

ORDINANCE NO. 16-122

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT REGULATING OWNER RESPONSIBILITY FOR ANIMAL NUISANCES and PROHIBITING DOGS IN SHORT-TERM RENTAL PROPERTIES.

EXCRETA, LEASH CONTROL and DOGS PROHIBITED

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. REPLACING OLD ORDINANCE

Ordinance No. 06-122 is hereby repealed.

2. PROHIBITIONS

It shall be unlawful for the owner or person having charge, custody or control of any animal to permit, either willfully or through failure to exercise due care and control, such animal to commit any of the following:

- a) Leave its excreta and to allow such nuisance to remain on any District or private property other than that of the owner or person who has custody or control of such animal (Dana Point Municipal Code 10.06.050), or
- b) To be unrestrained without the use of a wall, fence or substantial chain or to be unrestrained while on private areas of the beach and other non-beach public areas without the use of a leash not to exceed 6 feet in length, or to be allowed on the public portion of the beach at any time (Dana Point Municipal Code 10.04.010 & 10.04.020).
- c) To possess a dog while Short-Term Renting on Beach Road (Dana Point Municipal Code 5.38.020, Definitions, 30 days or less) except for service animals, as defined in the Americans with Disabilities Act.

3. PENALTY

Any person found violating Sections 2(a)(b) of this ordinance is guilty of an infraction and shall be fined as follows:

- a) For a first offense, punished as an infraction by a fine of fifty dollars (\$50).
- b) For a second and subsequent offenses, punished as an infraction by a fine not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250).

Any person found violating Section 2(c) of this ordinance is guilty of an infraction and shall be fined as follows:

- c) Five hundred dollars (\$500) for each and every offense.

4. NOTICE

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a public notice in the legal section under the classified ads of the local Orange County Register newspaper.

Passed, approved and adopted this 15th day of June 2016, by the following vote:

AYES: MASTO, HAACK, BREEDING and MULLER
NOES: NONE
ABSENT: CLARK

Ambrose Masto, President
Capistrano Bay Community Services District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CAPISTRANO BAY DISTRICT)

(DISTRICT SEAL)

I, DONAL S. RUSSELL, hereby certify that the above foregoing is a true and correct copy of Ordinance No. 16-122 adopted by the Board of Directors of the Capistrano Bay District at a meeting held on June 15th, 2016.

Donal S. Russell, Manager
Capistrano Bay Community Services District