

ORDINANCE NO. 1123

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
AMENDING SAN ANSELMO MUNICIPAL CODE TITLE 5 (SANITATION AND HEALTH)
CHAPTER 1 (ANIMALS) SECTIONS 5-1.01 AND 5-1.02 TO ADOPT BY REFERENCE
MARIN COUNTY CODE TITLE 8 (ANIMALS)

WHEREAS, Marin County and all Marin's cities and towns, including San Anselmo, provide animal services through a joint powers agreement;

WHEREAS, Marin County contracts with Marin Humane to provide animal services on behalf of all jurisdictions; and

WHEREAS, the Town Council wishes to adopt by reference the Marin County Code related to animal control so that the regulations are consistent in all jurisdictions in the county;

WHEREAS, the Town Council introduced this ordinance by title at its meeting of May 8, 2018 and conducted a duly noticed public hearing on May 22, 2018 and finds the proposed change to the Municipal Code necessary and in the best interest of the community.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1: The Town Council finds and determines that the adoption of this ordinance, which is intended to ensure consistent animal control regulations throughout Marin County, is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061 because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment. (14 Cal. Code Regs. § 15061(3)).

SECTION 2: San Anselmo Municipal Code Title 5 (Sanitation and Health), Chapter 1 (Animals) Sections 5-1.01 and 5-1.02 are repealed and replaced with the following:

5-1.01 - Adoption of Marin County Code Addressing Animals.

Pursuant to California Government Code Section 50022.9, the Marin County regulations addressing animals, which are set forth in Title 8 (Animals) of the Marin County Code, along with the fees to be collected for animal control services, are hereby adopted by reference and shall be in full force and effect within the Town of San Anselmo. This section will be automatically updated with any amendment to Title 8 of the Marin County Code.

5-1.02 - Penalty for violations.

- (a) As provided in Section 8.04.070, any owner failing to procure and pay for such license within the period allowed in Section 8.04.030 of this chapter shall pay a delinquent penalty in the amount set forth by separate ordinance of the board of supervisors. The delinquent penalty may be waived where failure to pay is due to reasonable cause and circumstances

beyond the control of the dog owner/guardian which shall be determined by the animal services agency or the county administrator's office. Any person dissatisfied with a determination denying waiver of the delinquent penalty shall be entitled to a hearing which shall be conducted pursuant to the provisions of Section 8.04.122.

- (b) As provided in Section 8.04.184(c), any person or entity other than a licensed California wildlife rehabilitator or an American Zoological Association (AZA) accredited facility, who boards, has, keeps, maintains, displays, or has in his/her possession or control, for any length of time, any wild and/or undomesticated animal in violation of any of the provisions of Sections 8.04.182 through 8.04.184 of this chapter shall be guilty of a misdemeanor and shall be subject to imprisonment in the county jail for not more than six (6) months or a fine not to exceed one thousand (\$1,000) dollars or both.
- (c) As provided in Section 8.04.260(a), except where otherwise provided, any person violating any of the provisions of Section 8.04.179, 8.04.180, 8.04.181, 8.04.225, 8.04.230, 8.04.240, 8.04.245 and 8.04.246 of this chapter is guilty of a misdemeanor.
- (d) As provided in Section 8.04.260(b) of the Marin County Code, except where otherwise provided, any person or persons violating any provision or provisions of this chapter is guilty of a misdemeanor and punishable by a fine of not more than five hundred (\$500) Dollars or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.
- (e) As provided in Section 8.08.030 of the Marin County Code, any person or persons violating any provision or provisions of Chapter 8.08 shall be deemed guilty of a misdemeanor and punishable at a fine of not more than Five Hundred and no/100ths (\$500.00) Dollars or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.
- (f) As provided in Section 8.12.020, every owner, guardian, or claimant of any dog accustomed to or having the propensity to hunt, chase, course or kill deer who suffers or permits such hound or hounds or other dogs to go or run at large in the County of Marin shall be guilty of a misdemeanor.
- (g) As provided in Section 8.12.030, any person violating any provision of Chapter 8.12 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than One Hundred and no/100ths (\$100.00) Dollars, nor more than Five Hundred and no/100ths (\$500.00) Dollars.

SECTION 3: Severability. The Town Council hereby declares every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

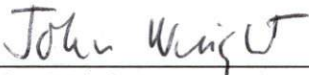
SECTION 4: Inclusion in the San Anselmo Municipal Code. It is the intention of the San Anselmo Town Council that the text in Section 2 be made a part of the San Anselmo Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

SECTION 6: This Ordinance shall go into effect thirty (30) days from its adoption, and shall be

posted or published as required by State law.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on May 8, 2018, and was adopted at a regular meeting of the San Anselmo Town Council on May 22, 2018, by the following vote:

AYES: Wright, Brown, Colbert, Greene, Coleman
NOES: None
ABSENT: None
ABSTAIN: None



John Wright, Mayor

ATTEST:



Carla Kacmar, Town Clerk