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ARTICLE 1. HUMANE ANIMAL CONTROL

Sec. G-IV 1.1 Geographical Area Covered

The provisions of this Article shall be effective in the unincorporated areas of Nevada County.

Sec. G-IV 1.2 Short Title

This Article shall be known as, and may be referred to as "The Nevada County Animal Control and Protection Regulations."

Sec. G-IV 1.3 Purpose

The purposes of this Article are as follows:

- A. To provide methods of controlling stray animals in the unincorporated areas of Nevada County and provide for the humane treatment of such animals.
- B. To provide methods necessary for the control of animals owned or maintained by residents and nonresidents in the unincorporated areas of Nevada County.

Sec. G-IV 1.4 Definitions

For the purpose of this Article, unless it is plainly evident from the context that a different meaning is intended, the following terms as used in this Article are defined as follows:

- A. ADOPTABLE means an animal that has not manifested any sign of a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and has manifested no sign of disease, injury or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future.
- B. ANIMAL means any domesticated animal, captive wild animal, or any exotic animal.
- C. ANIMAL CONTROL means that section of the County government or a contract agency that is specifically charged with the enforcement of laws, Resolutions, and Ordinances dealing with animals in the unincorporated areas of Nevada County.
- D. ANIMAL CONTROL OFFICER means the Chief of Animal Control, or any authorized Animal Control Officer, or any employee of a contract agency authorized by the Board of Supervisors to act in the enforcement of the Animal Control Program.

- E. ANIMALS OF HUSBANDRY means domestic animals normally associated with farming.
- F. ANIMAL SHELTER means the facilities provided by the County for the treatment and care of animals coming into the custody of the Animal Control Program.
- G. AT LARGE means an animal off the premises of its owner and not under the control of the owner by means of a leash, chain, tether, adequate fence, or other effective device.
- H. CHIEF OF ANIMAL CONTROL means the County employee designated by the Sheriff to be responsible for the administration and enforcement of this Article; provided, however, that such employee shall not be responsible for the enforcement of this Article in that territory within the County in which animal control is provided through an agreement with any other governmental agency or agencies as such agreement presently exists or may hereinafter be modified or adopted.
- I. CONTRACT AGENCY means any entity that has entered into a contract or agreement with the County for the enforcement of laws, Resolutions, and Ordinances relating to animal control in the unincorporated areas of Nevada County.
- J. DOG means all domesticated canines.
- K. FERAL CAT means a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people, and who is totally unsocialized to people.
- L. GUIDE DOG means a dog that physically assists a person who has a physical disability.
- M. HUNTING DOG means a dog that assists a person(s) in the hunting of animals and game birds for which there is an established season for the taking of such animals or game birds.
- N. KENNEL, COMMERCIAL means any facility maintained for the purpose of boarding dogs or cats for a fee, or any facility where more than three (3) dogs and/or cats over the age of six (6) months are kept, harbored, or maintained for the purpose of breeding, raising or training for a fee or for sale, or any facility that advertises as a kennel in any magazine, newspaper, or other public media.
- O. KENNEL, PRIVATE means any facility where more than six (6) dogs and/or cats over the age of four (4) months are kept, harbored, or maintained for the use and enjoyment of the occupant for non-commercial purposes. Dogs used in herding farm animals incidental to agricultural uses are excluded.
- P. IMPOUNDMENT means the taking into custody, confining, and caring for an animal.
- Q. LIVESTOCK means domestic animals customarily kept, used, maintained or raised on a farm or ranch including, but not limited to, horses, ponies, burros, mules, donkeys, cows, llamas, steers, sheep, goats, swine, rabbits and fowl.

- R. NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY refers to the consolidated County departments of Planning, Building, and Environmental Health.
- S. OWNER/CUSTODIAN means a person who has title to, or a person who harbors and maintains, or has control, custody, or possession of an animal.
- T. PERSON means any person, firm, association, organization, partnership, business, trust, corporation, or company.
- U. PREMISES means the property or vehicle owned or controlled by a person.
- V. PROXIMITY means the state of being very near; close; within ten feet (10').
- W. TREATABLE ANIMAL means any animal that is not adoptable, but that could become adoptable with reasonable efforts.
- X. VACCINATION means an inoculation of an animal with a vaccine approved by and in the manner prescribed by the Department of Public Health of the State of California.
- Y. VETERINARIAN means a person licensed by the State of California to practice veterinary medicine.
- Z. POTENTIALLY DANGEROUS DOG means:
1. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner/custodian of the dog.

A defensive action is the process of doing something or anything to provide protection or support to prevent bodily injury from aggression or attack by a dog when the person and the dog are off the property of the owner/custodian of the dog.
 2. Any dog which, when unprovoked:
 - a. Bites a person, causing an injury less severe than a muscle tear or a disfiguring laceration, or less than requiring multiple sutures or corrective or cosmetic surgery.
 - b. Kills a domestic animal off the property of the owner/custodian of the dog.
 3. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner/custodian of the dog.

AA. VICIOUS DOG means:

1. Any dog seized under Penal Code Section 599aa and upon the sustaining of a conviction of the owner/custodian under Penal Code Section 597.5(a); or
2. Any dog which, when unprovoked, in an aggressive manner, inflicts any injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery, or who kills a human being; or
3. Any dog previously determined to be, and currently listed as, a potentially dangerous dog which, after its owner/custodian has been notified of the determination, continues the behavior described as potentially dangerous dog in Section 1.4.Z of this Article, or who is maintained in violation of Sections 1.54.C.1, 1.54.C.2, or 1.54.C.3 of this Article.

BB. VICIOUS OR DANGEROUS ANIMAL means any animal other than a dog that shows a propensity to attack, bite, or otherwise injure or harass people or other animals without being provoked.

CC. WORKING ANIMAL means animals under the control of humans and used for the movement of livestock, fowl, tracking, obedience, show, or animals used by law enforcement agencies while in the performance of their official duties.

DD. WILD, EXOTIC OR NON-DOMESTIC ANIMALS means animals such as, but not limited to, deer, antelope, cougars, lions, wolves, wolf-hybrids, coyotes, opossums, anteaters, armadillos, boas, pythons, racers, alligators, crocodiles or any species of animals which are dangerous to human beings or other animals. These animals require a Use Permit from the Planning Department.

EE. STOCK DOG means a dog that is used for the movement and control of livestock or fowl.

Sec. G-IV 1.5 Responsibility of the Chief of Animal Control

The Chief of Animal Control is responsible for the administration and enforcement of the County's Animal Control Program. His duties shall include, but are not limited to the following:

- A. To direct Animal Control staff.
- B. To administer any animal shelter acquired or coming under the control of the County of Nevada.
- C. To keep such records as may be required by the Board of Supervisors, and such records necessary for submitting required reports to State agencies, and any other such records for a minimum of three (3) years.
- D. To administer the enforcement of County Ordinances and Resolutions and State laws relating to the care, treatment, and control of animals in all areas of the County not covered by a contract.

- E. To prepare and disseminate information to educate the public on Ordinances, Resolutions, and other laws relating to the care, treatment, and control of animals.
- F. To follow the directions and carry out the policies of the Board of Supervisors for the Animal Control Program.
- G. To assist in budget preparation for the Animal Control Program.
- H. To administer licensing programs if the Board of Supervisors designates the Animal Control Program as the licensing authority.
- I. To quarantine animals when required by law.
- J. To administer any contract that the County may enter into for the regulation and control of animals.
- K. To remove and dispose of the carcass of any animal found on any County maintained road or any public place that is reasonably accessible and is under the control of the County.
- L. To maintain records regarding all potentially dangerous and vicious dogs within the unincorporated areas of Nevada County.
- M. To deputize one or more employees of the Animal Control Program to carry out the duties described in this Article and by State law.
- N. To insure that the following information is available at the animal shelter and to make such information accessible to the public:
 - 1. A list upon which owners of lost animals and those who find lost animals can list the animals they have lost or found.
 - 2. The telephone numbers and addresses of other shelters within the area.
 - 3. Advice as to the means of publishing and disseminating information regarding lost animals.
 - 4. The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.
- O. To use all currently acceptable methods of identification, both electronic and otherwise, to determine the lawful owner/custodian of any seized or impounded animal. Reasonable efforts to notify the owner/custodian of the whereabouts of the animal shall be made. The owner/custodian shall be informed of the procedures available for the lawful recovery of the animal. Upon the owner/custodian's initiation of recovery procedures, the animal shall be retained for a reasonable period of time in order to allow for completion of the recovery process. A "reasonable period of time" is to be determined by the Chief of Animal Control. A record of efforts to locate or contact the owner/custodian and communications with persons claiming to be the owner/custodian shall be maintained and made available for public inspection.
- P. To take possession of stray or abandoned animals and provide for their treatment and care until they are redeemed, adopted, or euthanized.

- Q. To convey all injured cats and dogs without their owners/custodians in a public place directly to a veterinarian for a determination as to whether the cat or dog should be humanely destroyed or receive emergency treatment.
- R. To humanely destroy any stray or abandoned animal in the field where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal. An authorized Animal Control Officer should obtain the approval of his or her immediate superior prior to destroying an injured animal.

Sec. G-IV 1.6 Officer's Status, Arrests, and Citations

The Chief of Animal Control and all other duly authorized Animal Control Officers are vested with the power of public officers. Such officers are authorized to enforce the provisions of this Article, the provisions of State law, or other County Ordinances and Resolutions regarding the care, treatment, and control of animals; furthermore, such officers have the power to make arrests, issue citations, issue warning notices, quarantine animals, impound animals, or initiate civil action for violations of such Ordinances, Resolutions, or State law.

Sec. G-IV 1.7 Entry of Premises

All duly authorized Animal Control Officers shall be authorized to enter any premises where an animal is kept for the purpose of seizing and impounding any animal which has been mistreated or kept in violation of the laws of the State or the provisions of County Ordinances or Resolutions. A search warrant or inspection warrant shall be obtained whenever required by law.

Sec. G-IV 1.8 Administrative Policies

The Chief of Animal Control may formulate administrative policies, as he deems necessary, for the purpose of carrying out the intent of this Article.

Sec. G-IV 1.9 Authority to Carry Firearms

The Chief of Animal Control and such Animal Control Officers as he may designate are authorized to carry firearms when acting in the course and scope of their duties pursuant to Penal Code Section 12031.

Sec. G-IV 1.10 Authority to Use Tranquilizer Gun

The Chief of Animal Control, and such Animal Control Officers as he may designate, are authorized to employ the use of the tranquilizer gun.

No officer shall employ use of the tranquilizer gun until such officer has received proper training on the care and use of the tranquilizer gun.

Sec. G-IV 1.11 Impoundment

Any animal which is, to the knowledge of an Animal Control Officer, engaged in activity or existing in a condition prohibited by County Ordinances or Resolutions or State laws, shall be taken up and impounded at the animal shelter or at such place as may be approved by the Chief of Animal Control.

After impoundment of any animal, the Chief of Animal Control shall notify the owner/custodian, if known, of such impoundment.

Sec. G-IV 1.12 Period of Impoundment

Periods of impoundment are as follows:

- A. Any impounded dog or cat shall be held for a period of not less than six (6) business days, not including the day of impoundment, except:
 - 1. If the shelter has made the dog or cat available for owner/custodian redemption on one weekday evening until at least 7:00 p.m., or one weekend day, the holding period shall be four (4) business days, not including the day of impoundment, or
 - 2. If the 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/custodians to reclaim their dogs by appointment at a mutually agreeable time when the shelter would otherwise be closed, the holding period shall be four (4) business days, not including the day of impoundment.
- B. Except as provided in Food and Agricultural Code Sections 17006 and 31752.5, stray dogs and cats shall be held for owner/custodian redemption during the first three (3) days of the holding period, not including the day of impoundment, and shall be available for owner/custodian redemption or adoption for the remainder of the holding period.
- C. Any stray dog or cat that is impounded may, prior to the killing of that animal, be made available to an animal rescue or adoption organization that has expressed an interest in said animal; provided, however, that said animal has not been determined non-adoptable for any reason by the Chief of Animal Control or the Supervising Animal Control Officer.
- D. If an apparently feral cat has not been reclaimed within the first three (3) days of the required holding period, shelter personnel qualified to verify the temperament of the cat shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period. If the cat is determined to be feral, the cat may be euthanized or relinquished to a nonprofit animal adoption organization that agrees to the spaying or neutering of the cat if it has not already been spayed or neutered.

- E. Any other impounded animal, including, but not limited to, a rabbit, guinea pig, hamster, pot-bellied pig, bird, lizard, snake, turtle, or tortoise legally allowed as personal property shall be held for a period of not less than six (6) days under the same terms and conditions applicable to dogs and cats as provided in this Article.
- F. For the purpose of this Section, any time the animal shelter is closed (regularly scheduled day of closure or holiday), such time shall not be counted against the minimum holding periods for animals.
- G. This Section shall not apply to cats that are severely injured or seriously ill, or to newborn cats unable to feed themselves.

Sec. G-IV 1.13 Pre-seizure Hearing; Neglected or Abused Animals

When an Animal Control Officer determines that an animal may become a threat to the health or safety of itself or others, and determines that immediate seizure of the animal is not necessary, the Officer shall provide the owner/custodian of the animal with the opportunity for a pre-seizure hearing prior to the seizure or impoundment of such animal. Notice of hearing, and the conduct of such hearing, shall comply with the provisions set forth in Penal Code Section 597.1. The pre-seizure hearing shall be held prior to the commencement of any related criminal proceedings.

Sec. G-IV 1.14 Post-seizure Hearing; Neglected or Abused Animals

Whenever an Animal Control Officer seizes or impounds an animal based on a reasonable belief that prompt action is required to protect the health or safety of the animal or others, the Officer shall provide the owner/custodian of the animal, if known, with the opportunity for a post-seizure hearing to determine the validity of the seizure, impoundment, or both. Notice of hearing, and the conduct of such hearing, shall comply with the provisions set forth in Penal Code Section 597.1. The post-seizure hearing shall be held prior to the commencement of any related criminal proceedings.

Sec. G-IV 1.15 Animals Not Redeemed

Any impounded animal, except any bovine animal that is not redeemed within the applicable holding period as specified in Section G-IV 1.12 of this Article, shall become the property of the County.

Any bovine animal not redeemed within the applicable holding period shall be turned over to the Director of Agriculture pursuant to Food and Agricultural Code Section 17003.

Sec. G-IV 1.16 Redemption of Impounded Animals

The owner/custodian of any impounded animal may redeem such animal by paying all applicable fees or deposits pursuant to Sections G-IV 1.21 and 1.22 of this Article and any amount spent for veterinary services. The Chief of Animal Control, or the Supervising Animal Control Officer, shall have the authority to waive the impounding fee for good cause.

If an animal is properly seized under Penal Code Section 597.1, the owner/custodian shall be personally liable for the cost of the seizure and care of the animal. If the charges for the seizure or impoundment and any other charges are not paid within fourteen (14) days of the seizure, or if the owner/custodian, within fourteen (14) days of notice of availability of the animal to be returned, fails to pay charges and take possession of the animal, the animal shall be deemed to have been abandoned and may be disposed of by the impounding Officer.

If any animal requires veterinary care and the Animal Control Officer is not assured, within fourteen (14) days of the seizure of the animal, that the owner/custodian will provide the necessary care, the animal shall not be returned to its owner/custodian and shall be deemed to have been abandoned and may be disposed of by the impounding Officer.

No animal, properly seized or impounded, shall be returned to its owner/custodian until, in the determination of the seizing agency or the hearing officer, the animal is physically fit or the owner/custodian can demonstrate that he or she can and will provide the necessary care.

Sec. G-IV 1.17 Voluntary Surrender of Animals

A. Any animal relinquished by the purported owner/custodian shall be held for two (2) full business days, not including the day of impoundment. The animal shall be available for owner/custodian redemption on the first day, and shall be available for owner/custodian redemption or adoption on the second day. After the second day, the animal may be adopted by a new owner/custodian, or held longer, or euthanized, or released to an animal adoption organization.

B. Notwithstanding Subsection 1.17.A above, kittens and puppies relinquished by the purported owner/custodian, or brought in by any other person with authority to relinquish them, may be available immediately for adoption.

Sec. G-IV 1.18 Adoption or Destruction Authority

The Chief of Animal Control, Animal Control Officers, or any employee designated by the Chief of Animal Control is authorized to put an animal up for adoption or to destroy any animal that becomes the property of the County.

The Chief of Animal Control or any Animal Control Officer is authorized to kill any animal that poses an imminent threat to any person or neighborhood, when such animal cannot be safely captured by such Animal Control Officer.

Sec. G-IV 1.19 Adoption of Animals

Animals subject to disposition by the County may be adopted, provided such adoption is not contrary to law, to policy of the Animal Control Program, or to the public interest.

Dogs or cats may not be sold or adopted for purposes other than keeping as pets.

Dogs or cats may not be adopted without first having been spayed or neutered or a fee thereof having been deposited.

Dogs over four (4) months of age may not be adopted without first having been licensed or a fee thereof having been deposited.

Cats may not be adopted without first having been spayed or neutered or a fee thereof having been deposited.

Other animals may be adopted by payment of any applicable fees and/or deposits.

When an animal is adopted, the receipt issued by Animal Control shall be valid title to the person adopting the animal.

If within sixty (60) days of an adoption of any livestock animal, a person proves he is the owner/custodian of such livestock animal, the Board of Supervisors may allow a claim in favor of such person, payable out of the General Fund, for the amount paid into the treasury on account of such animal, less costs incurred.

Sec. G-IV 1.20 Records of Impounded or Voluntarily Surrendered Animals

The Chief of Animal Control shall keep a record of all animals captured, medically treated, euthanized, or impounded. Such records shall reflect:

- A. The date the animal was captured, medically treated, euthanized, or impounded.
- B. An accurate description of such animal, license or rabies tag number, if any.
- C. The circumstances under which the animal was captured, medically treated, euthanized, or impounded.
- D. The names of the personnel who captured, medically treated, euthanized, or impounded the animal.
- E. A description of any medical treatment provided to the animal and the name of the veterinarian of record.
- F. The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

Sec. G-IV 1.21 Deposit Fees

- A. Deposit Fees - Adopted Animals
 1. Deposit fees for the spaying or neutering of dogs and cats six (6) months of age or older at the time of adoption shall be forfeited if the animal is not spayed or neutered within thirty (30) days of the date of adoption.
 2. Deposit fees for the spaying or neutering of dogs or cats under six (6) months of age shall be forfeited if the animal is not spayed or neutered within six (6) months of the date of adoption.
 3. Deposit fees for dog licenses shall be forfeited if a valid rabies certificate is not presented within ten (10) days of the date of deposit.

B. Refund of Deposit Fees

A refund of the deposit fees may be obtained by submitting a request for the refund along with adequate proof of spaying or neutering or a valid rabies certificate, whichever is applicable.

C. Deposit Fees - Permitted Uses

1. Spaying or neutering deposit fees that are not refunded shall be deposited by the Chief of Animal Control with the Treasurer for use by the County for the following purposes, as permitted by Food and Agricultural Code Section 30521:
 - a. A program to spay or neuter dogs or cats;
 - b. A public education program to reduce and prevent overpopulation of dogs and cats, and the related costs to local government;
 - c. A follow-up program to ensure that dogs and cats transferred by the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group are spayed or neutered in accordance with any agreement executed under Food and Agricultural Code Section 30520(d).
 - d. Any additional costs incurred by the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group in the administration of this Article.

D. Rescue and Adoption Organizations

In addition to any spay or neuter deposit fee, the animal shelter may assess a fee, not to exceed the standard adoption fee, for animals released to nonprofit animal rescue or adoption organizations.

Sec. G-IV 1.22 Fees for Services

- A. The Board of Supervisors shall, by Resolution, set the amount of fees for animal control services which may include, but are not limited to, the following:
 1. Impounding fees
 2. Boarding fees
 3. Licensing fees
 4. Animal turn-in fees
 5. Quarantine fees
 6. Euthanasia fees
 7. Adoption fees
 8. Spaying and neutering deposit fees.

Sec. G-IV 1.23 Vaccination Required

Every dog over four (4) months of age shall have a medically current vaccination with a canine anti-rabies vaccine approved by the Health Department of the State of California. Such rabies vaccination shall be administered by a licensed veterinarian.

Every person who owns or comes to own an unvaccinated dog shall have ten (10) days in which to comply with the provisions of this Section.

Notwithstanding any provisions to the contrary herein, no dog need be vaccinated for rabies where:

- A. A licensed veterinarian has examined said dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and
- B. Such certificate is presented to the authorized Animal Control Officer within five (5) days of such examination; and
- C. The Chief of Animal Control concurs with the opinion of the veterinarian contained in such certificate, and endorses on such certificate his approval thereof. Such certificate must bear the date of issuance and must be renewed each year.

Sec. G-IV 1.24 Licensing of Dogs Required

Every person who lives in the unincorporated areas of the County owning, possessing, controlling, harboring or keeping any dog over four (4) months of age shall procure a dog license for each dog from the licensing authority, as long as ownership of the dog continues, or within thirty (30) days after acquiring or bringing into the County any dog over the age of four (4) months, and shall continue to procure such license as required herein, so long as the ownership or custodianship of the dog continues.

No license shall be issued unless a valid certificate of rabies vaccination is presented, and such vaccination meets the requirements pursuant to Section G-IV 1.23 of this Article, and is sufficient to immunize said dog against rabies for the current licensing term.

Sec. G-IV 1.25 Exemptions to Dog License Requirements

The requirements of Section G-IV 1.24 of this Article shall not apply to dogs found within the County under the following conditions:

- A. When a dog is owned by a nonresident who is traveling through the County or who is temporarily visiting for a period not exceeding thirty (30) days in any calendar year.
- B. When a dog is brought into the County and kept therein for a period not exceeding thirty (30) days, in any calendar year, for the purpose of entering said dog in competition, exhibition, field trials, show, or hunting.
- C. When a dog is in a commercial kennel and such kennel has a current kennel license.

Sec. G-IV 1.26 Licensing Term

The Board of Supervisors shall, by Resolution, designate the licensing authority and set the licensing term for dog licenses.

Sec. G-IV 1.27 Late Penalties

In addition to the regular license fee as required, a late penalty, established by Resolution by the Board of Supervisors, shall be assessed under any of the following conditions:

- A. When a dog license is not renewed within thirty (30) days of its expiration date.
- B. When a dog license is not obtained within thirty (30) days after a dog comes of age.
- C. When a dog license is not obtained within thirty (30) days after a dog over four (4) months of age, is acquired or brought into the County.

Sec. G-IV 1.28 License Application

The owner/custodian shall state at the time application is made, and upon forms provided for such purpose, his name, address, and telephone number, and the name, breed, color, age, and sex of each dog for which application is made.

Sec. G-IV 1.29 Issuance of Tags and License Certificate

The licensing authority, upon payment of fees and any applicable penalty, shall furnish a metallic tag and a license certificate with corresponding number.

Sec. G-IV 1.30 Lost Tags

In the event a license tag issued to a dog is lost or destroyed, the owner shall, within ten (10) days thereafter, procure a replacement tag.

Sec. G-IV 1.31 Transfer of License

A valid license may be transferred from one owner/custodian to another, for the same dog, with no charge, but only upon notification to and recordation by the licensing authority of such change.

Sec. G-IV 1.32 Maintaining Records of Dog Licenses

The licensing authority shall maintain a record of all dog licenses issued, including the corresponding identifying metallic tag numbers, the owner/custodian to whom they are issued, and the dogs for which they are issued. Such records shall be maintained for a minimum of three (3) years after a license has expired.

Sec. G-IV 1.33 Display of Metallic License Tag Required

The metallic license tag, issued to the dog owner/custodian, shall be fixed securely to a collar, harness, or other device and shall be worn at all times by the dog for which such license tag was issued.

The requirements of this Section shall not apply in the following circumstances:

- A. When a dog is securely confined to the owner/custodian's premises.
- B. When a dog is engaged in an activity that customarily prohibits such dog from wearing a device to which a tag may be attached, such as hunting or show.

Sec. G-IV 1.34 Display of License

The holder of a dog license certificate shall preserve the license upon the premises where the dog is kept, and shall, upon request of any Animal Control Officer or Officer of the Sheriff's Department, show to such Officer the license certificate for such dog.

Sec. G-IV 1.35 Removal of License Tag

No unauthorized person shall remove from any dog any collar, harness, or other device to which a license tag is attached, except in cases of emergency.

Sec. G-IV 1.36 Unlawful Use of Rabies or License Tag

No person shall attach or allow to be attached to any dog a rabies or license tag that was not specifically issued for such dog.

Sec. G-IV 1.37 Kennel License Required

No person shall operate or maintain any kennel, as defined herein, without a valid kennel license from Animal Control.

Sec. G-IV 1.38 Kennel License Term

The kennel licensing term shall be for one (1) year, commencing July 1st and ending June 30th of the following year.

Sec. G-IV 1.39 Applications for and Processing of Kennel Licenses

Applications for a kennel license may be obtained from the Nevada County Animal Shelter.

Prior to issuance of a kennel license by Animal Control, and pursuant to Section L-II 3.4 of the Nevada County Land Use and Development Code, the applicant shall obtain a zoning confirmation letter from the Nevada County Community Development Agency (Planning, Building, and Environmental Health Departments). Any commercial kennel, as defined in Section G-IV 1.4.N, shall require a land use permit from the Community Development Agency. The land use application submittal may require additional information such as site plans, construction plans, proposed methods for sewage disposal, water supply, or other information necessary for review of the project proposal; furthermore, such departments may charge any applicable fees required.

Sec. G-IV 1.40 Issuance or Denial of a Kennel License

After receiving zoning confirmation from the Community Development Agency and Animal Control, Animal Control shall collect applicable fees, schedule an inspection, and proceed with the processing of the application. If Animal Control approves the application, a kennel license shall be issued.

Animal Control shall not issue a kennel license if any of the aforementioned departments deny the applicant's kennel license application.

Sec. G-IV 1.41 Kennel License Renewal

Animal Control may renew kennel licenses (kennels that were current in the previous fiscal year) upon receipt of renewal application, payment of applicable fees, and inspection and approval by Animal Control.

Sec. G-IV 1.42 Kennel Standards

Every person within the County who owns, conducts, manages, or operates a licensed kennel shall comply with all of the requirements of the Nevada County Community Development Agency, the Animal Control Program, and all applicable provisions of State Law and this Article.

A. Minimum standards for all kennels:

1. All animals shall be confined in a manner approved by Animal Control.
2. The facility shall be maintained in a clean and sanitary manner and all droppings removed daily.
3. The area where animals are kept shall be subject to inspection without notice by Animal Control at any reasonable hour of the day.
4. Proof of rabies vaccinations shall be available for inspection for all animals over the age of four (4) months.

B. Additional minimum standards for private kennels:

1. Location of the animal holding facility must be approved by Animal Control. In no event are animals to be located closer to a neighbor than to the owner/custodian of the animals.
2. All dogs shall be kept in an enclosed and approved structure between the hours of 10:00 p.m. and 6:00 a.m., or anytime when the animals are left unattended for more than four (4) consecutive hours.
3. Dog licensing shall be maintained as required.
4. No boarding or grooming shall be allowed under this kennel license.

The Chief of Animal Control may establish additional conditions or standards deemed necessary for the purpose of carrying out the intent of this Section. Compliance with such conditions or standards shall be a prerequisite to the issuance and continued validity of any kennel license provided pursuant to this Section.

Sec. G-IV 1.43 Revocation of Kennel License

Animal Control may revoke any kennel license issued, upon notification that an investigation has been made and violations have been found. Notification of revocation may be by personal delivery, facsimile, or by mail.

Sec. G-IV 1.44 Resisting an Animal Control Officer

Any person who willfully opposes, resists, or interferes with any Animal Control Officer lawfully performing his duty shall be deemed guilty of a misdemeanor.

Sec. G-IV 1.45 Unlawful Removal of Animals

It shall be unlawful for any person to remove any animal from the custody of any Animal Control Officer, Animal Control vehicle, or Animal Control shelter without permission or without payment of any applicable fees.

Violation of this Section is a misdemeanor.

Sec. G-IV 1.46 Animals Prohibited From Food Establishments

No person shall allow or permit any animal into, or take any animal, whether loose, on a leash or in arms, into any food establishment, such as a restaurant, grocery store, meat market, or into any place where alcoholic beverages are sold, except guide dogs or dogs being trained as guide dogs.

Sec. G-IV 1.47 Animals Running at Large Prohibited

No person owning or having possession, charge, custody, or control of any animal shall cause, permit, or allow the animal to be in any building or enclosure or to stray, run, or in any other manner to be at large in or upon any public street, sidewalk, park, school ground, or other public place, or upon any private place or property without the permission of the owner or person in control of such private place or property.

An animal shall be deemed at large anytime it is off the premises of its owner/custodian and not under direct control of the owner/custodian by means of leash, chain, tether, adequate fence, or other effective device.

The provisions of this Section shall not apply to:

- A. Any hunting dog during such time it is being used for the purpose of lawful hunting, or during such time it is being trained to be a hunting dog, provided such hunting or training is on land or premises to which the person hunting or training such dog has a legal right to be upon.

- B. Working animals during those periods when the animal is working.
- C. Animals in the immediate presence and under direct control of the owner/custodian. This means the animal is in the close proximity of the owner/custodian, and the owner/custodian can demonstrate effective control of the animal.

Sec. G-IV 1.47A Female Dog in Heat – Running at Large/Accessibility Prohibited

It shall be unlawful for any person to permit any female dog which is owned, harbored, or controlled by him to run at large at any time during the period when the dog is in heat or breeding condition, or to allow such female dog to remain indiscriminately accessible to other dogs while such female is in heat or breeding condition.

Sec. G-IV 1.48 Dogs Running at Large on Farm Prohibited

It shall be unlawful for any person to permit any dog which is owned, harbored, or controlled by said person to run at large on any farm on which livestock or domestic fowls are kept, without the consent of the owner of the farm.

Sec. G-IV 1.49 Dogs Pursuing Livestock, Protected Animals or Game Animals

It shall be unlawful for any person to permit any dog that is owned, harbored, or controlled by said person to persistently pursue, wound, or kill any of the following:

- A. Livestock, on land or premises which are not owned or possessed by the owner/custodian of the dog.
- B. Fully protected, rare, or endangered animals at any time.
- C. Game animals, during the closed hunting season of such animals.

A violation of this Section shall be a misdemeanor, and any person convicted shall be punished by imprisonment in the County Jail for not more than six (6) months, or by a fine of not less than one hundred fifty dollars (\$150) nor more than five hundred dollars (\$500), or both such fine and imprisonment. As a condition of probation for conviction of this Section, there shall be imposed a mandatory minimum fine of one hundred fifty dollars (\$150).

Sec. G-IV 1.49A Livestock Containment

Any owner, lessee, or person in custody or control of any livestock shall contain such animals by a lawful fence or other effective means.

For purpose of this Section, a “lawful fence” means any fence that is good and strong and is substantial and sufficient to prevent the ingress and egress of livestock.

No wire fence is a good and substantial fence within the meaning of this Section unless it has three (3) tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod (16.5 feet) apart, one of which wires shall be at least four feet (4') above the surface of the ground.

Any kind of wire or other fence of height, strength, and capacity equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this Section. The term "lawful fence" includes cattle guards of such width, depth, rail spacing, and construction as will effectively turn livestock.

Sec. G-IV 1.50 Nuisances by Animals

It shall be unlawful and a nuisance for any person owning or having control of any animal to allow or to permit any animal to do any of the following:

- A. To utter any frequent or continuous noise of an irritating or raucous nature which disturbs the peace and tranquility of the neighborhood for a period of twenty (20) minutes or more in an hour.

If such nuisance is continuous and no person having custody or control of the animal can be located, any Animal Control Officer or Peace Officer may attempt to abate the nuisance, as long as he or she is not required to enter into an enclosed building or residence. If the nuisance cannot be abated by any other means, the animal may be impounded. A notice of impoundment shall both be affixed to the premises from which the animal was removed and shall also be mailed to the registered owner/custodian. The notice shall inform the owner how to reclaim the animal in accordance with the provisions of this Article, including payment of all applicable fees.

- B. To damage or destroy the property of another person or public property, or to repeatedly deposit its bodily waste fluid or matter upon such property.
- C. To cause unsanitary, dangerous, or offensive conditions due to inadequate care of facilities, or due to the size, type, or number of animals maintained at a single location.
- D. To interfere with the freedom of lawful movement of persons, or to chase vehicles, or to create a nuisance in any other way.

All complaints regarding animal nuisances shall be in writing. The Chief of Animal Control, after receiving such complaint, shall initiate an investigation to determine if in fact a nuisance condition exists. If he finds that a nuisance condition exists, he may issue an order to conform, issue a citation, or both.

Sec. G-IV 1.51

Repealed.

Sec. G-IV 1.52 Vicious or Dangerous Animal

Every person owning, having possession, charge, or control of any vicious or dangerous animal other than a dog, as defined or declared herein, shall not allow or permit such animal to run at large; furthermore, every person having possession, charge, or control of such animal shall confine the animal on the premises in such a manner to protect persons that are on or near such premises peacefully and lawfully.

Violation of this Section shall be a misdemeanor.

Sec. G-IV 1.53 Authority to Declare Animals Vicious or Dangerous

The Chief of Animal Control, Animal Control Officers, or Sheriff's Officers may declare an animal, other than a dog, vicious or dangerous if such animal shows a propensity to attack, bite, scratch, or harass people or other animals without being provoked, in such Officer's presence, or upon sufficient proof that the animal has displayed such a propensity for violence.

The Chief of Animal Control may declare an animal vicious or dangerous based on the number of, or circumstances of a bite, or for any other reason that he deems appropriate for the protection of public health.

The Chief of Animal Control, after receiving one (1) or more complaints, in writing, accusing an animal of being vicious or dangerous, may initiate an investigation to determine if such animal is vicious or dangerous. Based on the facts of the investigation, such animal may be declared vicious or dangerous.

In any case where an animal is declared vicious or dangerous, the owner shall be notified in writing of such declaration and the reasons for such declaration.

Sec. G-IV 1.54 Potentially Dangerous or Vicious Dog

A. Procedure for Declaring Dog Potentially Dangerous or Vicious: If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Chief of Animal Control or the head of the local law enforcement agency, or his or her designee, shall provide the owner/custodian an option of agreeing to the designation, or he/she shall petition the Court within the judicial district wherein the dog is owned or kept for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious pursuant to the procedures set forth in Food and Agricultural Code Sections 31621, et seq.

B. Seizure and Impoundment of Dog:

1. If, upon investigation, it is determined by the Animal Control Officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer or law enforcement officer may seize and impound the dog pending the hearing pursuant to Food and Agricultural Code Sections 31621, et seq. The owner or keeper of the dog shall be liable to the County, where the dog is impounded, for the costs and expenses of keeping the dog, if the dog is later adjudicated to be potentially dangerous or vicious.

2. When a dog has been impounded pursuant to Subsection 1.54.B.1 above and it is not contrary to public safety, the Chief of Animal Control shall permit the animal to be confined, at the owner's expense, in an Animal Control approved kennel or veterinary facility.

- C. Every person owning, having possession, charge, or control of a potentially dangerous dog as defined by Section G-IV 1.4.Z, or a vicious dog as defined by Section G-IV 1.4.AA, shall comply with the following provisions which are designed to reduce injury or death to human and animal life:
 1. Licensing and Vaccination of Potentially Dangerous Dogs: All potentially dangerous dogs shall be properly licensed and vaccinated. The licensing authority shall include the "potentially dangerous" designation in the registration records of the dog, either after the owner/custodian of the dog has agreed to the designation, or the court or hearing entity has determined the designation applies to the dog. The County may charge a "potentially dangerous dog" fee, in addition to the regular licensing fee, to provide for the increased costs of monitoring the dog.
 2. Confinement of a Potentially Dangerous Dog: A potentially dangerous dog, while on the owner/custodian's property, shall, at all times, be kept indoors or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. A potentially dangerous dog may be off the owner/custodian's premises only if it is restrained by a substantial leash of appropriate length (not greater than six feet (6') in length) and if it is under the control of a responsible adult.
 3. Procedure for sale or transfer of a Potentially Dangerous Dog: If the dog in question dies or is sold, transferred or permanently removed from the city or county where the owner/custodian resides, the owner/custodian of the potentially dangerous dog shall notify the Animal Control Program, in writing, of the changed condition and new location of the dog within two (2) working days.
 4. Removal From List of Potentially Dangerous Dogs: If there are no additional instances of the behavior described in Section G-IV 1.4.Z within a 36-month period from the date of designation as a "potentially dangerous dog," the dog shall be removed from the list of potentially dangerous dogs. The dog may be, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 36-month period if the owner/custodian of the dog demonstrates to the Animal Control Program that changes in circumstances or measures taken by the owner/custodian, such as training of the dog, have mitigated the risk to the public safety.

D. Procedure for Destruction of Vicious Dog:

1. A dog determined to be a vicious dog may be destroyed by the Animal Control Program when it is found (after proceedings conducted pursuant to Food and Agricultural Code Sections 31621, et seq.) that the release of the dog would create a significant threat to public health, safety, and welfare.
2. If it is determined that a dog found to be vicious shall not be destroyed, the judicial authority shall impose conditions upon the ownership of the dog that protect public health, safety, and welfare.
3. Any enclosure that is required pursuant to Subsection 1.54.C.2 above shall be a fence or structure suitable to prevent the entry of young children and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner/custodian of the dog. The enclosure shall be designed in order to prevent the animal from escaping.

E. Penalties for Potentially Dangerous and Vicious Dogs: Any violation of the provision involving a potentially dangerous dog shall be punished by a fine not to exceed five hundred dollars (\$500). Any violation of the provision involving a vicious dog shall be punished by a fine not to exceed one thousand dollars (\$1,000). All such fines shall be used to defray the cost of controlling and regulating vicious and potentially dangerous dogs.

Sec. G-IV 1.55 Wild, Exotic, or Non-Domestic Animals

No person shall have, keep or maintain any wild, exotic or non-domestic animal without first applying to, and receiving special authorization from, the Chief of Animal Control. Nevada County Zoning Regulations on Animal Keeping and Raising (Section L-II 3.4.C of the Nevada County Land Use and Development Code) require a Use Permit (UP) and zoning compliance to keep any wild, exotic, or non domestic animal in the County, and a copy of the UP will be needed before any permission is granted.

The Chief may authorize the keeping or maintenance of any wild, exotic, or non-domestic animal when, in his opinion, any such animal may be kept or maintained without endangering the safety of any person, neighborhood, or property; furthermore, the Chief may require any such animal to be properly caged, tethered or restrained, or he may set additional requirements that may be necessary and proper under the circumstances. The Chief may revoke such authorization when, in his opinion, the safety of any person, neighborhood, or property is endangered by the keeping of any such animal, or for violations of any conditions established for keeping such animal.

The Chief of Animal Control shall not issue any such authorization for any wild animal that requires a permit from the State Department of Fish and Game until such permit is issued by said Department.

Violation of this Section shall be a misdemeanor.

Sec. G-IV 1.55A Control of Stallions

Persons owning and/or controlling stallions shall provide confinement for said animal(s).

For the purpose of this Section, "confinement" means fencing at least six feet (6') high with no more than eight inches (8") of space between fence material elements, and shall

be of such construction and strength as to prevent egress and ingress of stallions attracted to other animals and ingress of animals attracted to stallions.

Violation of this Section shall be a misdemeanor.

Sec. G-IV 1.56 Animal Abandonment Prohibited

No person shall willfully abandon any animal in Nevada County. Violation of this Section shall be misdemeanor.

The refusal or failure of the owner/custodian of any animal to pay the fees and charges, after due notification, shall be held to be an abandonment of the animal by the owner/custodian.

Sec. G-IV 1.56A Leaving Animals in Vehicle

- A. No person shall leave any animal in an unattended vehicle without adequate ventilation or in such a manner to subject the animal to extreme temperatures that adversely affect the animal's health and welfare.
- B. No person shall leave any dog unattended in any vehicle without confining the dog in such a manner to prevent it from reaching the outside edge of the vehicle with any portion of its body.

Animal Control Officers shall be empowered to remove an animal from a vehicle under emergency circumstances when the animal is endangering the safety of the public.

Sec. G-IV 1.57 Dead Animals and Fowl

It shall be unlawful for any person owning or having under his control at the time of an animal's death to permit the carcass of any dead animal to remain unburied for a period in excess of twenty-four (24) hours.

In any case where the owner/custodian or person having control of any animal at the time of its death fails to dispose of such dead animal within the prescribed period, the County shall be entitled to dispose of such animal. In addition to any penalty imposed, such costs of removal and burial shall be a charge against the owner/custodian or person in control of the animal immediately prior to its death.

Sec. G-IV 1.58 Authority to Capture or Kill Dogs Pursuing Livestock, Game Animals or Fully Protected Rare or Endangered Animals

The Chief of Animal Control or any Animal Control Officer may capture or kill:

- A. Any dog found in the act of persistently pursuing, worrying, wounding, or killing livestock or fowl on land or premises which are not owned or possessed by the owner/custodian of the dog.
- B. Any dog found in the act of pursuing, wounding, or killing any game animal during the closed hunting season on such game animal.
- C. Any dog found in the act of pursuing, wounding, or killing any fully protected, rare, or endangered animal.

Sec. G-IV 1.59 Holding of Animals

Any person may take and hold any stray animal or animal trespassing on his property; however, such person shall notify the Animal Control Program within twenty-four (24) hours of the following:

- A. The fact that he has such an animal in his possession.
- B. A complete description of the animal.
- C. The license tag number, rabies tag number, or any other identification tag that may be attached to such animal. If the animal has no source of identification the person shall so state.
- D. The place where such animal is confined.

If the owner/custodian of such animal is unknown or cannot be contacted within seventy-two (72) hours, or upon request from an Animal Control Officer, such animal shall be immediately surrendered to the Animal Control Program for impoundment.

Sec. G-IV 1.60 Isolation of Rabid Animals or Clinically Suspected Rabid Animals

Any rabid animal or clinically suspected rabid animal shall be isolated in strict confinement under proper care and under the observation of a licensed veterinarian, in an animal shelter, veterinary hospital, or other adequate facility, and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies, with the exception that such animals may be sacrificed with permission of the Chief of Animal Control for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in an approved public laboratory.

Sec. G-IV 1.61 Isolation (Quarantine) of Biting Animals

The Chief of Animal Control or any Animal Control Officer shall quarantine any animal, of a species subject to rabies, that has bitten or otherwise possibly exposed a person to rabies. Such quarantine shall be in conformance with the County's policies on the quarantine of biting animals. The quarantine period shall be ten (10) days for dogs and cats and fourteen (14) days for all other animals, from the infliction of the bite.

In any case where the animal is permitted to be quarantined at home, the owner/custodian or person in custody or control of such animal, shall enter into a quarantine agreement with the Animal Control Program.

It shall be unlawful for the owner or person in custody or control of an animal, to violate any of the conditions of quarantine prescribed by the Health Officer or the Animal Control Program.

Violation of this Section shall be a misdemeanor.

Sec. G-IV 1.62 Isolation (Quarantine) of Bitten Animals

Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in intimate contact with a rabid or suspected rabid animal shall be quarantined in a place and manner approved by the Chief of Animal Control for a period of six (6) months or destroyed, with the exception that the following alternatives are permitted in the case of dogs and cats as follows:

- A. If a dog over one (1) year of age has been vaccinated against rabies within thirty-six (36) months but not less than thirty (30) days with a rabies vaccine of a type approved by the State Department of Health Services for a maximum immunity duration of at least thirty-six (36) months, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Chief of Animal Control for a period of thirty (30) days.
- B. If a dog under one (1) year of age has been vaccinated against rabies within twelve (12) months but not less than thirty (30) days with a rabies vaccine of a type approved by the State Department of Health Services, the dog may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and a manner approved by the Chief of Animal Control for a period of thirty (30) days.
- C. If a cat has been vaccinated within one (1) year but not less than thirty (30) days with an annual type feline rabies vaccine, or if a cat has been vaccinated under one (1) year of age with a thirty-six month (36) type of feline rabies vaccine within twelve (12) months, but not less than thirty (30) days, the cat may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Chief of Animal Control for a period of thirty (30) days following revaccination.
- D. If a cat over one (1) year of age has been vaccinated against rabies and has been vaccinated within thirty (36) months and more than thirty (30) days with a thirty-six month (36) type feline rabies vaccine, the cat may be revaccinated immediately (within 48 hours) in a manner prescribed by the State Department of Health Services and quarantined in a place and manner approved by the Chief of Animal Control for a thirty-day (30) period following revaccination.

Sec. G-IV 1.63 Appeals

Any person aggrieved by any decision or action resulting from the application of this Article may appeal such decision or action within fifteen (15) days to the Board of Supervisors.

The Board of Supervisors may sit as a hearing board for such appeals or it may designate a hearing officer or hearing board to hear such appeals.

Sec. G-IV 1.64 Absence of Liability

No liability shall be incurred by the County or its agents for the disposition or non-disposition of any animal made pursuant to the provisions of this Article.

Sec. G-IV 1.65 Penalties for Violations of Provisions of this Article

Any person violating any provision of this Article, except as otherwise expressly set forth herein, is guilty of an infraction. Upon conviction of the infraction there shall be a fine imposed as follows:

- A. For a first violation, a fine not exceeding one hundred dollars (\$100);

- B. For a second violation of the same Ordinance section within a twelve (12) month period, a fine not exceeding two hundred dollars (\$200);
- C. For a third or subsequent violation of the same Ordinance section within a twelve (12) month period, a fine not exceeding five hundred dollars (\$500).

Violations of the State statutes shall carry the penalties and other consequences of their respective codes.

Sec. G-IV 1.66 Severability of Provisions

If any Section or provision of this Article or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other Section or application of this Article that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Article are severable.

Ord. #272, 1/2/63; Ord. #280, 5/1/63; Ord. #315, 4/1/65; Ord. #699, 1/28/75; Ord. #743, 2/17/76; Ord. #914, 9/17/79; Ord. #1179, 8/22/83; Ord. #1313, 7/1/85; Ord. #1664, 9/4/90; Urg. Ord. #1803, 9/22/92; Ord. #1819, 1/19/93; Ord. #1917, 10/22/96; Ord. #1925, 12/10/96; entire Article repealed and re-enacted by Ord. #2014, 1/11/00; Ord. #2019, 3/7/00; entire Article repealed and re-enacted by Ord. #2190, 12/13/05.