CHAPTER 4

ANIMALS AND FOWL

ARTICLE I. IN GENERAL

§ 4-10. Applicability of chapter
§ 4-11. Definitions
§ 4-12. Prohibited acts relative to running at large, staking, herding, keeping, etc., animals generally
§ 4-13. Running at large--Animals
§ 4-14 Same--Fowl, rabbits, etc.
§ 4-15. Restrictions on sale of fowl, rabbits, etc.
§ 4-16. Duties of persons taking possession of stray animals
§ 4-17. Maintenance of premises for animals
§ 4-18. Proper care
§ 4-19. Fouling
§ 4-20. Animals in vehicles
§ 4-21 Removal of dead animals
§ 4-22. Fees
§ 4-23. Disposition of funds

ARTICLE II. ANIMAL CONTROL OFFICE

§ 4-30. Establishment of office of animal control director
§ 4-31. Animal control director
§ 4-32 Eligibility requirements for director and deputies
§ 4-33 Powers and duties
§ 4-34. Interference with animal control director or officers
§ 4-35. Misrepresentation
§ 4-36. Authority to use tranquilizer equipment
§ 4-37 Animal control officers authorized to carry firearms
§ 4-38. Authority to destroy
§ 4-39. Badges

ARTICLE III. IMPOUNDMENT

§ 4-40. Generally
§ 4-41. Care of impounded animals
§ 4-42. Notice to owner
§ 4-43. Redemption of impounded animals
§ 4-44. Disposition of funds
§ 4-45. Disposition of unredeemed or surrendered animals

ARTICLE IV. DANGEROUS ANIMALS

§ 4-50. Definitions
§ 4-51. Inspection
§ 4-52. Dangerous animals at large
§ 4.53. Temporary impoundment or confinement
§ 4-54. Hearing procedures
§ 4-55. Disposition of dangerous animals
§ 4-56. Sale or transfer restrictions
§ 4-57. Enforcement and penalties
§ 4-58. Exemptions
§ 4-59. Removal of designation

ARTICLE V. ANIMAL NUISANCE

§ 4-70. Intent of article
§ 4-71. Authority to abate
§ 4-72. Complaint
§ 4-73. Barking, howling, public nuisance, etc., animals
§ 4-74- Timely filing
§ 4.75. Impoundment of animal
§ 4-76. Notice of hearing

ARTICLE VI. KENNELS AND ANIMAL FACILITIES

§ 4-80. Purpose
§ 4-81. License required
§ 4-82. Exotic animals
§ 4-83. Kennel, cattery and other animal facility activities
§ 4-84. Licenses
§ 4-85. License requirements
§ 4-86. Application for license
§ 4.87. License fees
§ 4-88. Exceptions to license fees
§ 4.89. Inspection certificate
§ 4-90. Confinement of animals to premises
§ 4-91. Dig license required upon removal of dog from kennel or pet shop
§ 4-92. Public notice
§ 8-93. Changes of status
§ 4-95 Standards
§ 4-96. Failure to comply with standards
§ 4-97. Method of denial or revocation
§ 4-98. Appeals
§ 4-99. Removal of animals

ARTICLE VII. HEARINGS

§ 4-110. Purpose
§ 4-111. Cause of hearing
§ 4-112. Authority of hearing officer
§ 4-113. Oaths and subpoenas
§ 4-114. Hearing
§ 4.115. Finality of determination
§ 4-116. Disposition of animal
§ 4-117. Release of animal
§ 4-118. Notification of change of location of animal
§ 4-119. Failure to comply
§ 4-120. Relief

ARTICLE VIII. LICENSES

§ 4-130. Legal effects of license
§ 4-131. Applicability of article
§ 4-132. Application for license
§ 4-133. Issuance of license and tag
§ 4-134. Display of license and tag
§ 4-135. Unauthorized removal of tag
§ 4-136. Issuance of duplicate tags
§ 4-137. Notification of change of address
§ 4-138. Compensation to issuing authority
§ 4-139. Licensing of dogs
§ 4-140. Licensing of dogs--Exception to fees
§ 4-141. Licensing of dogs--Tag to be attached to collar, etc.
§ 4-142. Licensing of cats
§ 4-143. Rabies vaccination required
§ 4-144. Penalties

ARTICLE IX. RABIES

§ 4-150. Animals biting persons
§ 4-151. Same -- Exception to fees
§ 4-152. Submission of rabies vaccination records by veterinarian
§ 4-153. Quarantine
§ 4-154. Delivery of carcass
§ 4-155. Epidemics
§ 4-156. Vaccination

ARTICLE X. RULES AND REGULATIONS

§ 4-160. Formulation by animal control director

ARTICLE XI. PENALTIES

§ 4-170. Penalties -- Generally

ARTICLE XII. ADOPTION OF ANIMALS FROM THE SOLANO COUNTY ANIMAL SHELTER

§ 4-180. Spaying and neutering of animals adopted from the Solano County Animal Shelter
§ 4-181 Animals too sick or injured to be spayed or neutered
§ 4-182 Penalties for failure to spay or neuter animals
§ 4-183 Microchip Requirement

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) A**nimal 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 of 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) **Herded** 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.

(ll) **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)

ARTICLE II. ANIMAL CONTROL OFFICE

Sec. 4-30. Establishment of office of animal control

There is hereby created and established the animal control division, supervised by the animal control director, who shall enforce all articles under this chapter. Management and regulation of the county animal shelter shall be the responsibility of animal control.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-31. Animal control director

Animal Control shall be an operating division under the supervision and control of the Agricultural Commissioner. The animal control director shall be appointed through the regular county civil service system.

(Ord. No. 901, §1; Ord. No. 1444, §1)

Sec. 4-32. Eligibility requirements for director and deputies

No person shall be eligible to the position of the animal control director or deputy animal control director unless that person is a citizen of the United States and over the age of twenty-one.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-33. Power and duties

(a) The animal control director and all animal control officers shall, upon appointment and during the tenure of their office, become and be vested with the powers and duties of a public officer of the county, as authorized by Food and Agriculture Code section 7(a), and each shall have the power and it shall be their duty to issue citations and make arrests for violations of any of the provisions of this chapter. The power to arrest shall be those powers granted to a public officer pursuant to Food and Agriculture Code section 7(a) and Penal Code section 836.5. Animal control officers shall be empowered to carry firearms, pursuant to provisions of Penal Code section 2031 (c) (2).

(b) The powers and duties of the animal control director and his deputies shall include the following:

(1) To enforce all provisions of this chapter and all laws of the state relating to the care, treatment and impoundment of animals.

(2) To make arrests for the violation of any of the provisions of this chapter.

(3) To maintain and keep a shelter or other place, as directed by the board of supervisors, where all animals which are subject to impoundment may be kept and safely held.

(4) To enter upon any premises upon which any animal is kept, for the purpose of taking up, seizing or impounding any animal found running at large, staked, herded or grazed, kept or allowed thereon, contrary to the provisions of this chapter, or for the purpose of ascertaining whether such animal is licensed as provided by this chapter; provided, that the animal control director shall make a reasonable effort to notify the occupant of the premises upon which such animal is located in accordance with section 4-42.

(5) Whenever a power is granted to or a duty imposed upon the animal control director or other public officer, the power may be exercised, or the duty may be performed, by an animal control officer, or by a person authorized pursuant to law, unless this chapter expressly provides otherwise.

(6) It is hereby made the duty of the animal control officer to enforce any section of this chapter whether enumerated as a duty or not.

(7) To remove and dispose of the carcass of any animal found on any public highway, street, alley or other public place.

(8) To quarantine animals and to cooperate with the county health officer.

(9) To administer licensing and permit programs as provided for in the chapter.

(10) To abate animal nuisances.

(11) To administer contractual agreements.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-34. Interference with animal control director or officers

No person shall interfere with the animal control director or the director's officers in the performance of their duties.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-35. Misrepresentation

No person shall willfully make a false or misleading statement or representation to the director of animal control or to his or her designee, acting in their official capacity, regarding the ownership or right to custody or control of an animal for which a permit or license is required, or regarding the ownership of an animal redeemed from, relinquished to, impounded by, or taken up by the director pursuant to this chapter.

(Ord. No. 1444, §1)

Sec. 4-36. Authority to use tranquilizer equipment

In the performance of the director's duties, the director and each animal control officer shall have the authority to employ the use of tranquilizer equipment and all other animal control devices commonly used by other animal control agencies located within the State of California.

(Ord. No. 1444, §1)

Sec. 4-37. Animal control officers authorized to carry firearms

Pursuant and subject to section 12031(c) (2) of the Penal Code of the State of California, all animal control officers employed by the County of Solano are authorized to carry firearms when in pursuit of their duties.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-38. Authority to destroy animals

The director shall have the authority, when a clear and present danger to public safety exists and reasonable means of capture have failed to direct the humane destruction of an animal in the field.

(Ord. No. 1444, §1)

Sec. 4-39. Badges

The animal control director and animal control officers, while engaged in the execution of their dudes, shall wear, in plain view, a badge having, in the case of the animal control director, the words "animal control director," and in the case of animal control officers, the words "animal control officer" engraved thereon.

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

ARTICLE III IMPOUNDMENT

Sec. 4-40. Generally

The animal control director may take up, impound and safely keep any of the animals enumerated in this chapter found running at large, staked, tied or being herded or pastured in any street, road, lane, alley, court, square, park or other place belonging to or under control of the county, or upon any private property in the county, contrary to the provisions of this chapter; or where said animal is engaged in an activity or existing in any condition prohibited by this chapter; or where said animal is, or will be, without proper care due to injury, illness, death, incarceration, or other involuntary absence of the owner or person responsible for the care of such animal; or where said animal is to be quarantined.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-41. Care of impounded animals

Whenever any animal is impounded pursuant to this chapter, it shall be provided with proper and sufficient food and water.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-42. Notice to owner

The animal control director shall, immediately upon impoundment of dogs or other animals, make a reasonable effort to notify the owner of such dogs or other animals impounded, and further, in the case of a licensed dog, or cats wearing a license, inform such owners of the conditions whereby they may regain custody of such animals.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-43. Duration of impoundment

(a) All impounded dogs or cats found wearing a license tag or any other form of positive identification shall be kept in the animal shelter or other authorized place of impoundment for a period of not less than five (5) working days following the day of impoundment unless redeemed within such period.

(b) All impounded dogs and cats not wearing a license tag or other form of positive identification, shall be kept in the animal shelter or other authorized place of impoundment for a period. of not less, than three (3) working days after the day of impoundment unless redeemed within such period.

(c) Any impounded animal which is of a type referred to in section 17003 of the Food and Agriculture Code shall be kept in the animal shelter for at least five (5) working days following the date of impoundment unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, it shall be turned over to the State Bureau of Livestock Identification for disposition by that office, pursuant to the requirement of the California Food and Agriculture Code.

(d) Any animal impounded pursuant to section 17065 of the Food and Agriculture Code shall be kept in the animal shelter or other authorized place of impoundment for at least fourteen (14) calendar days.

(e) Any other impounded animal shall be kept in the animal shelter for at least three (3) calendar days following the day of impoundment unless it is redeemed within such period.

(f) Any animal which is voluntarily surrendered to or deposited with the director by the owner shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.

(g) Any feral animal need not be kept or retained for any minimum period of time.

(Ord. No. 1444, §1)

Sec. 4-44. Redemption of impounded animals

(a) The owner of any impounded animal shall have the right to reclaim the same at any time prior to the lawful disposition thereof, upon payment to the animal control director of the costs and charges which shall be established by ordinance of the board of supervisors for the impounding and keeping of such animals, provided, however, that if the animal is one which is subject to the licensing provisions of this chapter, the licensing requirements must be satisfied before the animal is released.

(b) If the impounded animal is not currently vaccinated against rabies as required, and the owner has not previously been cited for failure to license the animal or the animal has not been previously impounded within the preceding

thirty (30) calendar days, the animal may be released to the owner upon payment of all fees required (including the license fee and penalty fee, if applicable) on condition that the owner shall:

(1) Have the animal vaccinated for rabies in accordance with article IX of this chapter within fourteen (14) calendar days; and

(2) Exhibit a valid certificate of such vaccination to the director within fourteen (14) calendar days, at which time the license will be issued.

(c) Animals may be vaccinated against rabies by a veterinarian designated by the director prior to redemption and the cost of the vaccination and any other costs accrued accomplishing the vaccination, including additional impoundment fees, must be satisfied before the animal is released.

(Ord. No. 927; §2; Ord. No. 1444, §1)

Sec. 4-45. Disposition of unredeemed or surrendered animals

(a) Dogs.

(1) Unless an unlicensed dog or a dog not wearing traceable identification has been redeemed within three (3) working days from the day following the impoundment it may be sold by the animal control director for an amount determined and set by the board o supervisors; provided, that the purchaser shall not be given possession of any dog until the purchaser has paid to the animal control director the license fee prescribed for such dog. The animal control director shall accept the application for license and the license fee, but shall not deliver the license until proof of current rabies vaccination has been provided. If any unlicensed dog or dog not wearing traceable identification impounded by the animal control director shall not have been redeemed within such three (3) working day period, it may be destroyed by the animal control director in a humane manner.

(2) Unless licensed dogs or dogs wearing traceable identification have been redeemed within five (5) working days from the day following the impoundment such dogs may be sold by the animal control director for an amount determined and set by ordinance of the board of supervisors. The animal control director shall notify the owner of such animal, by mail, within twenty-four hours of impoundment. If any licensed dog or dog wearing traceable identification which has been impounded by the animal control director has not been redeemed within the five (5) day period, it may be destroyed by the animal control director in a humane manner.

(b) Cats.

(1) Unless an unlicensed cat or a cat not wearing traceable identification has

been redeemed within three (3) working days from the day following the impoundment, it may be sold by the animal control director for an amount determined and set by ordinance of the board of supervisors. If any cat impounded by the animal control director shall not have been redeemed within such three (3) working day period, it may be destroyed by the animal control director in a humane manner.

(2) A Licensed cat or cat wearing traceable identification shall be processed in the same manner as provided for licensed dogs in subparagraph (a) (2) of this section.

(c) Other animals shall be processed in the same manner as provided for unlicensed dogs in subparagraph (a) (1) of this section, unless otherwise provided for by state statute.

(d) It shall be the duty of the animal control director, and the director is authorized and empowered, to forthwith dispose of any animal lawfully impounded which is, by reason of injury, disease, or other cause, unfit for further use or is dangerous to keep impounded. The animal control director may immediately destroy surrendered animals in a humane manner.

(e) At the discretion of the animal control director, an unredeemed or surrendered animal may be kept for a reasonable period of time after the expiration of the redemption period for the purpose of selling or adoption. Normally, the sale of the animal should be to the person offering to pay the prescribed amount as determined and set by ordinance of the board of supervisors; however, the animal control director may refuse to sell or adopt to a particular purchaser if the director has reason to believe the sale would not be in the best interest of the animal.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1207, §1; Ord. No. 1444, §1)

ARTICLE IV. DANGEROUS ANIMALS

Sec. 4-50 Definitions

As used in this Article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) Abused animal means any animal which is:

(1) Mistreated, beaten, tormented, or teased; or

(2) Deprived of water, food, or shelter; or

(3) Kept under unsanitary conditions; or

(4) Abandoned; or

(5) Trained for fighting other animals.

(b) Animal control means the county animal control department.

(c) Animal control officer or officer means any person currently employed as an animal control officer for the county animal control department.

(d) Dangerous animal;

(1) Dangerous animal means any animal that:

(A) Has been designated a potentially dangerous animal and thereafter exhibits any of the behaviors listed in the definition of potentially dangerous animals; or

(B) inflicts serious injury on or kills a human being. An injury shall be considered a severe injury if it results in any muscle tear or disfiguring laceration or requires multiple sutures or corrective or cosmetic surgery; or

(C) Engages in, or is found to have been trained to engage in, exhibitions of fighting or is associated with conduct that results in the animal's owner of keep being convicted of Penal Code Section 597.5; or

(D) Attacks or kills livestock off the property of the owner of the attacking animal.

(2) An animal shall not be considered a dangerous animal if the person or domestic animal that it attacked, threatened, or menaced:

(A) Provoked, tormented, teased, or abused the animal into the alleged behavior; or

(B) Committed a willful trespass or other tort upon the private property of the owner or keeper in control of the animal; or

(C) Threatened or committed an unprovoked assault or battery against the owner or keeper in control of the animal.

(e) Enclosure means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to humanely confine an animal with adequate exercise area, and posted with an appropriate warning sign, in conjunction with other measures which may be taken by the owner or keeper.

(f) Hearing Officer means any designated representative of the director of the general services department who conducts a hearing under section 4-54.

(g) Impounded means taken into the custody of the county animal shelter.

(h) Person means a natural person or any legal entity, including, but not limited to, a corporation, firm, partnership or trust.

(i) Potentially dangerous animal

(1) Potentially dangerous animal means any animal that:

(A) On two (2) separate occasions within a thirty-six (36) month period engages in any unprovoked behavior that requires a defensive action by any person to prevent bodily injury; or

(B) Bites a person causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures or corrective or cosmetic surgery; or

(C) Kills, seriously bites, inflicts injury upon, or otherwise causes injury to any domestic animal; or

(D) Engages in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety.

(2) An animal shall not be considered a potentially dangerous animal if the person or domestic animal that it attacked, threatened, or menaced:

(A) Provoked, tormented, teased, or abused the animal into the alleged behavior; or

(B) Committed a willful trespass or other tort upon the private property of the owner or keeper in control of the animal; or

(C) Threatened or committed an unprovoked assault or battery against the owner or keeper in control of the animal.

(j) Sheriff's deputy or deputy shall mean any person currently employed as a sheriff's deputy for the county sheriff's office.

(Ord. No. 826, §7; Ord. No. 1444, §1; Ord. No. 1556, §2; Ord. No. 1682, §1)

Sec. 4-51. Inspection

(a) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Article, or whenever any

sheriff's deputy or animal control officer (theAofficer@) has probable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Article or other applicable law, the officer is authorized to enter such property at any reasonable time and to inspect it and perform any duty imposed upon the officer by this code or other applicable law; provided that:

(1) If the property is occupied, the officers shall first present proper credentials to the occupant and request entry and provide an explanation. If entry is refused, the officer shall have recourse to every legal remedy, including an inspection warrant, to secure lawful entry and inspect the property.

(2) If the property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, with an explanation. If entry cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the officer shall have recourse to every legal remedy, including an inspection warrant, to secure lawful entry and inspect the property.

(3) Notwithstanding the foregoing, if the officer has probable cause to believe that the keeping or maintaining of any animal is so dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right immediately to enter and inspect the property, and may use any reasonable means required to enter and inspect, whether or not the property is occupied and whether or not permission to inspect has been obtained. If the property is occupied, the officer shall first present proper credentials to the occupant and demand entry, explaining the reasons and purpose of the inspection.

(b) No person shall interfere with, hinder, fail or refuse, after proper demand has been made upon him or her, to permit the officer to make any inspection under subdivision (a) (3). Any person violating this section shall be guilty of a misdemeanor.

(c) The licensee of any license issued under this Chapter, by accepting the license, consents to the entry upon the premises described in the license by any officer for the purpose of conducting the inspections required by this Article or other applicable law.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1682, §1)

Sec. 4-52. Dangerous animals at large

(a) A person who owns or keeps an animal and who allows, permits or causes the animal to be at large in or upon a public street, sidewalk, park, or other public property or in or upon the premises or private property of another person, shall be guilty of a misdemeanor if the animal bites, attacks or causes injury to any human being or other animal.

(b) Any person convicted under this section shall not own or keep the type of animal which caused the bite, attack or injury for a three (3) year period after the date of conviction. Neither animal control nor the county shall not issue or renew any license to the convicted person for that type of animal during that three (3) year period.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1682, §1)

Sec. 4-53. Temporary impoundment or confinement

(a) If animal control officers or sheriff's deputies have probable cause to believe any animal has attacked, bitten, or injured any human being or other domestic animal, the officers or deputies shall have the power to summarily and immediately impound the animal pending:

(1) Any court proceeding or animal license revocation proceeding arising from the attack, bite or injury; or

(2) A hearing under this article.

(b) Failure to surrender on demand the animal to an animal control officer for impoundment shall be a misdemeanor.

(c) If an animal impounded under this section is declared to be potentially dangerous or dangerous, it may be returned to the owner or keeper upon satisfaction of any conditions the hearing office places on the animal's release unless the hearing officer orders the animal to be destroyed. If an animal impounded under this section is not declared to be potentially dangerous or dangerous, it shall be returned to the owner or keeper as soon as is practicable after receipt of the hearing officer's notice of determination.

(d) Within forty-eight (48) hours of any impoundment, animal control shall serve the owner or keeper with a notice of impoundment. The notice shall contain a description of the animal, a brief description of the facts and circumstances leading to the impoundment, and the charge or charges being filed. The notice shall be personally served or served by first-class or certified mail and shall be posted on the owner or keeper's property.

(e) In lieu of impounding, animal control may permit the animal to be confined at the owner's or keeper's expense in a kennel or veterinary facility approved by animal control or at the owner's or keeper's residence provided that:

(1) The animal is not removed from the kennel, veterinary facility or residence without the prior written approval of animal control; and

(2) The animal shall be available for observation and inspection by animal

control or members of law enforcement or their authorized representatives. Animal control shall specify to the owner or keeper the exact way the animal is to be restrained while awaiting the hearing.

(3) The animal may be photographed for identification purposes.

(e) If there is no reasonable method available to determine ownership of the animal, the animal shall be considered a stray.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1682, §1)

Sec. 4-54. Hearing procedures

(a) If a sheriff's deputy or animal control officer determines that there is probably cause to believe that an animal is potentially dangerous or dangerous or that the owner or keeper of an animal has violated any conditions previously imposed by a hearing officer in relation to a declaration that the animal is potentially dangerous or dangerous, the director of the general services department or designee, shall serve as a hearing officer to conduct a hearing to determine whether the animal is a potentially dangerous or dangerous animal or whether the owner or keeper has violated any conditions.

(b) If the owner or keeper does not contest the charges alleges, the owner or keeper may waive the right to a hearing.

(c) In the event an animal has been impounded or confined pending a hearing, the hearing shall be conducted within thirty (30) calendar days of the impoundment or confinement. Failure to hold the hearing within thirty (30) calendar days shall result in an automatic dismissal of the charges; provided, however, that evidence of the underlying acts of behavior of the animal may be used in a subsequent proceeding.

(d) At least seven (7) calendar days before the hearing, animal control shall serve the owner or keeper of the animal with a notice containing a description of the animal, a brief statement of the charges and the facts and circumstances supporting the charges, and the date, time, and place of the hearing. The notice shall be accompanied by a copy of this article. Service shall be by first-class mail, certified mail, or personal service.

(e) After a hearing, the hearing officer may declare any animal to be potentially dangerous or dangerous and determine the appropriate disposition of the animal.

(f) In making a determination that an animal is or is not potentially dangerous or dangerous, evidence of the following shall be considered if available:

(1) Any previous history of the animal attacking, biting or causing injury to a

human being or other domestic animal or livestock;

(2) The nature and extent of injuries inflicted and the number of victims involved;

(3) The place where the bite, attack or injury occurred;

(4) The absence or presence of any provocation for the bite, attack or injury;

(5) The extent to which property has been damaged or destroyed;

(6) Whether the animal exhibits any characteristics of being trained for fighting or attacking or there exists other evidence of such training;

(7) Whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domestic animals;

(8) Whether the animal can be effectively trained or retrained to change its temperament or behavior;

(9) The manner in which the animal has been maintained by its owner or keeper;

(10) Any other relevant evidence concerning the maintenance of the animal;

(11) Any other relevant evidence regarding the ability of the owner or keeper, or animal control, to protect the public safety in the future if the animal is permitted to remain in the county.

(g) Within ten (10) calendar days after the hearing, the owner or keeper of the animal shall be notified in writing of the determination and orders issued by the hearing officer, either personally or by pre-paid, first class mail. The notice of determination shall include the following information:

(1) A determination of whether or not the animal is potentially dangerous or dangerous;

(2) A brief summary of facts supporting the determination;

(3) An order to destroy the animal, release the animal with conditions, or release the animal without conditions;

(4) Advisement of appeal rights.

(h) The decision of the hearing officer shall be final. If any party to the hearing contests the hearing officer’s determination, he or she may, within five (5)

calendar days of the receipt of the notice of determination, appeal the decision by filing an action in the Superior Court of Solano County and serving the director of general services with a notice of appeal.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1682, §1)

Sec. 4-55. Disposition of dangerous animals

(a) If the hearing officer finds that an animal is so dangerous that it would constitute an unreasonable danger to human beings, domestic animals, or livestock even with reasonable conditions upon release, the hearing officer may order the animal to be destroyed. This remedy is in addition to all other remedies and shall not limit or restrict the right of any person, including the county counsel, the general services director, or animal control shall to commence a proceeding under California Civil Code section 3342.5, or its successor, to have the animal destroyed.

(b) If the hearing officer finds that the animal is potentially dangerous or dangerous, the hearing officer may require the owner or keeper of the animal, as a condition of the release of the animal from confinement or impoundment, to comply with any or all of the following conditions:

(1) Immediately register the animal with animal control. The fee for a permit to keep one dangerous animal shall be fifty dollars ($50.00) for a twelve (12) month term, and the fee for each additional dangerous animal shall be twenty-five dollars ($25.00). The permit expires at the end of each term and is renewable.

(2) Keep the animal securely confined on its premises in a locked enclosure approved by animal control in its sole and absolute discretion. The structure must have secure sides and a secure top composed of nine-gauge galvanized steel affixed to a concrete foundation. It must be locked with a key or a combination lock when holding animals. The structure must be adequately lighted, ventilated, kept in a clean and sanitary condition and it must comply with all building and zoning regulations.

(3) Keep the animal securely muzzled, leashed and under the control of a person eighteen (18) years or older, and who is physically capable of restraining the animal when it is not confined in a secure pen.

(4) Spay or neuter the animal by a licensed veterinarian and present proof to the animal control officer.

(5) Provide and maintain financial responsibility for injuries to the public by obtaining and showing proof of liability insurance in a form and amount considered acceptable under the circumstances by the hearing officer. The insurance policy shall clearly state that the insurance cannot be canceled,

suspended, reduced, or allowed to expire unless thirty (30) calendar days written notice is first given to animal control.

(6) Immediately inform any local postmaster or utility company meter readers, and anyone else who lawfully and regularly comes onto the property, of the animal's status as a potentially dangerous or dangerousness animal and to inform animal control in writing prior to moving the animal to any new location within or outside the county or if the animal dies.

(7) Display in a prominent place on the property a sign easily readable by the public, using the words "Beware of Dangerous Animal in letters at least three (3) inches high.

(8) All dangerous dogs shall receive a micro-chip and permanently wear a "Dangerous Dog" tag. The owner or keeper of the dog shall pay for the micro-chip and tag. Animal control shall maintain on file the assigned micro-chip and tag numbers. The owner or keeper shall immediately notify the animal control if the tag is lost or stolen and shall pay for a replacement. Failure to report the lost or stolen tag or to replace it is a misdemeanor.

(9) Pay the reasonable costs for the hearing incurred by the county and its officials, not to exceed one thousand dollars ($1,000.00).

(10) Take any other reasonable steps to prevent injuries to the public, domestic animals, livestock, or property.

In addition, if the hearing officer orders the animal released with conditions, the owner or keeper of the animal shall have thirty (30) calendar days from the receipt of the written disposition to complete any conditions imposed by the hearing officer and to demonstrate such compliance to animal control. The hearing officer may grant a written extension of time for compliance not to exceed an additional thirty (30) calendar days. The owner or keeper of the animal must, within thirty (30) calendar days from the receipt of the written disposition, provide animal control with a minimum of two (2) color photographs of the animal that clearly show its color and size. No potentially dangerous or dangerous animal shall be kept on a porch, patio, or in any part of a house or structure that would allow the animal to escape. No dangerous animal may be kept in a house or structure when the windows are open or screen doors are the only obstacle preventing the animal from leaving the premises.

(c) If the hearing officer determines that the animal is neither potentially dangerous nor dangerous, the animal shall be returned to the owner as soon as is practicable after receipt of the hearing officer's notice of determination. If the animal is unlicensed, the owner or keeper shall be cited for failure to obtain a license.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1624, §5; Ord. No. 1682, §1)

Sec. 4-56. Sale or transfer restrictions

(a) No person shall sell or transfer a potentially dangerous or dangerous animal to any person within the county, unless the recipient permanently resides with the owner or keeper or the owner or keeper has received prior written approval of the director of general services or designee.

(b) The owner or keeper of a potentially dangerous or dangerous animal shall not sell, transfer the animal to any person outside the county or otherwise remove the animal from the county without the prior written approval of the director of general services or designee.

(c) No person shall bring into the County any animal designated or registered as a potentially dangerous or dangerous, or vicious animal in any other jurisdiction within the United States without the prior written approval of the director of general services or designee.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1682, §1)

Sec. 4-57. Enforcement and penalties

(a) It shall be unlawful for an owner or keeper not to comply with the conditions imposed by the hearing officer or any other requirements imposed by this article. If a failure to comply occurs, the animal shall be subject to immediate seizure and impoundment by animal control. Animal control may additionally order the removal of the animal from the county or seek its destruction if necessary. No animal may be destroyed under this section until ten (10) calendar days after the owner or keeper has been served with written notice from the hearing officer that the animal will be destroyed. The destruction order shall be stayed if within the ten (10) calendar days the owner or keeper:

(1) Demonstrates to the satisfaction of the hearing officer compliance with the conditions imposed and this article; or

(2) Files a petition to stay destruction of the animal in Superior Court of Solano County and serves an endorsed file copy of the petition on the hearing officer and the director of general services.

If the owner or keeper of the animal does not take action described in subsection (1) or (2), the hearing officer may, without further notice, order the animal destroyed. The destruction order notice shall be served either personally or by pre-paid first class mail on the owner or keeper and a copy posted on the property.

(b) Any person who violates the provisions of this article shall, upon conviction in Superior Court of Solano County, be fined not less than five

hundred dollars ($500.00) and not more than one thousand dollars ($1000.00). The fine shall be paid to the animal control for the purpose of defraying the cost of implementing this article. The court may also impose a jail term not to exceed thirty (30) calendar days.

(c) Any person convicted of violating the provisions of this article shall be prohibited from owning or keeping within the county the same type of animal for three (3) years from the date of conviction.

(d) The provisions of this article may be enforced by animal control or by any law enforcement agency, fire department, or other authorized representative of the county.

(e) The costs of abating a potentially dangerous or dangerous animal declared to be a public nuisance may be recovered from the owner or keeper as provided by law.

(f) The penalties and remedies in this article are not exclusive but cumulative with all other remedies at law or equity.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1682, §1)

Sec. 4-58. Exemptions

The provisions of this article shall not apply to:

(1) Any dog engaged in law enforcement duties;

(2) Any guide dog for the blind or physically disabled while performing its services;

(3) Any animal shelter owned, operated or maintained by animal control.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1682, §1)

Sec. 4-59. Removal of designation

The owner or keeper of a dangerous animal may petition the animal control director of general services or designee for a hearing to remove the potential dangerous or dangerous determination if, for a period of three (3) years following that determination, the animal has not been involved in any incidents of the type which led to the determination. A hearing shall be held within thirty (30) calendar days of receipt of the written petition. Within ten (10) calendar days after the hearing, the owner or keeper of the animal shall be notified in writing of the hearing officer's determination.

(Ord. No. 1444, §1; Ord. No. 1556, §1; Ord. No. 1682, §1)

ARTICLE V. ANIMAL NUISANCES

Sec. 4-70. Intent of article

The keeping, harboring, maintaining, or owning of any animal committing an animal nuisance as defined in section 4-11 of this chapter, in addition to being a violation of this article, is hereby declared to be a nuisance subject to abatement proceedings conducted in a similar, but not necessarily identical, manner as proceedings for abatement of other public nuisances.

(Ord. No. 1444, §1)

Sec. 4-71. Authority to abate

Upon a determination after a hearing held in accordance with the provisions of article VII, the director shall have the authority to take whatever measures are specified in the determination to abate the animal nuisance including, but not limited to, impoundment and destruction of the nuisance animal.

(Ord. No. 1444, §1)

Sec. 4-72. Complaint

Any person aggrieved by an animal nuisance may file a complaint, signed under penalty of perjury, with the director. Such complaint shall be in writing in the form of an affidavit and shall contain the following facts:

(a) A description of the offending animal including, to the extent known, the color, size, sex, breed, and name of the animal, and the name and address of the owner of the animal.

(b) An assertion that the animal described creates an animal nuisance within the meaning of section 4-11 of this chapter together with a statement of facts upon which the assertion is based, including the name and address of any person who has been aggrieved by the animal, a description of the animal nuisance, the names and addresses of any witnesses thereto, and the time, date, and location of any incident related to the assertion.

(c) The name, residential and occupational addresses and telephone numbers of the affiant.

(Ord. No. 1444, §1)

Sec. 4-73. Barking, howling, trespassing, etc., animals

(a) The keeping or harboring of any dog, cat or other animal or fowl, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys persons in the neighborhood, is unlawful and is hereby declared to be a public nuisance.

(b) No person shall suffer or permit any animal or fowl to habitually trespass on private or public property so as to damage or destroy any property or thing of value, and the same is hereby declared to be a nuisance.

(c) Whenever it shall be affirmed in writing by three or more persons having separate residences or regularly employed in the neighborhood that any animal is a habitual nuisance by reason of trespassing, howling, barking or other noise, or in any other manner causing undue annoyance, and if the director or the animal control officer, finds such nuisance to exist, notice shall be served upon the owner or custodian that such nuisance shall be abated. Upon receipt of such notice, such nuisance shall be immediately abated. Failure to comply with such notice and abate such nuisance shall be deemed to be a misdemeanor.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-74. Timely filing

Unless otherwise provided, the filing of an animal nuisance complaint must be made within thirty (30) calendar days of the most recent event or circumstances occasioning the complaint. Upon evidence that good cause exists that the complaint could not be filed within thirty (30) calendar days, the director may extend the deadline for filing of the complaint.

(Ord. No. 1444, §1)

Sec. 4-75. Impoundment of animal

Upon receipt by the director of a complaint filed in compliance with section 4-72, the director shall initiate an investigation of the incident or incidents described in the complaint for the purpose of verifying the facts stated or obtaining other information. If, after an investigation, the identified facts show the existence of an animal nuisance within the meaning of section 4-11, the director shall order the nuisance to be abated. If such nuisance poses an imminent threat to public health or safety, or if the owner fails to comply with the director's abatement notice within a reasonable time, or if the director determines that exceptional circumstances warrant, the director shall immediately locate and impound the animal which is the subject of the complaint. If said animal is impounded, the owner may request a hearing pursuant to Article VII of this chapter.

(Ord. No. 1444, §1)

Sec. 4-76. Notice of hearing

Not later than fourteen (14) calendar days after the impoundment of a purported nuisance animal or, if the animal is not impounded but a determination has been made to abate an animal nuisance, the director or the directors designee shall determine a time for a hearing, and shall either personally serve upon or mail to the residential address of the owner of the animal and the affiant the following:

(a) A written notice of the time, date, and place of the hearing prescribed by Article VII of this chapter.

(b) A copy of the complaint filed pursuant to section 4-72 of this chapter.

(c) A copy of the provisions of this Article V.

(Ord. No. 1444, §1)

ARTICLE VI. KENNEL, CATTERY AND OTHER ANIMAL FACILITIES

Sec. 4-80. Purpose

The purpose of this Article is to establish special regulations applicable to the following:

(a) The operation of a commercial or hobby kennel as defined in section 4-11 of this chapter.

(b) The operation of a commercial or hobby cattery as defined in section 4-11 of this chapter.

(c) The keeping of wild or exotic animals as defined in section 4-11 of this chapter.

(d) The operation of an animal facility as defined in section 4-1 1 of this chapter.

(e) The operation of a kennel or cattery and the keeping of wild or exotic animals or the operation of any other animal facility constitutes a type of activity which requires a special investigation, review and regulation to ensure that both public and animal health, safety, and welfare are protected.

(Ord. No. 1444, §1)

Sec. 4-81. License required

Any person owning or operating any kennel, cattery or animal facility as defined in this chapter shall obtain a license. Applications for license shall be on forms provided by the director of animal control. Any person applying for a license to operate a kennel or cattery shall pay a license fee in accordance with the fee schedule set forth by the Board of Supervisors.

(Ord. No. 927, § 2; Ord. No. 1444, §1; Ord. No. 1624, §6)

Sec. 4-82. Exotic animals

All exotic animals required to have a state license shall be registered with animal control. Registration shall be made on forms provided by the animal control

director, which shall include the name, address, and phone number of the owner, and a description of the animal to aid animal control in finding the owners of any lost animal. The establishment and amount of any fee for registration shall be determined by resolution of the board of supervisors.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1444, §1)

Sec. 4-83. Kennel, cattery and other animal facilities

(a) A commercial kennel or cattery is operated, for remuneration as a business. The activities allowed therein include keeping of animals of any species for the purpose of boarding, breeding, buying, selling, renting, exhibiting or the training of dogs or cats.

(b) In a hobby kennel or cattery conducted at the domicile of the owner thereof, the activities allowed include the owning and breeding of animals primarily for personal recreational use such as participation in recognized conformation shows, field or obedience trials, racing, scenting, specialized hunting, or working trials, and water trials, improving physical soundness, temperament and conformation of a given breed to a standard. Activities shall not include the breeding, boarding or training for remuneration from others.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-84. Licenses

Within the context of the article and unless otherwise stated, "licenses" shall include licenses issued by the director pursuant to the provisions of this article which authorize either the maintaining and operating of a kennel or cattery (a kennel/cattery permit) or the keeping of a wild or exotic animal (a wild or exotic animal permit) or animal facility. It shall not include licenses issued by the director pursuant to the provisions of Article VIII which authorizes the keeping of a dog or cat.

(Ord. No. 1444, §1)

Sec. 4-85. License Requirements

(a) No person shall maintain or operate a kennel or cattery or keep, harbor, or maintain a wild or exotic animal within the geographic area of the county governed by this chapter without first, being appropriately zoned for such activity and second, applying to and receiving from the director an annual license or permit to do so.

(b) A person shall be deemed to maintain or operate a commercial kennel if the person, without an applicable general business license in effect, keeps, harbors, or maintains dogs over four (4) months of age.

(c) A person shall be deemed to maintain or operate a commercial cattery if

the person, without an applicable general business license in effect, keeps, harbors, or maintains cats over four (4) months of age.

(d) The following shall be exempt from the requirements of this article:

(1) Persons keeping wild or exotic animals solely and exclusively as part of a bona fide rehabilitation or educational activity sanctioned by the State of California, Department of Fish and Game; and

(2) Non-profit enterprises recognized by the State of California as animal shelters or humane societies which shelter animals.

(e) If a person operates more than one kennel or cattery or animal facility or maintains wild or exotic animals at more than one address, a separate permit shall be required for each location where the person maintains a kennel or cattery, or keeps a wild or exotic animal.

(f) The issuance of a license pursuant to this Article shall not be deemed to relieve or excuse the owner from the provisions and requirements of chapter 4 of this code in its entirety; nor from a requirement, under chapter 14 of the county code, that a general business license be obtained as required; nor from any other applicable requirement as set forth in existing federal, state, or local zoning codes, health and safety codes, business codes or other laws, ordinances, or requirements governing the operation of such a kennel, cattery, animal facility or the keeping of such wild or exotic animals.

(Ord. No. 1444, §1)

Sec. 4-86. Application for licenses

(a) All applications for a license shall be filed, with the required fees, with the director. Applications for a kennel/cattery license shall be accompanied by copies of the rabies vaccination certificates for all dogs or cats to be kept pursuant to the kennel cattery license being issued. The director shall review the application, assure that the application is complete, and conduct such investigation as deemed appropriate.

(b) The application for a license shall contain such information and be filed on a form as is prescribed by the director and shall include the following:

(1) A complete description of either the type, nature, and extent of the kennel or cattery or animal facility to be operated, and for which the kennel/cattery license application is made; the type, nature, and place of keeping of the animal for which the wild or exotic animal license application is being made, or a fanciers license application is being made.

(2) The street address of the location of the kennel or cattery or animal facility

or place of keeping an exotic animal.

(3) A copy of the plot map of the property where the kennel or cattery or animal facility is to be located.

(4) The number and description of the animals to be kept thereat.

(5) The name, street address, and business and home telephone numbers of the person who owns the kennel or cattery or animal facility or wild or exotic animal for which the license application is made.

(6) The name, street address, and business and home telephone number of the applicant.

(7) A history of the animal, including any information, record, or citation which indicates that the animal is or has been dangerous or vicious within the meaning of this chapter or an affidavit affirming that the animal, if of a type capable of transmitting rabies, has no known history of having attacked or bitten a human being.

(8) Copies of zoning clearance and/or conditional use permits if applicable.

(9) Submit application fee.

(10) Such other and further information as is deemed necessary to administer the provisions of this article.

(Ord. No. 1444, §1)

Sec. 4-87. License fees

The fees for a commercial kennel or cattery, a hobby kennel or cattery, or for an animal facility, shall be determined and set by ordinance of the board of supervisors. Payment of the required license fees shall entitle the commercial kennel or cattery licensee to maintain and operate ten runs. For each additional run, an additional fee determined and set by ordinance of the board of supervisors shall be charged. The fee shall also entitle the licensee to five animal license tags, to be issued in the name of the kennel. The licensee of a hobby kennel or cattery shall be entitled to three animal license tags, to be issued in the name of the kennel.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1207, §1; Ord. No. 1444, §1; Ord. No. 1624, §7)

Sec. 4-88. Exceptions to license fees

The provisions of this article requiring the payment of an annual license fee shall not apply to an animal shelter maintained and operated under title 1, division 2,

part 4 of the Corporations Code of the state.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-89. Inspection certificate

No kennel, cattery, or animal facility, license shall be issued until the animal control director shall have first issued a certificate that the same has been inspected and is operated or is to be operated in accordance with the laws of the state relating to animal control and the provisions of this chapter, and such certificate shall be presented to the tax collector with the application for such license.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-90. Confinement of animals to premises

All kennels, catteries, or animal facilities or other places where animals are kept in the county for breeding, training, sale or other purposes shall be so constructed as to keep the animals confined therein from running at large off the premises where such kennel, cattery or animal facility is maintained, and shall be maintained, operated and constructed in a sanitary and proper manner so that the same will not become a nuisance to the neighborhood thereof. Animals may be removed from kennels, catteries and other animal facilities for training or treatment purposes; provided, that competent control and supervision is maintained over such animal at all times.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-91. Dog license required upon removal of dog from kennel or pet shop

Whenever a dog is removed from any kennel or animal facility, the owner thereof shall forthwith apply for and obtain an annual license as otherwise required by this chapter.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-92. Public notice

Within fourteen (14) calendar days of receipt of an application for a new license or licenses, the director shall make public notice of said application by conspicuously posting such notice in the immediate vicinity of the location for which the license is sought. Such notice shall give the name of the applicant, the address of the kennel or cattery or animal facility or the place of keeping of a wild or exotic animal, and direction to interested parties that information applicable to the issuance of the license should be made in writing and mailed to the director at the address of the animal shelter as indicated in the notice within fourteen (14) calendar days of the posting of the public notice.

(Ord. No. 1444, §1)

Sec. 4-93. Contents of license

The license shall contain a complete description of the kennel or cattery, or animal facility authorized by the license; the business name (if applicable), address, and telephone number of the location so licensed; the name, address, and business and home telephone numbers of the owner of the kennel or cattery or animal facility, the number of animals to be kept pursuant to the license; and any conditions upon which the license is issued.

(Ord. No. 1444, §1)

Sec. 4-94. Changes of status

During the term of any license issued pursuant to this article, the holder of the license shall immediately file, in writing with the director, notice of any changes in the kennel, cattery, or animal facility, and the location of keeping of the animals which relate to the information given in the application for the license. The director shall issue an amended license which shows any changes in the license or licenses.

(Ord. No. 1444, §1)

Sec. 4-95. Standards

The director shall set minimum standards for the proper care and maintenance of a kennel or cattery, or animal facility, for the facility and for the animals kept therein which are, at a consistent with applicable state and federal standards. A copy of such standards shall be provided in writing to the applicant with each application for a license.

(Ord. No. 1444, §1)

Sec. 4-96. Failure to comply with standards

(a) If the applicant or license holder fails to meet the requirements set in the standards, the director may so notify the applicant or license holder in writing within three (3) calendar days of discovery of the failure to comply with the standards. The written notice shall advise the applicant or license holder of any existing deficiencies and the corrective measures that must be taken and completed to bring the premises, facilities, cages, vivariums, aquariums and equipment into compliance with the standards. The applicant or license holder shall be given no more than thirty (30) calendar days and no less than fourteen (14) calendar days to complete the corrective measures, except that if any deficiency threatens the health or welfare of the animals kept or of the public, such corrective measures shall be made immediately or no later than one (1) day after notification of the deficiency.

(b) Failure to correct the noted deficiencies as required shall be deemed

failure to comply with the standards and shall be cause for denial of application or revocation of the license and may be considered cause for legal action.

(Ord. No. 1444, §1)

Sec. 4-97. Method of denial or revocation

(a) A denial of application or renewal of a license or revocation of an existing license shall be in writing, with the reasons for denial or revocation stated. Written notice of the denial or revocation shall accompany a copy of the provisions of this article, the standards, and any other provisions of this chapter which are applicable to the license, all of which shall be served either in person or by mail upon the applicant or license holder.

(b) Denial of an application or renewal of a license or revocation of an existing license shall prohibit operation of the kennel or cattery or animal facility or fancy.

(Ord. No. 1444, §1)

Sec. 4-98. Appeals

The holder of a license or applicant may file an appeal from the following:

(a) The denial of an application for or renewal of a license.

(b) The imposition of conditions at the time of issuance of an initial or renewed license or licenses, pursuant to the provisions of this article.

(c) The revocation of an existing license or licenses pursuant the provisions of this article.

(d) Any appeal shall be in writing, shall state the specific reasons and grounds asserted for relief, shall be signed under penalty of perjury, and shall be filed with the director no later than fourteen (14) calendar days after the date of service of the notices of denial or revocation prescribed in this chapter. If an appeal is not filed within the time or in the manner prescribed above, the right to review the denial, conditions, or revocation shall be deemed to have been waived.

(e) Upon receipt of the appeal, a hearing shall be set in accordance with the provisions of article VII of this chapter.

(f) In the event of denial for renewal of a license or revocation of an existing license, the immediately preceding license shall be deemed to be in full force and effect pending resolution of the appeal, for a period of fourteen (14) calendar days following the date of service upon the applicant or license or license holder of the notice of denial or revocation. In the event the applicant files an appeal from the denial or revocation in the manner and within the time prescribed herein, the immediately preceding license or licenses shall continue in full force and

effect during the pendency of the appeal, until the date of final decision by the hearing officer.

(Ord. No. 1444, §1)

Sec. 4-99. Removal of animals

Upon revocation of the license or denial of the application for renewal, the owner or license holder shall have fourteen (14) calendar days in which to remove from the county or otherwise dispose of the animals kept pursuant to the license or licenses or to appeal the decision of the hearing officer. Should the owner fail to take such action, the director shall have the authority to seize the animals in a manner provided by law and dispose of them in accordance with the provisions of this chapter.

(Ord. No. 1444, §1)

ARTICLE VII. HEARING

Sec. 4-110. Purpose

The purpose of this article shall be to create procedures to assure full access to administrative remedies in the application or enforcement of this chapter and for the mediation of disputes involving any animal subject to this chapter. Such procedures shall be administered by the director and conducted by a hearing officer.

(Ord. No. 927, §1; Ord. No. 1444, §1)

Sec. 4-111. Cause for hearing

Hearings may be held to determine the following:

(a) That an animal is creating a nuisance within the meaning of this chapter.

(b) That an animal is a dangerous animal within the meaning of this chapter.

(c) That an animal is a vicious animal within the meaning of this chapter.

(d) That a kennel or cattery, or animal facility license has been denied or revoked in accordance with the provisions of this chapter.

(e) In compliance with Penal Code Section 597.1 of the state.

(f) At the request of the director in order to attempt mediation of other such matters as may arise from the keeping of animals.

(g) A person shall be deemed to have requested a hearing be held when the person complies with the applicable appeal or complaint provisions of this chapter.

(Ord. No. 927, §1; Ord. No. 1444, §1)

Sec. 4-112. Authority of hearing officer

The hearing officer shall be authorized, within the scope of authority given by article I and the director, to conduct hearings to resolve conflicts arising from the application and enforcement of this chapter, to make binding determinations, and to mediate disputes related to the keeping of animals pursuant to this chapter.

(Ord. No. 927, §1; Ord. No. 1444, §1)

Sec. 4-113. Oaths and subpoenas

The hearing officer shall have the power to administer oaths or affirmations. At the request of either the director or any other party to the appeal, subpoenas may be issued for the attendance of witnesses by the hearing officer, upon request.

(Ord. No. 927, §1; Ord. No. 1444, §1)

Sec. 4-114. Hearing

(a) Not later than thirty (30) calendar days following the date of filing either an appeal as prescribed by section 4-98 or a complaint as prescribed in section 4-72, the hearing officer shall conduct a hearing to determine whether the requested action should be upheld or denied. Written notice of the time, date, and place of the hearing shall be served upon the director, the complainant or appellant, and the animal owner not later than fourteen (14) calendar days preceding the date of the hearing. The procedures governing the conduct of the hearing shall be as follows:

(1) During the hearing, the burden of proof shall rest with the complainant, or person filing the appeal and such proof shall be based upon a preponderance of the evidence. The provisions of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) shall not be applicable to such hearing nor shall formal rules of evidence in civil or criminal judicial proceedings be applicable. The complainant or appellant and the animal owner may appear, present evidence, and examine and cross-examine witnesses.

(2) Absent extraordinary circumstances as determined by the hearing officer, no animal may be presented as evidence or be present during the hearing.

(3) In the event the complainant or appellant or the animal owner fails to appear at the time, date, and place appointed for the hearing, the hearing shall be conducted in the absence of the complainant or appellant or animal owner

and the hearing officer shall render a decision based upon evidence presented during the hearing.

(4) For good cause as determined by the hearing officer, the hearing may be continued, but not for more than thirty (30) calendar days. Notice of the continuance, if granted, and the new date and time of the hearing shall be made to all parties by the hearing officer.

(5) The hearing shall be tape recorded and the tape recordings and all documents presented as evidence shall be maintained for a period of three (3) years as a part of the record of the hearing.

(b) Unless otherwise agreed to by the parties, within fourteen (14) calendar days of the conclusion of the hearing, the hearing officer shall issue a written decision, including, but not limited to, findings of fact and conclusions relative to the following:

(1) Whether, based upon the evidence presented during the hearing, the action requested is approved or denied; and

(2) What disposition should be made as a consequence.

(c) The hearing officer shall make a disposition based upon consideration of all of the facts and circumstances revealed by the evidence presented in the hearing and may order either:

(1) That the director release the animal in question;

(2) That the director release the animal in question to the owner subject to such conditions or special registration requirements as may be specified in this chapter or required to ensure public safety and animal welfare;

(3) That the director release the animal in question to the owner subject to payment of such fees and expenses as may be applicable according to the provisions of this chapter;

(4) That the director remove the animal in question for disposition in accordance with the applicable provisions of this chapter; or

(5) That the director issue, with relevant conditions as the hearing officer may find appropriate, or revoke the subject license.

(d) Unless otherwise agreed to by the parties, notice of the written decision, shall be filed with the director and shall be personally served upon or deposited in the United States Mail to the complainant or appellant and the animal owner not later than twenty-one (21) calendar days following the date on which the

hearing was concluded.

(e) Failure to comply with any procedural requirements or time limits of this article shall not deprive the hearing officer of jurisdiction over the issue and shall not invalidate any hearing conducted or order made pursuant to this article unless such failure constitutes a denial of due process of law.

(Ord. No. 927, §1; Ord. No. 1444, §1)

Sec. 4-115. Finality of determination

The decision of the hearing officer shall be final.

(Ord. No. 1101, §1; Ord. No. 1444, §1)

Sec. 4-116. Disposition of animal

Except as otherwise provided, in the event that the hearing officer orders destruction of an animal, the director shall immediately impound or continue to impound said animal until fourteen (14) days following the date of personal service upon or deposit in the United States Mail of notice of the hearing officer's decision to the owner.

(Ord. No. 1444, §1)

Sec. 4-117. Release of animal

(a) No animal impounded pursuant to article III of this chapter shall be released to any person other than the owner of such animal, prior to a decision of the hearing officer. Should the owner fail to redeem the animal by the date specified in the decision of the hearing officer, the animal shall be disposed of at the discretion of the director.

(b) Notwithstanding any other provision in this section or a decision or order by the hearing officer to the contrary, the director shall not release an animal impounded pursuant to article III of this chapter to the owner absent compliance with the provisions relating to redemption prescribed by section 4-43, including, but not limited to, the payment by the owner of all fees and charges for impoundment.

(Ord. No. 1444, §1)

Sec. 4-118. Notification of change

After an animal is declared to be dangerous, vicious, or a nuisance, the director must be notified and approve a change in the location where the animal is kept. The person owning the animal so declared must notify the director of the change in writing. Such notification must include the name and the original residential and occupational addresses and telephone numbers, and the new address and telephone number where the animal is to be kept. Should the animal die, the

owner shall bring the animal to the shelter and notify the director at the time the remains are delivered.

(Ord. No. 1444, §1)

Sec. 4-119. Failure to comply

Failure of the owner to comply with the provisions of this article or the order of the hearing officer is a misdemeanor.

(Ord. No. 1444, §1)

Sec. 4-120. Reconsideration of order

If, after a period of two (2) years from the date of the determination by the hearing officer that the animal is dangerous, vicious, or a nuisance, it can be demonstrated that the owner has complied with the order of the hearing officer and that no further cause exists for the order to stay in force, the owner may apply to the director, in writing, for reconsideration of the conditions for keeping or the provisions for special registration of the animal. Upon investigation by the director, relief may be granted and the owner so notified in writing.

(Ord. No. 1444, §1)

ARTICLE VIII. LICENSE

Sec. 4-130. Legal effect of license

The issuance by animal control and the acceptance by the owner of any license or licenses to keep an animal as provided for herein is prima facie evidence that the owner agrees to comply with the terms and conditions set forth in this chapter and that the owner has satisfied the basic licensing requirements under this chapter. Such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations or to any other applicable rule, regulation or statute.

(Ord. No. 1444, §1)

Sec. 4-131. Applicability of article

The provisions of this section shall not apply to any animal owned by or in the care or charge of a nonresident of the county who is traveling through the county or temporarily sojourning therein for a period not exceeding thirty days, nor to any animal temporarily brought into the county for the exclusive purpose of being entered in a bench show or exhibition, trial, etc.; provided, that such animal is so entered and not kept elsewhere in the county.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-132. Application for license

(a) The director is hereby authorized and directed to have prepared suitable application blanks and license tags to be issued to the owners of animals required by this chapter to be licensed.

(b) Such application forms shall bear the name and address of the owner of such animal, the sex, color and breed of the animal for which such license is applied, and shall be signed by the owner or the owner's duly authorized agent.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-133. Issuance of license and tag

(a) It is hereby made the duty of the director, or other duly authorized person, to collect, in advance of the issuance of such license, the fees required. Upon the issuance of such license, the director or other duly authorized person shall endorse upon such application the number of the license tag issued in pursuance thereof, and all such applications so endorsed shall be filed in the office of the director and shall be at all times open for public inspection.

(b) Such tags shall be metallic, and shall have a stamp thereon bearing the name of the county and the year of its issuance. They shall be numbered serially, and each tag shall have its number stamped thereon. The costs of procuring the necessary tags and application forms for such licenses are hereby declared to be a charge against the county.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-134. Display of license and tag

No person shall fail or refuse to show to the animal control director, or any duly authorized person of the county, the license certificate and/or the tag for any duly registered animal kept or remaining within any home or upon any enclosed premises under that person's immediate control.

(Ord. No. 927, §2;) Ord. No. 1444, §1

Sec. 4-135. Unauthorized removal of tag

No unauthorized person shall remove from any animal a collar, harness or other device to which is attached a registration tag for the current year, or remove such tag.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-136. Issuance of duplicate tags

Whenever a tag issued for the then current year has been stolen or lost, the owner or possessor of the animal for which same has been issued may, upon payment to the county animal control director or other duly authorized person of

an amount established by ordinance of the board of supervisors, receive a duplicate tag for the remaining portion of the then current year.

(Ord. No. 927, §2; Ord. No. 1101 §1; Ord. No. 1207, §1; Ord. No. 1444, §1)

Sec. 4-137. Notification of change of address

It shall be the duty of the owner harboring, controlling or having the custody of any animal(s) subject to this Article to inform the director of any change of address.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-138. Compensation to issuing authority

Any person authorized by the animal control director to issue licenses under this chapter shall receive, in full compensation for all services rendered under this chapter, an amount established by resolution of and allowed by the board of supervisors upon a claim verified by the county animal control director, filed and approved as other claims against the county.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1207, §1; Ord. No. 1444, §1)

Sec. 4-139. Licensing of dogs

(a) Every person owning or having control, custody, or possession of any dog over four months of age within the county shall purchase a license within (30) days of ownership or possession.

(b) The license will be purchased only after a current rabies vaccination certificate has been issued by a licensed veterinarian. The license will be valid for one year from the date of vaccination and a full fee of twelve (12) months will be charged or prorated as appropriate.

(c) Dog owners renewing dog licenses will apply for the dog license within thirty (30) days after the expiration of the current license and a full fee of twelve (12) months will be charged or prorated as appropriate.

(d) At the dog owner's option, a two- or three-year license, with fees charged accordingly, may be purchased as long as there is a valid rabies vaccination which does not expire before the end of the licensing period.

(e) Those dog owners who obtain a dog license after thirty (30) days of ownership or possession, or after the thirty (30) day license renewal period, will obtain a license based on a full fee of 12 months plus a late penalty.

(f) New residents who are dog owners, within thirty (30) days of residing in the county, will obtain licenses for their dogs and license fees will be prorated. New dog-owning residents who possess valid licenses that expire on the same

date as licenses provided herein shall apply for and be issued courtesy licenses in exchange for the aforesaid license. New dog-owning residents who possess valid licenses that expire prior to the normal expiration date for licenses provided herein will pay a pro rata share for the remaining portion of the licensing period

(g) A transfer license will be obtained if a currently licensed animal is given or transferred to another county resident.

(h) Dog owners who are senior citizens and/or physically disabled will obtain licenses for their dogs. A "senior citizen" for the purpose of this article, is sixty-five (65) years of age or older.

(i) All fees and penalties for dog licenses (including courtesy, transfer, and duplicate
licenses) will be determined and set by resolution or ordinance of the board of supervisors.

(j) Puppies younger than four months of age adopted from the animal shelter will be issued a provisional identification tag. This tag will expire when the puppy receives its primary rabies vaccination at four (4) months of age.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1160, §1; Ord. No. 1225 §1; Ord. No. 1322, §1; Ord. No. 1444, §1; Ord. No. 1528, §1; Ord. No. 1624, §8)

Sec. 4-140. Same -- exceptions to fees

No license fee shall be required with respect to licenses and tags issued for dogs which have been specially trained and are principally used for the purpose of leading persons with defective eyesight or those dogs specifically trained to assist persons who are hearing impaired or disabled.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-141. Licensing of dogs-tag to be attached to collar, etc.

Any person obtaining a dog license under this chapter shall attach the license tag issued to a collar, harness or other device, to be permanently worn by the dog for which such license was issued.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-142. Licensing of cats

Every person owning or having control, custody or possession of any cat within the county may procure a license for such cat. The licensing procedure and times thereof shall be the same as for licensing of dogs, and the fee shall be determined and set by ordinance of the board of supervisors.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1444, §1)

Sec. 4-143. Same--rabies vaccination required

(a) No license shall be issued for any dog or cat until satisfactory proof of rabies vaccination has been given the issuing officer.

(b) In no instance shall a dog or cat license be issued for a period beyond the date upon which revaccination is due except, following primary immunization, license may be issued for a period beyond the revaccination date if early revaccination cannot be required in accordance with subsection (c) of this section.

(c) Notwithstanding the rabies revaccination intervals specified in the Health and Safety Code, Section 1920(b), and Title 17, California Code of Regulations, Section 2606.4(b)(3), revaccination may be required prior to issuance of a license provided that revaccination against rabies shall not be required sooner than one year (twelve months) following a primary immunization or sooner than two years (twenty-four months) following a vaccination of dogs vaccinated over one year (twelve months) of age with a canine anti-rabies vaccine approved by, and in a manner prescribed by the California Department of Health Services.

(Ord. No. 927, §2; Ord. No. 1322, §1; Ord. No. 1444, §1)

Sec. 4-144. Penalties

Any person failing to obtain a license as required in section 4-139 shall pay a penalty, the amount of which shall be determined and set by ordinance of the board of supervisors; however, such penalty shall not apply to new residents who take out such license within one month after bringing such dog into the county, or to persons who, within one month after such dog shall have arrived at the age of four months, obtain a license.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1444, §1)

ARTICLE IX. RABIES

Sec. 4-150. Animals biting persons--quarantine

Whenever it is shown that any dog, cat or other animal capable of being infected or transmitting the rabies virus in accordance with State Code (17 Cal. Code of Regulation, Section 2606) has bitten any person, no owner or persons having custody or possession thereof, upon order of the director or the department of

health services, shall fail, refuse or neglect to quarantine such animal. Such animal shall be impounded at the county shelter or an approved kennel for a period of ten days, or at a veterinary hospital for five days. In the event this is a first offense for the animal which possesses a valid rabies certificate, at the option of the rabies control officer, the animal may be quarantined at the owner=s home. In such case, the animal control officer shall leave written quarantine procedure, including a notice to the owner, stating that if the animal is found at large during the quarantine, the animal will be impounded at the county shelter and the owner will be issued a citation. Notwithstanding impoundment fees elsewhere in this chapter, the impoundment fee for a quarantined animal shall be determined by ordinance by the board of supervisors.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-151. Same--reporting facts to animal control division

Whenever any person having charge, care, control, custody or possession of any animal capable of being infected with or transmitting the rabies virus, has knowledge that such animal has bitten any person, the person having charge, care, control, custody or possession of such animal shall report such fact forthwith to the division of animal control. The report shall state the name and address of the person bitten, and the time and place such person was bitten.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-152. Submission of rabies vaccination records by veterinarian

Every licensed veterinarian in the county shall submit, at a frequency to be determined by the animal control director, but not more frequently than every two weeks, a record of the names and addresses of the owners of those dogs and cats to which he or she has administered rabies vaccinations, and a brief description of the animal vaccinated during the immediately preceding reporting period.

(Ord. No. 1207, §1; Ord. No. 1444, §1)

Sec. 4-153. Quarantine

(a) The director shall ensure that all animals falling into the following categories shall be isolated or quarantined or destroyed and a rabies specimen taken at the animal shelter or at such other place and under such conditions as are prescribed by the county health officer or authorized according to other applicable state laws and regulations:

(1) Known rabid animals;

(2) Suspected rabid animals;

(3) Animals that have bitten or otherwise exposed a human to rabies; and

(4) Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been intimate contact with a known rabid or suspected rabid animal.

(b) In those circumstances where the bite or exposure to rabies occurred while the victim was on the property of the owner of the animal or when the victim is a member of the family or household of the owner, and when the animal is currently vaccinated against rabies and, as applicable, licensed as required by the provisions of this chapter, and not subject to Article IV of this chapter, the animal may, at the discretion of the director, be quarantined on the property of the owner provided the following are complied with:

(1) The owner of said animal can and does agree to ensure its confinement for the period of quarantine, and

(2) The owner agrees, upon demand of the director during the period of quarantine, to surrender the animal to the director, and

(3) The owner agrees to immediately notify the director if the animal escapes, becomes ill, bites again, or dies.

(c) It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the health officer or director.

(Ord. No. 1444, §1)

Sec. 4-154. Delivery of carcass

Upon the death of any known rabid animal, suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the director shall obtain and hold for the county health officer the carcass of the animal or an adequate specimen thereof.

(Ord. No. 1444, §1)

Sec. 4-155. Epidemics

The health officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs, cats, or other animals in the county, or in any part thereof. Upon making of such a declaration, the health officer shall prepare and promulgate such rules and regulations as are necessary for the conduct of all persons within the area where the dangerous condition exists, and such rules and regulations as are necessary for the control of animals within the area. These rules and regulations of the health officer may include, but are not limited to, quarantine, vaccination and destruction of diseased or suspected rabid or stray animals, upon adoption by resolution of the

board of supervisors. It shall be the duty of the director to comply with all directives of the health officer in the enforcement of such rules and regulations. A violation of any such rules and regulations shall be deemed a violation of this article.

(Ord. No. 1444, §1)

Sec. 4-156. Vaccination

(a) Every dog over four months of age shall have a medically current vaccination with an appropriate anti-rabies vaccine approved by the United States Department of Health Services.

(b) Every cat over four months of age shall have a medically current vaccination with an appropriate anti-rabies vaccine approved by the United States Department of Agriculture.

(c) Every person who owns or comes to own an unvaccinated dog or cat over four months of age shall have fourteen (14) calendar days in which to comply with the provisions of this article.

(d) Every veterinarian, after vaccinating a dog or cat for rabies, shall issue certificate to the owner. The certificate shall include the following information:

(1) The owner=s full name, address, and telephone number;

(2) The breed, age, sex, and color or markings of the animal;

(3) The date of immunization;

(4) The type of vaccine administered;

(5) The name of the vaccine manufacturer;

(6) The lot number of the vaccine used; and

(7) The signature of the veterinarian administering the vaccination or his/her agent.

(e) If a copy of the certificate is on file with the director, the director may provide a duplicate copy, after payment of copying fees, to the owner of any animal.

(f) The owner must maintain the certificate of vaccination, or a copy thereof, and must, upon demand of a public or peace officer acting within the course and scope of employment, display said certificate for examination.

(g) Upon written proof provided by a veterinarian that an animal has a medical condition which would cause it to be endangered by receiving anti-rabies vaccination and upon written acceptance of such proof, the director may exempt the animal from the vaccination requirement herein so long as the animal is confined at all times.

(Ord. No. 1444, §1)

ARTICLE X. RULES AND REGULATIONS

Sec. 4-160. Formulation by animal control director

The director may formulate rules and regulations in conformity with and for the purpose of carrying out the intent of this chapter, which shall become effective upon adoption by resolution of the board of supervisors.

(Ord. No. 927, §2; Ord. No. 1444, §1)

ARTICLE XI. PENALTIES

Sec. 4-170. Generally

(a) Except for section 4-73, and notwithstanding chapter 1, section 1-7 of the County Code, any violation of this chapter shall be an infraction. Where a specific penalty is not provided for an infraction violation, any such violation shall be punishable by a fine not exceeding five hundred dollars. Every day any violation of this chapter shall continue, shall constitute a separate offense.

(b) Notwithstanding subsection (a) above, any violation of this chapter is a misdemeanor if a defendant has been convicted of, admitted to, or pled no contest to one or more violations of this chapter, and such prior determination is admitted to by the defendant or alleged in the accusatory pleading.

(Ord. No. 927, §2; Ord. No. 1444, §1)

ARTICLE XII. ADOPTION OF ANIMALS FROM THE SOLANO COUNTY ANIMAL SHELTER

Sec. 4-180. Spaying and neutering of animals adopted from the Solano County Animal Shelter

(a) No person adopting, purchasing, or rescuing a dog or cat from the Solano County Animal Shelter shall allow the dog or cat to go unspayed or unneutered.

(b) Any person adopting, purchasing, or rescuing a dog or cat from the shelter shall make an appointment with a veterinarian licensed to practice veterinary medicine in this state, within 14 business days of receiving the dog or cat to determine if the animal is healthy enough to be spayed or neutered.

(c) All dogs or cats four months of age or older adopted, purchased, or rescued from the shelter will be spayed or neutered within 30 days of the date of adoption, purchase, or rescue. All dogs or cats younger than four (4) months of age adopted, purchased, or rescued from the shelter will be spayed or neutered within 60 days of the adoption, purchase, or rescue.

(d) The adopter, purchaser, or rescuer shall pay a deposit to the animal shelter as specified by the Board of Supervisors, not to exceed $30.00 for cats and $40.00 for dogs. The deposit shall be retained until the dog or cat is spayed or neutered, and certified as such by a licensed veterinarian.

(e) The adopter, purchaser, or rescuer shall present proof of spaying or neutering to the Animal Shelter within 30 business days of obtaining certification. The adopter, purchaser, or rescuer shall receive full refund of the deposit after presentation of proof of spaying or neutering.

Section 4-181 shall be the only exception this section.

(Ord. No. 1567, §1)

Sec. 4-181. Animals too sick or injured to be spayed or neutered

(a) If a veterinarian with a California license certifies that the dog or cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the dog or cat to be spayed or neutered, the adopter will be given additional time, as necessary and specified by the veterinarian, to have the dog or cat spayed or neutered.

(b) The owner shall have the surgery completed within 14 business days of the date the veterinarian indicates the animal will be ready for the surgery. The owner shall present certification of spaying or neutering to the Animal Shelter within this 14-day period. The adopter, purchaser, or rescuer shall receive a full refund of the deposit after presentation of proof of spaying or neutering within the 14-day time period.

(Ord. No. 1567, §1)

Sec. 4-182. Penalties for failure to spay or neuter animals

(a) Anyone who adopts, purchases or rescues a dog or cat from the shelter and fails to spay or neuter the dog or cat as required by this article within the time specified, shall be in violation of this chapter of Solano County Code.

(b) Failure to spay or neuter a dog or cat adopted, purchased, or rescued from the shelter as required by this article may result in any or all of the following: Forfeiture of the spay/neuter deposit, a fine not exceeding $200.00 payable to the Solano County Animal Shelter, and/or forfeiture of the dog or cat.

(Ord. No. 1567, §1)

Sec. 4-183. Microchip requirement

(a) For purposes of this chapter, microchip shall mean a permanent radio transponder used for identification purposes and implanted under the animals' skin by, or under the supervisor of, a licensed veterinarian or other qualified individual approved by the Director of General Services, or designee.

(b) All dogs and cats adopted, released, redeemed or rescued from the Solano County Animal Shelter shall be implanted with microchips. It shall be the duty of the owner of each dog or cat to ensure that the microchip is registered with the manufacturer, and that the registration is property updated if the dog or cat moves.

(c) The adopter, redeemer, or rescuer shall pay the cost of microchipping to the Animal Shelter in the amount specified by the Board of Supervisors at the time of redemption or release of the animal from the Shelter.

(Ord. No. 1685, §2)

(Ord. No. 1101, §1; Ord. No. 1160, §1; Ord. No. 1207, §1; Ord. No. 1225, §1; Ord. No. 1322, §1)