

## ARTICLE I – General Provisions

### 4-07-1000 - Short title.

This chapter shall be known and may be cited as the Tulare County Animal Ordinance.

### 4-07-1100 - Purpose - Construction.

This chapter is intended to regulate, control, and protect Domestic Animals within the unincorporated area of Tulare County. Because of the importance of agricultural production in and to the county, the provisions of this chapter shall be construed and given effect in a manner that is consistent with and in furtherance of conserving, protecting, enhancing and encouraging Agricultural Operations within the county and in accordance with the Tulare County General Plan.

### 4-07-1200 - Relationship to other laws.

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to any activity which is regulated by federal or state law. This chapter shall be interpreted to be compatible with federal and state enactments, and in furtherance of the public purposes which those enactments express. Tulare County will uphold the laws of the state of California. Where the ordinances are silent, Tulare County will enforce the laws of the state of California as related to the health and welfare of Animals, as amended from time to time.

### 4-07-1300 - Authority to set fees and charges.

Fees shall be established by the Board of Supervisors of Tulare County to include, but not be limited to, fees for Impoundment, licensing, kenneling, adoption, and boarding of Animals. The fees and charges so established may recover the reasonable cost of providing such services and issuing such licenses, as well as administrative fees related to such services, as allowable under the law.

### 4-07-1400 - Definitions.

Unless the provision or context requires otherwise, the definitions contained in this section shall govern the construction of this chapter. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

"Abandon" means to leave an Animal upon any public street or other public place, or upon any private property or Premises with no intention of returning to care for that Animal.

"Administrative Citation" means a notice provided by the Animal Services Manager or an Animal Control Officer outlining behaviors in violation of this Chapter.

"Administrative Review Officer" means the Agency Director of the County's Health and Human Services Agency (HHS) or his or her designee. The Director may contract with a qualified provider to conduct the Administrative Reviews or to process Administrative Citations.

"Administrative Review Appeals Officer" means the Agency Director of the County's Health and Human Services Agency (HHS) or his or her designee. The Director may contract with a qualified provider to

conduct the Administrative Review Appeals.

"Adoptable" means, pursuant to Penal Code Section 599d(a), Animals eight weeks of age or older that, at or subsequent to the time they are Impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a significant health or safety risk or otherwise make the Animal unsuitable for placement as a pet, ~~and have manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the Animal's health in the future.~~

"Adoption" means transferring possession of any animal from an Animal Rescue Organization or government operated shelter, with such transfers including adoption terms enumerated in a signed contract between the Animal Rescue Organization or shelter and adoptee.

"Adult Dog" means any Dog over the age of nine (9) months.

"Altered" means spayed or neutered.

"Animal" means and includes any mammal, reptile, amphibian, avian, or fish.

"Animal Services Division" or "Animal Services" means the division, and its duly authorized staff, within the Health and Human Services Agency, which has been established to oversee the County's Animal Control and Licensing functions and the day-to-day operations of the County's Animal Care and Adoption Facility.

"Animal Control Officer" means a person duly appointed by the Animal Services Manager to carry out the activities and programs of Animal Services.

"Animal Nuisance, " within the meaning of this title, means such actions or behaviors of an Animal which interfere with the rights of persons to the enjoyment of life or property by creating chronic annoyance, disturbance, or discomfort to neighbors or others in close proximity to the Premises where the Animal is kept, harbored or maintained, and shall include, but not be limited to, the following:

- A. Causing fouling of the air by the unpleasant odor of accumulated fecal waste or urine. Such fouling of the air must be detected from a location or locations other than the property in question; or
- B. Causing unsanitary conditions in enclosures or surroundings; or
- C. Making a chronic, continuous excessively loud or disturbing noise of more than a fifteen (15) minute duration per incident, that prevents the resident or residents of any property from enjoying the full use quiet enjoyment of ~~that~~their property ~~for any lawful purpose including but not limited pursuant to sleep or rest~~Health and Safety Code §46000. This does not include periodic barking or other utterances of short duration.

This list excludes agricultural operations that are in compliance with zoning ordinances and special use permits.

"Animal Owner", "Owner" or "Custodian" means any Person who owns an Animal or who has charge, care, custody or control of, or has a right to control an Animal for fourteen (14) or more consecutive days, except a Veterinarian caring for an Animal in the regular practice of veterinary medicine.

"Animal Rescue- Organization" or "Rescue Organization" means any person or group registered within their state of operation as a charitable organization-operating as a-, or registered as a tax exempt

organization under 501(c)(3) that provides of Title 26 of the United States Code, dedicated to the housing and care for of domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted out, and which does not in the normal course of its operations obtain animals from any breeder(s) or broker(s) for payment or other compensation.

"Animal Services Manager/Director" or "Manager" means the person, appointed by the Health and Human Services Agency Director, who is tasked with the management of the Animal Services Division.

"Animal Services Personnel" means any person working at the Animal Shelter and tasked with carrying out the activities and programs of Animal Services.

"Animal Shelter" means the County-owned and operated shelter for the purpose of Impounding, caring for, adopting out, and placing seized, stray, distressed, homeless, Abandoned, or unwanted Animals.

"At large" means an Animal off the Premises of its Owner or Custodian and:

- A. If Livestock, not properly fenced, or not under the control and in the immediate presence of the Owner or Custodian; or
- B. If a Dog, not under physical restraint.

"Biting Animal" means any Animal, other than a law enforcement service Dog, that bites a person or other Animal in the unincorporated areas of the Tulare County; provided however, that the person or Animal bitten was not at the time either provoking or teasing the Animal ~~without cause.~~ The records of Animal bites kept by Animal Services shall be deemed official records and shall establish the number of bites recorded.

"Board" means the Board of Supervisors of Tulare County, California.

"Breed" or "Bred" means to mate animals to produce offspring. For the purposes of this Chapter, an Animal has been bred when its mating has resulted in pregnancy, whether or not pregnancy results in live birth.

"Breeding Permit" as used in this chapter means a permit issued by Animal Services to ~~Commercial Kennels engaging in the any person, organization, or entity~~ breeding of Animals dogs for sale, profit, trade, or gifting; or advertising such animals for sale, profit, trade or gifting.

"Cat" means any Domestic Cat (Felis catus).

~~"County Property" means any building, land or water owned, leased, managed, or controlled by the County.~~

"Corrective Action Plan" means a directive from the Animal Services Manager, or similarly situated person, compliance with which will result in return of an Animal and/or cessation of any pending matters with Animal Services.

"Custodian" means any person or entity who is temporarily in possession and control of an Animal.

"Dam" means the female parent of an animal, especially a domestic mammal.

"Director" means the Agency Director of the County's Health and Human Services Agency (HHS) or his or her designee and acting within the scope of the Director's authority.

"Dog" means any Domestic Dog (*Canis familiaris*).

"Dog license" means a tag, which will be firmly affixed to the Animal's collar on which is imprinted the phone number and name of the issuing agency, and a serial number unique to the individual tag.

"Domestic Animal" means Dogs and Cats, except as limited in the definition of "Feral Animal" in this section, 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 or other animals kept as pets, including but not limited to birds, guinea pigs, and rats.

"Equine" means any horse, pony, mule, or ~~burro~~donkey.

~~"Exotic Animal" means and includes any Wild Animal which the California Fish and Game Commission has declared to be a prohibited Wild Animal and the importation, transportation or possession of which is unlawful except under authority of a revocable permit issued by the California Department of Fish and Game.~~

"Exotic Animal" includes but is not limited to those animals or species set forth in California's Fish and Game Code Section 2118.

"Feral Animal" means any ~~Domestic Animal~~Dog or Cat that is known to live in a wild or semi-wild state without benefit of an Owner, or any ~~Domestic Animal~~Dog or Cat that has escaped for a substantial period of time from the care of its Owner or Custodian and is existing in a wild state without benefit of domestication.

"Foster Animal" means an animal placed by a government operated shelter or a Rescue Organization with a temporary caregiver while awaiting adoption. Foster Animals will be evaluated by the entity retaining ownership of the Animal every 90 days for continued viability in foster placement.

"Guide Dog" means any Guide Dog or seeing eye Dog which has been trained by a Person licensed under Chapter 9.5 (commencing with Section 7200) of the Business and Professions Code.

"Health Officer" means the Health Officer of the County or his or her designee.

"Hearing", for the purposes of this chapter, means the process prescribed in Section 4.07.6100 for the redress of issues relating to or arising from the enforcement of this chapter including, but not limited to, Potentially Dangerous and Vicious Animals, permits, or such other administrative matters for which a person is entitled to an impartial third party making a determination.

"Hearing Officer" means the person designated by the Director, or his or her designee, to preside at and render judgments from Hearings transacted under the authority of this chapter. The person may be an employee of the County who is not assigned to Animal Services or otherwise subordinate to the Manager

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. The person shall be impartial and make a decision based on the evidence presented at the Hearing.

"Impound" or "Impoundment" means the physical restraint and ~~transport~~taking into custody of an Animal ~~to the Animal Shelter~~ by Animal Services Personnel, ~~another agency, or the general public.~~ ~~An Animal confined and returned to the Owner or Custodian, prior to transport to the Animal Shelter, is considered to be Impounded.~~ \_\_\_\_\_

~~"Impoundment" means the taking up and confining of an Animal, by Animal Services, in accordance with the provisions of this chapter or other applicable law or regulation, whether or not transported to the Animal Shelter, and whether or not initially restrained and transported by Animal Services personnel.~~

~~"Kennel – Boarding" or "Boarding Kennel" means any Lot or Premises on which five (5) or more Adult Dogs, which are not owned by the landowner, occupant, or the Kennel owner or operator, are kept on a temporary basis, for any length of time for the purposes of boarding or training.~~

"Kennel – Commercial" or "Commercial Kennel" means any Lot or Premises on which between five (5) or more and twenty-five (25) Adult Dogs over four (4) months of age are kept for any length of time by the Owner or occupant for commercial purposes, including, but not limited to, ~~boarding,~~ breeding, buying, selling, or renting, ~~or training.~~

"Kennel – Non-commercial" or "Non-commercial Kennel" means any Lot or Premises on which between five (5) or more and twenty-five (25), Adult Dogs over four (4) months of age are owned and kept by the Owner or occupant for personal, non-commercial purposes, ~~including, but not limited to, hunting, tracking, exhibiting and at shows, exhibitions, field trials, competitions, or perpetuating a given breed, or the fostering of Dogs on behalf of Animal Services.~~ which no Dogs are engaged in breeding.

"Kennel – Non-Profit" or "Rescue Kennel" means any Lot or Premises on which five (5) or more Dogs are kept by a person or organization operating as a 501 (c)(3) an Animal Rescue Organization that provides housing and care for domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted out, and at which no Dogs are engaged in breeding.

"Licensed Premises" means any Lot or Premises on which a Commercial Kennel ~~or,~~ Kennel or Rescue Kennel is maintained by the Person owning or occupying such Lot or Premises.

"Livestock" means and includes any cattle, sheep, swine or goats, or any llamas or other camelidae, or any domestic fowl or rabbits.

"Microchip" means an identifying integrated circuit placed under the skin of an Animal.

"Nonlethal force" means and includes capture guns, counter-assault agents (pepper spray, citronella-, based deterrents, etc.), blowguns, carbon dioxide operated rifles and pistols, air guns, and electronic control devices.

"Person" means and includes any individual, firm, association, organization, partnership, joint venture, business trust, corporation or company.

"Pets" means Dogs, Cats, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles and any other species of Animal which can be legally sold or retained for the purpose of being kept as a household pet.

"Potentially Dangerous Animal" means any of the following:

- A. Any Animal which behaves in such a manner that the Owner or Custodian thereof knows or should know that the Animal poses a threat to public safety;
- B. Any Animal which because of its size, training, behavior, physical nature, or vicious propensity would threaten public safety were it not controlled as prescribed in this chapter;
- C. Any Animal which threatens or attacks any Person in a manner which requires substantial defensive action by any Person to prevent bodily injury;
- D. Any Animal which threatens or attacks any other Animal belonging to another when such other Animal is confined upon private property or otherwise lawfully restrained and controlled.

"Premises" means any property owned, leased or rented by any Person.

"Retired Breeding Dog" means a dog that has been used for breeding but which is no longer going to be bred, for reasons of age, health, or selection.

"Secure Enclosure" means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a Potentially Dangerous or Vicious Animal in conjunction with other measures which may be taken by the Owner of the Animal. The enclosure shall be designed to prevent the Animal from escaping. The Animal shall be housed pursuant to Penal Code Section 597t.

"Service Dog" means any Dog that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

"Severe Injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

~~"Substantial-Leash"~~ means any ~~substantial~~ chain, cord, rope, strap or other restraint of sufficient strength to restrain a particular Animal and which is held or otherwise controlled by a Person capable of ~~controlling~~ and actually controlling the Animal to which such restraint is attached.

"Swap Meet" means any building or open area where the display, exchange, barter or sale of new or used common household items or office equipment and furnishings is conducted, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.

"Transfer" means to sell, barter, trade, gift, or otherwise remove an Animal from the custody and control of one person to another.

"Unaltered" means neither spayed nor neutered; with reproductive organs intact.

"Veterinarian" means any Person actively licensed to practice veterinary medicine in California.

"Veterinary Facility" means a clinic or hospital for the provision of inpatient or outpatient medical services to Domestic and Exotic Animals. Animals may be kenneled on site.

"Vicious Animal" means any of the following:

- A. Any Animal seized under Penal Code Section 599aa and upon the sustaining of a conviction of the Owner under subdivision (a) of Penal Code Section 597.5;
- B. Any Animal which, when unprovoked, acts in an aggressive manner, and inflicts Severe Injury on or kills a human being or other Animal;
- C. Any Animal previously determined to be, and currently listed as, a Potentially Dangerous Animal which, after its Owner or Custodian has been notified of this determination, continues the behavior described in the definition of "Potentially Dangerous Animal" set out above, or is maintained in violation of Tulare County Ordinances.

"Wild Animal" ~~means~~ is defined in California's Fish and Game Code Section 2116 and includes any Animal identified in Fish and Game Code Section ~~2116~~2118.

## ARTICLE II – Administration and Authority

### 4-07-2000 – Jurisdiction

The Animal Services Manager shall supervise the Animal Shelter and all Animal Services Personnel.

- A. *Responsibility* - The Animal Services Manager is responsible for the regulation and the enforcement of this chapter and all other laws dealing with Animals existing within the unincorporated territory of the County and those incorporated areas thereof which may contract with the County for such services. The duties of the Animal Services Manager shall include, but not be limited to, the following:
  - 1. To administer the Animal Shelter and keep such records as may be required;
  - 2. To take up and Impound Animals which are in violation of this chapter;
  - 3. To quarantine Animals and to cooperate with the County Health Officer;
  - 4. To administer licensing programs as provided for in this chapter and in compliance with State and Federal laws; and
  - 5. To abate Animal Nuisances.
- B. *Rules and Regulations* - The Animal Services Manager may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of, this chapter. Such rules and regulations will be approved by the Tulare County Board of Supervisors by resolution. Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any license provided herein. Documents that one must submit in order to comply with this code will be readily available at Animal Services and/or the Tulare County Health and Human Services Agency.
- C. *Animal Control Officers* ~~— Animal Control Officers—~~ An individual(s) qualified pursuant to

- section ~~830.9830.9~~ of the Penal Code shall enforce the provisions of this Chapter, including:
1. Take up and Impound all Animals found to be in violation of the provisions of this Chapter;
  2. Provide all Impounded Animals with sufficient shelter, food and water;
  3. Keep such records as may be required by the Board of Supervisors or any other authority;
  4. Carry out the provisions of this Chapter and all applicable statutes of the State.
- D. Animal Control Officers shall have the power to issue citations pursuant to section ~~1-21-1005 of Chapter 21 of Part 1~~ 11-21-1005 of Chapter 21 of Part 1 of the Tulare County Ordinance Code.
- E. *Authority to Pursue on Foot* - In the performance of his or her duties, the Animal Services Manager 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 outdoor 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.
- F. *Authority to Use Specialized Equipment* - Upon satisfactory completion of a Peace Officer Standards and Training Course pursuant to Penal Code section 832, in the performance of his or her duties, the Animal Services Manager and Animal Control Officer(s) shall have the authority to employ the use of specialized equipment, as defined in these ordinances and California Penal Code Section 830.9-, and all other Animal control devices commonly used by other Animal control agencies located within the state of California. The Animal Services Manager may authorize trained and certified Animal Services Personnel to use specialized self-protection equipment such as an expanding baton or other non-lethal device or chemical agent to prevent personal injury while on duty.
- G. *Authority to Humanely Euthanize*
1. ~~The~~ In accordance with California Penal Code section 597.1(e), Food and Agricultural Code section 31152, and any other applicable law, the Animal Services Manager or Animal Control Officer shall have the authority, ~~when a clear and present danger to public safety exists and reasonable means of capture have failed, or~~ if the Animal is irremediably ill, wounded or suffering, to direct the humane ~~euthanization~~ euthanasia of an Animal in the field.
  2. In such cases of humane ~~euthanization~~ euthanasia, reasonable efforts will be made to notify the Owner or Custodian of the Animal, if one exists.
- H. *Obstruction* - Any person who prevents, resists, threatens, or obstructs an attempt by the Animal Services Manager or Animal Control Officer to perform his or her lawful duties pursuant to this chapter 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.
- I. *Misrepresentation* - No person shall willfully make a false or misleading statement or representation to the Animal Services Manager or Animal Control Officer acting in his or her official capacity regarding the Ownership or right to custody or control of an Animal for which a license is required, or regarding the Ownership of an Animal redeemed from, relinquished



to, Impounded by, or taken up by the Animal Services Manager or Animal Control Officer pursuant to this chapter. ~~Such Persons~~Any Person who makes such a false or misleading statement shall be guilty of a misdemeanor.

J.K. *Abuse of Services* - The Animal Services Manager is authorized to charge and collect a fee, as laid out in the Tulare County fee schedule, from any Person, including the Animal's Owner or Custodian, who calls Animal Services to his or her residence requesting emergency assistance more than twice in a six month period when no action is taken by the Animal Control Officer upon their arrival.

K.L. *Relief from Fees* - Upon the recommendation of the Animal Services Manager to the Director and with the approval of the Board by resolution, the fees provided for by this chapter 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.

#### 4-07-2050 – Authority to Sign on Behalf of the County

The Director of Health and Human Services, or his/her designee, shall have the authority to sign on behalf of the County the following types of agreements for Animal Services:

- A. Agreements for Animal Adoption and Animal Foster, on a form approved by County Counsel;
- B. Agreements for the transfer of Animals to Rescue Organizations,
- C. Agreements to participate in or rent booth/vendor space for educational or animal adoption opportunities at festivals, fairs, or other special events;
- D. Fee and penalty Payment Plan Agreements;
- E. Pharmaceutical bulk pricing acknowledgements;
- F. Non-binding, non-monetary agreements to participate in coalitions.; and
- G. Agreements for volunteer services, on a form approved by County Counsel.

#### **4-07-2100 - Corrective Action Plan**

At the discretion of the Animal Services Manager, in lieu of a formal Hearing and in conjunction with the Animal's Owner, a corrective action plan may be put in place to abate Animal related issues. The Animal Owner will be served with the Corrective Action Plan signed by the Animal Services Manager or their designated agent outlining a plan of action, including but not limited to actions involving Animals running-at-large, minimum shelter requirements, veterinarian care, Animals worrying livestock or other Animals, Animal Nuisance complaints, or licensing, regarding the Animal or Animals in question. If the Owner or Custodian complies with the requirements of the Corrective Action Plan within the prescribed time period, no further action on the Animal or Animals will be taken and any pending action by Animal Services will cease. If the Owner or Custodian fails to comply with the requirements of the Corrective Action Plan within the prescribed period, Animal Services shall resume any pending action.

Should an Owner or Custodian dispute the action taken by Animal Services for the Owner or Custodian's failure to comply with the Corrective Action Plan, the Owner or Custodian may request a Hearing and pay the applicable Hearing fees. Animal Services shall schedule the Hearing and provide notice to the Owner or Custodian, via first class mail or personal service, of the date, time and place of the Hearing. Failure to appear at the Hearing at the designated time and place will be deemed a forfeiture of the Animal.

#### 4-07-2200 - Administrative Citations and Penalties

In addition to the remedies and penalties contained in this Ordinance, and in accordance with Government Code Section 53069.4, an Administrative Citation may be issued for any violation of County Animal Ordinances. The following procedures shall govern the imposition, enforcement, collection and Administrative Review of Administrative Citations and penalties.

- A. ~~Notice of Violation~~Administrative Citation. If an Animal is owned, kept, maintained, or found to be in violation of a County Animal Ordinance, an Administrative Citation may be issued by the Animal Control Officer.
- B. Content of Citation. The Administrative Citation shall be issued on a form approved by County Counsel and shall contain the following information:
1. Date, location and approximate time that the violation was observed;
  2. The Ordinance violated and a brief description of the violation;
  3. The amount of the administrative penalty imposed for the violation;
  4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within this time period;
  5. Instructions on how to appeal the citation;
  6. The signature of the Animal Control Officer.
- The failure of the Administrative Citation to set forth all required contents shall not affect the validity of the proceedings, so long as it substantially complies with the above requirements.
- C. Service of Administrative Citation.
1. If the person who has violated the County Animal Ordinance is present at the scene of the violation, the Animal Control Officer shall attempt to obtain his or her signature on the Administrative Citation and shall deliver a copy of the Administrative Citation to him or her.
  2. If the owner, occupant, or other person who has violated a County Animal Ordinance is a business, and the business owner is on the premises, the Animal Control Officer shall attempt to deliver the Administrative Citation to him or her. If the Animal Control Officer is unable to serve the business owner on the premises, the Administrative Citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the Administrative Citation shall also be mailed to the business owner by first class mail.
  3. If no one can be located at the property where the violation occurred, then the Administrative Citation shall be posted in a conspicuous place on or near the property and a copy mailed by first class mail to the owner, occupant, or other person who has violated this chapter. The Administrative Citation shall be mailed to the property address.
  4. The failure of any interested person to receive a properly mailed Administrative Citation shall not affect the validity of the proceedings.
- D. Administrative Penalties.
- ~~1. The~~1. Except as enumerated in Sections 4-07-4400, the monetary penalties assessed for each violation of a County Animal Ordinance shall not exceed the following amounts:
- a) ~~a.~~ a. One hundred dollars (\$100.00) for a first violation;

- b) ~~b.~~—Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;
  - c) ~~c.~~—Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one year.
2. If the violation is not corrected, additional Administrative Citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
  3. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
  4. The penalties assessed shall be payable to the County of Tulare, Animal Services Division.
  5. Where the violation would otherwise be an infraction, the administrative penalty shall not exceed the maximum fine or infraction amount.

#### 4-07-2300 - Administrative Review of Administrative Citation.

A. Request for Administrative Review. The recipient of an Administrative Citation may appeal the citation ~~by filing a written request for~~through Administrative Review with Animal Services. The ~~written request for recipient wishing to appeal must appear at the next regularly scheduled~~ Administrative Review ~~must be filed or file a written request for extension. The schedule of Administrative Reviews is available on the citation itself or on the Animal Services website. Failure to appear at the next regularly scheduled review or file a request for extension~~ within ten (10) calendar days of ~~the service of the Administrative Citation as set forth in subsection C above. Failure to file a written request for Administrative Review within this time period receiving the citation, whichever is later,~~ shall constitute a waiver of the right to request a review the Administrative Citation and may be deemed a forfeiture of the Animal in question. ~~The~~

A.B. ~~Appellant shall bring to Review a written request for Administrative Review shall be submitted on County forms and shall contain statement containing~~ the following information:

1. A brief statement setting forth the appellant's interest in the proceedings;
2. A brief statement of the material facts which the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
3. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
4. The request for Administrative Review ~~must be signed by the~~ appellant requesting party.

B.C. Administrative Review. ~~Upon a timely written request by the recipient of an Administrative Citation, an~~The Administrative Review shall be held as follows:

~~1. Notice of Administrative Review. Notice of the Administrative Review regarding the Administrative Citation shall be given at least five (5) business days, including Saturday, before the hearing date to the person requesting the Administrative Review. The notice may be personally delivered to the person requesting the hearing or may be mailed by first class mail to the address listed in the written request for Administrative Review.~~

1. Administrative Reviews shall be held on a schedule which is available on the Animal Services Website and printed on Animal Services citations.

2. Administrative Review Officer. The Administrative Review regarding the Administrative Citation shall be held before the Administrative Review Officer. The Administrative Review Officer shall not be the investigating Animal Control Officer who issued the Administrative Citation or his or her immediate supervisor.

3. Conduct of the Administrative Review. The investigating Animal Control Officer who issued the Administrative Citation shall not be required to participate in the Administrative Review regarding the Administrative Citation. The contents of the investigating Animal Control Officer's file shall be admitted as prima facie evidence of the facts stated therein. The Administrative Review Officer shall not be limited by the technical rules of evidence. If the person requesting the Administrative Review of the Administrative Citation fails to appear at the Administrative Review, the Administrative Review Officer shall make his or her determination based on the information contained in the written request for Administrative Review. The person requesting the Administrative Review may supply any additional evidence to assist the Administrative Review Officer in reaching his or her decision.

4. Authority to reduce fee and penalty amounts for sustained charges. If any or all charges on the Administrative citation are sustained by the Administrative Review Officer, he/she may provisionally dismiss any or all charges pending specified conditions, such as, but not limited to, no repeat offenses within a certain amount of time. If any conditions of the provisional dismissal are violated, the associated fees and penalties will become due. The Administrative Review Officer may alternatively reduce the fees and/or penalty amounts in the interest of justice, including where accrued fees and/or penalties would be a hardship or discourage return of an animal to its home.

4.5. Administrative Review Officer's Decision. The Administrative Review Officer's decision regarding the Administrative Citation following the Administrative Review may be personally delivered to the person requesting the Administrative Review or sent by first class mail. The Administrative Review Officer may allow payment of ~~the any~~ administrative penalty in installments, if the person provides evidence satisfactory to the Administrative Review Officer of an inability to pay the penalty in full at one time. The Administrative Review Officer's decision shall contain instructions for obtaining review of the decision by the Director.

4.D. Appeal of Administrative Review Officer's Decision. If the recipient of an Administrative Citation disagrees with the Administrative Review Officer's decision upholding the issuance of the Administrative Citation and/or administrative penalty amount assessed, the recipient may appeal the issuance of the Administrative Citation to the Director as set forth in this section.

1. Notice of Appeal. Within five (5) business days following the mailing date of the Administrative Review Officer's decision regarding the Administrative Citation, the recipient of the Administrative Citation may contest that decision by submitting a written appeal to the Director ~~along with any applicable fees.~~ The failure to submit the written appeal within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon Animal Services by the contestant.

2. Conduct of Hearing. ~~A Hearing~~An Administrative Review Appeals Officer shall hear the appeal. At the hearing on appeal, the ~~Hearing~~Administrative Review Appeals Officer shall review the written decision of the Administrative Review Officer, any documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished, and will hear such testimony as is relevant to the issues raised in the Notice of Appeal. The ~~Hearing~~Administrative Review Appeals Officer will limit new testimony only to that which is raised in the Notice of Appeal. The ~~Hearing~~Administrative Review Appeals Officer will not be subject to the rules of evidence.

3. Judgment. ~~The Department shall retain the appeal fee regardless of the outcome of the appeal. If the Hearing Officer finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the Department of Animal Services. Any deposit of the fine or penalty shall be refunded by the department of animal services in accordance with the judgment of the Hearing Officer.~~ If the fine or penalty has not been deposited and the decision of the HearingAdministrative Review Appeals Officer is against the contestant, the issuing agency may proceed to collect the penaltyfees and penalties pursuant to the procedures set forth in this ordinance, or in any other manner provided by law.

#### ~~4-07-2400—Recoupment of Enforcement Costs~~

~~The intent of this section is to authorize the recoupment of administrative costs reasonably related to the enforcement of this chapter. In furtherance of this intent the County shall be entitled to recover costs of enforcement, including costs of staff time, by complying with the following procedure:~~

- ~~A.—Records of Costs. Animal Services shall maintain records of all administrative costs incurred by Animal Services and all other responsible County Departments, in the processing of the violation or violations and the enforcement of this chapter and other applicable Ordinances and may recover such costs from the violator and/or property owner or property occupier as provided in this chapter.~~
- ~~B.—Notice. Upon investigation and determination that a violation of any of the provisions of this chapter or other related county ordinances is found to exist, Animal Services and/or other County Department(s) shall notify the violator and/or record owner of the property, or any person having possession or control of the subject property, by mail of the existence of the violation, of the department's intent to charge the violator and/or property owner and/or person having possession or control of the property for all administrative costs associated with enforcement, and of the respondent's right to a hearing on objections thereto.~~
- ~~C.—Summary of Costs. At the conclusion of the case, the Animal Services Division shall send a summary of costs associated with enforcement to the violator and/or owner of the property and/or person having possession or control of the subject property by first class mail.~~
- ~~D.—Right to Administrative Review. Any violator or property owner, or other person having possession and control of the property, who receives a summary of costs under this section shall have the right to an Administrative Review before an Administrative Review Officer on his or her objections to the proposed costs in accordance with the procedures set forth herein.~~
- ~~E.—Request for Administrative Review. A Request for Administrative Review shall be filed with Animal Services Division within ten (10) calendar days of the service by first class mail of Animal Services' summary of costs, on a form provided by Animal Services. Within thirty (30) days of the filing of the request, and on ten (10) days' written notice to the violator and/or owner, the Administrative Review Officer shall hold a proceeding on the violator and/or owner's objections, and shall determine the validity thereof.~~
- ~~F.—Recovery of Costs. In the event that: (a) no request for Administrative Review is timely filed; or (b) after an Administrative Review the Administrative Review Officer affirms the validity of the costs; the violator, the property owner or the person in control and possession of the property shall be liable to the County in the amount stated in the summary of costs or any lesser amount as determined by the Administrative Review Officer. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County.~~

- ~~G. Administrative Review Officer's Decision. In determining the validity of the costs, the Administrative Review Officer shall consider whether the total costs as charged have been fairly and accurately calculated. Factors to be considered include whether the time and personnel spent in enforcement were reasonably necessary to bring about compliance and whether the rate charged is the current rate established by the County.~~
- ~~H. Appeal. The decision of the Administrative Review Officer may be appealed by filing a written notice of appeal with the Director within ten (10) calendar days after service by mail on the violator, property owner, or other person having possession and control of the property, of the decision of the Administrative Review Officer. The appeal shall be heard by a Hearing Officer which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The Department shall give written notice of the time and the place of the hearing to appellant. In conducting the hearing, the Hearing Officer shall not be limited by the technical rules of evidence.~~

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ARTICLE III – Licensing, Vaccinations, Animal Ownership & Responsibilities

**LICENSING**

**4-07-3000 - ~~Legal effect of license~~**

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

~~B. Exemptions. The licensing regulations in this chapter are not applicable to the following:~~

- ~~1. Owners of Animals kept as all or part of the stock of (a) nonprofit zoological gardens open to the public; (b) circuses; or (c) Animal exhibits when such enterprises are operated under business licenses granted by the County.~~
- ~~2.1. Service Dogs as defined in Section 4.07.1400 of this Chapter.~~
- ~~3. Public safety Animals such as police, rescue and drug enforcement Dogs.~~

**~~4-07-3010 - Licensing of Dogs~~ Required.**

~~A. Every~~A. Except as established in section 4-07-3010(B), every Dog meeting the minimum age requirements to receive a rabies vaccination shall be subject to a Dog license fee, due and payable by its Owner or Custodian within thirty (30) calendar days of the acquisition of the Dog, or entry into the County. Thereafter, such license fee shall become due and payable on the date of expiration on any license previously issued to the Owner or Custodian for the Dog. The amount of such fee shall be established in accordance with Section 4.07.1300 of this chapter. No license shall be issued without evidence of a valid rabies vaccination.

B. Upon the written certification of a Veterinarian that a Dog has been surgically sterilized, the amount of the license fee shall be not more than one half the fee established for intact Dogs, in accordance with Food & Agriculture Code Section 30804.5.

C. No Dog license shall be issued for any Dog vaccinated with a Rabies vaccine not ~~authorized~~approved by the State of California. Should a rabies vaccination not be valid for twelve (12) months from the date of application the Owner or Custodian may elect to do either of the following:

1. Be issued a license at the regular one year rate as outlined in subsection A of this section that will expire upon expiration of the vaccination and be due again in full; or
2. Re-vaccinate and be issued a license which would be valid for at least twelve (12) months.

D. A Dog license fee shall become delinquent thirty (30) calendar days after it becomes due and payable, and upon delinquency, an additional delinquent fee, as established by the Board,

shall be added to the regular fee. An unpaid delinquent fee shall be added to the succeeding year's license fee.

- E. Animal Services shall procure and issue serially numbered tags stamped with the name of the county. This tag is a ~~life time~~lifetime tag, which should not be removed, and will be unique to the Animal to which it was issued. The license tag shall only be issued upon the application of Owners who have complied with the vaccination and fee provisions of this chapter.
- F. Every Dog shall be provided by the Owner or Custodian with a suitable collar, harness, or other device to which the Dog tag can be affixed. The Dog Owner or Custodian shall ensure that the Dog wears such license tag at all times except when the Dog is being prepared for an exhibit at a Dog show.
- G. A license tag issued for one Dog shall not be transferred or attached to any other Dog. Any change of ownership of the dog or any change in the Owner's contact information shall be noticed to Animal Services within 30 days of the change.
- H. Whenever a license tag is lost, stolen, or damaged the Owner or Custodian shall apply for and obtain a replacement tag from Animal Services upon payment of the prescribed replacement fee.
- I. Despite anything in this chapter to the contrary, when an Owner or Custodian brings into the County a Dog which has been licensed in another jurisdiction, the Dog shall be licensed within thirty (30) calendar days as outlined in this chapter. If the license from the other jurisdiction is valid for at least twelve (12) months, a one-year license may be obtained for replacement tag fees upon the surrender of the other jurisdiction's license and the proper completion of a license application.

~~4-07-3010~~

~~J. ——— Kennel Permit Exemption. Any person or place of business that has properly applied for and received a valid kennel permit as outlined in Section 4.07.4000 is exempt from licensing each individual Dog as described in this section. This exemption does not relieve the permit holder of the responsibility of vaccination as outlined in Section 4.07.3100. — - Legal effect of license~~

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

B. Exemptions. The licensing regulations in this chapter are not applicable to the following:  
1. Animals kept as all or part of the stock of (a) nonprofit zoological gardens open to the public; (b) circuses; or (c) Animal exhibits when such enterprises are operated under



business licenses granted by the County.

2. Service Dogs as defined in Section 4.07.1400 of this Chapter.
3. Public safety Animals such as police, rescue, and drug enforcement Dogs.
4. Dogs in the care and custody of a Rescue Kennel.

#### **4-07-3020 - Unlicensed Dogs.**

Every Owner or Custodian of an unlicensed or untagged Dog shall be deemed to be in violation of this chapter and is guilty of an infraction.

#### **VACCINATIONS**

#### **4-07-3100 - Vaccination.**

- A. Every Dog meeting the minimum age requirements to receive a rabies vaccination shall receive a rabies vaccine approved by the California State Department of Health Services.
- ~~B.~~ Every person who owns or comes to own an unvaccinated Dog over four months of age shall have thirty (30) calendar days from the date the Animal was obtained to comply with the provisions of this ~~chapter~~section.
- C. Every Veterinarian, after vaccinating a Dog for rabies, shall issue a certificate to the Owner or Custodian. The certificate shall include, but not be limited to, 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 and expiration;
  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 and their veterinary license number.
- D. A copy of the certificate must be kept on file with Animal Services if the vaccination was issued at the Animal Shelter or low-cost vaccination clinics held by Animal Services. A duplicate copy may be provided when requested by the Owner or Custodian of the Dog.
- E. The Owner or Custodian 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.
- F. Upon written proof provided by a Veterinarian that a Dog has a medical condition which would cause it to be endangered by receiving a rabies vaccination, Animal Services may exempt the Dog from the vaccination requirements in this section so long as the Dog is kept in strict confinement and isolated at all times and so long as the medical condition is proven to exist. The written proof must also contain an estimated date when the Dog can be safely

vaccinated. Although temporarily exempt from the vaccination requirements the Dog is still to be considered non-vaccinated and is not exempt from other provisions of Title 7.

**4-07-3110 - Duty of Veterinarians to furnish rabies vaccination certificates.**

Every Veterinarian practicing veterinary medicine within the County of Tulare shall furnish Animal Services with a copy of every rabies vaccination certificate prepared by them or their staff. Such certificates must be mailed, emailed, or faxed to Animal Services no later than the fifth day of each month. The certificates may also be picked up by designated Animal Services Personnel if prior arrangements are made by the Veterinarian. ~~A violation of this section is an infraction.~~

**4-07-3120 - Unlicensed vaccinated Dogs.**

Whenever any Animal Services Personnel discovers through a vaccination certificate obtained from any Veterinarian that a Dog named thereon is unlicensed, the Owner or Custodian of such Dog will be notified by mail that such Dog is unlicensed and that such Dog must be licensed within thirty (30) days of the date of the notice. The Owner or Custodian of any such Dog which has been previously licensed in Tulare County shall be subject to a delinquent fee. The Owner or Custodian of any such Dog which has never been previously licensed in Tulare County who obtains a license within thirty (30) days of the date of the notice shall be subject to an administrative fee plus the license fee or any other applicable fee. The Owner or Custodian of such Dog which has never been previously licensed in Tulare County who does not obtain a license within thirty (30) days of the date of said notice shall be subject to a delinquent fee, plus the license fee or any other applicable fee.

**OWNERSHIP AND OWNER RESPONSIBILITIES**

**4-07-3200- Animal Ownership.**

Animal Owner shall be subject to the requirements of this chapter. This definition does not apply to government agencies, Animal Rescue organizations which have demonstrated to the Department of Animal Services that they have implemented an ongoing spay/neuter program as well as an adoption program, or humane societies or societies for the prevention of cruelty to Animals, or persons who provide licensed boarding, kennel, training, or Veterinarian services for the Owners of Dogs.

**4-07-3210- Proper care.**

The Owner or Custodian of any Domestic Animal shall provide proper and adequate food, water, shelter, qualified medical care or attention and required vaccinations, for such Domestic Animal at a level which insures the Domestic Animal's safety, good health, and wellbeing. The Owner or Custodian shall maintain any enclosures or surroundings where the Domestic Animal is kept in a sanitary condition. ~~A person in violation of this section is guilty of a misdemeanor. After a person has been given written notification that a violation Penal Code 597 and of this chapter exists, each day the violation continues is to be considered a separate offense.~~

**4-07-3220 - Implantation of Microchip.**

A. All dogs shall be implanted with an identifying microchip. The Owner shall provide the microchip

number to Animal Services at the time of implantation or licensing and shall register the microchip with the manufacturer of the microchip and/or designated registry. Any change of ownership of the Dog or any change in the Owner's contact information shall be noticed to the manufacturer and/or designated registry, and Animal Services within 30 days of the change.

A.B. All Dogs Impounded in the County's Animal Shelter shall be implanted with an identifying Microchip prior to adoption or Owner redemption~~;~~ at the Owner's expense. The Owner is required to provide the Microchip number to Animal Services and the national registry who provided the chip. Any change of Ownership of the Dog or any change in the Owner's contact information shall be noticed to the national registry and Animal Services within 30 days of the change of Ownership.

**4-07-3225 –Spaying and Neutering of Dogs**

- A. All Dogs shall be spayed or neutered by the age of six (6) months, with the following exceptions:
  - 1. Dogs used by police agencies;
  - 2. Dogs that have a letter from a licensed Veterinarian stating spaying or neutering the Dog would be detrimental to the health of the Dog.
  - 3. Licensed Unaltered Dogs.
- B. Owners who have intact Dogs prior to the enacting of this Ordinance have six months to comply with subsection (A).
- C. Owners moving into the County of Tulare under the jurisdiction of these Ordinances in possession of intact Dogs have 90 days to comply with subsection (A).
- D. First-time offenders will be provided with information on subsidized sterilization services and be given an additional 60 days to comply with this Section. If they still fail to comply enforcement action will be taken in accordance with 4-07-2200.

**4-07-3230 - Prohibited conduct.**

- A. No Owner or Custodian of any Animal, wild or domestic, shall permit or suffer the Animal to do any of the following:
  - 1. Be at large;
  - 2. Be without proper care;
  - ~~1.3. Be willfully mistreated;~~
  - ~~2.4.~~ Act or be kept in such a manner as to constitute an Animal Nuisance within the meaning of this chapter, as described in Section 4.07.3300 et- seq.;
  - ~~3.5.~~ Endanger the life or health of others;
  - ~~4.6.~~ Damage the property of others; or
  - ~~5.7.~~ Be afflicted with and not be receiving medically accepted treatment for zoonotic or other communicable disease.
- B. If found guilty to be in violation of ~~violating~~ this section, the Owner or Custodian may be ordered by the Animal Services Manager, Hearing Officer, or Court to relocate or otherwise remove the Animal from the location where it is kept to prevent further violations. The Animal Services Manager, Administrative Review Officer, Hearing Officer, or Court may also prohibit

the Owner or Custodian from owning Animals for a period of up to three years. These actions may be taken in addition to any other fine or punishment the Animal Services Manager, Administrative Review Officer, Hearing Officer, or Court deems necessary.

**4-07-3240 - Animals in vehicles.**

- A. No person other than individuals 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 passenger compartment of the vehicle; or ~~if~~
  - 1.2. ~~If~~ carried in the area designated for load carrying, the area must be enclosed or have appropriate shade and side and tail racks at least forty-six (46) inches in height as measured from the floor of the vehicle; ~~— and the Animal must be either~~
    - a) Protected within a secured container carried within, upon, or by such a vehicle; or
    - b) Securely cross-tethered or secured ~~to such within that area of the~~ 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 the vehicle; ~~;~~
- B. No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
1. Nothing in this section shall prevent a peace officer, humane officer, or an Animal ~~Control Officer~~ Services representative from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
  2. A peace officer, humane officer, or Animal ~~Control Officer~~ Services representative who removes an Animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
  3. A peace officer, humane officer, or Animal ~~Control Officer~~ Services representative is authorized to take all steps that are reasonably necessary for the removal of an Animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.
  4. A peace officer, humane officer, or Animal ~~Control Officer~~ Services representative who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the Animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or Impoundment of the Animal.
  5. This section does not affect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities.

**4-07-3250 – Tethering and chaining of dogs.**

The tethering and/or chaining of dogs shall be pursuant to California Health and Safety Code section 122335.

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**ANIMAL NUISANCE**

**4-07-3300 – Animal nuisances prohibited.**

- A. No owner of any animal shall do any of the following:
  - 1. Permit such animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, barking, howling or making other noise;
  - 2. Permit such animal to damage or trespass on public or private property;
  - 3. Permit unsanitary conditions to exist on the premises where such animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or community or any considerable number of other persons;
  - 4. Maintain a dangerous animal in a manner that creates a significant threat to the public health, safety, and welfare.
  
- B. Any violation of this section is hereby declared to be a public nuisance.
  
- C. Whenever the Manager or any Animal Control Officer has reasonable cause to believe that a public nuisance as defined in this section exists, the Manager may conduct an investigation of the alleged nuisance. Whenever it is affirmed in writing by two (2) or more persons residing in separate residences or regularly employed in the neighborhood that a public nuisance as defined in this section exists, the Manager shall investigate the alleged nuisance. Provided, however, that where there is only one (1) person residing or regularly employed within three hundred feet (300') of the alleged public nuisance, written affirmation of only that one (1) person shall be required for the Manager to investigate the alleged nuisance. If, upon investigation, the Manager determines that a public nuisance exists, the Manager may issue an order to the owner of the offending animal directing that such nuisance be abated. In the event that the owner does not comply with the abatement order, the Manager may immediately refer the matter to the district attorney for prosecution of the public nuisance.
  
- D. Any person may maintain an action under Civil Code section 3493 for compliance with the requirements of this section.
  
- E. Notwithstanding any of the preceding, no Animal which is part of an agricultural operation exempt from being or becoming a nuisance by Civil Code section 3482.5 shall be deemed to be a public nuisance under this section, provided such Animal is owned and kept in compliance with this chapter and state law.

## ARTICLE IV – Kennel and Breeder Permits

### 4-07-4000 - Permitting.

- A. No person shall operate a Commercial, Non-commercial, Boarding, or Rescue Kennel without first obtaining athe proper permit or registration in accordance with the provisions of this Chapter and paying such fees as established by Animal Services. These permits shall expire June 30 of every calendar year.
- B. All Kennels must also operate in accordance with applicable zoning laws. Commercial, Rescue, and mayBoarding Kennels require a special use permit ~~from Tulare County's Resource Management Agency~~. Any Kennel not operating within the proper zone and/or with a special use permit will be subject to the penalties of Code Enforcement. ~~All Kennel applicants shall also include a letter of compliance issued by the appropriate local building and planning official indicating conformity with the provisions of zoning and building ordinances of the County.~~
- C. Any Commercial Kennel or person engaging in the breeding of Animals shall be required to obtain and maintain a Breeding Permit from Animal Services: for each female Animal being bred.

### ~~4-07-4010 – Transfer of permit~~

- ~~D. Any A current kennel permit may be transferred if Kennel must comply with the transferee files an application therefore and pays the related transfer fee as established by Kennel Minimum Standards for that Kennel type, available from Animal Services. No permit~~

### 4-07-4002 – Transitional Provisions

- A. Permits Granted Before Effective Date  
Any Kennel or Breeding Permits granted before the passage of this Article remain valid until their expiration date.
- B. Application of certain Provisions to Existing Operations. For Kennels operating with a valid Kennel Permit at the time this Article is passed, the following extensions apply:
  - 1. Maximum number of Dogs.  
The Maximum number of Dogs housed at the Kennel must be brought into compliance with this Article no later than June 30, 2020. Permit holders are eligible to renew their permits for the July 2019-June 2020 permit cycle without having reached compliance. If a Kennel exceeds the maximum number of dogs at the time this Article is passed, the Kennel may apply for and receive special dispensation from Animal Services to continue to operate after the 2020 compliance date with the following conditions:
    - a. No new Adult Dogs may be transferred added to the Kennel's resident population until the Kennel is in compliance with the relevant Section of this Ordinance related to Maximum Number of Dogs for the permitted Kennel type;
    - b. All Dogs above ten (10) years of age must be spayed or neutered unless a Veterinarian certifies that such would be dangerous to the animal's health;
    - c. The Kennel and its operators comply with all other sections of this Article and the currently applicable Minimum Kennel Standards

2. The Commercial Kennel Minimum Standards which are in place at the time a Permit was granted will apply for that Permit cycle (July-June), with the exception of any Minimum Confinement Space requirements which will remain in effect until June 30, 2020.

C. Applications in Progress before Effective Date

Applications for Kennel or Breeding Permits that are pending approval at the effective date of this Ordinance will be reviewed wholly under the terms of this Ordinance.

D. ~~the kennel meets~~Any re-application for an expired approval must meet the standards prescribed of this Ordinance in effect at the time of re-application, with the exception(s) noted in Sections 4-07-4002(B).

**4-07-4005 – Maximum Number of Adult Dogs; Licenses**

A. The maximum number of Adult Dogs allowed on any Lot or Premises for any length of time without a kennel permit is four (4).

A-B. The maximum number of adult dogs allowed under a Commercial or non-Commercial, Kennel Permit shall be based on a combination of the number of animals allowed by the Special Use Permit issued by this Title, the County's Resource Management Agency and the minimum kennel standards requirements pertaining to the minimum care of animals, but in no case shall be more than twenty-five (25).

**4-07-4020 – Permitting standards.**

~~A. Acknowledgment of Standards. A copy of the applicable standards will be supplied to the applicant with each request for an application for a permit, and the applicant shall acknowledge receipt of such standards and agree to comply with them and to allow inspections at reasonable times by signing the application form.~~

~~B. Demonstration of Compliance with Standards. Each applicant or kennel operator must demonstrate that his or her Premises and any facilities or equipment used in his or her kennel complies with the standards. In addition, each applicant or kennel operator shall correct any deficiencies noted within a reasonable time as specified by designee. Upon request by Animal Services, the applicant or kennel operator must make his or her Premises, facilities, and equipment available for the purpose of ascertaining compliance with said standards.~~

~~C. Conditions and Restrictions. Animal Services may issue a permit under any conditions and restrictions which are deemed necessary for the protection of Animal and/or public health, safety, or welfare, and shall specify such conditions and restrictions on the permit.~~

C. D. — The maximum number of adult dogs allowed under a Boarding or Rescue Kennel Permit shall be based on a combination of the number of animals allowed by the Special Use Permit issued by the County's Resource Management Agency and the Tulare County minimum kennel standards requirements pertaining to the minimum care of animals.

D. The Kennel Permit fee for Commercial and Non-Commercial Kennels includes licenses for all Altered Dogs covered by the Kennel Permit.



E. Every Unaltered Dog covered by the Kennel Permit requires an individual Unaltered License.

F. Boarding Kennels must ensure that all dogs placed in their care are appropriately licensed and vaccinated.

#### 4-07-4008 – Permit Application, Fees, and Term

##### A. Supporting documents

1. New permit applicants shall submit all required permits, a copy of their business permit, if required, and all applicable fees together with their completed application. Supporting documents must be issued under the same person or business name for which the permit is being sought.
2. Kennels are identified by landowner, kennel owner/operator, parcel number, and address.
3. New permit applicants shall also include a written document detailing the facility's animal care program and confinement facilities. The document should detail the animal feeding, watering, cleaning, exercise, medication and evaluation practices and/or procedures. It must also include a statement that it has been reviewed and approved by a licensed Veterinarian.
4. Renewal applicants shall include all applicable fees. Land use permits and business permits only need to be submitted if there has been a change in their status since the last permit was issued.

B. Payment of the application fee neither constitutes nor guarantees Animal Services' permit approval. Without permit approval, all activities requiring Animal Services' permit approval under this section are strictly prohibited. All fees are non-refundable.

C. The effective period of all permits is one year, beginning on July 1<sup>st</sup> and ending June 30<sup>th</sup>, subject to suspension or revocation in accordance with the terms of this Article.

1. Fees will not be prorated for applications submitted after July 1<sup>st</sup>.
2. Obtaining and maintaining a permit is the sole responsibility of the applicant or permit holder. It is the responsibility of the permit holder to ensure that an application for renewal has been submitted to and received by Animal Services prior to the expiration of their current permit term
3. In addition to any penalties incurred for operating a Kennel without a valid Permit, a late penalty equal to ten percent (10%) of the total fee for the Kennel Operation (the sum of the Kennel Permit fee, any Unaltered License fee(s), and any Breeder Permit fees) shall apply to all renewal applications submitted after August 31<sup>st</sup>.

D. Permit holders operating multiple Kennels must obtain a separate permit for each facility.

E. Permit holders with multiple types of operations at a single location must obtain a separate permit for each operation. A separate fee will be applied to each application.

~~A-F.~~ Denial of an Application may include, but are not limited to:-: The following persons may have their application denied.

1. Any person applying for an original permit who has not received approval for the location from the appropriate planning/zoning department or agency or who has not obtained any necessary permit(s) and/or license(s) for its operation; or
2. Any person whose permit has been suspended, for the period during which the order of suspension is in effect; or
3. Any person who has been or is an Officer, agent or employee of a permitted establishment whose permit has been suspended or revoked and who was responsible for or participated

in the violation upon which the order of suspension or revocation was based, for the period during which the order of suspension is in effect and for a period of one year from the effective date of a revocation, or if a revocation has been stayed, until one year from the expiration of a stay; or

4. Any person whose permit has been revoked, or any partnership, firm, corporation, or legal entity in which any such person has substantial financial interest for a period of one year from the effective date of such revocation, or if a revocation has been stayed, until one year from the expiration of the stay; or
5. Any person who fails to comply with any provision of this Title; or
6. Any person who has been convicted of the crime of cruelty to Animals, whether in this State or any other State.
7. Any person with a prior record of Animal abuse and/or defiance of existing Animal control codes.

~~*\*This list is not exhaustive and other factors may be taken into consideration in approving a Kennel Permit.*~~

~~8. Any person who has failed to comply with the terms of a prior application or permit.~~

G. Revocation of Permit. A Kennel or Breeder Permit may be immediately revoked, or suspended pending investigation, by the Director, at any time, for the following reasons:

1. Lapse of appropriate permits or licenses from the appropriate planning/zoning department for the site of the Kennel operation;
2. Discovery of fraud or false statements in the Permit Application;
3. Violation of any Penal Code section 597 by Permit Holder or Caretaker;
4. Conviction of Permit Holder of the crime of cruelty to Animals, whether in this State or any other State.
5. When the continued operation of the Kennel poses an immediate threat to the health and/or safety of the public or the resident animals.
6. A pattern of unnecessary or inhumane euthanasia of retired breeding Dogs or other Dogs for space.
7. Failure to comply with the terms of the application or permit.

H. Right to Appeal Denial, Suspension, or Revocation of Kennel Permit. Should a Kennel Owner dispute the denial by Animal Services of their application for a Kennel Permit, or suspension or revocation by Animal Services of their existing Kennel Permit, Kennel Owner may request an Administrative Review ~~and pay the applicable fees.~~ Animal Services shall schedule the Administrative Review and provide notice to the Kennel Owner, via first class mail or personal service, of the date, time and place of the Administrative Review. Failure to appear at the Administrative Review at the designated time and place will be deemed a forfeiture of the ~~Application for Kennel Permit appeal~~ and any fees.

Judicial review of a decision made after an appeal hearing pursuant to this section shall be made pursuant to Section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

#### 4-07-4010 - Transfer of permit.

A. Kennel and Breeding permits are non-transferable.

**4-07-4020 – Kennel Standards.**

- A. Acknowledgment of Standards. A copy of the applicable standards will be supplied to the applicant with each request for an application for a permit, and the applicant shall acknowledge receipt of such standards and agree to comply with them and to allow inspections at reasonable times by signing the application form.
- B. Demonstration of Compliance with Standards. Each applicant or kennel operator must demonstrate that his or her Premises and any facilities or equipment used in his or her kennel complies with the standards. In addition, each applicant or kennel operator shall correct any deficiencies noted within a reasonable time as specified by designee. Upon request by Animal Services, the applicant or kennel operator must make his or her Premises, facilities, and equipment available for the purpose of ascertaining compliance with said standards.
- C. Conditions and Restrictions. Animal Services may issue a permit under any conditions and restrictions which are deemed necessary for the protection of Animal and/or public health, safety, or welfare, and shall specify such conditions and restrictions on the permit.

**4-07-4100 – Records.**

Kennel operators shall keep available for inspection on the Premises records that shall show the name, current address and telephone number of the Owner of each Animal kept at the kennel, the description of the Animal, including its age (if known) or approximate age, breed, sex, color, and ~~color~~ microchip number. As a part of such record, a current valid rabies certificate or other written proof of vaccination, verified in writing, shall be maintained for each Dog required to be vaccinated by this Title, showing the Dog Owner's name, including breed, color, sex, microchip number, and month and year of birth; the date of vaccination; and the name and telephone number of the Veterinarian who vaccinated the Dog or telephone number of the agency verifying vaccination. In addition, each kennel operator shall have someone in attendance at the kennel able to identify each Animal in the kennel, except that Animals under four months of age may be identified as a litter.

Kennel operators must keep and make available to Animal Services staff a record of all veterinary care each Animal has received, including examination notes.

Kennel operators engaged in breeding must keep an individual record for each Dam owned or housed by the Kennel, including its month and year of birth (if known) or approximate month and year of birth; breed; color; microchip number; any breeding permits received for that Dam; records of when the Dam was bred, and the outcome (live birth or otherwise); and for any Dams that have left the Kennel facility, information on their transfer or death, as required by the Tulare County Commercial Kennel Minimum Standards.

**4-07-4110 - Records of Dogs sold.**

All kennel operators shall maintain records of all Dogs sold of any age. Records shall include the source of the Animal, the new Owner's name and address, and a description of the Animal including breed, color,

sex, month and year of birth, and veterinary records. These records may be accessed by ~~the~~an Animal Control Officer or his or her designee Services representative as deemed necessary.

#### 4-07-4200 - Kennel inspections.

~~Because of the need to adequately protect Animals within kennels from unhealthy conditions and practices and the interests of society in curbing and preventing inhumane practices, reasonable inspection requirements dictate that~~ Animal Services shall have the right to inspect kennels at reasonable times, though this may be done at unannounced times. As a condition of the issuance of a kennel permit, each Kennel operator shall agree to allow such inspections; such acknowledgment shall be made as part of the application and file.

#### 4-07-4300 - ~~Violation.~~

~~Any act or omission by a kennel operator in contravention of this Title's requirements, or of any of the conditions or restrictions of the issued permit, shall be grounds for and shall authorize the suspension and/or the revocation of the kennel permit by the Animal Services Manager or designee; independent of any criminal prosecution or the results thereof. Revocation of a Kennel Permit will entitle the permit holder to request a Hearing by a Hearing Officer.~~

#### 4-07-4400 ~~Breeder permit and advertising~~ Permits.

- A. It is unlawful for any person to breed Dogs for sale or ~~profit~~other transfer, or to advertise for the sale or ~~adoption~~other transfer of such Animals without first obtaining a Tulare County breeder permit for the litter's Dam. The fees for a breeder permit shall be set by the Board of Supervisors and shall be paid to Animal ~~Control~~Services.
- B. To obtain a permit, the applicant must fill out the appropriate ~~license~~application for each breeding female and be approved by Animal ~~Control~~Services. The applicant must agree that they may not sell or adopt any Dogs until eight weeks of age and each has been vaccinated against common diseases; that each female dog will be bred based on the advice of their California licensed veterinarian ensuring that she is managed with excellent husbandry and has good reproductive health. A record of this advice and an annual veterinary examination supporting it shall be provided annually. female Dog will not be bred more than once per permit year, with at least twelve (12) months in between breedings; that no female Dog shall be bred before her second heat cycle nor after ten (10) years of age; that each female Dog requires a certificate of health and fitness for breeding each year from a licensed Veterinarian before a permit will be issued; that they commit to care for their retired/aged-out breeding Dogs or to make all reasonable effort to rehome the Dogs; and that any euthanasia of Dogs will be performed by a licensed Veterinarian. The breeder must list the permit number when advertising Dogs for sale or ~~adoption~~other transfer, must list the permit number as part of the sale or ~~adoption~~other transfer paperwork, and must disclose the permit number to all ~~potential purchasers or adopters of Dogs~~parties acquiring animals.

~~It is unlawful for any person to advertise for the sale or adoption of any Dogs without including in the advertisement a breeder permit number.~~

C. A Commercial Kennel may obtain no more than five (5) breeding permits per calendar year. Permits are non-transferable and in the event that a Dog covered by a breeding permit dies or otherwise becomes unbreedable for that year, no replacement permits will be issued.

D. No breeding permits will be issued for Non-commercial Kennels.

E. An individual without a Kennel Permit may obtain no more than one (1) breeding permit per calendar year. Permits are non-transferable and in the event that the Dog covered by a breeding permit dies or otherwise becomes unbreedable for that year, no replacement permit will be issued.

F. A breeder permit shall be in addition to any other requirements and conditions set forth in the County ordinances or by state law, including Health and Safety Code Section 122045 et seq.

#### **4-07-4300 - Same; Advertising.**

It is unlawful for any person to advertise for the sale or other transfer of any Dogs without including in the advertisement a valid Tulare County breeder permit number.

#### **4-07-4400 –Violations**

A. Individual without Kennel Permit; Violation of Breeding Permit Requirements.

1. First Violation: A correctable Administrative Citation will be issued.

a) Any individual, non-Kennel Permit holder, found by Animal Services to be in first-time violation of Section 4-07-4400 may correct the violation by either of the following:

i. Retroactively obtaining a breeding permit(s), or;

ii. Providing proof of surrendering the puppies, after 8 weeks of age, to an Animal Rescue Organization, and proof of spaying the mother after 10 weeks, but before 14 weeks, after giving birth, and neutering the father if in the owner's possession.

2. Second Violation: A non-correctable Administrative Citation will be issued. The penalty for a second violation will be one thousand dollars (\$1,000), unless the dog owner provides proof of surrendering the puppies, after 8 weeks of age, to an Animal Rescue Organization, and proof of spaying the mother after 10 weeks, but before 14 weeks, after giving birth, and neutering the father if in the owner's possession, in which case the fine will be fifty dollars (\$50).

3. Third Violation: Animal owner will be required to have their female dog spayed to protect the animal from further breeding activities. The animal owner will not be allowed to obtain any further Unaltered Dog License or Breeding Permit for a minimum of 36 months from the date of the third violation.

B. Kennel Operators.

1. The following penalties will be imposed for violation of a Kennel Permit, including but not limited to minimum care standards, breeding permit requirement, number of animals:

a. First Violation: A penalty not to exceed one hundred dollars (\$100.00) per animal covered under the current permit. Example - 25 animals x \$100 = \$2,500 penalty for first violation.

b. Second Violation: A penalty not to exceed three hundred dollars (\$300.00) per animal covered under the current permit. Example - 25 animals x \$300 = \$7,500 penalty for

second violation.

- c. Third Violation: Kennel permit will be revoked. Permit holder will be banned from holding a kennel permit for a minimum period of 36 months from the expiration date of current permit. Example - if third violation occurs in December of current permit period the 36 months would commence at on the date permit was scheduled to expire June 30. Revocation of a Kennel Permit will entitle the permit holder to request a Hearing by a Hearing Officer.

#### 4-07-4500 – Swap Meets within Tulare County.

~~Effective as of January 1, 2016, any vendor selling AnimalsLive animals shall not be sold, bartered, gifted, or otherwise transferred at Swap Meets within Tulare County shall be required to comply with the minimum standards as set forth in Sections 122370 – 0122374 of California’s Health & Safety Code.;~~

~~Vendors selling Animals at Swap Meets within Tulare County shall, at a minimum, comply with the following standards:~~

- ~~A. Maintain the facilities used for the keeping of Animals in a sanitary condition.~~
- ~~B. Provide proper heating and ventilation for the facilities used for the keeping of Animals.~~
- ~~C. Provide adequate nutrition for, and humane care and treatment of, all Animals that are under his or her care and control.~~
- ~~D. Take reasonable care to release for sale, trade, or adoption only those Animals that are free of disease or injuries.~~
- ~~E. Provide adequate space appropriate to the size, weight, and species of Animals.~~
- ~~F. Have a documented program of routine care, preventative care, emergency care, disease control and prevention, and Veterinary treatment and euthanasia that is established and maintained by the vendor in consultation with a licensed Veterinarian employed by the vendor or a California licensed Veterinarian, to ensure adherence to the program with respect to each Animal. The program shall also include a documented onsite visit to the swap meet premises by a California licensed Veterinarian at least once a year.~~
- ~~G. Provide buyers of an Animal with general written recommendations for the generally accepted care of the type of Animal sold, including recommendations as to the housing, equipment, cleaning, environment, and feeding of the Animal. This written information shall be in a form determined by the vendor and may include references to Internet Web sites, books, pamphlets, videos, and compact discs.~~
- ~~H. Present for inspection and display a current business license issued by the local jurisdiction where the Animals are principally housed.~~
- ~~I. Maintain records for identification purposes of the person from whom the Animals offered for sale were acquired, including that person's name, address, e-mail address, and telephone number and the date the Animals were acquired.~~

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## ARTICLE V – At Large, Impoundment, Rabies Quarantine

### 4-07-5000 - Dogs at large.

No person shall permit a Dog to stray from private property owned or legally possessed by the Dog Owner or Custodian unless the Dog is restrained by a leash or lead not exceeding eight feet in length, except in the following situations:

- A. 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;
- B. 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 of facilities;
- C. When the Dog is assisting the Owner or person in charge of Livestock in the herding or control of such Livestock;~~or~~
- D. When the Dog is accompanying and under the direction of a person engaged in hunting on property where such activities are allowed, or on private property with written permission of the Owner~~;~~ or

E. When the Dog is contained within a legally designated Leash-free park or enclosure.

### 4-07-5010 - Dog at Large Causing Injury.

Any Owner or Custodian of any Dog, which is running at large, that causes injury through indirect, or direct action, is guilty of a misdemeanor. Nothing in this section precludes prosecution for any additional or more severe applicable state or federal criminal liability that may apply as a result of injuries, property damage, or death that resulted from the Animal running at large.

### 4-07-5100 - Livestock or Equine at large.

- A. No person shall permit Livestock or Equine to stray from private property owned by the Owner or Custodian of such Livestock or Equine, or from private property to which such Owner or Custodian has a right of possession, except in the following situations:
  - 1. When the Livestock or Equine is being led, driven, or conducted along a public road or street during daylight hours under the supervision and control of its Owner or Custodian;
  - 2. When the Livestock or Equine is on public property with the consent of the Owner or operator of the grounds or facilities, or on private property with the consent of the Owner, lessee, or other person in control thereof, and such property is lawfully fenced;
  - 3. When the Livestock or Equine is on designated open range areas.
- B. The Owner or Custodian of any Livestock or Equine that are found at large on any public or private property other than the Owners, without permission of the property Owner shall be guilty of an infraction.



- C. Nothing in this section precludes prosecution for any additional or more severe applicable state or federal criminal liability which may apply as a result of injuries, property damage, or death which resulted from the Livestock or Equine running at large.
- D. In addition to any other penalties imposed, the Owner or Custodian of the Livestock or Equine shall be liable for the salaries, costs, and other expenses incurred by ~~the division~~ Animal Services in restraining, capturing, or rescuing such Livestock or Equine.

**4-07-5200 - Animals subject to Impoundment.**

- A. Any Animal shall be taken up and Impounded at the Animal Shelter (or at such other place as may be approved by the ~~director~~ Manager) if, to the knowledge of Animal Services, any of the following conditions exist, including but not limited to:
  - 1. The Animal is engaged in an activity or existing in a condition prohibited by this chapter;
  - 2. The 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;
  - 3. The Animal is being neglected or mistreated as described in Penal Code sections 597, 597f, 597t, 597.1, or other state or federal law prohibiting the mistreatment of animals.
  - 3.4. The Animal poses an immediate threat to public safety and/or health; or
  - 4.5. The Animal is required to be quarantined.
- B. Notice of Impoundment.  
When an Animal implanted with a Microchip or wearing a current Tulare County license is Impounded, Animal Services shall make a reasonable attempt to notify the Owner or Custodian of record of the date and place of Impoundment or removal, and the procedure whereby the Owner or Custodian may apply to regain custody of the Animal.
- C. Duration.
  - 1. All Impounded Animals shall be kept in the Animal Shelter or other authorized place of Impoundment for the period as described in Sections 31108, 31752 and 31753 of the Food and Agricultural Code.
  - 2. During this holding period and prior to adoption or euthanasia, the Animal will be scanned for a Microchip, license tag, tattoo or other form of identification. If one is found and the Owner can be determined, a reasonable effort must be made to contact the Owner of the Animal.
  - 3. Except for stray Animals experiencing irremediable suffering ~~or needing maternal care~~, any stray Animal Impounded shall, prior to the scheduled euthanasia of that Animal, be released to ~~any~~ any willing Animal Rescue.
- D. Redemption.
  - 1. ~~The~~ Except in case of abuse, neglect, quarantine, or potentially dangerous or vicious dogs, the Owner or Custodian of any Animal Impounded may, at any time before the expiration of the period of Impoundment, redeem the Animal by paying all civil penalties, fees and charges accrued. If the Animal is subject to the licensing or license provisions of this chapter, the licensing requirements must be satisfied before the Animal is released.
  - 2. Pursuant to Section 31254 of the Food and Agricultural Code, the refusal or failure of the Owner or Custodian of any Impounded Animal to pay the fees and charges after due

notification shall be held to be an abandonment of the Animal by the Owner or Custodian.

3. All Animals that have been Impounded must be implanted with a Microchip at the Owner's or Custodian's expense prior to redemption.
4. Upon the second Impoundment within a ~~twelve (12)~~twenty-four (24) month period, any Animal so Impounded must be spayed or neutered at the Owner's or Custodian's expense prior to redemption.~~If the Owner or Custodian can prove to Animal Services that the Animal is a valuable breeding Animal and currently registered with a national organization such as the American Kennel Club and such sterilization would devalue the Animal, this requirement may be waived at the discretion of the Animal Services Manager., and any applicable breeding permit issued for the Animal revoked.~~

E. Owner Surrendered Animals.

1. Upon surrender of the Animal to Animal Services, the Owner or Custodian must present sufficient identification such as driver's license, or California identification card, and the bill of sale for the Animal, adoption contract, or Dog license, to establish his or her Ownership of the Animal and shall sign a statement that he or she is the lawful Owner of the Animal. The Owner or Custodian of the surrendered Animal must pay all required fees.
2. If the Animal surrendered has a history of Potentially Dangerous or Vicious behavior, it may be immediately euthanized in accordance with Section 31108.5 of the Food and Agriculture Code.
3. All Animals will be held for the length of time outlined in Section 31754 of the Food and Agricultural Code.

F. Animal Impounded for Abuse or Neglect.

1. In addition to any other civil or criminal penalties, Animals impounded or seized for violations of 4-07-3210, 4-07-3230, any of the statutes listed in 4-07-5200(A)(3), or any other state or federal law prohibiting the mistreatment of animals will not be returned until the owner demonstrates to the satisfaction of the seizing agency or the hearing officer that the owner can and will provide proper and necessary care for the animal, and all costs for the seizure and care of the animal are paid. The animal's return may be conditioned.
2. If the seizing agency believes that return of the Animal would endanger the Animal, the agency shall provide notice to the Owner that the Animal will not be returned to the Owner. This decision may be appealed to Administrative Hearing in the same manner as a post-seizure hearing. The decision of the Administrative Hearing Officer may be appealed to a Hearing Officer in the same manner as a Potentially Dangerous or Vicious Dog, 4-07-6100, except that evidence presented shall relate to the allegations of abuse or neglect.

G. Disposition of Impounded and Surrendered Animals.

1. Except as otherwise provided in this chapter, an Impounded Animal which is not redeemed within the applicable holding period specified in this chapter or an Animal voluntarily surrendered to Animal Services for adoption, except an Animal that has been Impounded for quarantine or is known to have bitten a human or to have demonstrated potentially dangerous or vicious propensities, may be offered for adoption as determined by Animal Services and in accordance with the laws of the State of California.
2. When an Animal is adopted, the receipt issued by Animal Services shall be valid proof of

Ownership to the adopter. All adoptions shall convey a good and valid title to the adopter, and the previous Animal Owner or Custodian shall thereafter be barred from recovering said Animal.

**4-07-5300 – Rabies Quarantine.**

- A. 1. Animal Services shall ensure that all Animals falling into the following categories shall be isolated or quarantined or destroyed and a rabies specimen taken at Animal Services 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, including but not limited to:
    - a. Known rabid Animals;
    - b. Suspected rabid Animals;
    - c. Animals that have bitten or otherwise exposed a human to rabies; and
    - d. 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.
  2. In circumstances where the bite or exposure to rabies occurred while the victim was on the property of the Owner or Custodian of the Animal or when the victim is a member of the family or household of the Owner or Custodian, and when the Animal is not currently vaccinated against rabies and, as applicable, licensed as required by the provisions of this chapter, the Animal may, at the discretion of Animal Services, be quarantined on the property of the Owner provided the following:
    - a. The Owner of said Animal can and does agree to ensure its confinement and isolation for the period of quarantine;
    - b. The Owner agrees, upon demand of the Health Officer or Animal Services during the period of quarantine, to surrender the Animal to Animal Services;
    - c. The Owner agrees to immediately notify Animal Services if the Animal escapes, becomes ill, or dies.
  3. It is unlawful for the Owner or Custodian of an Animal to violate any of the conditions of isolation or quarantine prescribed by the Health Officer or Animal Services. Any violation of this section is a misdemeanor.
- B. Non-vaccinated Biting Animals Fee. Notwithstanding any other provision of this chapter, the Owner of any Animal which is required by law to be vaccinated for rabies and which has not been so vaccinated and which bites or wounds any person or other Animal shall be subject to a penalty fee.

**ARTICLE VI – Potentially Dangerous and Vicious Animals, Hearings and Appeals**

**4-07-6000 – Potentially Dangerous and Vicious Animals.**

**A. Purpose.**

1. The purpose of this section is to regulate the keeping of Animals which are Potentially Dangerous or 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 Animals which, by virtue of breeding or training, have a propensity to attack others compounds the hazard.
2. Every Owner or Custodian of an Animal is held strictly accountable for the exercise of such control over the Animal as necessary to ~~insure~~ensure that the Animal does not injure innocent human beings or other Animals that are not on the Premises where the Animal is maintained. Such strict accountability is imposed whether or not the injury results from the negligence or fault of the Owner or Custodian, and regardless of the degree of precaution or control exercised by the Owner or Custodian.

**B. Owner Responsible.**

1. Any Owner or Custodian of any Animal is deemed responsible for the acts committed by that Animal when the Owner or Custodian has failed to comply with the legal requirements for the keeping of that Animal as defined in this chapter. No person shall permit an Animal to act in such a manner as constitutes Potentially Dangerous or Vicious behavior as defined in Section 4.07.1400 of this chapter.
2. A violation of any of the provisions of this section is punishable as follows:
  - a. On a first offence, any Animal Owner who maintains an Animal in such a manner as to permit it to exhibit Potentially Dangerous behavior shall be guilty of an infraction.
  - b. On the second and subsequent offence, any Animal Owner who maintains any Animal in such a manner as to permit it to exhibit Vicious behavior shall be guilty of a misdemeanor.
3. Nothing in this section 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.

**C. Quarantine or Impound.** No Animal which has been declared Potentially Dangerous or Vicious or against which a Potentially Dangerous or Vicious Animal Report has been filed may be Impounded or quarantined at any place other than Animal Services, unless authorized by the Animal Services Manager.

**D. Notice of escape.** Any person keeping, harboring, maintaining, or owning a Potentially Dangerous Animal, Vicious Animal, or Wild Animal that escapes from its confinement shall immediately notify Animal Services. Notification shall first be by phone and shall be followed with written notification within one business day, via email to Animal Services, which includes the following information, as known:

1. The date, place, and time of the Animal's escape;
2. A description of the Animal, including a photo, 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.

- E. Filing of a Complaint. Any person, including employees of Animal Services, possessing personal knowledge of facts that there exists a Potentially Dangerous or Vicious Animal within the unincorporated area of the County or those incorporated areas served by Animal Services may file with Animal Services a written report, signed under the 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 Animal Owner or Custodian;
  - 2. An assertion that the Animal described is a Potentially Dangerous or Vicious Animal within the meaning of Section 4.07.1400, together with a statement of the facts upon which the assertion was based, including the name and address of any person who has been victimized or injured, including a description of the extent of the injuries, the names and addresses of the witnesses thereto, the time, date, and location of the 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.
- ~~FE.~~ Timely Filing. Unless otherwise provided, the filing of a Potentially Dangerous or Vicious Animal Report must be made within six (6) business days, including Saturday, of the most recent event or circumstances occasioning the report. Upon evidence that good cause exists that a report could not be filed within the six (6) business days, including Saturday, the Animal Services Manager may extend the deadline for filing the report.
- ~~GF.~~ Impoundment of Animal. Upon receipt by Animal Services of a Potentially Dangerous or Vicious Animal Report, Animal Services shall initiate an investigation of the incident or incidents described in the report for the purpose of verifying the facts stated and obtaining other information. If, after an investigation, the identified facts show the existence of a Potentially Dangerous or Vicious Animal, Animal Services shall immediately locate and Impound the Animal which is the subject of the charges and the Owner or Custodian shall have to request a Hearing within six (6) business days, including Saturday, from date of impoundment and pay any applicable hearing fees.

#### **4-07-6100 – Potentially Dangerous and Vicious Animal Hearings and Appeals**

- A. Notice of Hearing.
  - 1. When a Hearing is requested by the Animal Owner or Custodian, Animal Services shall set a date and time for the hearing and send a notice thereof by first class mail at least five (5) business days, including Saturday, before the scheduled hearing date to the Owner or Custodian at the address set forth on his or her request for a hearing and shall notify the victim and the Director of such hearing.
  - 2. Conversely, if, or after an investigation, the identified facts show that cause to conduct a Potentially Dangerous or Vicious Animal Hearing has not been shown, Animal Services shall notify the Animal Owner or Custodian -to reclaim their Animal from Animal Services.
- B. Conduct of Hearing.
  - 1. The Hearing shall be conducted before a person appointed as a Hearing Officer.
  - 2. The Hearing shall be open to the public.

3. The Owner or Custodian may be represented by counsel at their own discretion and cost. If Animal Services plans to be represented by counsel, such fact will be made clear to the Owner or Custodian upon writing regarding the time and place of the Hearing. Animal Services representation by counsel does not in any way entitle the Owner or Custodian to be represented by counsel.
  4. The burden is on the Animal Owner or Custodian to present evidence that the Animal is not Potentially Dangerous or Vicious.
  5. The technical rules of evidence shall not be applicable to the Hearing, except that the Hearing Officer's decision may not be based wholly on hearsay evidence.
  6. The Hearing Officer may find, based upon the preponderance of the evidence, that:
    - a. The Animal is not Potentially Dangerous or Vicious and should be returned to its Owner or Custodian;
    - b. The Animal is not Potentially Dangerous or Vicious but that the attack, bite, or injury was the result of improper or negligent training, handling, or maintenance and that the License should be revoked and the Animal relinquished to Animal Services;
    - c. The Animal is Potentially Dangerous or Vicious but may be returned to the Owner or Custodian with stipulations and/or restrictions; or
    - d. The Animal is Potentially Dangerous or Vicious and that it should be humanely euthanized no sooner than the fifth business day, including Saturday, following the mailing of notice of determination.
  7. The Hearing Officer shall make other orders required or authorized by this chapter.
  8. The Hearing Officer may decide all issues for or against the Owner or Custodian of the Animal even if the Owner or Custodian fails to appear at the Hearing. Failure to appear at the Hearing will be deemed a forfeiture of the Animal.
- C. Consideration of Evidence. In considering whether an Animal is Potentially Dangerous and/or Vicious, the Hearing Officer shall consider evidence including, but not limited to, the following:
1. Any previous history of the Animal attacking, biting or causing injury to a human being or other Animal.
  2. The nature and extent of injuries inflicted and the number of victims involved.
  3. The location where the bite, attack or injury occurred.
  4. The presence or absence of any provocation for the bite, attack, or injury.
  5. The extent to which property has been damaged or destroyed.
  6. Whether the Animal exhibits any characteristics of being trained for fighting or attacking, or other evidence to show such training or fighting.
  7. Whether the Animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of Persons or other Animals.
  8. Whether the Animal can be effectively trained or re-trained to change its temperament or behavior.
  9. The manner in which the Animal had been maintained by its Owner or Custodian.
  10. Any other relevant evidence concerning the maintenance of the Animal.
  11. Any other relevant evidence regarding the ability of the Owner or Custodian to protect the public safety in the future if the Animal is permitted to remain in the County.
- D. Mitigating Circumstances. In considering whether an Animal is Potentially Dangerous and/or Vicious the Hearing Officer may hear and consider evidence of any of the following mitigating circumstances:

1. That the injury or damage complained of was sustained by a person who was committing a willful trespass or other tort upon the Premises occupied by the Owner or Custodian of the Animal, or was teasing, tormenting, abusing, or assaulting the Animal, or was committing or attempting to commit a crime.
  2. That the Animal was protecting or defending a person within the immediate vicinity of the Animal from an unjustified attack or assault.
  3. That the injury or damage complained of was sustained by a Domestic Animal which at the time of the injury or damage was teasing, tormenting, abusing, or assaulting the Animal which is the subject of the Hearing.
  4. The injury or damage complained of was to a Domestic Animal and was sustained while the Animal in question was working as a hunting Animal, herding Animal, or predator control Animal on the property of, or under the control of, its Owner or Custodian and the damage or injury complained of was to a species or type of Domestic Animal appropriate to the work of the Animal.
- E. Determinations and Orders—Notice—Compliance—Appeal—Finality of Appeal.
1. Within ten (10) calendar days after the Hearing is conducted, the Hearing Officer shall notify in writing Animal Services and the Owner or Custodian of the determination and orders issued, by first class mail or personal service at the address appearing on the request for hearing.
  2. If a determination is made by the Hearing Officer that the Animal is Potentially Dangerous or Vicious, and is returning the Animal to the Owner or Custodian, the Owner or Custodian shall comply with subsection F and G of this section within fifteen (15) calendar days after the date of determination or twenty (20) calendar days if notice of the determination is mailed to the Owner or Custodian by first class mail.
  3. If a determination is made by the Hearing Officer that the Animal is not Potentially Dangerous or Vicious, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance, the following may apply:
    - a. The License may be revoked and reissued with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the Animal to protect the public health safety and welfare, only if it is determined that the Owner or Custodian is able and willing to properly train, handle or maintain the Animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance; or
    - b. The Owner or Custodian is unable or unwilling to properly train, handle or maintain the Animal and that a similar incident is not likely to occur in the future with proper training, handling or maintenance, the Animal shall be relinquished to Animal Services.
  4. If Animal Services or the Owner or Custodian of the Animal contests the determination, he or she may, within five (5) business days of the receipt of the notice of determination, appeal the decision of the Hearing Officer to the Director.
  5. The appeal shall be heard by a second impartial Hearing Officer appointed by the Director, other than the Hearing Officer who originally heard the petition.
  6. The Director shall give notice by first class mail to Animal Services, to the appellant or Animal Owner or Custodian if Animal Services is the appellant, and to the victim(s), of the date, time and location of when the appeal will be heard.
  7. The Hearing Officer hearing the appeal shall conduct a Hearing de novo, but upon submission of all relevant evidence, including but not limited to Animal Control reports, transcripts, and other testimony, from the first hearing, and make its own determination

as to potential danger and viciousness of the Animal and make other orders authorized by this chapter, based upon evidence presented.

8. The Hearing shall be conducted in the same manner set forth in subsection B above.
9. Judicial review of a decision made after an appeal hearing pursuant to this section shall be made pursuant to Section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

- F. Registration. Any Animal which has been declared by the Hearing Officer to be Potentially Dangerous or Vicious within the meaning of Section 4.07.1400, and is being returned to the Owner or Custodian, shall be subject to special registration requirements as follows:

*An Owner or Custodian of a Potentially Dangerous or Vicious Animal is required to pay, in addition to any Licensing or License 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 two times the annual registration fee.*

- G. Keeping of a Potentially Dangerous or Vicious Animal. In addition to any other provisions ~~provided in the~~ Except as otherwise provided in the decision rendered by the Hearing Officer, the keeping of an Animal which has been declared Potentially Dangerous or Vicious and returned to the Animal Owner or Custodian by the Hearing Officer shall, at the minimum, be subject to the following provisions:

1. The Animal must at all times, when not under restraint by leash on public property, be securely confined in an enclosure under lock within a lawful fence.
2. The Animal must, at all times when kept in any part of a house or structure, be confined in such a manner that the Animal cannot exit such building on its own volition.
3. The Animal must, at all times, be licensed and registered as required by this chapter and must be kept in compliance with all the regulatory provisions of this chapter in its entirety.
4. The Animal Owner or Custodian must notify Animal Services in writing within three calendar days if the location of the Animal is to be permanently changed. An administration fee will be charged to modify the issued license.
5. The Owner or Custodian must allow Animal Services to inspect the property at such time as reasonable to insure the provisions ordered by the Hearing Officer are being complied with. All costs associated with these provisions or any other or additional provisions ordered by the Hearing Officer shall be borne by the Owner or Custodian of the Animal which has been declared to be Potentially Dangerous or Vicious.

- H. Right to Destroy. Nothing in this section shall be construed to prevent Animal Services from destroying an Animal which is in the act of dangerous or vicious behavior towards any person or other Animal as set forth in Section 4.07.1400, if such immediate destruction is reasonably necessary to protect public safety.