

## ORDINANCE NO. 20-2016

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 3311 OF THE CARSON MUNICIPAL CODE TO INCREASE THE FINE AMOUNTS APPLICABLE TO INFRACTIONS FOR VIOLATIONS OF CARSON MUNICIPAL CODE SECTION 3311 RELATED TO PREVENTION OF DOG EXCRETA NUISANCES**

**WHEREAS**, on December 16, 2014, in order to protect the public health, safety and welfare of the City's residents and visitors, the City Council adopted Ordinance No. 14-1545, adding Section 3311 to the Carson Municipal Code ("CMC"); and

**WHEREAS**, CMC Section 3311(a) generally requires persons having control of animals in public places to remove and dispose of their animals' feces, and subsection (b) requires such persons to have in their possession a suitable disposable bag or container for the purpose of doing so. These are the two substantive prohibitions of CMC Section 3311. Subsection (d) of Section CMC 3311 provides an exception for blind persons accompanied by a trained guard dog. Subsection (e) of Section 3311 provides that any person violating CMC Section 3311(a) or (b) shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine not to exceed \$100.00.

**WHEREAS**, CMC Section 1200(b) establishes the fines generally applicable to violations of the provisions of the CMC that are expressly stated to be infractions. CMC Section 1200(b) provides that any person convicted of an infraction shall be punishable by: (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$200.00 for a second violation of the same provision of the Code within one (1) year; and (3) a fine not exceeding \$500.00 for each additional violation of the same provision of the CMC within one year. CMC Section 1200(b) further provides that each person shall be guilty of a separate offense for each and every day during any portion of which any violation of the CMC is committed, continued or permitted by such person, and that in addition to the infraction penalties, any condition caused or permitted to exist in violation of any the CMC shall be deemed a public nuisance.

**WHEREAS**, based on the foregoing, the fine amounts currently applicable to infractions for violation of CMC Section 3311 are lower than the fine amounts generally applicable to infraction violations of the CMC pursuant to CMC Section 1200(b).

**WHEREAS**, increasing the fine amounts applicable to infractions for violation of CMC Section 3311 to the levels set forth in CMC Section 1200(b) will make the fines for violation of CMC Section 3311 consistent with the fines generally applicable to infraction violations of the CMC. Additionally, increasing the fine amounts for violation of CMC Section 3311 in this manner will help to deter violations of CMC Section 3311 and will improve the City's ability to ensure and enforce compliance with CMC Section 3311 in order to protect and promote public health and safety. Accordingly, the City Council sees fit to increase the fine amounts applicable to infractions for violation of CMC Section 3311 to make them equivalent to and otherwise consistent with the infraction fine provisions of CMC Section 1200(b).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. RECITALS.** The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

**SECTION 2. AMENDMENT.** Section 3311 (Dog Control) of Chapter 3 (Pound Regulations) of Article III (Public Safety) of the Carson Municipal Code is hereby amended as follows:

**“3311 Dog Control.**

a) No owner or other person having charge, custody or control of any dog(s) shall permit, either willfully or through failure to exercise due care, any such dog(s) to defecate and to allow any such feces to remain on any public parkway, park or other public property, or on any property owned or occupied by a person other than the owner of the dog(s) or the person having charge, custody or control of the dog(s).

b) Any person having charge, custody or control of any dog(s), in a location other than on the property of such person or on the property of the owner of the animal(s), shall have in possession a suitable disposable bag or container for the purpose of complying with the requirements of this Section.

c) For purposes of this Section, a “suitable disposable bag or container” shall not be considered to be an article of clothing.

d) The provisions of this Section shall not apply to blind persons being accompanied by a trained guide dog.

e) Any person violating any of the provisions of subsection (a) or (b) of this Section shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine *in accordance with Section 1200(b) of this Code* ~~not to exceed \$100.00.~~”

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 5. CERTIFICATION.** The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this 6th day of October, 2020.

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Albert Robles, Mayor

ATTEST:

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Donesia Gause-Aldana, City Clerk

APPROVED AS TO FORM:

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Sunny K. Soltani, City Attorney