CHAPTER 757.

An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor and providing penalties therefor, and providing for the collection of damages by owners of live stock injured by dogs.

[Approved June 3, 1921. In effect August 2, 1921.]

The people of the State of California do enact as follows:

Dog tag or license

SECTION 1. It shall be unlawful for any person to suffer or permit any dog owned, harbored or controlled by him, to run at large unless said dog has attached to his neck a substantial collar on which is fastened a metallic tag giving the name and address of the owner of such dog, or a metal license tag issued by the authority of a county, city and county or other municipal corporation, for the purpose of identifying such dog and designating the owner thereof.

Female dogs.

SEC. 2. It shall be unlawful for any person to suffer or permit any female dog owned, harbored or controlled by him, to run at large at any time during the period when such dog is in heat or breeding condition.

Running at large on farm.

SEC. 3. It shall be unlawful for any person to suffer or permit any dog owned, harbored or controlled by him to run at large on any farm whereon live stock or domestic fowls are kept, without the consent of the owner thereof; *provided*, that nothing herein contained shall prohibit the use of any dog for herding live stock or for hunting or sporting purposes or any competitive trials when such dog is within reasonable control or call of the owner thereof or his agent.

Unlawful killing or impounding.

SEC. 4. It shall be unlawful for any person to kill, injure or impound any dog, the owner of which has complied with the provisions of this act; *provided*, that nothing herein contained shall prohibit any person from killing or impounding any dog which he sees in the act of attacking, killing or persistently pursuing or worrying any live stock or domestic fowls in any enclosure or in any district where measures have been adopted by the state, county or city for the control of rabies; *provided, further,* that any owner, lessee or employee may detain or impound any dog found straying on any farm whereon live stock or domestic fowls are kept.

County dog license tags.

SEC. 5. Upon the filing of a petition therefor by twenty-five electors whose names appear upon the last preceding assessment roll of the county as owners of domestic live stock, it shall be the duty of the board of supervisors of any county to provide for the annual issuance of serially numbered metallic dog license tags, stamped with the name of the county and the year

of issue, which shall be issued by the county clerk directly or through justices of the peace, to owners of dogs, who make application for the same. Each application shall state the age, sex, color and breed of the dog for which the license is desired and the address of the owner. The county clerk shall endorse upon the application the number of the license tag issued upon such application and all applications so endorsed shall be kept on file in the office of the county clerk open to public inspection. The fee for the issuance of such license tag shall be fifty cents. It shall be unlawful for any person to attach such license to the collar of any dog other than the one described in the application for such license tag. Fee.

SEC. 6. The board of supervisors shall provide for the taking up and impounding of any and all dogs found running at large contrary to the provisions of this act in said county and for the killing in some humane manner or other disposition of any dog so impounded. The board of supervisors may appoint proper persons to attend to the duties described by this section or they may enter into a contract with any humane society or other organization or association, which will undertake to carry out the provisions of this act, regarding the taking up, impounding and killing of dogs, and which shall give a proper bond in whatever amount may be fixed by the board of supervisors for the faithful performance of the contract. Impounding dogs running at large.

No dog impounded under the provisions of this act shall be killed or otherwise disposed of without notice to the owner of such dog, if he be known, and no dog impounded under the provisions of this act shall be killed before seventy-two hours have elapsed from the time of the taking up of such dog.

SEC. 7. The board of supervisors shall fix the compensation of the county clerk for issuing dog license tags and shall also fix the fee for impounding any dog and the amount to be paid for keeping such dog, which shall not be more than ten cents for each day that the dog is so kept. When the impounding is done by an appointee of the board of supervisors or by a humane society or other organization or association, which has entered into a contract for impounding dogs, the fees for taking up and impounding and for keeping such dogs shall be a charge upon the county treasury, to be paid as other claims against the county are paid; *provided*, that in any case where a dog so impounded is claimed by the owner, the fee for impounding and keeping such dog as fixed by the board of supervisors, shall be paid by the owner to the person, organization or association having custody of such dog, to be retained by him or them, and no charge for fees pertaining to such dog shall be paid by the board of supervisors; *provided, further*, that the refusal or failure of the owner of any such dog to pay such fee and charges after due Fee for impounding dog.

notification, shall be held to be an abandonment of such dog by such owner.

Fee for impounding dog with tag.

SEC. 8. Any dog found straying on any farm whereon live stock is kept, which has attached to its collar the identification tag or license tag prescribed by section one of this act, may be taken up, impounded and detained in the same manner as described in this act, and the person so taking up such dog shall be entitled to recover from the owner of said dog, in any court having jurisdiction, the fees for so taking up and keeping such dog as fixed by the board of supervisors for taking up and keeping unlicensed and unidentified dogs, together with costs.

Dog with city license tag.

SEC. 9. For the purpose of this act, any dog license tag issued by any city and county, or incorporated city or town, which substantially complies with the provision of this act and which provides for the wearing of such license tag upon the collar of the dog and the keeping of a record which will establish the identity of the person who owns or harbors such dogs, will be deemed to comply with the provisions of this act.

Penalties.

SEC. 10. Any person violating any of the provisions of this act is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than twenty-five dollars for the first offense, and for the second offense a fine of not less than fifty dollars and imprisonment in the county jail for ten days or both.

Live stock indemnity fund.

SEC. 11. All fees for the issuance of dog license tags and all fines collected under the provisions of this act, shall be paid into the county treasury and shall constitute a fund to be known as the live stock indemnity fund, which shall be used: First, to pay fees for the issuance of dog license tags; second, to pay fees for the impounding and keeping of unlicensed and unidentified dogs as prescribed by this act; third, to pay damages to owners of live stock killed by dogs; *provided*, that each such claim shall be verified by the affidavits of two disinterested witnesses who shall fix the value of such live stock, such affidavits to be executed within forty-eight hours after the finding of the carcasses of each animal and to establish the fact beyond reasonable doubt that such animal was killed by a dog or dogs. Such claims shall be paid from the fund herein provided in the same manner as other claims against the county are paid.

CHAPTER 758.

An act to provide for the acceptance of the provisions and benefits of an act passed by the senate and the house of representatives of the United States of America, in congress assembled, to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise; to empower and direct the board designated as the state board