

ARTICLE I. IN GENERAL

Sec. 4-10. Applicability of chapter

This chapter shall apply to all unincorporated territory within the county.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-11. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) **Animal** means any members of the kingdom *Animalia*, exclusive of *Homo sapiens*.

(b) **Animal control** or **animal control division** means a division of the department of agriculture which is established as the animal control agency in the county.

(c) **Animal facility** means any establishment operated pursuant to a general business license for profit, exclusive of a licensed veterinary medical facility, and not limited to commercial, hobby, or boarding kennel, pet shop, or grooming parlor in or at which dogs four (4) months of age or older or cats four (4) months of age or older are kept, or any animal considered wild or exotic is harbored or maintained.

(d) **Animal nuisance** means such actions or behaviors of an animal (excluding those agricultural activities permitted by the Solano County Code) which interfere with the rights of persons to the enjoyment of life or property by creating chronic annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept, harbored or maintained, and shall include, but not be limited to the following:

(1) Causing fouling of the air by the unpleasant odor of accumulated fecal waste or urine;

(2) Causing unsanitary conditions in enclosures or surroundings;

(3) Making excessive loud or disturbing noise; or

(4) Causing offense or danger to public health, safety, or welfare by virtue of the number or types of animals maintained.

(e) **Animal shelter** means the facilities provided by the County for the impoundment, relinquishment, quarantine, and adoption or sale of animals.

(f) **At large** means any animal off the premises of its owner and either:

(1) not under the control and in the immediate presence of the owner; or

(2) if a dog or a cat, not under physical restraint or not otherwise controlled by a competent person.

(g) **Cat.** Any member of the species *Felis catus* customarily confined or cultivated as a pet over the age of 4 months.

(h) **Cattery** means any enclosure, premises, building, structure, lot or area in or on which cats of at least four (4) months or age are kept, harbored, or maintained.

(i) **Curb** means to so restrain or control an animal that it does not defecate on property other than that of its owner except by the expressed consent of the owner of such other property.

(j) **Dangerous animal** means any animal (except a dog assisting a peace officer engaged in law enforcement duties) which can be categorized in any one or more of the following manners:

(1) Behaving in such a manner that the owner thereof knows or should know that the animal poses a threat to public safety.

(2) Because of its size, training, behavior, physical nature, or vicious propensity would threaten public safety were it not controlled as prescribed in this chapter.

(3) Threatening or attacking any person in a manner which requires substantial defensive action by any person to prevent bodily injury.

(4) Which threatens or attacks any other animal belonging to another when such other animal is confined upon private property or otherwise lawfully restrained and controlled.

(k) **Dangerous behavior** means any acts committed by an animal as defined in Article IV of the chapter.

(l) **Division of animal control** means the division of animal control, under the agricultural department administered by the county agricultural commissioner.

(m) **Director** means the director of the division of animal control for the county.

(n) **Domestic animals** means dogs and cats, except as limited in Article I herein, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, llamas, camels, rabbits and fowl commonly kept or raised in the county as farm or livestock animals.

(o) **Dog** means any member of the species *Canis familiaris* over the age of four months customarily confined or cultivated as a pet.

(p) **Dog license** means the license required to be annually issued for each individual dog residing in the county.

(q) **Exotic animal** means any wild animal not customarily confined or cultivated for domestic or commercial purposes but kept as a pet or for display.

(r) **Feral animal** means any domestic animal which is known to live in a wild or semi wild state without benefit of an owner or any domestic animal which has escaped for a substantial period of time from the care of its owner and is existing in a wild state without benefit of -domestication.

(s) **Health officer** means the director of the health services division of Solano County or other person duly designated by the board of supervisors to act as the health officer.

(t) **Hearing** means the process prescribed in Article VII herein for the redress of issues relating to or arising from the enforcement of this chapter including, but not limited to, dangerous and vicious animals, animal nuisances, permits, or such other administrative matters as pertain to the application of this chapter.

(u) **Hearing officer** means the person appointed by the director to preside at and render judgments from hearings transacted under the authority of this chapter. The person may be an employee of the county who is not assigned to animal control or otherwise subordinate to the director thereof, or a person who is not an employee but is retained to provide such services. Any such hearing officer shall be qualified by training or experience.

(v) **Heredded** means any animal herded in violation of section 16903 of the Food and Agricultural Code of the State of California.

(w) **Horse** means any equine animal such as a mule, burro, pony, jack, hinny or jenny.

(x) **Impoundment** means the taking up and confining of an animal by the director of animal control in accordance with the provisions of this chapter or other applicable law or regulation.

(y) **Kennel** means any enclosure, premises, building, structure, lot or area defined as follows:

(1) **Commercial kennel or cattery** is any premises maintained as a business where dogs or cats are kept for the purpose of boarding, breeding, buying, selling, renting, exhibiting or training; or

(2) **Hobby kennel or cattery** is any premises- maintained primarily for personal recreational use where dogs or cats are kept for the purpose of breeding, training or

exhibiting.

(z) **Kitten** means any feline under four (4) months of age.

(aa) **Licensed cat** means any cat for which the license fee for the current year has been paid, and to which a tag provided for in this chapter has been issued.

(bb) **Licensed dog** means any dog for which the license fee for the current year has been paid, and to which the tag provided for in this chapter has been issued.

(cc) **Owner** means the primary or responsible person who possesses, has title to, has an interest in, harbors, has control of or has custody of an animal.

(dd) **Person** means fictional entities such as corporations, estates, associations, partnerships and trusts, or one or more individual human beings or responsible members of a familial household.

(ee) **Pet shop** means an establishment operated by any person, firm or corporation where live animals are kept for sale, barter or hire.

(ff) **Puppy** means any canine under four (4) months of age.

(gg) **Surrendered animal** means any animal delivered by the owner thereof to the animal control shelter or an animal control officer, and for which the owner fills out the prescribed surrender forms.

(hh) **Unlicensed cat** means any cat for which the license fee for the current year has not been paid or to which a tag has not been provided for under this chapter

(ii) **Unlicensed dog** means any dog for which the license fee for the current year has not been paid or to which a tag has not been provided for under this chapter, or if provided is not attached to the dog. (Ord. No. 927, ' 2.)

(jj) **Veterinarian** means a person licensed by the State of California to practice veterinary medicine.

(kk) **Vicious animal** means any animal (except a dog assisting a peace officer engaged in law enforcement duties) which has, on one or more occasions, committed any one or more of the following acts:

(1) Physically attacked, mauled, or injured by biting any person, without provocation, at a place other than upon the private property where the animal is maintained by the owner.

(2) Physically attacked, mauled, or physically injured by biting any person, without provocation, when the owner thereof knows or should reasonable know that the animal

poses a threat to public safety and has made no substantial effort to prevent the attack or when the owner has purposefully encouraged or commanded the animal to attack, maul, or physically injure any person.

(3) Physically attacked and injured by biting any animal, without provocation, which is lawfully maintained on private property not belonging to the owner of the offending animal.

(4) Physically attacked and injured by biting any animal without provocation, which is lawfully maintained or controlled upon public property.

(II) **Vicious behavior** means any acts committed by an animal as defined immediately above.

(mm) **Wild animal** means any of the following:

(1) The following members of the class *Reptilia*:

(i) Order *Ophidia* (such as, but not limited to, racers, boas, water snakes, and pythons) over eight (8) feet in length; or

(ii) Order *Loricata* (such as, but not limited to, alligators, caymans and crocodiles) over three (3) feet in length; or

(iii) Order *Sauria* (excepting iguanas) over three (3) feet in length.

(2) The following members of the class *Aves*:

(i) Order *Falconiformes* (such as, but not limited to, hawks, eagles and vultures) which are not kept pursuant to federal or state permit; or

(ii) Subdivision *Ratitae* (such as, but not limited to, ostriches).

(3) The following members of the class *Mammalia*:

(i) Order *Carnivora*, expressly excepting the domestic dog (*canis familiaris*) and the domestic cat (*felis catus*), but including, but not limited to, the family *Felidae* (such as ocelots, margays, tigers, jaguars, leopards and cougars), the family *canidae* (such as wolves, dingoes, coyotes and jackals); or

(ii) Order *Marsupialia* (such as kangaroos and opossums); or

(iii) Order *Chiroptera* (bats); or

(iv) Order *Edentata* (such as sloths, anteaters and armadillos); or

- (v) *Order Proboscidea* (elephants); or
 - (vi) *Order Primata* (including, but not limited to monkeys, chimpanzees and gorillas); and
 - (vii) *Order Ungulata* (expressly excluding any animal which would be included within the definition of "domestic animal," including, but not limited to antelope, deer and bison.
- (4) Any non-domestic species when kept maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings.
- (5) Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting, touch or other means, except honey-producing bees.
- (6) Any hybrid animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the state.

(Ord. No. 1444, §1)

Sec. 4-12. Prohibited acts relative to running at large, staking, herding, keeping, etc., animals generally

No person owning or having control of any ox, steer, bull, cow, horse, colt, jack, mule, calf, sheep, goat or hog, or any animal commonly referred to as a "wild specie" shall:

- (a) Permit such animal to run at large.
- (b) Cause or permit any such animal to be pastured, staked or tied in any street, road, lane, alley, park or other public place.
- (c) Tie, stake or pasture, or permit the tying, staking or pasturing of any such animal upon any private property within the county without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street or public place, or upon any such private property.
- (d) Fail to provide the necessary sustenance, drink, shelter, or protection from the weather.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-13. Running at large - animals

- (a) No owner or person having control of any animal shall suffer or permit the same, under any circumstances, to run at large in any public park or public place, or in any school or upon any school grounds, or in any commercial district as defined by this chapter; and every animal found running at large in violation of the provisions of this

section shall be immediately seized and impounded.

(b) No person owning, having an interest in, harboring or having charge, care, control, custody or possession of any animal shall cause or permit such animal to be at large in or upon any public street, road, alley or other public place or in or upon any unenclosed lot or premises, unless such animal is under restraint by leash, lead or chain, or at "heel" beside a competent person or obedient to that persons command, or confined.

(Ord. No. 826, §5; Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-14. Same-fowl, rabbits, etc.

It is hereby declared to be a nuisance, and no person shall suffer or permit any chickens, geese, ducks, turkeys, squabs or similar fowl or rabbits, owned or controlled by the person to run or fly at large or go upon the premises of any other person in the county.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-15. Restrictions on sale of fowl, rabbits, etc.

No person shall display, sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings or other fowl that is not of its natural color. This section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by farmers, ranchers, recognized breeders, dealers, hatcheries or stores engaged in the business of selling the same.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-16. Duties of persons taking possession of stray animals

(a) Every person, except the animal control director or a duly authorized representative, taking possession of a stray animal or animal which is running at large contrary to the provisions of this chapter shall, within twenty-four hours thereafter, give notice to the animal control director of the following:

- (1) The fact that such an animal is in the person's possession;
- (2) The complete description of the animal;
- (3) The license number of the animal, if any, and by what county or municipal corporation the license was issued. If such animal has no license, such person shall so state;
- (4) The place where the animal is confined.

OR

(b) Every person in whose custody such animal may in the meantime be placed shall deliver such animal to the animal control director, without fee or charge, and the animal control director shall thereupon hold and dispose of such animal in the same manner as though such animal has been found at large and impounded by the director. The provisions of this section shall not apply to any animal shelter maintained and operated under title I, division 2, part 4 of the Corporations Code of the state; provided, that any animal placed by such shelter shall be licensed as required by this chapter.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-17. Maintenance of premises for animals

Every person owning or occupying premises where any animal, fowl or bird is kept shall keep the stable, barn, stall, pen, coop, building or place in which such animal is kept in a clean and sanitary condition.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-18. Proper care

The owner of any animal, wild or domestic, shall provide proper and adequate food, water, shelter, qualified medical care and attention for such animal at a level which insures the animal's safety, good health, and well-being.

(Ord. No. 1444, §1)

Sec. 4-19. Fouling

It shall be the duty of any person having custody of a dog to curb said dog and to immediately remove any feces deposited by said dog on public property to a proper receptacle. Unsighted or those persons who have guide/service dogs shall be exempt from this section.

(Ord. No. 1444, §1)

Sec. 4-20. Animals in vehicles

(a) No person other than an individual transporting working dogs within agricultural or rural areas of the county shall transport or carry on any public highway or public roadway, any animal, wild or domestic, in or by a motorized vehicle unless the animal is protected as follows:

- (1) Safely enclosed within the vehicle;
- (2) Protected within a secured container carried within, upon, or by such vehicle; or
- (3) Securely cross-tethered or secured to such vehicle by rope, chain, or other device in a fashion which prevents injury to the animal from falling from, being ejected from, or jumping from said vehicle.

(b) No person shall leave an animal, wild or domestic, in any unattended motorized vehicle without adequate ventilation, in unhealthful conditions, or otherwise under such circumstances as to allow the animal to be subjected to extreme temperatures or other conditions which adversely affect its health, safety, or well-being.

(Ord. No. 1444, §1)

Sec. 4-21. Removal of dead animals

(a) All dead animals located on public property shall be handled and removed by the animal care manager or designee where the owner of the animal is unknown.

(b) To the extent that a dead animal handled and removed by the animal care manager or his designee can be identified, the owner of any such animal shall be billed for pick up and disposal fees in accordance with the fee schedule approved by the County Board of Supervisors.

(Ord. No. 927, §2; Ord. No. 1444, §1; Ord. No. 1624, §3)

Sec. 4-22. Fees

The fees for services related to impoundments, redemptions, adoptions, licenses, boarding, extraordinary calls for service and for such other functions performed in support of these services charged by the Animal Care and Control Division are those set forth in the General Services Department's fee schedule, Exhibit XVII to section 11-110.18.

(Ord. No. 826, §1; Ord. No. 927, §2; Ord. No. 1444, §1; Ord. No. 1624, §4; Ord. No. 1644, §39)

Sec. 4-23. Disposition of funds

The animal control director shall pay into the county treasury all fees collected by the director in the discharge of the director's duties under this chapter. The county treasurer shall deposit all such money in the general fund. The animal control director shall render, with the money so deposited an itemized statement of collections, which statement shall be separately filed and preserved together by the county auditor.

(Ord. No. 844, §2; Ord. No. 927, §2; Ord. No. 1444, §1)