



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 1-23

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LAKE SHASTINA COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 1-23

AN ORDINANCE OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT REGARDING ANIMAL CONTROL WITHIN DISTRICT BOUNDARIES.

Article 1. Title and Scope

Sec. 1.01. Title: This ordinance shall be known as the Lake Shastina Community Services District (LSCSD) Animal Control Ordinance.

Sec. 1.02. Application and Scope: The provisions of this ordinance shall apply to the unincorporated area of the County known as Lake Shastina Community Services District (LSCSD) to any person, firm or corporation owning, controlling, harboring or keeping dogs, cats or domestic animals. This ordinance supersedes all prior animal control ordinances in conflict.

Sec. 1.03. Constitutionality: If any one part of this ordinance is declared unconstitutional or illegal, the rest of the Ordinance is intended to remain in effect.

Article 2. Office of Animal Control

Sec. 2.01. Establishment of Office of Animal Control: On December 21, 2011, the LSCSD Board of Directors established Animal Control responsibility under the authority of the LSCSD Police Department (LSPD).

Article 3. Definitions

Sec. 3.01. Health Officer: Wherever the term "Health Officer" is used in this ordinance, it means the County Health Officer or their authorized representative.

Sec. 3.02. Authorized Representative Environmental Health: Wherever the term "authorized representative environmental health" is used in this ordinance, it means a public health inspector, registered with the State and working under the supervision of the Health Officer (investigation of health and safety of environment).

Sec. 3.03. Animal Control Officer: Whenever the term "Animal Control Officer" is used in this ordinance, it means the LSPD Chief of Police or any authorized LSPD designee.

Sec. 3.04. Police: Whenever the term "Police" is used in this ordinance, it means the LSPD Chief of Police or the authorized Police Officers.

Sec. 3.05. Licensing Clerk: Whenever the term “Licensing Clerk” is used in this ordinance, it means the LSPD Animal Control Officer or their authorized employee/volunteer.

Article 4. Duties of the LSPD Chief of Police

Sec. 4.01. Duties of the Police Chief or Officers doing Animal Control related work: The Chief of Police or designated officer shall attempt to maintain public office hours necessary to efficiently administer the applicable provisions of this ordinance and amendments thereto, and shall perform the following duties:

- (a) Receive initial reports of animal bites and investigate the same.
- (b) Complete animal bite investigation report forms and issue quarantine notices where applicable.
- (c) Quarantine and release reported biting animals; enforce quarantine regulations, as set forth by the County Ordinance or California State Law.
- (d) Forward, when requested, initial and completed copies of the animal bite report form to the County Health Officer.
- (e) Issue citations to appropriate persons, when violations of the provisions of this ordinance or regulations pertaining thereto are brought to their attention.
- (f) Retain the prime responsibility for the administration of the provisions of this ordinance and render consultations to appropriate departments, as necessary, to carry out the effectiveness and intent of the provisions of this ordinance.
- (g) Establish appropriate regulations necessary to effectively administer the provisions of this ordinance.

Article 5. Licensing

Sec. 5.01. Licensing Required: Any person residing within the boundaries of the LSCSD and owning or having charge, care, control or custody of one or more dogs shall pay for an annual license to keep such dogs. A schedule of dog license fees will be established by resolution of the LSCSD Board of Directors, as needed.

Sec. 5.02. Duties of the LSPD: The LSPD shall attempt to maintain the public office hours necessary to efficiently administer the applicable provisions of this ordinance and amendments thereto and shall perform the following duties.

- (a) Collect all dog license fees, with verification of rabies vaccination.
- (b) Issue dog license tags and receipts.
- (c) Enforce the provisions of this ordinance, Siskiyou County ordinances and California State law.

Sec. 5.03. License Due Date: Annual Licensing for the LSCSD will take place in January of each year. The cost of such license will be payable to the LSPD Animal Control Fund and shall be valid for one year. It shall be delinquent thirty (30) days thereafter. New residents in the LSCSD owning or having the custody or control of a dog required to be licensed shall have thirty (30) days after taking up residence in which to obtain such license. LSCSD residents who obtain a dog shall have (30) days to license the dog. Any new licensing shall be pro-rated at six (6) month intervals.

Sec. 5.04. License Form: Each license form issued pursuant to the provisions of this ordinance shall be signed by a LSPD employee or representative and shall state the name, telephone number and residence address of the person to whom the license is issued, the date when issued, the expiration date, the number of the tag and the breed, sex, approximate size and coloration of the dog. Verification of rabies vaccination and dates will also be included.

Sec. 5.05. Required Records: Tags: The LSPD shall keep a record of all licenses so issued. With each dog license there shall be issued a durable metal tag with a unique number and imprinted with the words, "Lake Shastina".

Sec. 5.06. License Tags to be Worn: Such tags shall be securely affixed to a collar, harness or other device worn by the dog, and shall be worn by such dog.

Article 6. Rabies Vaccination

Sec. 6.01. Rabies Vaccination Required: Each person owning or having charge, care, custody or control of a dog the age of four (4) months or older shall have such dog vaccinated by a licensed veterinarian with a rabies vaccine approved for use in the State of California. No dog shall be required to be vaccinated while such dog is afflicted with an illness or other condition, which, in the opinion of a licensed veterinarian, would be detrimental to the dog. Such animal shall be strictly confined to the premises of, or kept under physical constraint by, the owner or keeper for the duration of the illness or condition. Immediately following the termination of the illness or condition, such dog shall be vaccinated in accordance with the provisions of this ordinance. Should the animal license renewal fall due during such period of time, the LSPD shall issue a dog a license upon presentation by the applicant of a recent letter from a licensed veterinarian indicating the reason for non-vaccination.

Sec. 6.02. Puppies to be Confined: All dogs under the age of four (4) months shall be strictly confined to the premises of, or kept under physical restraint by, the owner or keeper. The provision of this section shall not prevent the sale or transportation of puppies four (4) months of age or younger.

Sec. 6.03. Vaccination Certificate: A valid rabies vaccination certificate shall be presented to the LSPD upon an application for an animal dog license. A valid rabies vaccination certificate shall be a requisite for the issuance of a dog license for each dog.

Sec. 6.04. Vaccination Certificates: Issuance: Any veterinarian, upon vaccinating any dog for rabies in the County, shall issue to each person presenting a dog for vaccination a numbered rabies vaccination tag and a completed certificate of vaccination approved by the Health Officer. The licensed veterinarian shall provide a legible copy of each vaccination certificate to the owner, to be presented at the time of licensing application with the LSPD.

Sec. 6.05. Unlawful Tags: No person shall attach or keep upon any dog any other license tag except the license tags issued for such dog pursuant to the provisions of this ordinance.

Article 7. Impoundment, Reclaiming, Adoption; Fees

Sec. 7.01. Impounding Dogs: It shall be the duty of all peace officers employed by the LSCSD and all LSPD employees to take up, impound and safely keep dogs found within the area of the LSCSD, which have not been properly vaccinated and licensed as required by this ordinance or which are found running free or at large within the LSCSD. All peace officers of the State are authorized to proceed under the provisions of this section.

Sec. 7.02. Adoption of Animals: When any animal is so impounded, the animal may be adopted to a new owner after the ten (10) days holding period has been satisfied. If the animal is found to be ill or incompatible with the adoptive family within two (2) weeks of the date of adoption, the person adopting the animal may return the animal.

Sec. 7.03. Reclaiming Animals: The owner of any impounded animal shall have the right to reclaim such animal with proof of rabies vaccination and licensing.

Sec. 7.04. Fines and Charges Upon Impounded Animals:

- (a) After 24 Hours, the LSPD may charge, receive and collect Twenty and no/100th Dollars (\$20.00) per day, per animal for feeding and caring for impounded animals.
- (b) The LSPD shall keep the required record of each animal impounded.
- (c) Animals taken into custody by the LSPD pursuant to the provisions of this ordinance shall be kept to satisfy the minimum mandated requirement of State law or regulation. All animals unclaimed thereafter shall be considered abandoned.
- (d) All animals determined abandoned pursuant to the provisions of this ordinance shall be adopted or disposed of in accordance with the provisions of this ordinance.

Sec. 7.05. Destruction of Impounded Animals: It shall be the duty of the LSPD, as a last resort, to destroy any animal lawfully impounded which is unclaimed, or which requires destruction for safety or humane reasons. The destruction procedure shall be humane and shall be set forth by the LSPD.

Article 8. Rabies

Sec. 8.01. Rabies and Animal Bites: Reporting: Any persons having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the facts immediately to the LSPD. The LSPD shall be notified immediately, whenever a person has been bitten by an animal of a species subject to rabies, whether or not the animal is suspected of having rabies.

Sec. 8.02. Isolation of Rabid Animals or Clinically Suspected Rabid Animals: Any rabid animal or clinically suspected rabid animal, shall be isolated in compliance with the provisions of subsection (b) of Section 2606 of Title 17 of the California Code of Regulations.

Sec. 8.03. Confinement of Biting Animals: Any animal susceptible to rabies which has bitten or is suspected of having bitten a person shall be strictly confined upon the private premises of the owner under restraint as provided by Section 2606, Title 17 of the California Code of

Regulations or may be impounded and quarantined by the LSPD, at the cost and expense of the owner, until it can be ascertained whether the animal in question is rabid. Any animal susceptible to rabies, which has bitten or is suspected of having bitten a person, and is not protected, to the satisfaction of the LSPD by a current rabies vaccination, may be impounded by the LSPD at the expense of the owner, until it can be ascertained whether the animal in question is rabid. Any violation of the provisions of this section shall be a misdemeanor.

Sec. 8.04. Charge to Animal Owner for Animal Bite: After investigation, any animal owner whose animal has bitten another person may be charged the actual cost of processing and investigating the animal bite incident, at the discretion of the Chief of the LSPD.

Sec. 8.05. Cat Bites: Any cat bite will follow the same procedures lined out in this ordinance for dog bites.

Article 9. Dead Domestic Animals; Abandoned Domestic Animals

Sec. 9.01. Disposal of Dead Domestic Animals: It shall be the duty of all persons having a dead domestic animal creating a health hazard or a nuisance upon their premises, or who shall be the owner or possessor of any dead domestic animal, which died within the LSCSD, to have such domestic animal disposed of by a licensed animal facility or bury such domestic animal underground at a sufficient depth to allow at least two (2") feet of backfill earth cover. Such burial shall be either upon the premises of such owner or upon the premises where such dead domestic animal is found or by other means acceptable to the LSPD. Dead domestic animals shall be properly disposed of within forty-eight (48) hours after they die. For the purposes of this section, a dead animal shall be considered to be an animal in whole or parts thereof.

Sec. 9.02. Dumping of Dead Domestic Animals Forbidden: Any person owning or having control of a dead domestic animal shall not place the body in any street, park, public place or public refuse receptacle. Dead domestic animals shall not be dumped or deposited upon any dump or dumpsite in the LSCSD, except in an appropriate site approved and so designed by the LSPD.

Sec. 9.03. Cost of Removal of Dead Domestic Animals: The LSPD shall be entitled to dispose of any dead domestic animal coming within the prohibitions of this ordinance, if such domestic animals remains unburied for a period in excess of forty-eight (48) hours and/or is placed in any street, park, public place or in any public refuse receptacle. The LSPD shall attempt to contact the owner of such dead domestic animal prior to disposing of the same. Such costs of removal and burial shall be a fine against the owner and person in charge of the domestic animal immediately prior to its death. The fine amount will be the total cost to offset the actual cost of officer time involved for removal and burial.

Sec. 9.04. Abandoning Domestic Animals Forbidden: No live domestic animal shall be abandoned in or upon public or private premises, land, building, structures or dump sites in the LSCSD. Unwanted domestic animals shall be taken to a humane shelter for lawful surrender during regular business hours.

Article 10. Animals at Large, Dog and Public Nuisances, Police Dogs

Sec. 10.01. Dogs at Large: No persons shall cause, permit or allow any dog to run at large upon any public street or other public place, including parks and playgrounds or upon any private property or premises other than those of the owner. All dogs, anywhere within the LSCSD, must be under the control of its owner at all times. Owners must have a leash in hand and attached to their dog, having the ability to restrain it. Owners are responsible for the actions of their pet. Exceptions are:

- (a) When a dog is assisting a law enforcement officer in the performance of police work.
- (b) When such a dog is assisting a duly authorized person in an official search and rescue operation.
- (c) When such a dog is participating in a dog training class, exhibition or competition or an ongoing training program related thereto, under the direction and control of a dog trainer, lessee or other person in control thereof.

Sec. 10.02. Dog Nuisances Prohibited: No owner of any dog shall permit or allow such dog to do any of the following:

- (a) Defecate on any public road or street or other public property without immediately cleaning or removing the excrement to a proper receptacle.
- (b) Defecate on any private property other than that of its owner without the consent of the owner, lessee or other person in control thereof.
- (c) The requirements of this section shall be in addition to all other restrictions applying to dogs and the owners of dogs within the LSCSD.

Sec. 10.03. Public Nuisances Prohibited:

- (a) No owner of any animal shall do any of the following:
 - (1) Permit such animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, or with excessive barking, howling or other noise. Excessive barking means noise which is frequently, easily and readily heard on the property of other persons, and which would be disturbing to the normal peaceful use, occupancy or enjoyment of the property of such other persons, considering the use to which the property is being put, the time of day and other relevant factors. Barking for one hour or longer and barking unprovoked are also considerations.
 - (2) Permit such animal to damage and/or trespass on public or private property.
 - (3) Permit unsanitary conditions to exist on the premises where such animal is kept which would cause odors, attract flies or vermin or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or community or any considerable number of other persons.
 - (4) Maintain a dangerous animal in a manner that creates a significant threat to the public health, safety and welfare.
- (b) Any violation of this section is hereby declared to be a public nuisance.
- (c) Whenever the LSPD has reasonable cause to believe that a public nuisance as defined in this section exists, the PD may conduct an investigation of the alleged nuisance. Whenever it is affirmed in writing by two (2) or more persons residing in separate

- (c) Whenever the LSPD has reasonable cause to believe that a public nuisance as defined in this section exists, the PD may conduct an investigation of the alleged nuisance. Whenever it is affirmed in writing by two (2) or more persons residing in separate residences or are regularly residing in the neighborhood that a public nuisance as defined in this section exists, the LSPD shall investigate the alleged nuisance.
- (d) Any person may maintain an action under Civil Code Section 3493 for compliance with the requirements of this section.
- (e) The requirements of this section shall be in addition to all other restrictions applying to dogs and the owners of dogs within the LSCSD. Any violation of the provisions of this section shall be an infraction and may result in impounding of the dog.

Sec. 10.04. Injuring or Teasing a Police Dog: No persons shall injure, tease, agitate, kick, strike, torture or otherwise interfere with any police dog while the dog is in the custody of or being used by a law enforcement officer in the performance of their official duties. As used in this section, police dog shall mean any dog specifically trained for assistance in law enforcement.

Sec. 10.05. Feeding Outside Animals: Whereas unwanted animals may be attracted to food and water placed outside by persons can be detrimental to the public health, welfare, or well-being of the residents of the community. No person shall place food or water that can be accessed by animals other than their own.

Sec. 10.06. Violations; Penalties : Any person violating any section or subsection of this chapter shall be deemed guilty of an infraction and subject to penalties as specified below and any fines and penalties provided in State law and determined by the Chief of Police.

- (a) First violation: One Hundred and no/100th Dollars (\$100.00)
- (b) Second violation: Two Hundred Fifty and no/100th Dollars (\$250.00)
- (c) Third and subsequent violations: Five Hundred and no/100th Dollars (\$500.00)

Article 11. Enforcement

Sec. 11.01. Administration and Enforcement: The Chief of Police and designees shall administer and enforce the provisions of this ordinance.

Sec. 11.02. Right of Entry: Any official designated to administer and enforce the provisions of this ordinance may enter upon all private and/or public premises for the purpose of enforcing the provisions of this ordinance.

Sec. 11.03. Interference with Officials: No person shall interfere with any official designated to administer and enforce the provisions of this ordinance or regulations pertaining thereto, in the performance of their official duties. Any violation of the provisions of this section shall be a misdemeanor.

Sec. 11.04. Animal Kept in Vehicles:

- (a) An animal shall not be confined in a vehicle unless there is adequate ventilation and unless the temperature or other conditions do not threaten the health of the animal. If the animal is confined in a manner that threatens its health, a police officer may enter

the vehicle by whatever force is necessary to release the animal without liability upon the LSCSD or any person for resulting damage.

- (b) Any person who owns or has custody or control of an animal that has been confined in a vehicle in a manner that threatens its health may be charged with a violation.
- (c) Any animal that has been confined in a vehicle in violation of this section may be impounded pending a hearing to determine if the animal shall be returned to its owner. In the event of any such impoundment, the owner or keeper of the animal shall be liable for all costs and expenses of impounding or keeping the animal.

Sec. 11.05. Cruelty to Animals Prohibited:

- (a) No person shall tease, torment or physically abuse any animal.
- (b) No parent shall allow or permit their minor child to tease, torment or physically abuse any animal.
- (c) No person who owns, has custody or control of, an animal shall neglect such animal by leaving them outside in extreme hot or cold weather conditions for an extended amount of time, without providing them with access to adequate shelter and provisions to ensure their safety and wellbeing.
- (d) No dog may be tied up outside, unattended, for a period of more than two (2) hours, for their safety and wellbeing.
- (e) The provisions of Penal Code Section 579.1 shall be operative within the LSCSD.

Sec. 11.06. Refusal to Present Animals for Inspection Prohibited: No person shall fail or refuse to comply with any order of the LSPD under this title to present an animal for inspection.

Sec. 11.07. Female Dogs in Heat-Confinement: Female dogs in copulation season shall be kept confined to the owner's or custodian's premises.

Sec. 11.08. Interference with Law Enforcement:

- (a) No person shall interfere with, oppose or resist any Police Officer while he or she is engaged in the performance of any act authorized by this title or California Penal Code Section 148(a).
- (b) No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by any government police agency or private patrol service in the performance of the functions or duties of such department or interfere with or meddle with any such dog while being used by said department or any member thereof in the performance of any of the functions of said department.

Sec. 11.09. Records of Impounded Animals: The LSPD shall keep a record of each animal impounded, the date of receipt of such animal, the date and manner of its disposal, and if redeemed, reclaimed or sold, the name of the person by whom redeemed, reclaimed or purchased (adopted), the address of such person, and the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing (adoption) thereof, together with the number of any tag and the date of any license exhibited or issued upon the redemption or sale of any such animal.

Sec. 11.10. Authority of Police Officers: In addition to the power vested in the LSPD for the impoundment of animals found at large or otherwise in violation of this title, any peace officer is empowered to impound such animal.

Sec. 11.11. Notification to Owner: The LSPD shall immediately upon impoundment of dogs or other animals, make every reasonable effort to notify the owners of such dogs or other animals impounded, and inform such owners of the conditions whereby they may regain custody of such animals. If an animal has a valid license, the owner shall be notified.

Sec. 11.12. Non-Liability of LSPD and/or LSCSD: No liability shall be incurred by the LSPD and/or the LSCSD for the disposition of any animal made pursuant to the provisions of this ordinance.

Sec. 11.13. Violation Penalty: Any persons violating any provision of this ordinance is guilty of an infraction, unless specifically noted as a misdemeanor.

Sec. 11.14. Alternative Actions Available: Nothing in this ordinance shall be deemed to prevent the LSPD from ordering the commencement of an administrative citation or civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to them under provision of applicable ordinances or state law to correct violations in addition to or as alternatives to the proceedings set forth in this title.

Sec. 11.15. Violation-Public Nuisance: It is declared that the keeping, harboring or maintaining of any animal in violation of the provisions of this ordinance constitutes a public nuisance and is unlawful. In addition to all other remedies available to the LSPD, whether criminal, civil, at law or in equity, any nuisance may be abated pursuant to this code or in any other manner provided by law.

Article 12: Account of Sums Collected

Sec. 12.01. Account of Sums Collected: The LSPD shall keep records of all income from animal licensing and fines associated with this ordinance and pay said sums collected pursuant to the provisions of this ordinance to the LSCSD Administration Office.

It is hereby certified that the forgoing Ordinance No. 1-23 was duly introduced at a regular meeting of the Lake Shastina Community Services District on the 19th of July 2023 and adopted at a regular meeting of the Lake Shastina Community Services District on 16th of August 2023

ROLL CALL VOTE


AYES: Directors Chandler, Cupp, Mitchell and Thompson

NOES: None

ABSENT: Director MacIntosh

Lake Shastina Community Services District by:

Lake Shastina Community Services District by:



Paula Mitchell, President

ATTEST



Robert Moser, Secretary