Clerk