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	1- Year License	2-Year License	3-Year License
License for altered pet:	\$10.00	\$20.00	\$30.00
License for unaltered pet:	\$30.00	\$60.00	\$90.00

County provides licenses only for unincorporated County of Sacramento, and to contracting cities – not Elk Grove, Rancho Cordova or the City of Sacramento.

SACRAMENTO COUNTY, 2006 TITLE 8 ANIMALS

Note to Title 8\* For statutory provisions authorizing the control of dogs and predatory animals, see Gov.C. § 25803. **NOTE FROM TAC, SEE ENDNOTE<sup>1</sup>**

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8.04.001 Department of Animal Care and Regulation.

a. There is established a Department of Animal Care and Regulation. The Department of Animal Care and Regulation shall be responsible for the regulation of, and the enforcement of, laws dealing with animals existing within the unincorporated territory of the County and incorporated areas thereof which may, from time to time, contract with the County for such services.

b. There is established within the Department of Animal Care and Regulation the position of Director of Animal Care and Regulation. The Director of Animal Care and Regulation shall be head of the Department of Animal Care and Regulation and in that capacity shall, subject to the control and direction of the County Executive or his designee, carry out the duties and responsibilities of the Department of Animal Care and Regulation and shall supervise and direct the work of the staff assigned to the Department.

c. The Director of Animal Care and Regulation shall be appointed by the County Executive subject to approval by the Board of Supervisors. The Director of Animal Care and Regulation shall be subject to removal by the County Executive.

d. Any reference in this or any other County ordinance to "Animal Control," "Animal Control Division" or "Department of Animal Control" shall be considered a reference to the "Department of Animal Care and Regulation." Any reference in this or any other County ordinance to "Chief of Animal Control" or "Director of Animal Control" shall be considered a reference to the "Director of Animal Care and Regulation." (SCC 0999 § 1, 1995; SCC 0877 § 1, 1992.)

8.04.010 Definitions.

When used in this Title, the words defined in this Chapter shall have the meanings prescribed in this Chapter. (SCC 0815 § 2, 1990; SCC 304 § 1, 1977; Ord. 1053 § 1, 1969.)

8.04.020 Animal.

"Animal" means any members of the kingdom Animalia exclusive of homo sapiens. (SCC 0815 § 2, 1990; Ord. 1053 § 2, 1969.)

8.04.030 Animal Care and Regulation.

"Animal Control," "Animal Control Division," "Department of Animal Control" or "Department of Animal Care and Regulation" means the Department of Animal Care and Regulation which is established as the regulatory agency for rabies and control of animals in the County. (SCC 0999 § 2, 1995; SCC 0895 § 9, 1992; SCC 0877 § 2, 1992; SCC 0815 § 2, 1990; Ord. 1053 § 3, 1969.)

8.04.040 Animal Control Center or Animal Shelter.

"Animal Control Center" or "Animal Shelter" means the facilities provided by the County for the impoundment, relinquishment, quarantine, and adoption or sale of animals. (SCC 0999 § 3, 1995; SCC 0815 § 2, 1990; SCC 304 § 2, 1977; Ord. 1053 § 4, 1969.)

8.04.050 Animal Facility.

"Animal facility" means any establishment operated pursuant to a General Business License for profit, exclusive of a licensed veterinary medical facility, in or at which five (5) or more dogs four (4) months of age or older or five (5) or more cats six (6) months of age or older are kept, harbored, or maintained. (SCC 0892 § 2, 1992; SCC 0895 § 1, 1992; SCC 0815 § 2, 1990; Ord. 1053 § 5, 1969.)

8.04.070 At Large.

"At large" means an animal off the premises of its owner and either: (a) not under the control and in the immediate presence of the owner, or

b. if a dog or a cat, not under physical restraint. (SCC 0815 § 2, 1990; SCC 304 § 4, 1977; Ord. 1053 § 7, 1969.)

8.04.080 Cattery.

"Cattery" means any enclosure, premises, building, structure, lot or area in or on which five (5) or more cats of at least six (6) months of age are kept, harbored, or maintained. (SCC 0892 § 4, 1992; SCC 0895 § 2, 1992; SCC 0815 § 2, 1990; Ord. 1053 § 8, 1969.)

8.04.090 Chief of Animal Care and Regulation.

"Chief of Animal Care and Regulation," or "Director of Animal Care and Regulation" means the administrative head of Animal Care and Regulation and his or her duly

authorized deputies. (SCC 0999 § 4, 1995; SCC 0895 § 10, 1992; SCC 0877 § 2, 1992; SCC 0815 § 2, 1990; Ord. 1053 § 9, 1969.)

#### 8.04.130 Director.

"Director" means the Director of the Department of General Services for the County of Sacramento. (SCC 0815 § 2, 1990; Ord. 1053 § 13, 1969.)

#### 8.04.140 Domestic Animal.

"Domestic animal" means dogs and cats, except as limited in Section 8.04.280 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. (SCC 0815 § 2, 1990; SCC 531 § 1, 1983; Ord. 1053 § 14, 1969.)

#### 8.04.144 Farm.

"Farm" means any land zoned AR10, AG20, AG40, AG 80, or AG160 and used for agriculture purposes. (SCC 0958 § 1, 1994.)

#### 8.04.147 Farm Cat.

"Farm Cat" means any cat residing on a farm or ranch as defined herein whose presence is for the purpose of rodent control on such farm or ranch as identified under Sections 8.04.144 and 8.04.235 and whose ownership cannot be determined based on the definition contained in Section 8.40.220 of this Title. (SCC 0958 § 2, 1994.)

#### 8.04.150 Feral Animal.

"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. (SCC 0815 § 2, 1990; SCC 509 § 1, 1982.)

#### 8.04.160 Health Department.

"Health Department" means the Health Department of the County of Sacramento. (SCC 0815 § 2, 1990.)

#### 8.04.170 Health Officer.

"Health Officer" means the Director of the Health Department of the County of Sacramento or other person duly authorized by the Director of the Health Department or designated by the Board of Supervisors to act as the Health Officer. (SCC 0815 § 2, 1990.)

#### 8.04.180 Hearing.

For the purposes of this Title, "hearing" means the process prescribed in Chapter 8.36 herein for the redress of issues relating to or arising from the enforcement of this Title including, but not limited to, dangerous and vicious animals, animal nuisances, permits, or such other administrative matters as pertain to the application of this Title. (SCC 0815 § 2, 1990.)

#### 8.04.190 Hearing Officer.

"Hearing Officer" means the person appointed by the Director to preside at and render judgments from hearings transacted under the authority of this Title. The person may be an employee of the County who is not assigned to Animal Control or otherwise subordinate to the Chief 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 or shall be an attorney or an administrative law judge. (SCC 0815 § 2, 1990.)

#### 8.04.200 Impoundment.

"Impoundment" means the taking up and confining of an animal by the Chief of Animal Control in accordance with the provisions of this Title or other applicable law or regulation. (SCC 0815 § 2, 1990.)

#### 8.04.210 Kennel.

"Kennel" means any enclosure, premises, building, structure, lot or area in or on which five (5) or more dogs of at least four (4) months of age are kept, harbored or maintained. (SCC 0892 § 8, 1992; SCC 0895 § 3, 1992; SCC 0815 § 2, 1990.)

#### 8.04.215 Kennel/Cattery.

"Kennel/Cattery" means a kennel or a cattery or a kennel and a cattery. (SCC 0895 § 4, 1992; SCC 0882 § 9, 1992; SCC 0815 § 2, 1990.)

#### 8.04.220 Owner.

"Owner" means the primary or responsible person who possesses, has title to or an interest in, harbors or has control, custody or possession of an animal, and feeds the animal for thirty (30) consecutive days, and the verb forms of "to own" include all these shades of meaning. (SCC 0958 § 3, 1994; SCC 0815 § 2, 1990.)

#### 8.04.230 Person.

"Person" means fictional entities such as corporations, estates, associations, partnerships and trusts, as well as one or more individual human beings or responsible members of a familial household. (SCC 0815 § 2, 1990.)

#### 8.04.235 Ranch.

"Ranch" means any land zoned AR10, AG20, AG40, AG80 or AG160 and used for agriculture purposes. (SCC 0958 § 4, 1994.)

#### 8.04.240 Vaccination.

"Vaccination" means the inoculation of an animal with a vaccine approved by and in the manner prescribed by the State of California Department of Health Services. (SCC 0815 § 2, 1990.)

#### 8.04.250 Veterinarian.

"Veterinarian" means a person licensed by the State of California to practice veterinary medicine. (SCC 0815 § 2, 1990.)

#### 8.04.260 Vicious Animal.

"Vicious animal" means any animal including a dog (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. Without provocation inflicted severe injury on or killed a human being.
2. In an unprovoked manner killed another domestic animal, as defined in section 8.04.140 of this Title, excluding rabbit or fowl, at a place other than upon the private property where the attacking animal is maintained.
3. Physically attacked, mauled, or physically injured by biting any person, without provocation, at a place other than upon the private property where the animal is maintained.
4. Physically attacked, mauled, or physically injured by biting any person, without provocation, when the owner thereof knows or should reasonably 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.
5. Physically attacked, mauled or physically injured by biting any guide dog for the blind, service dog for the disabled or signal (hearing) dog for the deaf, without provocation, at a place other than upon the private property where the attacking animal is maintained.
6. Physically attacked, mauled or physically injured by biting any guide dog for the blind, service dog for the disabled or signal (hearing) dog for the deaf, without provocation, when the owner of the attacking animal knows or should 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 guide dog for the blind, service dog for the disabled or signal (hearing) dog for the deaf.

7. Any animal previously determined to be and currently listed as a dangerous animal which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 8.04.265.

For purposes of this section, provocation does not include the acts of a person attempting to prevent an animal from physically attacking, mauling, or physically injuring by biting another person or animal. (SCC 1180 § 1, 2001; SCC 0892 § 10, 1992; SCC 0815 § 2, 1990.)

#### 8.04.265 Dangerous Animals.

"Dangerous Animal" means any animal including a dog (except a dog assisting a peace officer engaged in law enforcement duties) which, when unprovoked, on two separate occasions within the prior twelve (12) month period, has killed, severely bitten, inflicted injury or otherwise caused injury attacking a domestic animal off the private property of the owner or keeper of the offending animal. For purposes of this section, at least one of the occasions must have caused severe injury, as defined in Section 8.04.275. Nothing in this section shall prevent an animal which commits an offense described in section 8.04.260 from being determined vicious. (SCC 1180 § 2, 2001.)

#### 8.04.270 Vicious Behavior.

"Vicious behavior" means any acts committed by an animal as defined in Section 8.04.260. (SCC 0815 § 2, 1990.)

#### 8.04.275 Severe Injury.

"Severe Injury" means any physical injury to a human being or animal that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (SCC 1180 § 3, 2001.)

#### 8.04.280 Wild Animal.

"Wild animal" means any of the following: (1) Following members of the Class Reptilia: Order Ophidia (such as, but not limited to, racers, boas, water snakes and pythons) over eight (8) feet in length; and

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

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

2. Following members of the Class Aves: Order Falconiformes (such as, but not limited to, hawks, eagles and vultures which are not kept pursuant to federal or state permit); and Subdivision Ratitae (such as, but not limited to, ostriches, rheas, cassowaries, emus)
3. Following members of the Class Mammalia: 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, dingos, coyotes and jackals); and Order Marsupialia (such as kangaroos and opossums), and Order Chiroptera (bats); and Order Edentata (such as sloths, anteaters and armadillos); and Order Proboscidea (elephants); and Order Primata (including, but not limited to, monkeys, chimpanzees and gorillas); and Order Ungulata (expressly excluding any animal which would be included within the definition of "domestic animal" in Section 8.04.140), including, but not limited to, antelope, deer and bison.
4. Any nondomestic 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 of California. (SCC 0815 § 2, 1990.)

## TITLE 8 ANIMALS

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### Chapter 8.08 GENERAL PROVISIONS

- 8.08.010 Short Title.
- 8.08.020 Legal Effect of License.
- 8.08.030 Exemptions.
- 8.08.040 Animals Used in Business.
- 8.08.050 Prohibited Conduct.
- 8.08.051 Animals in Vehicles.
- 8.08.056 Dogs at Large.
- 8.08.060 Proper Care.
- 8.08.070 Obstruction.
- 8.08.075 Misrepresentation.
- 8.08.080 Duty to Report Bite.
- 8.08.085 Notice of Escape.
- 8.08.090 Authority to Set Fees.
- 8.08.100 Penalties.

8.08.110 Violation a Public Nuisance.

8.08.010 Short Title.

This title shall be known as, and may be cited and referred to as the "animal control ordinance." (SCC 0815 § 2, 1990; Ord. 1053 § 15, 1969.)

8.08.020 Legal Effect of License.

The issuance by Animal Control and the acceptance by the owner of any license or permit 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 Title and that the owner has satisfied the basic licensing requirements under this Title. 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. For purposes of the administration of this Title, if, pursuant to the issuance of official written notice, approval has been given by the office or agency responsible for the administration of the rule, regulation or statute in question, such approval shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation or statute in question. (SCC 0815 § 2, 1990; Ord. 1053 § 16, 1969.)

8.08.030 Exemptions.

The licensing regulations in this Title are not applicable to the following: (1) Owners who use animals for diagnostic purposes or research, the use having been approved either by the California State Board of Public Health pursuant to Section 1666 of the Health and Safety Code or by the United States Department of Agriculture;

2. Owners who use animals for teaching purposes in accredited educational institutions; or

3. Owners of animals kept as all or part of the stock of (a) nonprofit zoological gardens open to the public, (b) pet shops, (c) circuses, or (d) animal exhibits when such enterprises are operated under business licenses granted by the County. (SCC 0815 § 2, 1990; Ord. 1053 § 17, 1969.)

8.08.040 Animals Used in Business.

a. Whenever an application is made for a license to do business in Sacramento County, and the business is of a type identified in Section 8.08.030 of this Chapter, the tax collector shall, before issuance of the business license, notify the Chief of Animal Control. The Chief of Animal Control shall conduct such investigation, including physical inspection of the business premises, as is deemed appropriate to ascertain whether or not the owner of the animals is in conformity with the provisions of this Title and shall report his or her findings to the tax collector within forty-five (45) calendar days of the date of filing of the application.

If the owner is in conformity, the business license may be issued on the conditions that the owner agrees to maintain the business in conformity with the provisions of this Title and that the owner agrees to allow the Chief of Animal Control to inspect the business premises and the animals to ensure such conformity; but, if the owner is in violation of this Title, the business license may not be issued until the condition or conditions causing the violation have been corrected as determined by the Chief of Animal Control.

b. Upon receipt of a complaint of a violation of this Title against a business which has been issued a business license in accordance with the provisions of Section 8.08.040(a) herein, or upon his own volition, the Chief of Animal Control may conduct such inspection and investigation as is necessary to determine the validity of the complaint. Should the complaint be founded, the Chief of Animal Control may recommend to the tax collector in writing that the business license should be revoked.

c. The procedures set forth in Chapter 4.06 shall be followed concerning applications, denials, revocations, appeals and due process requirements concerning business licenses. (SCC 0895 § 5, 1992; SCC 0892 § 11, 1992; SCC 0815 § 2, 1990; Ord. 1053 § 18, 1969.)

#### 8.08.050 Prohibited Conduct.

No owner of any animal, wild or domestic, shall permit or suffer the animal to do any of the following:

1. Be at large (excepting the domestic cat);
2. Bite, scratch, or claw any human being or other animal without provocation;
3. Make loud or disturbing noises without provocation, including, but not limited to, chronic howling, yowling, barking, whining, or other utterances. Nothing contained herein shall be construed to apply to animal noises emanating from legally operated veterinary hospitals, humane societies, animal shelters, farm or agricultural facilities, or areas where keeping of farm animals or fowl is permitted;
4. Act or be kept in such a manner as to constitute an animal nuisance within the meaning of this Title;
5. Endanger the life or health of others;
6. Damage the property of others; or
7. Be afflicted with and not be receiving medically accepted treatment for zoonotic or other communicable disease. (SCC 0815 § 2, 1990; Ord. 1053 § 19, 1969.)

#### 8.08.051 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 as follows:

1. Safely enclosed within the vehicle;
2. Protected within a secured container carried within, upon, or by such a 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. (SCC 0815 § 2, 1990; SCC 687 § 1, 1987.)

#### 8.08.056 Dogs at Large.

No person shall permit or suffer a dog to stray from private property owned or legally possessed by the dog owner or the person who has a right to control the dog unless the dog is restrained by a leash or lead not exceeding eight feet in length, except in the following situations:

1. When the dog is assisting a peace officer who is engaged in law enforcement duties or when the dog is participating in a search and rescue effort at the specific request of a law enforcement authority;
2. When the dog is enrolled in and actually participating in a dog training or obedience course, exhibition, or competition conducted by an organization on private or public property with the permission of the owner or operator of the grounds or facilities;
3. When the dog is assisting the owner or person in charge of livestock in the herding or control of such livestock; or
4. When the dog is accompanying and under the direction of a person engaged in hunting on land which is within a restricted shooting district as defined in Section 9.40.060 of the Sacramento County Code. (SCC 0815 § 2, 1990; SCC 576 § 9, 1983; SCC 544 § 3, 1983.)

#### 8.08.060 Proper Care.

The owner of any animal, wild or domestic, shall provide proper and adequate food, water, shelter, care and attention for such animal. (SCC 1180 § 4, 2001.)

#### 8.08.070 Obstruction.

Any person who prevents, resists, or obstructs an attempt by the Chief of Animal Control pursuant to this Title to inspect or impound an animal or any person who conceals or secretes any animal subject to inspection or impoundment or any owner who fails to relinquish upon lawful demand any animal to be impounded shall be guilty of a misdemeanor. (SCC 0815 § 2, 1990; Ord. 1053 § 21, 1969.)

#### 8.08.075 Misrepresentation.

No person shall willfully make a false or misleading statement or representation to the Chief of Animal Control, acting in his or her 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 Chief of Animal Control pursuant to this Title. (SCC 0815 § 2, 1990.)

#### 8.08.080 Duty to Report Bite.

It is the duty of any person having knowledge that any animal capable of transmitting rabies has bitten or otherwise exposed to rabies a human being within Sacramento County to immediately report that fact to the Health Officer or the Chief of Animal Control and to furnish complete information thereof, including, but not limited to, any knowledge of the whereabouts of said animal. (SCC 0815 § 2, 1990; Ord. 1053 § 22, 1969.)

#### 8.08.085 Notice of Escape.

Any person keeping, harboring, maintaining, or owning a vicious or wild animal that escapes from its confinement shall immediately notify the Chief of Animal Control of such escape. Notification shall first be by phone and shall be followed with written notification which includes the following information, as known:

1. The date, place, and time of the animal's escape.
2. A description of the animal and its condition at the time of escape; and
3. The name, address, and residential and occupational telephone numbers of the owner of the animal. (SCC 0892 § 14, 1992; SCC 0815 § 2, 1990.)

#### 8.08.090 Authority to Set Fees.

Unless a fee amount is specifically provided within this Title, the Board of Supervisors shall by resolution, from time to time, establish fees including but not limited to, fees for impoundment, licensing, kenneling, adoption, and boarding of animals. (SCC 0815 § 2, 1990; SCC 486 § 1, 1981.)

8.08.100 Penalties.

a. Notwithstanding the provisions of Section 1.01.190 of the Sacramento County Code and unless otherwise stated in this Title, a violation of any of the provisions of Title 8, or failure to comply with any of the regulatory requirements of Title 8, shall be punishable as follows:

1. A first violation shall be an infraction subject to the procedures described in Section 19.6 and 19.7 of the California Penal Code; and

2. A second or subsequent violation committed within thirty (30) calendar days of the previous violation shall be a misdemeanor.

b. Every violation of Title 8 constituting an infraction is punishable by:

1. A fine not exceeding \$50 for a first violation;

2. A fine not exceeding \$100 for a second violation of the same ordinance provisions within one year; or

3. A fine not exceeding \$250 for each additional violation of the same ordinance provision within one year.

c. Every violation of Title 8 constituting a misdemeanor is punishable by a fine not in excess of \$500 or by imprisonment in the County Jail for not more than six months or by both.

d. Assessment of other penalties as prescribed herein notwithstanding, violations of this Title may result in revocation of license or permit. (SCC 0815 § 2, 1990; SCC 586 § 1, 1984; SCC 576 § 11, 1983.)

8.08.110 Violation a Public Nuisance.

The maintenance of any animal in violation of any provision of this Title or any order of a Hearing Officer issued pursuant to this Title constitutes a public nuisance. (SCC 0815 § 2, 1990.)

TITLE 8 ANIMALS

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Chapter 8.12 ANIMAL CONTROL

8.12.010 Jurisdiction.

8.12.020 Responsibility.

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8.12.040 Authority to Carry Firearms.

- 8.12.050 Authority to Arrest and to Issue Citations.
- 8.12.060 Authority to Pursue.
- 8.12.070 Authority to Use Tranquilizer Equipment.
- 8.12.080 Authority to Destroy.
- 8.12.090 Authority to Contract.
- 8.12.010 Jurisdiction.

The Chief of Animal Control, under direction, shall supervise the Animal Control Center and all Animal Control personnel. (SCC 0815 § 2, 1990; SCC 304 § 5, 1977; Ord. 1053 § 23, 1969.)

#### 8.12.020 Responsibility.

The Chief of Animal Control is responsible for the regulation and the enforcement of this Title and other laws dealing with animals existing within the unincorporated territory of the County and those incorporated areas thereof which may, from time to time, contract with the County for such services. The duties of the Chief of Animal Control shall include, but not be limited to, the following:

1. To administer the Animal Control Center and keep such records as may be required;
2. To take up and impound animals which are in violation of this Title;
3. To remove and dispose of the carcass of any animal found on any public highway, street, alley or other public place;
4. To quarantine animals and to cooperate with the County Health Officer; and
5. To administer licensing and permit programs as provided for in this Title. (SCC 0892 § 15, 1992; SCC 0815 § 2, 1990; SCC 304 § 6, 1977; Ord. 1053 § 24, 1969.)

#### 8.12.030 Rules and Regulations.

The Chief of Animal Control may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of this Title. Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any license or permit provided for herein. (SCC 0815 § 2, 1990; Ord. 1053 § 25, 1969.)

#### 8.12.040 Authority to Carry Firearms.

The Director may authorize the Chief of Animal Control and such animal control officers as he or she may specifically designate in writing to carry firearms when acting in the course and scope of their employment pursuant to Section 12031 of the Penal Code of California. (SCC 0815 § 2, 1990; Ord. 1053 § 26, 1969.)

#### 8.12.050 Authority to Arrest and to Issue Citations.

In the performance of his or her duties, the Chief of Animal Control and each animal control officer shall have the authority and immunities of public officers and employees as set forth in California Penal Code Section 836.5 to make arrests without a warrant or to issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the California Penal Code whenever he or she has probable cause to believe that the person to be arrested has committed a violation of this Title or of any ordinance or statute which he or she has the duty to enforce. (SCC 0815 § 2, 1990; SCC 7 § 1, 1970.)

#### 8.12.060 Authority to Pursue.

In the performance of his or her duties, the Chief of Animal Control and each animal control officer shall have the authority, when in pursuit of an animal which is in violation of a provision of this code, to go upon the property of the owner or a third person for the purpose of impounding the animal, provided that in the course of such pursuit he or she shall exercise reasonable care to avoid causing damage to the property and shall comply with Section 8.16.015 of this code. (SCC 0815 § 2, 1990; SCC 7 § 2, 1970.)

#### 8.12.070 Authority to Use Tranquilizer Equipment.

In the performance of his or her duties, the Chief of Animal Control 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. (SCC 0815 § 2, 1990; SCC 7 § 2, 1970.)

#### 8.12.080 Authority to Destroy.

The Chief of Animal Control 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. (SCC 0815 § 2, 1990.)

#### 8.12.090 Authority to Contract.

The Director shall have the authority to contract in the name of the County of Sacramento for the services of a Hearing Officer as defined in Section 8.04.190 of this Title at rates for such services which do not exceed the prevailing rate per hour of similar services rendered within the County.

The form of all such contracts shall have been approved by County Counsel. (SCC 0815 § 2, 1990.)

## TITLE 8 ANIMALS

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### Chapter 8.16 IMPOUNDMENT

#### 8.16.010 Animals Subject To.

#### 8.16.015 Impoundment on Private Property.

- 8.16.016 Notice of Impoundment.
- 8.16.020 Duration.
- 8.16.030 Redemption.
- 8.16.040 Disposition of Impounded and Surrendered Animals.
- 8.16.045 Livestock Hauling Fee.
- 8.16.050 Impoundment Fees.
- 8.16.060 Absence of Liability.
- 8.16.070 Relief From Fees.
- 8.16.080 Waiver of Fees.
- 8.16.010 Animals Subject To.

Any animal shall be taken up and impounded at the Animal Control Center (or at such other place as may be approved by the Director) if, to the knowledge of the Chief of Animal Control, any of the following conditions exist:

1. Said animal is engaged in an activity or existing in a condition prohibited by this Title;
2. Said animal is, or will be, without proper care due to the injury, illness, death, incarceration, or other involuntary absence of the owner or person responsible for the care of such animal; or
3. Said animal is required to be quarantined. (SCC 0815 § 2, 1990; Ord. 1053 § 27, 1969.)

8.16.015 Impoundment on Private Property.

An animal which has become subject to impoundment while off the property of its owner and has returned to the same shall not be impounded if the owner is present to accept a citation for the offense, unless, except as provided in Section 53074 of the California Government Code, a clear and present danger to public safety exists by virtue of the animal remaining upon the property. (SCC 0815 § 2, 1990.)

8.16.016 Notice of Impoundment.

When an animal wearing a Sacramento County license is impounded, the Chief of Animal Control shall attempt to notify the owner of record by telephone or by mail of the date and place of impoundment or removal. (SCC 0815 § 2, 1990.)

8.16.020 Duration.

***NOTE FROM TAC – PROVISIONS HAVE NOT BE AMENDED TO COMPLY WITH STATE HAYDEN REQUIREMENTS, FOOD & AG CODE SECTION:***

***"31108. (a) The required holding period for a stray dog impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows:***

*(1) If the public or private shelter has made the dog available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.*

*(2) If the public or private shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the public or private shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.*

*Except as provided in Section 17006, stray dogs shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period."*

*(b) Except as provided in Section 17006, any stray dog that is impounded pursuant to this division shall, prior to the euthanasia of that animal, be released to a nonprofit, as defined in Section 501 (c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. The public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released.*

*(c) During the holding period required by this section and prior to the adoption or euthanasia of a dog impounded pursuant to this division, a public or private shelter shall scan the dog for a microchip that identifies the owner of that dog and shall make reasonable efforts to contact the owner and notify him or her that his or her dog is impounded and is available for redemption.*

*31108.5. (a) (1) Upon relinquishment of a dog to a public or private shelter, the owner of that dog shall present sufficient identification to establish his or her ownership of the dog and shall sign a statement that he or she is the lawful owner of the dog.*

*(2) Any person who provides false information pursuant to this subdivision about his or her ownership of the dog shall be liable to the true owner of the dog in the amount of one thousand dollars (\$1,000).*

*(b) Upon relinquishment, the dog may be made available for immediate euthanasia if it has a history of vicious or dangerous behavior documented by the agency charged with enforcing state and local animal laws.*

a. All impounded dogs found wearing a current Sacramento County dog license tag shall be kept in the Animal Control Center or other authorized place of impoundment for a period of not less than seven (7) calendar days after the day of impoundment unless redeemed within such period except as provided in Section 8.16.040 (e) of this Title.

b. All impounded dogs not wearing a current Sacramento County dog license tag shall be kept in the Animal Control Center or other authorized place of impoundment for a period of not less than three (3) calendar days after the day of impoundment unless redeemed within such period except as provided in Section 8.16.040 (e) of this Title.

c. Any impounded animal which is of a type referred to in Section 17003 of the California State Agricultural Code shall be kept in the Animal Control Center for at least five (5) calendar days 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.

d. Any animal impounded pursuant to Section 8.16.010 (2) of this Title shall be kept in the Animal Control Center or other authorized place of impoundment for at least fourteen (14) calendar days.

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

f. Any animal which is voluntarily surrendered to or deposited with the Chief of Animal Control 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 shall not be kept or retained for any minimum period of time. (SCC 0815 § 2, 1990; SCC 7 § 4, 1970; Ord. 1053 § 28, 1969.)

#### 8.16.030 Redemption.

a. The owner of any animal impounded may, at any time before the expiration of the period of impoundment, redeem the animal by paying all fees and charges accrued provided, however, that if the animal is one which is subject to the licensing provisions of this Title, 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 Section 8.20.040 of this Title within fourteen (14) calendar days; and

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

Otherwise, the subject animal must be vaccinated against rabies by a veterinarian designated by the Director of Animal Care and Regulation 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.

c. If the impounded animal was previously impounded and released, 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 animal has been spayed or neutered prior to its release either by the Department or by a Department approved veterinarian designated by the owner and the cost of spaying or neutering the animal, including any additional impoundment fees, have been paid by the owner. The Director may release the animal without compliance with this subdivision if satisfied that impoundment was not occasioned by the fault or negligence of the animal's owner. (SCC 1000 § 1, 1995; SCC 0815 § 2, 1990; Ord. 1053 § 28, 1969.)

#### 8.16.040 Disposition of Impounded and Surrendered Animals.

a. Except as otherwise provided in this Title, an impounded animal which is not redeemed within the applicable holding period specified in this Title or an animal voluntarily surrendered to the Chief of Animal Control, except an animal that has been impounded for quarantine or is known to have bitten a human or to have demonstrated dangerous or vicious propensities, may, at the discretion of the Chief of Animal Control, be sold for its fair market value as determined by the Chief of Animal Control plus the applicable sales tax and upon reasonable conditions as the Chief of Animal Control finds appropriate or may be destroyed.

***NOTE FROM TAC: STATE VINCENT PROVISIONS APPLY TO STERILIZATION PRIOR TO ADOPTION AND ARE NOT REFLECTED IN THIS ORDINANCE.***

b. When any unsterilized dog or cat is to be sold pursuant to this section, prior to the delivery of the animal there shall be deposited by the purchaser with the Chief of Animal Control an amount of money which shall be for the payment to a veterinarian for spaying or neutering of the purchased animal. The amount of said deposit shall be designated by the Chief of Animal Control and shall cover the approximate average cost of spaying or neutering. The deposit shall be forwarded to the veterinarian or clinic or to the owner of the animal upon receipt by the Chief of Animal Control of a notice from the veterinarian or clinic that the animal has been spayed or neutered.

c. The provisions of this section shall not apply when dogs or cats are sold to established medical research facilities under a written agreement that upon completion of medical

research any dog or cat purchased by the research facility will either be spayed or neutered prior to release from the premises of the medical research facility or will be euthanized.

d. When an animal is sold, the receipt issued by the Chief of Animal Control shall be valid title to the purchaser.

e. Notwithstanding any other provision of this Title to the contrary, an impounded animal which is determined by the Chief of Animal Control or the Health Officer to constitute a health hazard or which is critically injured or ill may be destroyed or otherwise disposed of as ordered by the Chief of Animal Control upon the concurrence of the Health Officer or a licensed veterinarian. (SCC 0815 § 2, 1990; SCC 257 § 1, 1976; SCC 178 § 1, (part) 1974; SCC 164 § 1, 1974; SCC 7 § 5, 1970; Ord. 1053 § 30, 1969.)

#### 8.16.045 Livestock Hauling Fee.

a. When it is necessary for the impoundment of livestock or large quadruped animals to utilize specialized hauling equipment, the owner of the animals shall be charged a livestock hauling fee.

b. A schedule of fees for hauling livestock shall be established by the Chief of Animal Control. Such schedule of fees shall reflect the approximate cost of impounding and hauling the livestock or other large animals including labor and transportation. (SCC 0815 § 2, 1990; SCC 260 § 1, 1976; SCC 7 § 6, 1970.)

#### 8.16.050 Impoundment Fees.

The Director of Animal Care and Regulation shall charge and collect fees for every impounded animal whether or not the animal is claimed. Fees must be paid prior to release of an impounded animal; except that, in the event of undue hardship, the Director of Animal Care and Regulation may accept the promissory note of the owner or other responsible party. The amount of said fees shall be established as provided in Section 8.08.090 of this Title. (SCC 0999 § 5, 1995; SCC 0815 § 2, 1990; SCC 486 § 2, 1981; SCC 164 § 2, 1974; Ord. 1053 § 31, 1969.)

#### 8.16.060 Absence of Liability.

No liability shall be incurred for the disposition of any animal made pursuant to the provisions of this Title. (SCC 0815 § 2, 1990; Ord. 1053 § 32, 1969.)

#### 8.16.070 Relief From Fees.

Upon the recommendation of the Chief of Animal Control to the Director and with the approval of the Board of Supervisors, the fees provided for by this Title may be waived when animals have been impounded because of civic disorganization, disruption or other

conditions of civil emergency or because of devastation due to fire, flood, earthquake, storm or other natural calamity. (SCC 0815 § 2, 1990; SCC 87 § 1, 1972.)

#### 8.16.080 Waiver of Fees.

The Director may authorize the Chief of Animal Control to waive, in full or in part, fees, exclusive of licensing or permit fees, if necessary to accomplish the protection of animal or public health, safety, or welfare or if the owner provides satisfactory evidence that he or she was not at fault, explicitly or implicitly, for the impoundment or keeping of the animal at the Animal Control Center. (SCC 0815 § 2, 1990.)

### TITLE 8 ANIMALS

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#### Chapter 8.20 RABIES

8.20.010 Quarantine.

8.20.020 Delivery of Carcass.

8.20.030 Epidemics.

8.20.040 Vaccination.

8.20.010 Quarantine.

a. The Chief of Animal Control 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 Control Center or at such other place and under such conditions as are prescribed by the Health Officer or authorized according to other applicable California 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 in 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 Title, the animal may, at the discretion of the Chief of Animal Control, be quarantined on the property of the owner provided the following:

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 Health Officer or the Chief of Animal Control during the period of quarantine to surrender the animal to the Chief of Animal Control, and

3. The owner agrees to immediately notify the Chief of Animal Control if the animal escapes, becomes ill, 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. (SCC 0815 § 2, 1990; Ord. 1053 § 33, 1969.)

#### 8.20.020 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 Chief of Animal Control shall obtain and hold for the Health Officer the carcass of the animal or an adequate specimen thereof, except that the Chief of Animal Control is not responsible for the gathering of a specimen from the carcass of an animal. (SCC 0815 § 2, 1990; Ord. 1053 § 33, 1969.)

#### 8.20.030 Epidemics.

The Health Officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs 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 the dogs and other 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 by humane methods. Such rules and regulations shall be effective when filed with the Clerk of the Board of Supervisors. It shall be the duty of the Chief of Animal Control to comply with all directives of the Health Officer in the enforcement of the rules and regulations. A violation of any such rules and regulations shall be deemed a violation of this Title. (SCC 0815 § 2, 1990; Ord. 1053 § 33, 1969.)

#### 8.20.040 Vaccination.

a. Every dog over four months of age shall have a medically current vaccination with an appropriate anti-rabies vaccine approved by the California State 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 Chapter.

d. Every veterinarian, after vaccinating a dog or cat for rabies, shall issue a 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 or her agent.

e. If a copy of the certificate is on file with the Chief of Animal Control, a duplicate copy may be provided when requested by the owner of the animal. A fee shall be charged for each duplicate certificate issued.

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 his or her 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 by the Health Officer, the Chief of Animal Control may exempt the animal from the vaccination requirements herein so long as the animal is confined at all times and so long as the medical condition is proven to exist. (SCC 0815 § 2, 1990; SCC 260 § 2, 1976; Ord. 1053 § 33, 1969.)

## TITLE 8 ANIMALS

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### Chapter 8.24 DOGS

8.24.010 Unlicensed Dogs.

8.24.020 Unvaccinated Dogs.

8.24.030 Dog Licenses.

8.24.040 Sentry Dogs.

8.24.010 Unlicensed Dogs.

Every owner of an unlicensed or untagged dog shall be deemed to be in violation of this Title except as otherwise provided herein. (SCC 0815 § 2, 1990; Ord. 1053 § 37, 1969.)

#### 8.24.020 Unvaccinated Dogs.

Every owner of a dog which does not have a current vaccination for rabies as evidenced by an official certificate therefor, shall be deemed to be in violation of this Title except as otherwise provided herein. (SCC 0815 § 2, 1990; Ord. 1053 § 38, 1969.)

#### 8.24.030 Dog Licenses.

a. Every dog over four (4) months of age shall be subject to an annual dog license fee, due and payable by its owner not later than when the dog is five (5) months of age or, if the dog is mature when acquired, within thirty (30) calendar days of acquisition of or entry into the County. Thereafter, such license fee shall become due and payable annually on the date of expiration of any license previously issued to the owner for the dog. The amount of such fee shall be established in accordance with Section 8.08.090 of this Title but shall be charged only in full and not on any pro rata formula.

b. Upon the written certification of a veterinarian that a dog has been surgically sterilized, the amount of the license fee shall be one-half or less than the fee established for intact dogs.

c. No dog license shall be issued for any dog for which the rabies vaccination is valid for less than the twelve (12) months period from the date of licensing or for any dog not vaccinated with a vaccine authorized by the State of California. Should the rabies vaccination not be valid for twelve (12) months from the date of first application for licensing, the owner may elect either: (1) to be issued a license at full price which would be valid for less than twelve (12) months; or (2) to revaccinate the animal and be issued a license at full price which would be valid for no less than twelve (12) months.

For example, the dog is vaccinated in January with a vaccine that will expire the following January but the owner does not apply for the license until June. The owner may elect either (1) to purchase at full price a license valid only through January; or (2) to have the animal revaccinated and then purchase a license which would be valid through the following June. Thereafter, the license would always be due in January, if purchased on the first option, or in June, if purchased on the second.

d. A dog license fee shall become delinquent fourteen (14) calendar days after it becomes due and payable, and upon delinquency, an additional delinquent fee as established in accordance with Section 8.08.090 of this Title shall be added to the regular fee. An unpaid delinquent fee shall be added to the succeeding year's license fee.

e. The Chief of Animal Control shall procure and issue serially numbered license tags stamped with the name of the County and annual renewal decals indicating the month and

year of issuance. The tag or decal shall only be issued upon the application of owners who have complied with the vaccination and fee provisions of this Title.

f. Upon presentation by the dog owner of a properly completed license application form, including proof that the rabies vaccination will be valid throughout the licensing period, and the proper license fee, and, if applicable, a delinquent fee, the Chief of Animal Control shall issue a dog license and a license tag or renewal decal. The dog owner shall retain the dog license form for inspection by the Chief of Animal Control.

g. Every dog shall be provided by the owner with a suitable collar, harness, or other device to which the dog license tag shall be securely affixed. The dog owner shall ensure that the dog wears such license tag and decal at all times except when the dog is being prepared for or exhibited at a dog show.

h. A license tag or decal issued for one dog shall not be transferred or attached to any other dog.

i. A license issued to one owner shall not be transferred to another owner.

j. Whenever a license tag or decal is lost, stolen, or damaged the owner shall apply for and obtain a replacement tag or decal from the Chief of Animal Control upon payment of the prescribed replacement fee.

k. A fee shall not be levied for any dog license issued for a Seeing-Eye dog owned by a blind or partially blind person or for any dog duly trained and registered with a training agency to assist a disabled person when such dog is actively used for the purpose trained or for any dog primarily used to assist a peace officer engaged in law enforcement duties.

l. Despite anything in this Title to the contrary, when an owner brings into the County a dog which has been licensed in another jurisdiction the dog shall not be subject to the licensing provisions of this section for so long as the out-of-county license would be current and valid at its place of issuance but not more than twelve (12) months from entering the County and so long as issuance of said license would have satisfied the provisions of Section 8.24.030 (b) of this Chapter. Upon surrender of the license from the other jurisdiction, the owner shall be issued a Sacramento County dog license at no charge. (SCC 0815 § 2, 1990; Ord. 1053 § 39, 1969.)

#### 8.24.040 Sentry Dogs.

Every dog which is commercially used as a protection or sentry dog must, in addition to satisfaction of the provisions of Section 8.24.030, wear at all times a distinctive type of identification as authorized and provided by the Chief of Animal Control which identifies to the public that the animal is a protection or sentry dog. (SCC 0815 § 2, 1990; SCC 486 § 3, 1981.)

## TITLE 8 ANIMALS

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### Chapter 8.25 CATS

#### 8.25.010 Unlicensed Cats.

#### 8.25.020 Unvaccinated Cats.

#### 8.25.030 Cat Licenses.

#### 8.25.010 Unlicensed Cats.

Every owner of an unlicensed or untagged cat shall be deemed to be in violation of the Title except as otherwise provided herein. (SCC 0958 § 5, 1994.)

#### 8.25.020 Unvaccinated Cats.

Every owner of a cat which does not have a current vaccination for rabies as evidenced by an official certificate therefor, shall be deemed to be in violation of this Title except as otherwise provided herein. (SCC 0958 § 5, 1994.)

#### 8.25.030 Cat Licenses.

a. Every cat over four (4) months of age shall be subject to an annual cat license fee, due and payable by its owner not later than when the cat is five (5) months of age or, if the cat is over four (4) months of age when acquired, within thirty (30) calendar days of acquisition of or entry into the County. Thereafter, such license fee shall become due and payable annually on the date of expiration of any license previously issued to the owner for the cat. The amount of such fee shall be established in accordance with Section 8.08.090 of this Title but shall be charged only in full and not on any pro rata formula.

b. Upon the written certification of a veterinarian that a cat has been surgically sterilized, the amount of the license fee shall be one-half or less than the fee established for cats that have not been surgically sterilized.

c. No cat license shall be issued for any cat for which the rabies vaccination is valid for less than the twelve (12) months period from the date of licensing or for any cat not vaccinated with a vaccine authorized by the State of California. Should the rabies vaccination not be valid for twelve (12) months from the date of first application for licensing, the owner may elect either: (1) to be issued a license at full price which would be valid for less than twelve (12) months; or (2) to revaccinate the animal and be issued a license at full price which would be valid for no less than twelve (12) months.

d. A cat license fee shall become delinquent fourteen (14) calendar days after it becomes due and payable, and upon delinquency, an additional delinquent fee as established in accordance with Section 8.08.090 of this Title shall be added to the regular fee. An unpaid delinquent fee shall be added to the succeeding year's license fee.

e. The Director of Animal Control shall procure and issue serially numbered license tags stamped with the name of the County and annual renewal decals indicating the month and year of issuance of owners who have complied with the vaccination and fee provisions of this Title.

**f. Upon presentation by the cat owner of a properly completed license application form, including proof that the rabies vaccination will be valid throughout the licensing period, and the proper license fee, and, if applicable, a delinquent fee, the Director of Animal Control shall issue a cat license and a license tag or renewal decal. The cat owner shall retain the cat license form for inspection by the Director of Animal Control.**

**g. Every cat shall be provided by the owner with a suitable collar, harness, or other device to which the cat license tag shall be securely affixed unless another method of identification approved in writing by the Director of Animal Control is used. The cat owner shall ensure that the cat wears such license tag or other identification approved by the Director of Animal Control. Other approved methods of identification include, but are not limited to, an ear tag or a microchip which can be read by electronic reading devices used by Sacramento County Animal Control. The owner shall ensure that the cat wears a license tag with decal or other approved identification, at all times except when the cat is being prepared for or exhibited at a cat show or unless an acceptable microchip is used in place of other identification.**

**h. A license tag or decal issued for one cat shall not be transferred or attached to any other cat.**

**i. A license issued to one owner shall not be transferred to another owner.**

**j. Whenever a license tag or decal is lost, stolen, or damaged, the owner shall apply for and obtain a replacement tag or decal from the Director of Animal Control upon payment of the prescribed replacement fee.**

**k. Despite anything in this Title to the contrary, when an owner brings into the County a cat which has been licensed in another jurisdiction, the cat shall not be subject to the licensing provisions of this section for so long as the out-of-county license would be current and valid at its place of issuance but not more than twelve (12) months from entering the County and so long as issuance of said license would have satisfied the provisions of Section 8.25.030 (b) of this Chapter. Upon surrender of the license from the other jurisdiction, the owner shall be issued a Sacramento County cat license at no charge.**

**l. Unowned cats (including farm cats as defined in Section 8.04.047) are excluded from the licensing requirement of this section. (SCC 0958 § 5, 1994.)**

## TITLE 8 ANIMALS

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### Chapter 8.26 PERMITS

8.26.005 Purpose.

8.26.010 Permits.

8.26.015 Permit Required.

8.26.020 Special Regulations.

8.26.025 Application Filing.

8.26.030 Application Contents.

8.26.035 Fees.

8.26.040 Investigation.

8.26.045 Public Notice.

- 8.26.050 Issuance.
- 8.26.055 Conditions.
- 8.26.060 Contents of Permits.
- 8.26.065 Changes in Status.
- 8.26.070 Renewal of Permits.
- 8.26.075 Standards.
- 8.26.080 Compliance with Standards.
- 8.26.085 Failure to Comply with Standards.
- 8.26.100 Grounds for Denial or Revocation.
- 8.26.105 Method of Denial or Revocation.
- 8.26.110 Appeals.
- 8.26.115 Effect of Revocation.
- 8.26.120 Removal of Animals.
- 8.26.005 Purpose.

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

1. The operation of kennels as defined in Section 8.04.210 of this Title;
2. The keeping of wild animals as defined in Section 8.04.280 of this Title; and
3. The operation of catteries as defined in Section 8.04.080 of this Title.

The operation of kennels or catteries and the keeping of wild animals constitute types of activity which require special investigation, review and regulation to ensure that both public and animal health, safety, and welfare are protected. The necessity to conduct such investigation, review and regulation arises for reasons which include, but are not necessarily limited to, the following: (i) the fact that such activities create health or safety risks which require special regulation and (ii) the tendency of such activities to create, whether intentionally or unintentionally, a public nuisance. (SCC 0815 § 2, 1990.)

#### 8.26.010 Permits.

Within the context of this Chapter and unless otherwise stated, "Permits" shall include licenses issued by the Chief of Animal Control pursuant to the provisions of this Chapter which authorize either the maintaining and operating of a kennel or cattery (a Kennel/Cattery Permit) or the keeping of a wild animal (a Wild Animal Permit) but shall not include licenses issued by the Chief of Animal Control pursuant to the provisions of Chapter 8.24 which authorize the keeping of a dog. (SCC 0815 § 2, 1990.)

#### 8.26.015 Permit Required.

- a. No person shall maintain or operate a kennel or cattery or keep, harbor, or maintain a wild animal within the geographic area of the County governed by this Title without first, being appropriately zoned for such activity and second, applying to and receiving from the Chief of Animal Control an annual permit to do so.

b. A person shall be deemed to maintain or operate a kennel if the person, without an applicable General Business License in effect, keeps, harbours, or maintains more than four (4) dogs over four (4) months of age.

c. A person shall be deemed to maintain or operate a cattery if the person, without an applicable General Business License in effect, keep, harbours, or maintains more than **four (4) cats over six (6) months of age.**

d. The following shall be exempt from the requirements of this Chapter:

**1. Catteries when the cats are physically restrained or confined to the place of keeping and when no founded complaints by the public or observations by Animal Control of a violation of any provisions of this Title are made;**

**2. Enterprises maintained or operated solely and exclusively as animal facilities pursuant to a General Business License;**

3. Persons keeping wild 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

4. 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 maintains wild 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 animal. (SCC 0815 § 2, 1990.)

#### **8.26.020 Special Regulations.**

**The operation of kennels or catteries in appropriately zoned areas and the keeping of wild animals are subject to special regulations governing their operations as set forth in Chapter 8.26 of this Title. Any such regulations not specifically set forth herein shall be promulgated by the appropriate officer and shall be effective when filed with the Clerk of the Board of Supervisors.**

**The issuance of a permit shall not be deemed to relieve or excuse the owner from the provisions and requirements of Title 8 in its entirety; nor from a requirement, under Chapter 4.06 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 or cattery enterprise or the keeping of such wild animals. (SCC 0815 § 2, 1990.)**

#### **8.26.025 Application Filing.**

**All applications for a permit shall be filed, with the required fees, with the Chief of Animal Control. Applications for a Kennel/Cattery Permit shall be accompanied by copies of the rabies vaccination certificates for all dogs or cats to be kept pursuant to the Kennel/Cattery Permit. The Chief of Animal Control shall receive any fee required for the application, assure that the application is complete, and conduct such investigation and review as is necessary for action. (SCC 0815 § 2, 1990.)**

#### 8.26.030 Application Contents.

The application for a permit shall contain such information and be filed on a form as is prescribed by the Chief of Animal Control and shall include the following:

1. A complete description of either the type, nature, and extent of the kennel or cattery to be operated and for which the Kennel/Cattery Permit application is made or the type, nature, and place of keeping of the animal for which the Wild Animal Permit application is being made;
2. The street address of the location of the kennel or cattery or place of keeping;
3. A copy of the plot map of the property where the kennel or cattery is to be located;
4. The number and description of the animals to be kept therein;
5. The name, street address, and business and home telephone numbers of the person who owns the kennel or cattery or wild animal for which permit application is made;
6. The name, street address, and business and home telephone numbers 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 Title or an affidavit affirming that the animal, if of a type capable of transmitting rabies, has no history of having attacked or bitten a human being; and
8. Such other and further information as is deemed necessary to administer the provisions of this Chapter. (SCC 0815 § 2, 1990.)

#### 8.26.035 Fees.

- a. The fee for the issuance of a permit shall be due and payable by the owner within thirty (30) calendar days of the establishment of the kennel or cattery or the keeping of the wild animal within the County and thereafter on the same date each calendar year, the amount of which shall be established pursuant to Section 8.08.090 of this Title.
- b. The fee for a permit becomes delinquent fourteen (14) calendar days after it becomes due and payable, and upon delinquency, an additional delinquent fee as established

pursuant to Section 8.08.090 of this Title shall be added to the regular fee. (SCC 0815 § 2, 1990.)

#### 8.26.040 Investigation.

The Chief of Animal Control shall conduct such investigation of the background of the owner and the applicant and the history and physical condition of the kennel or cattery or the keeping of wild animal, including physical inspection of the premises, as is deemed appropriate. The Chief of Animal Control shall evaluate each application to determine whether the operation of the kennel or cattery or the keeping of the wild animal will involve a risk to the health, safety, or welfare of the public or the animal to be kept. The Chief of Animal Control shall consider as evidence of disregard for the purposes of this Chapter any revocation of prior permits or applicable General Business Licenses, or conviction on charges directly related to animal cruelty involving the applicant or owner. Such character evidence may be used as cause for denying the application for a permit. (SCC 0815 § 2, 1990.)

#### 8.26.045 Public Notice.

Within fourteen (14) calendar days of receipt of an application for a permit, the Chief of Animal Control shall make public notice of said application by conspicuously posting such notice in the immediate vicinity of the location for which the permit is sought. Such notice shall give the name of the applicant, the address of the kennel or cattery or the place of keeping of the wild animal, and direction to interested parties that information applicable to the issuance of the permit should be made in writing and mailed to the Chief of Animal Control at the address of the Animal Control Center as indicated in the notice within fourteen (14) calendar days of the making of public notice. (SCC 0815 § 2, 1990.)

#### 8.26.050 Issuance.

The Chief of Animal Control shall issue the permit within ninety (90) calendar days after the date of application unless either:

1. The Chief of Animal Control finds in writing that applicant fails to provide information requested with the application which is essential to making a determination;
2. The Chief of Animal Control finds in writing that any of the statements made in the application or supplementary information submitted are incorrect or untrue;
3. The Chief of Animal Control finds in writing an authorized basis for denial of the permit;
4. The Chief of Animal Control finds in writing that the applicant does not satisfy any requirement applicable to the permit; or

5. The Chief of Animal Control finds in writing that the applicant or enterprise does not conform to existing Federal, State, or local zoning codes, health and safety codes, business codes, or other laws, ordinances or requirements governing operation of such a kennel or cattery enterprise or the keeping of such wild animal. (SCC 0815 § 2, 1990.)

#### 8.26.055 Conditions.

The Chief of Animal Control may issue a permit upon such conditions relating to the method or manner of operation of the kennel or cattery or the keeping of wild animal as he or she deems necessary to protect the health and safety of the public or the animals kept.

Any condition imposed pursuant to the provisions of this Section, whether established at the time of issuance, at the time of renewal or during the term of a permit, shall be embodied, together with the reasons therefore, in a written notice which is served upon the applicant or holder. The condition shall become effective fourteen (14) calendar day following the date of service of the notice thereof; provided that in the event an appeal therefrom is filed within the time and in the manner prescribed, the condition shall not become effective until the appeal is finally determined. (SCC 0815 § 2, 1990.)

#### 8.26.060 Contents of Permits.

The permit shall contain a complete description of the kennel or cattery or place of keeping authorized by the permit; the business name (if applicable), address, and telephone number of the location so permitted; the name, address, and business and home telephone numbers of the owner of the kennel or cattery or the keeper of the wild animal, the number of animals to be kept pursuant to the permit, and any conditions upon which the permit is issued. The Kennel/Cattery Permit or the Wild Animal Permit or a copy thereof shall be made available for inspection upon demand by any public or peace officer acting within the scope and course of his or her employment. (SCC 0815 § 2, 1990.)

#### 8.26.065 Changes in Status.

During the term of any permit issued pursuant to this Chapter, the holder of the permit shall immediately file, in writing with the Chief of Animal Control, notice of any changes in the kennel or cattery or the location of keeping of the animal which relate to changes in the information given in the application for the permit. The Chief of Animal Control shall issue an amended permit which shows any changes in the permit. (SCC 0815 § 2, 1990.)

#### 8.26.070 Renewal of Permits.

Approximately forty-five (45) calendar days prior to the expiration of the term of a permit, the Chief of Animal Control shall transmit to the permit holder by mail an application for renewal. The application for renewal shall be on such a form and include

such information as is required by the Chief of Animal Control and as is consistent with the information required in Section 8.26.030 of this Chapter.

The application for renewal shall be subject to the same provisions and shall be processed in the same manner as is specified in Sections 8.26.025, 8.26.030 and 8.26.040 of this Chapter, with the exception that the Chief of Animal Control shall act upon the application for renewal not later than thirty (30) calendar days after the date a valid application for renewal is filed.

The Chief of Animal Control shall extend the term of the immediately preceding permit during the period of any investigation or examination required to determine whether the permit should be renewed. (SCC 0815 § 2, 1990.)

#### 8.26.075 Standards.

The Chief of Animal Control shall, with the approval of the Director, set minimum standards for the proper care and maintenance both of a kennel or cattery or a place of keeping of wild animals and of the animals kept therein which are, at a minimum, consistent with applicable State and Federal standards. A copy of such Standards shall be provided in writing to the applicant with each initial application for or application for renewal of permit.

The Chief of Animal Control shall notify each permit holder no less than ninety (90) calendar days in advance of any proposed change in the Standards and shall advise the permit holder that comments regarding any change may be submitted to the Director for review and consideration within thirty (30) calendar days of notification. No change in the Standards may be put in force without authorization of the Director given at least thirty (30) calendar days in advance of the proposed effective date of the change. No such standard or change shall become effective until filed with the Clerk of the Board of Supervisors. (SCC 0815 § 2, 1990.)

#### 8.26.080 Compliance with Standards.

Each applicant or permit holder must demonstrate that the premises, facilities, cages, vivariums, aquariums and equipment addressed in the permit comply with the Standards on an ongoing basis. Upon request of the Chief of Animal Control, and during normal business hours or by a mutually agreed time for appointment, the applicant or permit holder must make the premises, facilities, cages, vivariums, aquariums and equipment available for inspection by the Chief of Animal Control.

All animals to be kept or kept pursuant to the permit shall be subject to visual inspection on the designated premises by the Chief of Animal Control. Failure to allow visual inspection as required shall be deemed failure to comply with the requirements of this Chapter and shall be considered cause for denial of application or for revocation of the permit. (SCC 0815 § 2, 1990.)

#### 8.26.085 Failure to Comply with Standards.

If the applicant or permit holder fails to meet the requirements set in the Standards, the Chief of Animal Control shall so notify the applicant or permit 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 permit holder of any existing deficiency 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 permit 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 day after the discovery of the deficiency.

Failure to correct the noted deficiencies as required shall be deemed failure to comply with the Standards and shall be considered cause for denial of application or for revocation of the permit and may be considered cause for animal nuisance abatement. (SCC 0815 § 2, 1990.)

#### 8.26.100 Grounds for Denial or Revocation.

The Chief of Animal Control may deny an initial application for or application for renewal of a permit or may revoke a permit during its term if written findings described by Section 8.26.050 or Section 8.26.085 of this Title are made. (SCC 0815 § 2, 1990.)

#### 8.26.105 Method of Denial or Revocation.

A denial of an initial application for or application for renewal of a permit or revocation of an existing permit made by the Chief of Animal Control shall be in writing, with the reasons for denial or revocation stated. Written notice of the denial or revocation, together with a copy of the provisions of this Chapter and the Standards and any other provisions of Title 8 which are applicable to the permit, shall be served either in person or by mail to the applicant or permit holder.

Denial of an initial application for or application for renewal of a permit or revocation of an existing permit shall prohibit operation of the kennel or cattery or keeping of the wild animal at any location within the unincorporated area of the County which is governed by this Title.

With respect to denial of an application for renewal of a permit or revocation of an existing permit, the immediately preceding permit shall be deemed to be in full force and effect for a period of fourteen (14) calendar days following the date of service upon the applicant or permit 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 by Section 8.26.110, the immediately preceding permit shall continue in full force and

effect during the pendency of the appeal, until the date of final decision by the appellate authority. (SCC 0815 § 2, 1990.)

#### 8.26.110 Appeals.

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

1. The denial of an initial application for or application for renewal of a permit pursuant to the provisions of Section 8.26.105 of this Chapter;
2. The imposition of conditions at the time of issuance of an initial or renewed permit, pursuant to the provisions of Section 8.26.055 of this Chapter; or
3. The revocation of an existing permit pursuant to the provisions of Section 8.26.105 of this Chapter.

Any such appeal shall be in writing in the form of an affidavit, shall state the specific reasons therefor and grounds asserted for relief, shall be signed under penalty of perjury, and shall be filed with the Chief of Animal Control no later than fourteen (14) calendar days after the date of service of the notices prescribed by Sections 8.26.055 and 8.26.105 of this Chapter, as may be applicable. 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.

Upon receipt of the appeal a hearing shall be set in accordance with the provisions of Chapter 8.36 of this Title. (SCC 0815 § 2, 1990.)

#### 8.26.115 Effect of Revocation.

The revocation of a permit shall terminate the right of the holder of the permit to engage in the enterprise or activity authorized by the permit for a period specified in the order of the Hearing Officer.

In the event of revocation of a permit, no other person shall be entitled to any rights or interests under the revoked permit, nor shall any such person be entitled to issuance of a permit for the enterprise except upon written application filed with the Chief of Animal Control in accordance with the provisions of this Chapter. (SCC 0815 § 2, 1990.)

#### 8.26.120 Removal of Animals.

Upon revocation of the permit the permit holder shall have fourteen (14) calendar days in which to remove from the County or otherwise dispose of the animal kept pursuant to the permit or to appeal the decision of the Hearing Officer. Should the owner fail to take such action, the Chief of Animal Control shall have the authority to seize the animal in a manner provided by law and dispose of it in accordance with the provisions of this Title. (SCC 0815 § 2, 1990.)

## TITLE 8 ANIMALS

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### Chapter 8.34 VICIOUS ANIMALS

8.34.010 Purpose.

8.34.015 Owner Responsible.

8.34.020 Sale Prohibited.

8.34.025 Quarantine.

8.34.030 Filing of Charges.

8.34.035 Timely Filing.

8.34.040 Impoundment of Animal.

8.34.045 Notice of Hearing.

8.34.050 Bond Required.

8.34.055 Registration.

8.34.060 Keeping of a Dangerous Animal.

8.34.070 Destruction; Non-Destructions; Conditions.

8.34.010 Purpose.

The purpose of this Chapter is to regulate the keeping of animals which are potentially vicious or involve a threat to the safety of people and other animals on streets, sidewalks, and private property where the animals are not properly maintained as such animals constitute a serious hazard within the unincorporated area of the County. The increasing tendency to maintain dogs which, by virtue of breeding or training, have a propensity to attack others compounds the hazard. Specific injuries to innocent persons resulting from attacks by animals illustrates the need for regulation which reduce the safety hazard.

Every owner of an animal is held strictly accountable for the exercise of such control over the animal as necessary to insure that the animal does not injure innocent human beings or other animals who are not on the premises where the animal is maintained. Such strict accountability is hereby imposed whether or not the injury results from the negligence or other fault of the owner, and regardless of the degree of precaution or control exercised by the owner. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

8.34.015 Owner Responsible.

Any owner of any animal is deemed responsible for the acts committed by that animal when the owner has failed to comply with the legal requirements for the keeping of that animal as defined in this Title. No person shall permit or suffer an animal to act in such a manner as constitutes vicious behavior as defined in Section 8.04.270 of this Title.

A violation of any of the provisions of this Chapter is punishable as otherwise provided in this code and as follows:

Any animal owner who maintains any animal in such a manner as to permit or suffer it to exhibit vicious behavior shall be guilty of a misdemeanor.

Nothing in this Chapter shall prevent prosecution for violations of other statutes or codes which may deal with other or more specific offenses, including, but not limited to, penal and civil statutes. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.020 Sale Prohibited.

No animal held in custody by the Chief of Animal Control which is known to have exhibited vicious behavior as defined in this Title shall be released for sale to any member of the public but rather shall be destroyed upon exhaustion of the required period of impoundment unless legally reclaimed by the owner. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

#### 8.34.025 Quarantine.

No animal which has been declared vicious or against which a vicious animal affidavit has been filed may be impounded or quarantined at any place other than the Animal Control Center unless authorized by the Chief of Animal Control. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.030 Filing of Charges.

Any person, including employees of Animal Control, possessing personal knowledge of facts that there exists a vicious or dangerous animal within the unincorporated area of the County or those incorporated areas served by the Chief of Animal Control may file with the Chief of Animal Control a written affidavit, signed under penalty of perjury, which contains the following facts:

1. 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;
2. An assertion that the animal described is a vicious animal within the meaning of Section 8.04.260 or a dangerous animal within the meaning of Section 8.04.265, together with a statement of the facts upon which the assertion is based, including the name and address of any person who has been victimized or injured by the animal or the name and address of the owner of any animal that has been injured, including a description of the extent of the injuries, the names and addresses of any witnesses thereto, the time, date, and location of any incident related to the assertion, and an explanation of how the personal knowledge of the affiant was acquired; and
3. The name, residential and occupational addresses and telephone numbers of the affiant. (SCC 1180 § 5, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

#### 8.34.035 Timely Filing.

Unless otherwise provided, the filing of a vicious or dangerous animal affidavit must be made within thirty (30) calendar days of the most recent event or circumstances occasioning the affidavit. Upon evidence that good cause exists that the affidavit could not be filed within thirty (30) calendar days, the Chief of Animal Control may extend the deadline for filing of the affidavit. (SCC 1180 § 6, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.040 Impoundment of Animal.

Upon receipt by the Chief of Animal Control of an affidavit filed in compliance with Section 8.34.030 and Section 8.34.035 of this Chapter, the Chief of Animal Control shall initiate an investigation of the incident or incidents described in the affidavit for the purpose of verifying the facts stated or obtaining other information. The investigation shall be completed no later than seven (7) business days after the date the affidavit is filed. If after an investigation, the identified facts show the existence of a vicious animal within the meaning of Section 8.04.260 or a dangerous animal within the meaning of Section 8.04.265 of this Title, the Chief of Animal Control shall locate and impound the animal which is the subject of the charges within forty-eight (48) hours of the date the investigation is completed. (SCC 1180 § 7, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

#### 8.34.045 Notice of Hearing.

Not later than fourteen (14) calendar days after the impoundment of a purportedly vicious or dangerous animal, or at such time as is determined by the Chief of Animal Control, the Chief of Animal Control shall either personally serve upon or mail to the residential address of the owner of the animal and the affiant the following:

1. A written notice of the time, date, and place of the hearing prescribed by Chapter 8.36 of this Title, the date of said hearing to be scheduled not earlier than fourteen (14) calendar days following the date of personal service or deposit in the United States mail of the notice;
2. A copy of the affidavit filed pursuant to Section 8.34.030 and Section 8.34.035; and
3. A copy of the provisions of this Title.

Conversely, if, or after an investigation, the identified facts show that cause to conduct a vicious or dangerous animal hearing has not been shown, the Chief of Animal Control shall so notify the affiant and the animal owner in writing. (SCC 1180 § 8, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.050 Bond Required.

At the discretion of the Chief of Animal Control, any animal impounded or quarantined pursuant to the provisions of this Chapter may be returned to the custody of its owner pending the conduct of the vicious animal hearing and the rendering of a decision by the Hearing Officer provided such return is determined to pose no threat to public health and safety.

The owner, if authorized by the Chief of Animal Control, may gain custody of the animal by posting a cash bond in the amount of one thousand (1,000) dollars or such greater amount as is justified in writing and approved by the Director as necessary to assure the return of the animal or by furnishing other security upon review and approval by the County Counsel, which bond or other security shall be forfeited in the event the animal is not delivered into the custody of the Chief of Animal Control if so ordered in the decision rendered by the Hearing Officer. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

#### 8.34.055 Registration.

Any animal which has been declared by the Hearing Officer to be vicious within the meaning of Section 8.04.260 or dangerous within the meaning of Section 8.04.265 shall be subject to special registration requirements as follows:

a. An owner of a vicious or dangerous animal is required to pay, in addition to any required licensing or permit fee, an annual special registration fee (as applicable) which shall be valid and renewable concurrent with the effective dates of the licensing of the animal. Late registration is subject to a penalty fee equal to the annual special registration fee;

b. An owner of a vicious or dangerous animal shall allow the Department of Animal Care and Regulation to implant a microchip under the skin of the animal prior to release to the owner in order to identify the animal as a vicious or dangerous animal. The microchip number shall be added to the County and national register for microchipped animals. The owner of a vicious or dangerous animal shall reimburse the Department for the cost of microchipping and registration. (SCC 1180 § 9, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.060 Keeping of a Dangerous Animal.

Except as otherwise provided in the decision rendered by the Hearing Officer, the keeping of an animal which has been declared dangerous shall, at a minimum, be subject to the following provisions:

a. The animal shall be properly licensed and vaccinated. The Chief of Animal Control shall include the dangerous designation in the records of the animal, either after the owner or keeper of the animal has agreed to the designation or a hearing officer has determined the designation applies to the animal.

b. If the animal in question dies, or is sold, transferred, or permanently removed from the city or county where the owner or keeper resides, the owner of a dangerous animal shall notify the Department of the changed condition and new location of the animal in writing within two working days.

c. If there are no additional instances of the behavior described in Section 8.04.265 within a 36-month period from the date of designation as a dangerous animal, the animal shall be removed from the list of dangerous animals. The animal may, but is not required to be, removed from the list of dangerous animals prior to the expiration of the 36-month period if the owner or keeper of the dog demonstrates to the Chief of Animal Control that changes in circumstances or measures taken by the owner or keeper, such as training of the animal, have mitigated the risk to the public safety.

All costs associated with these provisions or any other or additional provisions ordered by the Hearing Officer shall be borne by the owner of the animal which has been declared to be dangerous. (SCC 1180 § 10, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.070 Destruction; Non-Destructions; Conditions.

a. An animal determined to be a vicious within the meaning of Section 8.04.260 may be destroyed by the Chief of Animal Control when it is found, after proceedings conducted under Section 8.36.050, that the release of the animal would create a significant threat to the public health, safety, and welfare.

b. If it is determined that an animal found to be vicious shall not be destroyed, the hearing officer shall impose conditions upon the ownership of the animal that protect the public health, safety, and welfare. (SCC 1180 § 11, 2001.)

### TITLE 8 ANIMALS

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#### Chapter 8.36 PROCEDURAL PROVISIONS

8.36.010 Purpose.

8.36.020 Cause for Hearing.

8.36.030 Authority of Hearing Officer.

8.36.040 Oaths and Subpoenas.

8.36.050 Hearing.

8.36.060 Finality of Determination.

8.36.070 Disposition of Animal.

8.36.080 Release of Animal.

8.36.090 Notification of Change.

8.36.095 Time for Compliance.

8.36.100 Failure to Comply.

8.36.110 Breach of Conditions.

8.36.120 Relief.

8.36.010 Purpose.

The purpose of this Chapter shall be to create special procedures to assure full access to administrative remedies in the application or enforcement of this Title and for the mediation of disputes involving any animal governed by this Title. Such procedures shall be administered by the Director and conducted by the Hearing Officer. (SCC 0815 § 2, 1990; Ord. 1035 § 49, 1969.)

#### 8.36.020 Cause for Hearing.

Hearings may be held to determine the following:

1. That an animal is a vicious animal within the meaning of this Title;
2. That the decision of the Hearing Officer has been breached; or
3. That cause for an order no longer exists and the owner may be relieved of the conditions imposed by said order; or
4. That a permit has been denied, issued conditionally, or revoked in accordance with the provisions of this Title.

A person shall be deemed to have shown cause for a hearing to be held when he or she complies with the applicable appeal, complaint or charge filing provisions specified in Chapters 8.26 and 8.34 of this Title.

As requested by the Director, hearings may be held in order to attempt mediation of such other matters as may arise from the keeping of animals. (SCC 0895 § 11, 1992; SCC 0892 § 20, 1992; SCC 0815 § 2, 1990; Ord. 1035 § 49, 1969.)

#### 8.36.030 Authority of Hearing Officer.

The Hearing Officer shall be authorized, within the scope of authority given by Title 8 and the Director, to conduct hearings to resolve conflicts arising from the application and enforcement of this Title, to make binding determinations, and to mediate disputes related to the keeping of animals pursuant to this Title. (SCC 0815 § 2, 1990.)

#### 8.36.040 Oaths and Subpoenas.

The Hearing Officer shall have the power to administer oaths or affirmations. At the request of either the Chief of Animal Control or the animal owner, the Clerk of the Board of Supervisors shall, on behalf of the Board, issue subpoenas for attendance of witnesses at the hearing. (SCC 0815 § 2, 1990.)

#### 8.36.050 Hearing.

a. Not later than thirty (30) calendar days following the date of filing either an appeal as prescribed by Section 8.26.110 or charges as prescribed in Sections 8.34.030 and 8.34.035 of this Title, the Hearing Officer shall conduct a hearing to determine whether the requested action should be granted or denied. Written notice of the time, date, and place of the hearing shall be served upon the Director, the affiant and the animal owner not later than fourteen (14) calendar days preceding the date of the hearing.

During the hearing, the burden of proof shall rest with the plaintiff and such proof shall be based upon a preponderance of the evidence. The provisions of the California Administrative Procedure Act (commencing at 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 affiant and the animal owner may appear, present evidence, and examine and cross-examine witnesses.

Absent extraordinary circumstances as determined by the Hearing Officer, no animal may be presented as evidence or be present during the hearing.

In the event the affiant 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 affiant or animal owner and the Hearing Officer shall render a decision based upon evidence presented during the hearing.

For good cause as determined by the Hearing Officer, the hearing may be continued, but for not more than thirty (30) calendar days, upon request of either the Chief of Animal Control or the affiant or the animal owner. Notice of the continuance, if granted, and the new date and time of the hearing shall be made to all parties to the hearing.

For the convenience of the Hearing Officer only, 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 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 granted 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 Chief of Animal Control destroy the animal in question;

2. That the Chief of Animal Control release the animal in question to the owner subject to such conditions or special registration requirements as may be specified in this Title or required to ensure public safety and animal welfare;

3. That the Chief of Animal Control remove the animal in question for disposition in accordance with the applicable provisions of this Title;

4. That the Chief of Animal Control release the animal in question to the owner subject to payment of such fees and expenses as may be applicable according to the provision of this Title.

d. Unless otherwise agreed by the parties, notice of the written decision, including a copy thereof, shall be filed with the Chief of Animal Control and shall be personally served upon or deposited in the United States mail to the affiant 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 Title shall not deprive the Hearing Officer of jurisdiction over the issue or shall not vitiate any hearing conducted or order made pursuant to this Title unless such failure constitutes a denial of due process of law. (SCC 0895 § 12, 1992; SCC 0892 § 21, 1992; SCC 0815 § 2, 1990.)

#### 8.36.060 Finality of Determination.

The decision of the Hearing Officer shall be final and there shall be no appeal to the Board of Supervisors. (SCC 0815 § 2, 1990.)

#### 8.36.070 Disposition of Animal.

Except as otherwise provided, in the event that the Hearing Officer orders destruction of an animal, the Chief of Animal Control 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. In the event that the Chief of Animal Control is personally served with summons or other legal process in connection with a lawsuit which seeks review of the Hearing Officer's decision, the animal shall not be destroyed and shall continue to be impounded at the owner's expense while the lawsuit is pending. (SCC 0815 § 2, 1990.)

#### 8.36.080 Release of Animal.

No animal impounded pursuant to Chapter 8.34 shall be released to any person other than the owner of such animal. Should the owner fail to redeem the animal by the date specified in the decision of the Hearing Officer, unless for good cause as determined by the Chief of Animal Control, the animal shall be destroyed.

Notwithstanding any other provision in this Chapter or a decision or order by the Hearing Officer to the contrary, the Chief of Animal Control shall not release an animal impounded pursuant to Chapter 8.34 to the owner absent compliance with the provisions relating to redemption prescribed by Section 8.16.030 of this Title, including, but not limited to, the payment by the owner of all fees and charges for impoundment. (SCC 0892 § 22, 1992; SCC 0815 § 2, 1990.)

#### 8.36.090 Notification of Change.

At such time as an animal declared to be vicious dies or the location where the animal is kept changes, either through change of residence or of ownership, the person owning the animal so declared must notify, in writing within five (5) calendar days, the Chief of Animal Control of the change. Such notification must include the date of the animal's death and the place of burial or disposal of the animal or the name and the residential and occupational addresses and telephone numbers of the new owner and the new address and telephone number where the animal is to be kept. (SCC 0892 § 23, 1992; SCC 0815 § 2, 1990.)

#### 8.36.095 Time for Compliance.

The owner shall comply with the order of the Hearing Officer within fourteen (14) calendar days following the date on which notice of the written decision is served upon the owner pursuant to section 8.36.50 of this chapter. (SCC 1180 § 12, 2001.)

#### 8.36.100 Failure to Comply.

Failure of the owner to comply with the provisions of this Chapter or the order of the Hearing Officer is a misdemeanor. (SCC 0815 § 2, 1990.)

#### 8.36.110 Breach of Conditions.

Jurisdiction shall continue in the Hearing Officer to order the removal and destruction of any animal which has been declared vicious, should any of the conditions imposed by the order of the Hearing Officer be breached. Such action shall be taken pursuant to a hearing initiated by the Chief of Animal Control and scheduled and conducted in accordance with the provisions of Section 8.36.050 except that once prima facie evidence of the breach of conditions has been established, the burden of proof shall be upon the owner to show cause as to why the animal should not be removed and destroyed. (SCC 0892 § 24, 1992; SCC 0815 § 2, 1990.)

#### 8.36.120 Relief.

If, after a period of two (2) years from the date of the determination of the Hearing Officer that the animal is vicious, 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 Hearing Officer in writing, for relief from the

conditions for keeping or the provisions for special registration of the animal. Upon investigation by the Chief of Animal Control and concurrence by the Hearing Officer, relief may be granted and the owner so notified in writing or a hearing may be conducted to determine if cause for relief exists. (SCC 0892 § 25, 1992; SCC 0815 § 2, 1990.)

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<sup>i</sup> GOVERNMENT CODE  
SECTION 25800-25803

25800. The board of supervisors shall adopt orders and enact ordinances not in conflict with State or federal laws necessary for the preservation of the health of domestic livestock, and provide for the payment of all expenses incurred in enforcing them. The expenses of enforcement are a county charge and are payable in the same manner and out of the same funds as other county charges are paid.

25801. The board may enter into agreements with the Director of Agriculture for the purpose of cooperating in the administration and enforcement of those provisions of law subject to the jurisdiction of the Department of Agriculture or county agricultural commissioners, county sealers of weights and measures, and county livestock inspectors.

25802. The board may maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers. All expenses of operation and maintenance and the compensation of the poundkeepers shall be paid out of the fines imposed and collected from the owners of impounded animals, or from the general fund of the county, or both.

25803. The board may provide for the prevention of injuries to sheep by dogs, and for the destruction and control of predatory animals, and may tax the possessors of dogs and direct the application of the tax. The board may, by ordinance, require veterinarians licensed pursuant to Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions Code to report to the county the shooting or poisoning of any dog. Such veterinarian may be required to report the name of the owner of such dog, if known, or the person or persons requesting treatment of such dog.