

AN ORDINANCE OF THE CITY OF PLACERVILLE  
REPEALING TITLE 6, CHAPTER 3, "ANIMAL CONTROL"  
OF THE CITY CODE, AND ADOPTING, BY REFERENCE,  
EL DORADO COUNTY ORDINANCE CODE TITLE 6, ANIMALS,  
CHAPTERS 6.04, 6.08, 6.12, 6.16, 6.20, 6.24, 6.25,  
6.28 AND 6.32

The City Council of the City of Placerville does  
ordain as follows:

Section 1: Title 6, Chapter 3 "Animal  
Control" of the City Code is hereby repealed and a  
new Title 6, Chapter 3 is added as follows:

CHAPTER 3

ANIMAL CONTROL

6-3-1: The City of Placerville hereby  
adopts, by reference, El Dorado County Ordinance  
Code Title 6 "Animals" Chapters 6.04, 6.08, 6.12,  
6.16, 6.20, 6.24, 6.25, 6.28 and 6.32.

(a): That as long as this Ordinance is in effect,  
at least three copies of the Code being adopted by  
reference, all certified to be true copies by the  
City Clerk, shall be filed in the office of the  
City Clerk, and after adoption of the Code one of  
these copies shall be kept in the office of the  
Police Chief.

(b): If, at a later time, the County amends its  
ordinance and the City wishes to conform to the  
County's amended ordinance, it may do so through  
the same procedure as required for adoption of  
this original ordinance.

The above Ordinance was introduced at a regular  
meeting of the City Council of the City of Placerville on  
September 27, 1988 by Councilmember Borelli, and it was  
then read for the first time. A Public Hearing was held and

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the Ordinance was read for the second time on October 11, 1988, and it was then introduced by Councilmember Borelli, who moved its adoption. The motion was seconded by Councilmember Bailey, and a poll vote was taken which stood as follows:

AYES: Bailey, Bennett, Borelli, Lishman, Tuttle.

NOES: None.

ABSENT: None

The motion having a majority of votes "AYE", the Ordinance declared to have been adopted and it was so ordered.

Allen H Tuttle  
MAYOR

ATTEST:

Lennie L. Mills  
City Clerk



## **EL DORADO COUNTY ANIMAL CONTROL ORDINANCE**

**Per City Code Section 6-3-1: County Regulations Adopted, the City has adopted the following Chapters of the El Dorado County ordinance code, title 6, "Animals"**

6.04: General Provisions

6.08: Administration

6.12: General Animal Regulations

6.16: Dogs

6.20: Impoundment

6.24: Commercial Animal Establishments

6.25: Noncommercial Kennels

6.28: Miscellaneous Provisions

6.32: Spray and Neuter Clinics

# Title 6 - ANIMALS<sup>[1]</sup>

Footnotes:

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**Editor's note**— See also stables, § 130.14.060; residential districts, ch. 130.38; agricultural districts, ch. 130.36.

**State Law reference**— Local regulation and licensing of dogs, Food and Agricultural Code § 30501 et seq.; authority of County to adopt or enforce its own program for the control of potentially dangerous or vicious dogs, Food and Agricultural Code § 31683.

## CHAPTER 6.04. - GENERAL PROVISIONS

Sec. 6.04.010. - Title.

This title shall be known and may be referred to as the County Animal Control Ordinance.

(Code 1997, § 6.04.010; Ord. No. 3446, § 2(part), 1984)

Sec. 6.04.015. - Purpose.

The purpose of this title is to regulate the control and humane treatment of animals within the boundaries of the County for the protection of the safety and welfare of the public.

(Code 1997, § 6.04.015; Ord. No. 3692, § 1, 1987)

Sec. 6.04.020. - Definitions.

The words and terms used in this title shall have the meaning indicated as follows unless the context clearly indicates otherwise:

*Animal* includes any domesticated animal or captive wild animal.

*Animal abuse* shall be understood to mean any violation of Penal Code §§ 597 and 597.1.

*Animal control* means that section of the County government which is specifically charged with the regulation of and the enforcement of laws dealing with animals.

*Animal Control Officer* means the Director of Animal Control or any person acting in accordance with the instructions of the Director of Animal Control or any agent or agency authorized to act by the Board of Supervisors in the enforcement of the animal and rabies control programs.

*Animal control shelter* means a public facility operated by the enforcement agency for the impoundment and care of animals.

*Director of Animal Control* means the person employed by the County as the Chief Animal Control Officer.

*At large* means an animal which is roaming free.

*Cat* includes all domesticated felines.

*Cattery* shall be understood to mean any place operated by any person where five or more live domestic cats at least four months of age are kept, maintained, or harbored.

*City* means the incorporated City of South Lake Tahoe and the City of Placerville and any city incorporated hereafter.

*Collar* means a band, chain or other suitable device worn around the neck of a dog to which a license tag may be affixed.

*Commercial animal establishment* shall be understood to mean a commercial kennel and cattery, pet shop, pet grooming parlor, public aquarium, equine rental facility, cattery or protection dog facility.

*Commercial cattery* shall be understood to mean any place where five or more live domestic cats of at least four months of age are kept or maintained for sale, barter or hire.

*Commercial kennel* shall be understood to mean any place where five or more domestic dogs of at least four months of age are kept or maintained for sale, barter or hire.

*County resident* means a person who is physically present in the County and expresses the intent to reside therein.

*Dog* includes any domestic and/or domesticated member of the canine family.

*Domestic animals* shall be understood to mean dogs ( *Canis familiaris* ), cats ( *Felis catus* ), except as limited by Fish and Game Code § 2118, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits, domestic avian and fowl commonly kept as domestic animals.

*Equine rental facility* shall be understood to mean any place operated by any person where any live horses are kept or used for hire at an hourly, daily or weekly rate.

*Exhibit* shall be understood to mean any place where any live animal, animals or avian are kept or maintained for public show or display.

*Hearing Officer* shall be understood to mean the person selected by the County Director of Health Services or the Board of Supervisors to conduct a "vicious animal" hearing.

*Impoundment* means the receipt or taking up and confining of any animal by the Director of Animal Control, or his or her appointee, in a manner consistent with recognized standards of humane treatment.

*Incident* shall be understood to mean each and every occasion that an owner allows a domestic animal to be in violation of this title.

*Kennel* means any enclosure, premises, building, structure, lot or area in or on which five or more dogs of at least four months of age are kept, harbored or maintained.

*Large animal* means any domestic bovine animal, horse, mule, burro, sheep, goat or swine.

*Livestock* includes all domesticated bovine, equine, caprine, bovine, avian and rodent species.

*Noncommercial cattery* means any place where five or more live domestic cats of at least four months of age are kept or maintained solely for the use or hobby of the householder or owner.

*Noncommercial kennel* means any place where five or more live domestic dogs of at least four months of age are kept or maintained solely for the use or hobby of the householder or owner.

*Nuisance* means anything which is injurious to health, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

*Owner* means a person who possesses, has title to or an interest in, harbors, or has control, custody or possession of an animal, and the verb of "to own" includes all these shades of meaning.

*Pet grooming parlor* means any place where domestic animals are trimmed, bathed or groomed other than by the owner on a regular basis for compensation.

*Pet shop* means any place operated by any person on a commercial basis where live animals or avian are kept for sale, barter or exhibit with the exception of large animals.

*Protection dog facility* means any business where the primary activity consists of the training of dogs to act as protection, attack or guard dogs.

*Public aquarium* means any place where live fish or other aquatic animals are kept or maintained for public exhibit, sale or trade.

*Public Health Officer* means the Health Officer of the County or other person duly authorized by the Health Officer to act on his or her behalf.

*Quarantine* means a method of confining an animal, the specific form of which is determined by the Animal Control Officer at his or her discretion.

*Small animal* means a domestic animal or domesticated wild animal which is not a large animal as defined in this section.

*Vaccination* means the inoculation of an animal with a vaccine approved by and in the manner prescribed by the State Department of Public Health.

*Veterinarian* means a person licensed by the State to practice veterinary medicine.

*Vicious animal* means any animal which has attacked, bitten, scratched or harassed people or other animals and has in a formal hearing been determined, due to its aggressive nature, to be a threat to the health and safety of the public.

*Working animals.*

- A. The term "working animals" mean animals under the control of humans used in the movement of livestock, poultry or in the taking of wild animals or fowls during season established by the U.S. government, the State or in field trials, exhibitions or competitions.
- B. The term "working animals" shall also refer to any animal used by law enforcement agencies of the County, State and Federal governments while in the performance of their official duties, to include police dogs.

(Code 1997, § 6.04.020; Ord. No. 3446, § 2(part), 1984; Ord. No. 3692, § 2, 1987; Ord. No. 3764, § 1, 1987)

## CHAPTER 6.08. - ADMINISTRATION

Sec. 6.08.010. - Jurisdiction.

The Director of Animal Control and other related personnel shall be under the direction and supervision of the Director of the Health and Human Services Agency.

(Code 1997, § 6.08.010; Ord. No. 3446, § 3(part), 1984)

Sec. 6.08.011. - Responsibility.

The Director of Animal Control is responsible for the enforcement of this chapter, and all laws of the State pertaining to the control of dogs, cats and other animals and the humane treatment of animals, and his or her duties shall include, but not be limited to, the following:

- A. To administer the animal control center and keep such records as may be required by the Board of Supervisors and the Director of the Health and Human Services Agency;
- B. To take up and impound animals which are in violation of this chapter;
- C. To quarantine animals and to cooperate with the Public Health Officer;
- D. To administer licensing programs as provided for in this title;
- E. To administer rabies clinics.

(Code 1997, § 6.08.011; Ord. No. 3446, § 3(part), 1984)

Sec. 6.08.012. - Rules, regulations and policy.

The Director of the Health and Human Services Agency may formulate rules, regulations and policy in conformity with, and for the purposes of carrying out the intent of this chapter. Compliance with such rules and regulations shall be a prerequisite to the issuance and continued validity of any license or permit provided.

(Code 1997, § 6.08.012; Ord. No. 3446, § 3(part), 1984)

Sec. 6.08.013. - Animal Control Officer authority.

- A. Each Animal Control Officer shall have and is vested with the authority of a public officer, as specified in Penal Code § 836.5. Each Animal Control Officer may, in the performance of his or her duties, enter upon any property pursuant to law to ascertain if any of the provisions of this title or any State laws relating to disease, care, treatment, impounding or cruelty to animals are being violated. Each Animal Control Officer may issue citations for violation of the provisions of this title or any State laws in the manner prescribed by Penal Code § 836.5.
- B. In performance of his or her duties, the Animal Control Officer shall have the authority to employ the use of a tranquilizer gun and all animal control devices in common use within the State.
- C. Penal Code § 597.1 shall be operative in the County and enforced by the County Division of Animal Control, and Penal Code § 597f shall not be operative.

(Code 1997, § 6.08.013; Ord. No. 3446, § 3(part), 1984; Ord. No. 4379, 1995)

**State Law reference**— Powers and duties of local officers for failure of animal owner to care for animal, Penal Code § 597.1.

Sec. 6.08.014. - Authority to carry firearms.

The Director of Animal Control and such animal control officers as he or she may specifically designate in writing are authorized to carry firearms when acting in the course and scope of their employment in accordance with State law.

(Code 1997, § 6.08.014; Ord. No. 3446, § 3(part), 1984)

Sec. 6.08.020. - Animal control center.

The Director of Animal Control shall maintain and operate an animal control center and provide the Animal Control Officers with such supplies, equipment, transportation and other facilities as may be reasonably necessary or required to properly carry out the execution and enforcement of this title.

(Code 1997, § 6.08.020; Ord. No. 3446, § 3(part), 1984)

Sec. 6.08.030. - Arrest authority.

In the performance of his or her duties, the Director of Animal Control and each Animal Control Officer shall have the authority and immunities of public officers and employees as set forth in Penal Code § 836.5 to make arrests without a warrant whenever he or she has reasonable cause to believe that

the person to be arrested has committed a misdemeanor in his or her presence which is a violation of this Code or of any ordinance or statutes which he or she has the duty to enforce.

(Code 1997, § 6.08.030; Ord. No. 3446, § 3(part), 1984)

Sec. 6.08.040. - Violations.

- A. *Penalty for violation.* Except as otherwise provided herein or in State or Federal codes, violation of any provision of this title is an infraction punishable by a fine of \$50.00 for a first offense per animal per incident; and for a second offense, a fine of \$100.00 per animal per incident; and for a third and subsequent offense, a fine of \$250.00 per animal per incident.
- B. *Misdemeanor violations.*
  - 1. Any person willfully violating his or her written promise to appear in court, or before a person authorized to receive a deposit of bail, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested.
  - 2. Any person willfully failing to pay a lawfully imposed fine for a violation imposed pursuant to this section within the time authorized by the court and without the lawful excuse having been presented to the court on or before the date the fine is due is guilty of a misdemeanor regardless of the full payment after such time.

(Code 1997, §§ 6.08.040, 6.08.042; Ord. No. 3446, § 3(part), 1984; Ord. No. 3692, § 3, 1987)

Sec. 6.08.041. - Emergency summary action.

- A. Notwithstanding any other provisions of this title, if, in the judgment of the Director of Animal Control, an animal is found to be dangerous, injured, or ill, and if ill with the concurrence of a licensed veterinarian, and should be destroyed, the Director of Animal Control may, at any time, in a humane manner, destroy such animal.
- B. *Epidemics.* The Health Officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs, cats or other animals in the County, or in any part thereof. Upon making such a declaration, the Health Officer shall prepare and promulgate, pursuant to Health and Safety Code § 1500 et seq. (California Community Care Facilities Act), such rules and regulations as are necessary for the conduct of all persons within the area where the dangerous condition exists, and such rules and regulations as are necessary for the control of the dogs and other animals within the area. These rules and regulations of the Health Officer may include, but are not limited to, quarantine, vaccination and destruction of diseased or suspected or stray animals by humane methods. It shall be the duty of the Director of Animal Control to comply with all directives of the Health Officer in the enforcement of the rules and regulations. A violation of any such rules and regulations shall be deemed a violation of this title.

(Code 1997, § 6.08.041; Ord. No. 3446, § 3(part), 1984; Ord. No. 3692, § 4, 1987)

## CHAPTER 6.12. - GENERAL ANIMAL REGULATIONS

Sec. 6.12.010. - General violations.

It is unlawful for any person to commit any of the following acts, to wit:

- A. To attach to, or keep upon, or cause or permit to be attached to or kept upon, any dog any license tag provided by this chapter, except for a tag issued for such dog under the provisions of this title; or to attach to or keep upon, or cause or permit to be attached to or kept upon any dog,

or to make or to cause to be made, or to have in possession, any counterfeit or imitation of any tag provided for by this title.

- B. To interfere with, oppose or resist any Animal Control Officer while he or she is engaged in the performance of any act authorized by this title.
- C. To abandon any animal in the County. Failure or refusal of the owner of any animal to pay fees and charges made pursuant to this title shall constitute abandonment of the animal by the owner. The term "abandon" shall also mean dumping an animal within the County boundaries.
- D. To allow any animal to go without adequate food, water, shelter or proper care.

(Code 1997, § 6.12.010; Ord. No. 3446, § 4(part), 1984; Ord. No. 4602, 6-25-2002; [Ord. No. 5036](#), § 1, 4-5-2016)

Sec. 6.12.011. - Surrender.

The surrender of an animal by owner to the Animal Control Officer subsequent to impoundment for a violation of this title or any provision of State law shall not relieve the owner of the obligation to pay such charges as set forth in this title.

(Code 1997, § 6.12.011; Ord. No. 3692, § 5, 1987)

Sec. 6.12.012. - Sale or gift of any dog.

Upon the sale or gift of any dog, the person making such sale or gift shall notify the Animal Control Officer of the County of the person purchasing or receiving any dog within 15 days of the gift or sale.

(Code 1997, § 6.12.012; Ord. No. 3692, § 6, 1987)

Sec. 6.12.013. - Leaving in vehicle.

- A. *Animals in vehicles.* No person shall leave any animal in an unattended vehicle without adequate ventilation or in such a manner to subject the animal to extreme temperatures which adversely affect the animal's health and welfare.
- B. *Dogs in parked vehicles.*
  - 1. All dogs in parked vehicles shall be confined in such a manner to prevent them from reaching the outside edge of the vehicle with any portion of their body.
  - 2. No person shall leave any dog unattended in any vehicle without confining the dog in such a manner to prevent it from reaching the sides of the vehicle. The Animal Control Officer shall be empowered to remove an animal from a vehicle under emergency circumstances when the animal is endangering the safety of the public.

(Code 1997, § 6.12.013; Ord. No. 3692, § 7, 1987)

Sec. 6.12.020. - Vehicle or property damage caused by an animal.

- A. Any enforcement agency that responds to an animal-caused vehicular accident or damaging of fences shall report such incident to County Animal Control, in the event that the owner, lessee or other person entitled to control of the animal cannot be immediately located. If such person cannot be located in a reasonable length of time by the Animal Control Officer, and the fence containing the

animal is intact apart from a damaged area, the officer may at his or her discretion temporarily repair the fence and confine the animal.

- B. In the event repair is made to a fence by an Animal Control Officer, he or she shall obtain the names and addresses of all persons responsible for the negligent repair and upkeep of the fence and the cost of confinement shall be charged to them. In the event that the fence was damaged due to fault of a driver of a vehicle, the cost of confinement shall be charged to this individual.

(Code 1997, § 6.12.020; Ord. No. 3446, § 4(part), 1984)

**State Law reference**— Lawful fencing for livestock animals, Food and Agricultural Code § 17121.

Sec. 6.12.030. - Large animal confinement charges.

Any owner, lessee or person entitled to possession or control of a large animal who fails to keep his or her fences in good repair, which failure results in Animal Control Officers being called out to confine loose large animals, shall be charged at rates as established by the Board of Supervisors pursuant to resolution for all occurrences after the first occurrence.

(Code 1997, § 6.12.030; Ord. No. 3446, § 4(part), 1984)

Sec. 6.12.040. - Diseased animals.

No person owning or having charge of any animal that is infected with any disease transmissible to man and which is also a public health hazard shall permit such animal to be or remain within the County other than at an approved veterinary hospital.

(Code 1997, § 6.12.040; Ord. No. 3446, § 4(part), 1984)

Sec. 6.12.045. - Quarantine of biting animal.

- A. Any animal which bites a person except animals used by law enforcement agencies of the Federal, State and local government in the scope of their duties shall be placed in quarantine. Quarantine may, at the discretion of the Animal Control Officer, consist of confinement at the animal control facility, at a licensed veterinary hospital, or at home kept on the premises of the owner or caretaker. Home quarantine may consist of placing the animal in a secure, locked building, chaining the animal within a fenced enclosure, placing the animal in a kennel and cattery or placing the animal within a double-wire enclosure.
- B. In addition to animals who have bitten persons, the Animal Control Officer shall also quarantine known rabid animals, suspected rabid animals, and animals that have been or could have otherwise exposed humans to rabies. Animals used by law enforcement agencies of the Federal, State and local government who have bitten in the scope of their duties shall not be subject to quarantine unless the animal is suspected of being rabid.
- C. The Animal Control Officer may enter upon private premises in the company of a peace officer if needed to effectuate enforcement of quarantine.
- D. Any animal that is not currently vaccinated with an approved anti-rabies vaccine that has come in contact with a known rabid animal shall be isolated in a double enclosure for a period of not less than 180 days.
- E. Any animal currently vaccinated with an approved anti-rabies vaccine that has come in contact with a known rabid animal shall be placed in strict isolation for a period of 30 days.

- F. Any suspected rabid animal that cannot be located to be tested shall be considered as rabid.
- G. It is unlawful for the owner of any animal to violate any of the conditions of isolation or quarantine prescribed by the Animal Control Officer.
- H. Upon the death of any rabid animal, or any animal suspected of being rabid by the Animal Control Officer or the Director of Health Services, the Animal Control Officer shall obtain and turn over to the Health Officer or his or her designated deputy an adequate specimen thereof.

(Code 1997, § 6.12.045; Ord. No. 3692, § 8, 1987)

Sec. 6.12.050. - Potentially dangerous and vicious dogs.

- A. Food and Agriculture Code §§ 31601 to 31683 shall be operative in the County for the control of potentially dangerous and vicious dogs except as modified in this section.
- B. Potentially dangerous dog defined. A potentially dangerous dog is any dog which qualifies as a potentially dangerous dog in accordance with Food and Agricultural Code § 31601. Additionally, any dog which while off its owners or custodians' property and not controlled by leash or lead in the hands of an adult capable to restrain the animal attacks and inflicts injury to any domestic animal while such animal is on its owners property, custodians property, or controlled by leash or lead in the hands of an adult capable to restrain the animal in compliance with Section 6.12.070.
- C. Vicious dog defined. A vicious dog is any dog which qualifies as a vicious dog in accordance with Food and Agricultural Code § 31602. Additionally, any dog which while off its owner's or custodian's property and not controlled by leash or lead in the hands of an adult capable of restraining the animal attacks any domestic animal and causes injuries which result in the recommendation of a veterinarian that the animal be euthanized, or any injury that results in the death of any domestic animal while such animal is on its owner's property, custodian's property, or controlled by leash or lead in the hands of an adult capable to restrain the animal in compliance with Section 6.12.070.
- D. Animal Control may request a dog be humanely euthanized after it is determined to be vicious. Such request will be made at the time of the hearing. A hearing officer or judge may order a dog be humanely euthanized upon making a determination that the dog is vicious.
- E. Conditions for keeping potentially dangerous or vicious dogs. In addition to any conditions ordered by the court, any person who has possession of a dog that has been declared potentially dangerous or vicious at a hearing shall comply with the following conditions.
  - 1. All dogs determined after a hearing to be potentially dangerous or vicious dogs shall be properly licensed, micro chipped, and vaccinated at the owner's expense, prior to the release to the dog's owner or custodian or within 15 days if the dog is not in the custody of Animal Control. The licensing authority shall include the potentially dangerous designation in the registration records of the dog.
  - 2. A potentially dangerous dog or vicious dog, while on the owner's property, shall, at all times, be kept indoors, or in a securely fenced area from which the dog cannot escape, and into which children cannot trespass. The area must be kept locked at all times with a substantial lock. The fencing and other components of the confinement shall be maintained in good order to prevent escape and to prevent children from trespassing.
  - 3. A potentially dangerous dog or vicious dog may be off the owner's premises only if it is restrained by a substantial leash, not exceeding six feet in length, and if it is under the control of a responsible adult who is capable of restraining and controlling the dog.
  - 4. The yard or enclosure must be inspected and approved in writing by Animal Control prior to release of the dog to its owner or custodian if the dog is in the custody of Animal Control.
- F. At no time may a potentially dangerous or vicious dog be left unattended while off the owner's premises except as set forth herein. A potentially dangerous or vicious dog may be boarded at a

veterinarian hospital or at a licensed boarding kennel and cattery if the owner has informed such facility that the dog has been designated as a potentially dangerous or vicious dog and the facility is able to properly confine the dog.

- G. Owners or custodians of potentially dangerous or vicious dogs are subject to the following legal duties:
1. The owner or custodian of the dog shall notify Animal Control immediately if the dog is at large or has bitten or attacked any person or animal.
  2. The dog must be spayed or neutered at the expense of the owner prior to the release of the dog to its owner or custodian or within 30 days of the hearing order if the dog is not in the custody of Animal Control.
  3. A potentially dangerous or vicious dog shall be required to wear at all times a bright fluorescent collar visible at 50 feet in normal daylight, which will be provided by Animal Control at the owner's expense. The collar shall be maintained in such a manner that the color is visible and shall be worn in such a manner that it is clearly visible.
  4. The owner or custodian of a potentially dangerous or vicious dog, which has been involved in injury to a human, shall be required to maintain general liability insurance or post bond covering property damage and bodily injury caused by a potentially dangerous or vicious dog, with a combined single limit of \$100,000.00 per occurrence, and will be required to show proof of such insurance 30 days after the court has made its determination.
  5. The owner or custodian of a potentially dangerous or vicious dog must give written notice of the potentially dangerous or vicious dog determination to all of the following entities that apply: local law enforcement agency, Fire Department, United States Post Office (local branch), all utility companies which provide services to the premises where the dog is kept, veterinarian, grooming facility, homeowner's or renter's insurance carrier and landlord. The notice shall include all of the following: owner's name, address, telephone number, the actions of the dog that resulted in the declaration, the designation (potentially dangerous or vicious), description of dog, breed, color, markings, name, location on property that dog is kept. The owner or custodian shall provide a copy of such notice to Animal Control within 30 days after the court determination that the dog is a potentially dangerous or vicious dog.
  6. The owner or custodian of a dog declared to be a potentially dangerous or a vicious dog after a hearing shall post one or more signs on the premises at a location or locations that would be visible to anyone entering the property at normal access points stating, "A dog which has been determined to be dangerous or vicious lives on this property." The signs shall be in both English and Spanish.
- H. When any dog is in the custody of Animal Control for the purpose of a hearing to determine if it is potentially dangerous, all applicable charges for services performed by Animal Control pursuant to this section and all fines shall be paid prior to the release of the dog to its owner or custodian. If said charges are not paid or the dog is not claimed within 14 days after the dog is available to be released to its owner, the date the services are performed, or the order is issued, the dog shall be deemed to be abandoned by the owner, and thereafter subject to disposal by the County. Any dog so abandoned is not adoptable and shall be humanely euthanized by Animal Control.
- I. Any dog that has been designated as a potentially dangerous or vicious dog in any other jurisdiction and has been moved to the County shall be subject to all of the provisions of the prior order and shall be maintained in compliance with all the provisions of this chapter.
- J. Any dog determined to be potentially dangerous or vicious in the County will retain that designation for the remainder of its life. An owner may petition the court having jurisdiction over the matter after the initial 36-month period to submit evidence to support a change or modification of the condition.
- K. An additional fee for initial registration shall be charged. The annual dog license fee for a potentially dangerous or vicious dog shall be greater than a non-potentially dangerous or vicious dog license. The additional fee shall be used to defray the cost of recordkeeping, inspections and administration

of potentially dangerous and vicious dog program. The amount of the initial registration fee and dog license fee shall be set by resolution of the Board of Supervisors.

- L. The failure of an owner or custodian of a dog, declared to be potentially dangerous or vicious at a hearing pursuant to the Food and Agricultural Code and/or this chapter, to comply with any of the conditions of any court order, this section, or conditions imposed by the court is guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00 or by imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment.

(Code 1997, § 6.12.050; Ord. No. 4608, 9-17-2002)

**State Law reference**— Potentially dangerous and vicious dogs, Food and Agricultural Code § 31601 et seq.

Sec. 6.12.051. - Penalty and impoundment authorized.

If upon receiving written notification the owner fails to restrain or control a potentially dangerous or vicious dog, as ordered by the Chief Animal Control Officer, the owner is guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00 or by imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment and the Chief is empowered to seize and impound the animal at the expense of the owner pending the outcome of a potentially dangerous or vicious hearing. The District Attorney has the discretionary authority to make violations of this chapter an infraction if the circumstances warrant such an action.

(Code 1997, § 6.12.051; Ord. No. 4608, 9-17-2002)

Sec. 6.12.052. - Investigation.

Whenever a dog suspected of being potentially dangerous or vicious is reported, the Animal Control staff shall investigate the circumstances and if they find that the animal shows a propensity to attack, bite, inflict injury to a human or domesticated animal, or harass people or other animals without provocation, the Chief Animal Control Officer ("Chief") shall notify the owner in writing, stating all the facts and circumstances. The Chief may order that the animal be kept within a substantial enclosure or securely fenced area from which the dog cannot escape, and into which children cannot trespass, securely leashed or otherwise controlled. If the owner of the dog cannot provide restraint as so directed by the Chief within 48 hours, the animal shall be temporarily impounded at the expense of the owner pending the outcome of a potentially dangerous or vicious hearing.

(Code 1997, § 6.12.052; Ord. No. 4608, 9-17-2002)

Sec. 6.12.060. - Animals disturbing the peace.

It is unlawful and a public nuisance for any animal to be allowed, permitted or caused to utter any frequent or continuous noise of an irritating or raucous nature which disturbs the peace and quiet of any person. If such nuisance is continuous and no person having custody or control of the animal can be located, the Animal Control Officer may attempt to abate the nuisance, as long as he or she is not required to enter into an enclosed building or residence. If the nuisance cannot be abated by any other means, the animal may be impounded. A notice of impoundment shall be affixed to the premises from which the animal was removed and also sent to the registered owner. The notice will state rights of the owner to reclaim the animal in accordance with the provisions of this title, including the payment of fees as established through resolution passed by the Board of Supervisors.

(Code 1997, § 6.12.060; Ord. No. 3446, § 4(part), 1984)

Sec. 6.12.070. - Running at large prohibited.

No person owning or having control of any animal, livestock or poultry shall permit such animal, livestock or poultry to stray or run at large upon any public street or other public place, or any unenclosed private lot or other unenclosed private place in the County with the exception of livestock on open range as defined in Chapter 6.36.

- A. Any animal other than working animals shall be confined by the owner or his or her agent on a leash of not more than ten feet in length during any time the animal is removed from an enclosed private lot or enclosed private place.
- B. Each female dog in heat (i.e., season) will be confined in an enclosed area in such a manner that the female dog cannot come in contact with another animal except for a planned breeding.
- C. No person shall bring or allow any animal into a county owned or leased public building or within 50 feet of the entrances thereto, excepting County Animal Control facilities, with the exception of seeing-eye dogs in the company of blind persons. This section shall also not apply to any animal used by law enforcement agencies of the County, State or Federal government while in the performance of their official duties, to include police dogs.
- D. At large. Any person may take up and deliver to the Animal Control Officer any animal at large on public property or upon the person's private property. The Animal Control Officer shall hold and dispose of the animal in the same manner as though the animal had been found at large and impounded by the Animal Control Officer.
- E. An owner or keeper of a dog who willfully suffers it to go at large, or keeps it without ordinary care, and the animal while at large off the owner's or keeper's property bites a person, engages in behavior that requires a person to take defensive action to prevent physical injury, or which inflicts injury, kills, or otherwise causes injury to any domestic animal, is guilty of a misdemeanor. Upon conviction the owner or keeper must keep the dog involved in the incident which resulted in the conviction in compliance with the requirements of Section 6.12.050. Upon conviction of a violation of this section, the court may order any other conditions to protect public safety including destruction of the dog. Upon conviction of a violation of this section, the court shall order restitution to the investigating agency for the cost of investigation, impound and holding of the dog and to the victim for the treatment of injuries or other damages.

(Code 1997, § 6.12.070; Ord. 3446, § 4(part), 1984; Ord. No. 3692, § 10, 1987; Ord. No. 4608, 9-17-2002)

CHAPTER 6.16. - DOGS

Sec. 6.16.010. - Vaccination required.

Every dog over four months of age shall have a medically current vaccination with a canine anti-rabies approved by the State Health Department. Such vaccination shall be administered by or under the supervision of a veterinarian or as provided through County-recognized vaccination clinics.

- A. Notwithstanding any provisions to the contrary herein, no dog need be vaccinated for rabies where:
  - 1. A licensed veterinarian has examined the dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons;
  - 2. Within five days of such examination; and
  - 3. The Health Officer reviews the opinion of the veterinarian contained in such certificate, and endorses on such certificate his or her approval thereof. Such certificate must bear the date of issuance and must be renewed each year.

- B. Primary inoculation with canine anti-rabies vaccine shall be honored until the canine reaches 12 months of age. Canine anti-rabies administered after 12 months of age will be honored for a period of either one year or three years from date of injection, based upon whether a vaccine with a one-year or three-year term was administered.

(Code 1997, § 6.16.010; Ord. No. 4674)

Sec. 6.16.015. - Vaccination reports.

Any person who performs any rabies vaccination on any dog, whether as a clinic authorized by the supervising Animal Control Officer or as a licensed veterinarian, shall report such vaccination, the name and address of the owner of such animal, and the date of such vaccination to the Animal Control Division within 30 days.

(Code 1997, § 6.16.015; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.020. - Dogs at large.

- A. In the performance of his or her duties, an Animal Control Officer shall have the authority, when in pursuit of an animal which is in violation of this chapter, but has returned to the private property of his or her owner or the person who has a right to control the dog, to issue a citation for violation of Section 6.12.030. In the event the owner or person who has a right to control the animal is unavailable, the dog may be impounded, and the Animal Control Officer shall post a notice of such impounding on the front door of the living unit of the owner or person who has a right to control the dog. Such notice shall state the following:
  - 1. That the dog has been impounded;
  - 2. Where the dog is being held;
  - 3. The name, address and telephone number of the Animal Control Center; and
  - 4. The ultimate disposition if no action is taken to claim the animal within a specified period of time.
- B. This section shall not otherwise affect existing authority to seize or impound a dog or issue citations as a result of a dog being on property other than that owned by its owner or the person who has a right to control the dog.

(Code 1997, § 6.16.020; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.025. - License; requirements.

All dogs within the County, other than those within a category established by Section 6.16.050, must be currently licensed within said County. Dogs not properly licensed are subject to impound.

(Code 1997, § 6.16.025; Ord. No. 3467, § 1, 1984; Ord. No. 3692, § 12, 1987)

Sec. 6.16.030. - Exhibit of dog.

Upon demand by an Animal Control Officer, any person owning or controlling any dog, or in possession of the premises on which a dog is located, shall exhibit the dog and its license. Refusal to so exhibit the dog shall be a violation of this chapter.

(Code 1997, § 6.16.030; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.040. - License fee—Amount.

A dog license fee shall be required in an amount as established by resolution of the Board of Supervisors. A schedule of said fees shall be posted for public inspection at the County Animal Control Center.

(Code 1997, § 6.16.040; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.050. - Same—Exemption.

The following are exempt from the requirement for license:

- A. Dogs less than four months of age;
- B. Dogs licensed and vaccinated in other jurisdictions whose owner has established residence in the County pursuant to the definition herein, for valid periods of license, so long as the dogs are registered with the County and issued a license tag;
- C. Dogs on sale in a duly licensed pet shop or dog kennel and cattery where they are kept enclosed at all times;
- D. Dogs honorably discharged or released from the services of the armed forces of the United States, dogs principally used for the purpose of leading persons with defective eyesight and dogs used in law enforcement agencies. Licenses and tags shall be issued for such dogs upon request without charge.

(Code 1997, § 6.16.040; Ord. No. 3692, § 13, 1987; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.060. - License term.

Upon payment of a one-year or three-year dog license fee, a license shall be issued, subject to the following:

- A. The date of expiration of the license shall be set to coincide with the date of expiration of the most recent anti-rabies vaccination.
- B. If the most recent anti-rabies vaccination will expire in three months or less, a new vaccination is required in order to obtain a new license.

(Code 1997, § 6.16.060; Ord. No. 4674)

Sec. 6.16.070. - License—Vaccination required.

- A. Prior to the issuance or renewal of any license, it is necessary that the dog have been vaccinated with anti-rabies vaccine as provided in Section 6.16.010.
- B. Lost tags. Whenever a license tag has been lost or destroyed, a duplicate shall be issued by the licensing authority upon payment of the established fee as set forth by Board resolution on animal control fees.

(Code 1997, § 6.16.070; Ord. No. 3692, § 16, 1987; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.080. - Same—Issuance.

- A. Upon payment of the license tax and the presentation of a certificate of vaccination, the Animal Control Officer shall issue a license stating the name and residence of the person to whom the

license is issued, the amount paid, the date of issuance and expiration thereof, the date of expiration of the vaccination, and the description of the dog for which the license is issued, together with the number of the metallic tag accompanying the license.

- B. Area veterinarians are empowered to sell County dog licenses to approved applicants and a remittance fee for each license shall be established by resolution of the Board of Supervisors.

(Code 1997, § 6.16.080; Ord. No. 3446, § 5(part), 1984; Ord. No. 3692, § 17, 1987)

Sec. 6.16.090. - Same—Tag.

With each dog license, the Animal Control Officer shall issue a metal tag bearing an identifying number and the words and letters "El Dorado County Dog License." Each dog shall wear the metal tag issued for it at all times.

(Code 1997, § 6.16.090; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.100. - Same—Record.

The Director of Animal Control shall keep a record of all licenses issued by him or her together with a description of the dog for which the license is issued.

(Code 1997, § 6.16.100; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.110. - Rabies license tax authorized.

Whenever the State Department of Public Health determines that a rabies epidemic exists in the County, a special additional dog license tax as provided in Health and Safety Code §§ 1912, 1913 and 1914 shall be imposed and provided in this title.

(Code 1997, § 6.16.110; Ord. No. 3446, § 5(part), 1984)

Sec. 6.16.120. - Dog bite report required.

It is made the duty of any person having knowledge that any dog has bitten any human being within the limits of the County to immediately report that fact to the Animal Control Officer or to the Sheriff with full information in regard to the incident.

(Code 1997, § 6.16.120; Ord. No. 3446, § 5(part), 1984)

## CHAPTER 6.20. - IMPOUNDMENT

Sec. 6.20.010. - Strays.

The Animal Control Officer shall take up and impound all stray animals and livestock with the exception of domestic cats.

(Code 1997, § 6.20.010; Ord. No. 3446, § 6(part), 1984)

Sec. 6.20.015. - Taking into possession.

- A. Any person who finds any animal which has strayed or is running at large upon his or her own property or any other place contrary to the provisions of this title, may take possession of and hold it; provided, however, that he or she shall be obligated to notify the Animal Control Officer or the Sheriff of the fact that he or she has the animal in his or her possession within six hours after securing possession thereof, and give the Animal Control Officer or Sheriff full information in regard to the animal, and surrender it to the Animal Control Officer upon demand.
- B. When requested in writing to do so, the Animal Control Officer may act as the agent of the owner of any land within the unincorporated area of the County for the purpose of taking up and impounding any stray large animal found on the premises of the owner or upon premises to which he or she has the right of possession. The Animal Control Officer shall comply with the provisions of Food and Agricultural Code § 17001 et seq., insofar as the duty to notify the Director of Agriculture and shall thereafter be entitled to the lien as provided for in Food and Agricultural Code § 17041.

(Code 1997, § 6.20.015; Ord. No. 3446, § 6(part), 1984)

Sec. 6.20.020. - Record.

The Director of Animal Control shall keep a record of all animals impounded which shall show the date of impoundment, license tag number, if any, brand, earmark or other markings, the date and manner of its disposal and if redeemed, or sold, the name and address of the person by whom redeemed or purchased, the amounts of all fees and other moneys received or collected and the disposition thereof.

(Code 1997, § 6.20.020; Ord. No. 3446, § 6(part), 1984)

Sec. 6.20.030. - Disposition.

- A. When any animal is impounded by the Animal Control Officer as provided for in this chapter, he or she shall immediately notify the owner of the animal if known to him or her. If the Animal Control Officer is unable to ascertain the name of the owner of any large animal, a notice shall be posted describing the animal. The notice shall state that unless the large animal is reclaimed, it will be sold or otherwise disposed of by the Animal Control Officer in accordance with the terms of this chapter.
- B. A time and place and method of disposition of the large animal shall be contained in the notice.

(Code 1997, § 6.20.030; Ord. No. 3446, § 6(part), 1984)

Sec. 6.20.031. - Period of impoundment.

- A. As used in this section, a "business day" includes any day that a public shelter is open to the public for at least four hours, excluding State holidays.
- B. Stray dogs.
  - 1. The required holding period for a stray dog or cat impounded pursuant to this chapter shall be six business days, not including the day of impoundment, except as follows:
    - a. If the public shelter has made the dog available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.
    - b. If the public shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the public shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.

- c. Except as provided in Food and Agricultural Code § 17006, stray dogs shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period.
  2. Except as provided in Food and Agricultural Code § 17006, any stray dog that is impounded pursuant to this chapter shall, prior to the euthanasia of that animal, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. The public shelter may enter into cooperative agreements with any animal rescue or adoption organization. In addition to any required spay or neuter deposit, the public shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released.
  3. During the holding period required by this section and prior to the adoption or euthanasia of a dog impounded pursuant to this chapter, a public or private shelter shall scan the dog for a microchip that identifies the owner of that dog and shall make reasonable efforts to contact the owner and notify him or her that his or her dog is impounded and is available for redemption.
  4. All private shelters shall adhere to Food and Agricultural Code § 31108 pertaining to the impoundment of dogs and cats. Any violation of those provisions will be considered a violation of this chapter.
- C. Any impounded livestock shall be kept by Animal Control for at least five days unless it is redeemed within such period.
  - D. Any other animal impounded, except dogs, livestock and cats, shall be kept in the animal control center for at least seven days unless it is redeemed within such period.
  - E. Any animal which is voluntarily surrendered to or deposited with the Animal Control Center or authorized personnel thereof by the owner shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.

(Code 1997, § 6.20.031; Ord. No. 3446, § 6(part), 1984)

**State Law reference**— Authority to impound any estray domestic animal, Food and Agricultural Code § 17041.

Sec. 6.20.032. - Pursuant to owner's arrest.

An animal impounded pursuant to arrest of its owner shall be held and handled in the same manner as an impounded animal whose owner is known to the Animal Control Officer according to the terms of Section 6.20.031.

(Code 1997, § 6.20.032; Ord. No. 3692, § 18, 1987)

Sec. 6.20.040. - Care.

The Animal Control Officer shall provide all impounded animals with suitable and adequate food, water and shelter.

(Code 1997, § 6.20.040; Ord. No. 3446, § 6(part), 1984)

Sec. 6.20.050. - Redemption.

The owner or person entitled to the custody of any animal taken up and impounded under the provisions of this title may at any time before the disposal or sale of the animal redeem the animal by paying to the Animal Control Officer the fees and charges in full at the time of the animal's redemption as provided for in this chapter, in addition to the costs of publication and transportation, if any. Proof of ownership of any redeemed animal may be required at the discretion of and to the satisfaction of the Animal Control Officer.

(Code 1997, § 6.20.050; Ord. No. 3446, § 6(part), 1984; Ord. No. 4011, § 1, 1989)

Sec. 6.20.055. - Right of appeal of impound.

- A. When an animal has been impounded under authority of this chapter, the Animal Control Officer shall provide the owner or keeper of the animal, if known, with the opportunity for a hearing to determine the legality of the impound. Animals impounded under Section 6.12.050 shall be subject to a hearing as specified in that section. A hearing must be requested by the owner or keeper in writing within the legal holding period for the animal as specified in Sections 6.20.031 and 6.20.032. When the owner or keeper claims and redeems the animal by paying the fees due as required by Section 6.20.050 and by resolution of the Board of Supervisors, they shall have seven business days from the date of redemption to request a hearing. Failure to request or attend a hearing shall indicate that the owner or keeper gives up the right to a hearing and that the impound was legal. When a hearing is requested, it shall be conducted within seven days, excluding weekends and holidays, of the request. The Division of Animal Control may conduct the hearing if the hearing officer is not the same person or junior in rank to the person that impounded the animal. The Animal Control Officer may utilize the services of a hearing officer from outside the agency for the purposes of complying with this section.
- B. When a hearing determines that the impound of an animal was not legal, that animal shall be returned to the owner or keeper with no fees. If the owner or keeper paid the fees to redeem the animal, those fees shall be refunded to them.
- C. When a hearing determines that the impound of an animal was legal, the fees shall be due as prescribed by resolution of the Board of Supervisors. If the owner or keeper paid the fees to redeem the animal before the hearing, no additional fees shall be charged. The owner or keeper shall have the right to appeal any hearing finding within five court days to the superior court. Notice shall be given to Animal Control within the five-day period that the appeal has been filed. Any animal for which the fees have not been paid and no appeal has been filed at the end of the appeal period shall be deemed to be abandoned and shall be disposed of in any of the ways permitted by law.

(Code 1997, § 6.20.055; Ord. No. 4379, 1995)

Sec. 6.20.060. - Fees for keeping.

The Director of Animal Control shall collect fees from the owners redeeming impounded animals sufficient to defray the costs incident thereto as established through resolution by the County Board of Supervisors.

(Code 1997, § 6.20.060; Ord. No. 3446, § 6(part), 1984)

Secs. 6.20.070, 6.20.080. - Reserved.

Sec. 6.20.090. - Special fees relating to animal confinement.

- A. In addition to the fees in Section 6.20.060, the Animal Control Officer shall charge for necessary veterinarian and medical expenses. When it is necessary for the impoundment or confinement of

large quadruped domestic animals such as horses, donkeys, mules, burros, cattle, sheep, goats and swine to haul such animals with livestock hauling equipment, the owner of the animal shall pay a livestock hauling fee in the amount specified by resolution of the Board of Supervisors.

- B. For each capture and haul or confinement or fence repair a minimum of one hour per each Animal Control Officer taking part in the capture and haul, or confinement, or fence repair will be charged.

(Code 1997, § 6.20.090; Ord. No. 3446, § 6(part), 1984)

#### Sec. 6.20.100. - Adoption.

Any dog or cat impounded and unredeemed under the provisions of this title may be adopted by a person upon application to the Animal Control Officer in such form as he or she may prescribe.

- A. No cat may be adopted and removed from impoundment that has not been spayed or neutered unless the cat is less than six months of age; and the cost of spaying or neutering the cat has been deposited with the Animal Control Officer. The Animal Control Officer shall also receive satisfactory assurance that the spaying/neutering will in fact be performed as soon as it is medically permissible. This fee is not refundable.
- B. No dog may be adopted from impoundment until it has been spayed or neutered or until the fee for same is paid prior to the animal's adoption and removal. The Animal Control Officer shall also receive satisfactory assurance that the spaying/neutering will in fact be performed within the contractually or medically prescribed period. This fee is not refundable.
- C. A fee in such amount as may be necessary to provide for current license, rabies shall be paid for each adoption, in addition to the fee for spaying/neutering. The fee shall be established by resolution of the Board of Supervisors.
- D. The Animal Control Officer may, at his or her discretion, refuse to allow the adoption of any animal by any person if in his or her opinion the animal should not be adopted to that person or organization.

(Code 1997, § 6.20.100; Ord. No. 3446, § 6(part), 1984; Ord. No. 3692, § 20, 1987)

## CHAPTER 6.24. - COMMERCIAL ANIMAL ESTABLISHMENTS<sup>[2]</sup>

Footnotes:

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**Editor's note**— See also commercial districts, ch. 130.32; commercial districts, ch. 130.58.

#### Sec. 6.24.010. - License; required.

- A. No person shall own or operate a commercial kennel, pet shop, pet grooming parlor, public aquarium, equine rental facility, cattery, or protection dog facility without first applying to and receiving from the Director of Animal Control a license to do so. A commercial kennel and cattery is understood to be a kennel and cattery as defined in Section 6.04.020, where such keeping, etc., is done for compensation.
- B. The application for a license shall contain the name of the applicant, his or her address, the address of the proposed location of the commercial establishment if different from the applicant's, a brief

description of the housing facilities, if any, and the number and description of the animals to be kept therein.

- C. Application for a license under this section shall be accompanied by a license application fee in an amount as established by resolution of the Board of Supervisors.
- D. Upon receipt of an application for a commercial animal establishment license by the Animal Control Officer, the application shall be forwarded to the Department of Planning and Building and the Public Health Division of the County, and designated employees of these departments shall ascertain whether or not the applicant's plan is in conformity with County law governing their respective department.
- E. If the applicant's establishment is in conformity with the law governing the departments, departmental approval shall be indicated on the face of the application. If the applicant's establishment is not in conformity with the law governing the departments, the face of the application shall be marked "NOT APPROVED" and the reason for non-approval noted thereon, along with any revisions or changes in the applicant's establishment which, if made, would result in approval by the department in question.
- F. Upon approval by the departments of an application for a license, the Animal Control Officer shall make any investigation he or she deems proper.

(Code 1997, § 6.24.010; Ord. No. 3446, § 7(part), 1984; Ord. No. 3692, § 20, 1987; Ord. No. [5051](#), § 3, 4-18-2017)

#### Sec. 6.24.020. - Regulations.

Every person within the County who owns, conducts, manages or operates any commercial establishment under which a license is required by this chapter shall comply with each of the following regulations:

- A. The location of the establishment as specified in the application shall not violate any law or ordinance of the County or any law of the State.
- B. The establishment shall be kept and maintained so as not to endanger the peace, health or safety of county residents.
- C. The applicant shall not, within the immediately preceding year, have been denied a commercial animal establishment license, as provided for herein, or have had a permit revoked.
- D. Housing facilities and runs for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury, restrict entrance of other animals and prevent the escape of enclosed animals from stalls, paddock or corral.
- E. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- F. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require and must be done in an approved container.
- G. All reasonable precautions shall be taken to protect the public from the animals and animals from the public.
- H. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to minimize odors. Heating and cooling shall be provided as required according to the physical needs of the animals.
- I. All animal rooms, cages, runs, stalls, paddocks and corrals shall be of sufficient size to provide adequate and proper housing for animals kept therein to prevent overcrowding.

- J. Animal runs, if constructed, shall be of concrete construction material and in such repair as to be readily maintained in a clean and sanitary condition. Runs shall also be provided with adequate drainage into an approved sewer or individual sewer disposal installation.
- K. All animals shall be taken to a licensed veterinarian for examination and treatment if so ordered by the Director of Animal Control.
- L. Every violation of applicable regulations shall be corrected within a reasonable time.
- M. The establishment shall not be operated and no animals shall be boarded prior to completion of the entire facility as shown in the submitted plans.
- N. Licenses issued pursuant to this chapter are not transferable.
- O. Failure of applicant for the license to comply with any one of the conditions set forth in this section, as defined in Penal Code § 597(f), shall be deemed just cause for the denial of any license, whether original or renewal.
- P. Complete records to be maintained showing name, address and telephone number of all persons supplying any animals, reptiles, rodents, and amphibians bought or received for sale or to be held for any purpose. All records are to be available for inspection by any authorized agent of the Division of Animal Control.

(Code 1997, § 6.24.020; Ord. No. 3446, § 7(part), 1984; Ord. No. 3692, § 21, 1987)

Sec. 6.24.025. - Standards for grooming parlors.

The following standards apply to grooming parlors:

- A. All scissors, combs, brushes and clippers to be disinfected with a suitable germ killing agent between each animal groomed. Disinfectant to be allowed to remain on surfaces as per the manufacturer's instructions before being rinsed.
- B. All hair to be cleaned up between each animal and area disinfected.
- C. All wash areas, tables, washbasins, and tubs to be washed and disinfected between each animal.
- D. All disinfectant solutions applied to be allowed to remain on surfaces as per the manufacturer's recommendations.
- E. Electric clippers to be alternated between animals, or every 20 minutes, or whenever excessively warm to touch as to prevent the animals from being burned.
- F. All cages, runs, or other holding areas to be cleaned and disinfected between animals.
- G. No overnight boarding to be allowed at grooming establishments without separate permits issued for that specific purpose.
- H. The Division of Animal Control may make inspections whenever necessary to ensure compliance.
- I. Noncompliance with any regulations to be grounds for revocation of operating permit or may result in a citation being issued, punishable by appropriate fines.
- J. No animals to remain unattended on grooming tables.
- K. All mobile grooming services shall comply with the above regulations.
- L. All pet shops with grooming areas shall require a separate permit issued specifically for grooming purposes. Grooming areas to be separate from areas housing animals for sale. Grooming areas not to be used for isolation of any sick animals.

- M. All grooming parlors to maintain an efficient program of rodent and parasite control to prevent flea infestation and spread of disease.

(Code 1997, § 6.24.025; Ord. No. 3692, § 22, 1987)

Sec. 6.24.030. - License—Expiration.

Any license issued under this chapter shall expire at the end of the calendar year in which the license is issued.

(Code 1997, § 6.24.030; Ord. No. 3446, § 7(part), 1984)

Sec. 6.24.040. - Same—Renewal.

The procedure for the renewal of any license shall be subject to the same conditions and shall be done in the same manner as the issuance of an original license.

(Code 1997, § 6.24.040; Ord. No. 3446, § 7(part), 1984)

Sec. 6.24.050. - Inspection.

The Director of Animal Control shall have authority to enter upon an area or premises in which an animal establishment is located for the purpose of the enforcement of this chapter.

(Code 1997, § 6.24.050; Ord. No. 3446, § 7(part), 1984)

Sec. 6.24.060. - License revocation.

- A. The Director of Animal Control may revoke any license for failure to meet any of one or more the requirements set out in Section 6.24.020 by delivering a notice of revocation to the license holder in any one of the following ways:
  - 1. By certified or registered mail addressed to the individual as the individual's name and address appear on the application for the license;
  - 2. By delivering the notice to the individual, any partner or corporate officer named in the application for the license in person;
  - 3. By delivering the notice to any employee of the individual at the fixed place of business if specified in the license;
  - 4. By posting the notice in a conspicuous place upon the premises of the establishment as specified in the license. The notice of revocation shall identify the license affected by number, date and name and specify the ground for which the license was revoked and be dated and signed by the Director of Animal Control.
- B. The revocation shall be effective at the time the notice of revocation is delivered personally or posted or 48 hours after the notice is deposited in the United States mail as shown by the postmark on the envelope and the date the revocation becomes effective shall be stated in the notice.

(Code 1997, § 6.24.060; Ord. No. 3446, § 7(part), 1984)

Sec. 6.24.070. - Appeals.

Any person owning or having an interest in any establishment for which a license was refused or revoked by the Director of Animal Control may appeal the refusal or revocation to the Board of Supervisors by filing a written notice of appeal stating the name and address of the appellant and his or her desire to appeal the refusal or revocation of the license, to which is attached a copy of the application for the license with the refusal endorsed thereon or a copy of the notice of revocation, with the Board of Supervisors within ten days following the date of the refusal or revocation. The Board of Supervisors shall fix a date for hearing the appeal not more than 30 days following the date the notice of appeal is filed and shall mail notice of the time and place of the hearing to the person filing the notice of appeal not less than five days prior to the date of hearing. The appellant may appear in person or by counsel and present any relevant evidence relating to grounds for refusal or revocation of the license or the lack of such grounds and the Director of Animal Control may present evidence in rebuttal thereof. The hearing may be continued from time to time not to exceed 30 days in all. The Board of Supervisors shall find and determine from the evidence submitted whether one or more of the grounds specified in Section 6.24.020 for the refusal or revocation of the license existed and by order entered in the minutes directing the reinstatement or issuance of the license if the finding is that no such grounds existed or affirming the refusal or revocation if their finding is that the grounds do exist. The decision of the Board of Supervisors shall be final.

(Code 1997, § 6.24.070; Ord. No. 3446, § 7(part), 1984)

## CHAPTER 6.25. - NONCOMMERCIAL KENNELS AND CATTERIES

### Sec. 6.25.010. - Noncommercial kennels and catteries.

Noncommercial kennels and catteries shall denote kennels and catteries as defined in Section 6.04.020 wherein dogs or cats are kept and maintained for the hobby of the householder. A breeder exhibitor will be deemed to operate a noncommercial kennel or cattery if he or she meets the following:

- A. The dogs or cats are owned for exhibition in licensed American Kennel Club conformation shows, or licensed obedience trials, or licensed American Field Trials, or legitimate sporting events, or are working dogs; and
- B. The dogs or cats have been exhibited in four such events during the year preceding license application. Proof of participation may be made by returned entry registrations, canceled checks or official receipts. Proof that an animal is a working dog shall be made to the Director of Animal Control and in a manner prescribed by him or her.

(Code 1997, § 6.25.010; Ord. No. 3446, § 8(part), 1984)

### Sec. 6.25.020. - License—Required.

Noncommercial kennels and catteries shall be licensed by the Animal Control Officer. An individual desiring such license shall follow the procedures as set forth in Section 6.24.010.A through E. All noncommercial kennels and catteries shall be subject to the following regulations:

- A. All dogs or cats kept on the property shall be confined in a manner approved by the Animal Control Officer.
- B. Proof of rabies vaccination shall be available for inspection for all dogs or cats over the age of four months.
- C. All noncommercial kennels and catteries shall require a special use permit for such purpose.
- D. The number of puppies or kittens sold per year shall not exceed three litters, and the numbers sold shall be reported to the Animal Control Officer upon renewal of the permit.
- E. Facilities shall be maintained in a clean and sanitary manner and all droppings removed daily.

- F. All dogs or cats shall be kept in an enclosed and approved structure between the hours of 9:00 p.m. and 6:30 a.m.
- G. No commercial boarding or grooming shall be allowed under this license.
- H. At no time shall signs be posted on the property for the sale of dogs or cats.
- I. The area where the dogs or cats are kept shall be subject to inspection by the Animal Control Officer at any reasonable hour of the day.
- J. All facilities shall include:
  - 1. An adequate exercise yard;
  - 2. Runs and suitable fencing approved by the Health Official or Animal Control Officer;
  - 3. Wastewater disposal shall be provided in a manner approved by the Health Official.
- K. License shall not be transferable. Breeds shall be limited to breeds specified in the license.
- L. License tags may be obtained upon request for identification purposes from the Animal Control Division at no charge.

(Code 1997, § 6.25.020; Ord. No. 3446, § 8(part), 1984; Ord. No. 3692, § 23, 1987)

Sec. 6.25.030. - Same—Expiration.

Any license issued under this chapter shall expire at the end of the calendar year in which the license is issued.

(Code 1997, § 6.25.030; Ord. No. 3446, § 8(part), 1984)

Sec. 6.25.040. - Same—Renewal.

The procedure for the renewal of any license shall be subject to the same conditions and shall be done in the same manner as the issuance of an original license.

(Code 1997, § 6.25.040; Ord. No. 3446, § 8(part), 1984)

Sec. 6.25.050. - Inspection.

The Director of Animal Control shall have authority to enter upon an area or premises in which an animal establishment is located for the purpose of the enforcement of this chapter.

(Code 1997, § 6.25.050; Ord. No. 3446, § 8(part), 1984)

Sec. 6.25.060. - License revocation.

The Director of Animal Control may revoke any license for failure to meet any of one or more of the requirements set out in Section 6.25.020 by delivering a notice of revocation to the license holder in any one of the following ways:

- A. By certified or registered mail addressed to the individual as the individual's name and address appear on the application for the license;
- B. By delivering the notice to the individual, any partner or corporate officer named in the application for the license in person;

- C. By delivering the notice to any employee of the individual at the fixed place of business if specified in the license;
- D. By posting the notice in a conspicuous place upon the premises of the establishment as specified in the license. The notice of revocation shall identify the license affected by number, date and name and specify the ground for which the license was revoked and be dated and signed by the Director of Animal Control;
- E. The revocation shall be effective at the time the notice of revocation is delivered personally or posted, or 48 hours after the notice is deposited in the United States mail as shown by the postmark on the envelope and the date the revocation becomes effective shall be stated in the notice.

(Code 1997, § 6.25.060; Ord. No. 3446, § 8(part), 1984)

Sec. 6.25.070. - Appeal.

Appeal from such license revocation may be made in the manner prescribed in Section 6.24.070.

(Code 1997, § 6.25.070; Ord. No. 3446, § 8(part), 1984)

## CHAPTER 6.28. - MISCELLANEOUS PROVISIONS

Sec. 6.28.010. - Dead animals—Disposal.

When any animal owned by or in the custody or control of any person dies within the County, the person shall, within 24 hours, provide for the burial, incineration or other disposition of the body of the dead animal in a safe and sanitary manner.

(Code 1997, § 6.28.010; Ord. No. 3446, § 9(part), 1984)

Sec. 6.28.020. - Same—Removal from public property.

- A. The Animal Control Officer shall not be required to remove and dispose of bodies of dead animals, wild or domestic, on State highways or on State property or Federal properties within the County.
- B. Removal of dead animals on City or County property may be effected by the Animal Control Officer under an agreement executed between the Department of Agriculture and the City and County departments. The agreement shall be approved by the Board of Supervisors.

(Code 1997, § 6.28.020; Ord. No. 3446, § 9(part), 1984)

Sec. 6.28.030. - Removal fee.

A fee shall be charged for the removal of the bodies of small animals when the request for removal is made by the animals' owner or agent thereof. The fee shall be established by resolution of the Board of Supervisors. Removal from veterinary offices shall be performed pursuant to a contract between the Division of Animal Control and such offices.

(Code 1997, § 6.28.030; Ord. No. 3692, § 25, 1987)

Sec. 6.28.040. - Reserved.

Sec. 6.28.050. - Wild animals.

- A. *Applicability.* The provisions of this section shall govern all aspects of the possession and keeping of wild animals within the County.
- B. *Definition.* As used in this chapter, and in conformity with Fish and Game Code § 2116, the term "wild animal" means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish) or class Gastrophoda (slugs, snails) which is not normally domesticated in the State.
- C. *Permit required.* No person shall possess any animal, if such animal is a member of any class, family and species as set forth in Fish and Game Code § 2118(a) to (h), within the County without first applying to and receiving from the Director of Animal Control a permit to do so. Such permit shall not in any way act in lieu of the required State permit for possession of such animal, nor shall the State permit act in lieu of the permit required herein by the County. County permits shall not be issued for any animal for which a State permit may not be issued.
- D. *Application and fee.* The application for a permit shall contain the name of the applicant, his or her address, the address of the proposed location of the animal, if different from the applicant's, and a brief description of the applicant's plan for keeping the animal which shall include the species of animal, the number of individuals of each species and a description of the housing facilities for the animal.
  - 1. The initial fee for the issuance of each permit shall be set by resolution of the Board. The permit shall be valid for a period of one year from the date of its issuance unless revoked or suspended. The fee may cover more than one animal and the maximum number of animals to be kept shall be specified in the permit. Whenever a new animal is added, so as to exceed the maximum number permitted, a new permit must be secured and a new fee must be paid subject to the exceptions in Subsection D.2 of this section. The fee shall be due and payable at the time of issuance of the permit and shall be a prerequisite of such issuance. Permits shall be renewed each year on the anniversary of the date of the issuance of the initial permit. If during the preceding year or years, more than one initial permit has been issued an applicant, the former permits may be consolidated so that only one renewal permit is required; provided, however, that the renewal date for the consolidated permit shall be the date of the issuance of the earliest initial permit. Renewal fees for wild animal permits shall be established by resolution of the Board of Supervisors.
  - 2. Whenever, in any given permit year, there are new animals in a collection due to the reproduction of members of the collection or due to trade, exchange or replacement in the same number and of the same zoological order as the members of the collection traded, exchanged or replaced, the new animals do not require an additional permit during that year, provided the Director of Animal Control is notified in writing of the new animals within 30 days of acquisition.
  - 3. Approval of application. Upon receipt of an application for an initial permit by the Director of Animal Control, the application shall be forwarded to the Building, Planning and Environmental Health Departments of the County and designated employees of these departments shall ascertain whether or not the applicant's plan is in conformity with County law governing their respective department.
    - a. If the applicant's plan is in conformity with the law governing the departments, departmental approval shall be indicated on the face of the application. If the applicant's plan is not in conformity with the law governing the departments, the face of the application shall be marked "NOT APPROVED" and the reason for nonapproval noted thereon, along with any revisions or changes in the applicant's plan which if made would result in approval by the department in question.
    - b. Upon approval by the department of an application for an initial permit or upon the receipt of an application for a renewal permit, the Director of Animal Control shall make any

investigation he or she deems proper. He or she shall approve an application finding all of the following:

- i. The keeping of the wild animal at the location specified in the application will not violate any law or ordinance of the County or any law of the State;
  - ii. The keeping and maintenance of the wild animal will not endanger the peace, health or safety of persons in the immediate vicinity, or in the County as a whole;
  - iii. The premises and housing for keeping the wild animal are in a clean and sanitary condition, and any wild animal will not be subject to suffering, cruelty or abuse;
  - iv. The applicant has not had a permit provided for herein revoked within a year prior to the date of application; and
  - v. The keeping and maintenance of the wild animal does not constitute a public nuisance.
4. Revocation and suspension. Any permit issued pursuant to this section may be revoked or suspended as herein provided if, after investigation, the Director of Animal Control finds any of the following to be true:
- a. The owner, his or her agent or employee has been convicted of any offense involving the violation of Penal Code § 597, or any provision of this title, or is in violation of the zoning, health and safety or building ordinances relating to the keeping of wild animals;
  - b. The owner has failed to meet any of the requirements set forth in Subsection D.3.b.i to v of this section;
  - c. The owner has at the place for which the permit is issued, failed to provide any wild animal with proper food, water, shelter or attention; or
  - d. The owner has violated any rules, regulations or conditions adopted by the Director of Animal Control as necessary to ensure that the wild animal will not endanger the safety of any person or property.
- E. *Appeal.* Appeal from such permit revocation may be made in the manner prescribed in Section 6.24.070.

(Code 1997, § 6.28.050; Ord. No. 3446, § 9(part), 1984)

Sec. 6.28.055. - Feeding of wild or non-domesticated animals.

- A. In the South Lake Tahoe watershed within the County, as delineated on the official maps of the Tahoe Regional Planning Agency, no person shall knowingly and willfully feed or in any manner provide access to food to any wild animal, as defined in Section 6.28.050, of the class Mammalia (mammals).
- B. In all portions of the County not specified in Subsection A of this section, no person shall knowingly and willfully feed or in any manner provide access to food to any coyote, mountain lion, or bear.
- C. Violations of this section shall be deemed an infraction. In addition, violations of this section are hereby declared to constitute a public nuisance which threatens the public health and safety and which shall be subject to abatement through applicable administrative and judicial proceedings.
- D. This section shall not apply to any person who has legal possession of any such animal and who has a permit from the State Department of Fish and Game and the Director of Animal Control to keep such animal.

(Code 1997, § 6.28.055; Ord. No. 4437, 1997)

Sec. 6.28.060. - Importation restriction authorized.

When the Director of Health Services has determined that an infectious disease exists among animals in any area and importation of animals from such an area might spread disease within the County, he or she may refuse to permit shipments of animals from such areas to the County unless accompanied by a health certificate signed by a duly approved veterinarian certifying that the animals for which the certificate is issued are not infected with and have not been exposed to an infectious disease. Any animal entering the County from any area so described and designated without such a certificate may be quarantined, confiscated or disposed of by the decision of Animal Control in such a manner as to eliminate any danger to persons or animals within the County from being exposed to infection from the disease.

(Code 1997, § 6.28.060; Ord. No. 3446, § 9(part), 1984)

## CHAPTER 6.32. - SPAY AND NEUTER CLINICS

Sec. 6.32.010. - Establishment.

The Director of Animal Control is authorized to establish spay and neuter clinics throughout the several areas of the County.

(Code 1997, § 6.32.010; Ord. No. 3446, § 10(part), 1984)

Sec. 6.32.020. - Operation.

All spay and neuter clinics shall be operated by State-licensed veterinarians practicing in the County or adjacent counties.

(Code 1997, § 6.32.020; Ord. No. 3446, § 10(part), 1984)

Sec. 6.32.030. - Agreements authorized.

The Director of Animal Control is authorized to enter into agreements with the veterinarians, humane societies, societies for the prevention of cruelty to animals and any other person desiring to participate in the financing or operation of the clinics.

(Code 1997, § 6.32.030; Ord. No. 3446, § 10(part), 1984)

Sec. 6.32.040. - Grant acceptance.

The Director of Animal Control is authorized to accept grants or donations of money for the conduct of spay and neuter clinics. The grants or donations shall be received in the name of the County and shall be deposited in a special fund for the exclusive use in spay and neuter clinics. The fund shall be established under such conditions as the County Auditor and Board of Supervisors may direct.

(Code 1997, § 6.32.040; Ord. No. 3446, § 10(part), 1984)

Sec. 6.32.050. - Grant disbursement.

Disbursement from the special fund shall be made for expenses incurred in spay and neuter operations and shall be paid under procedures established by the Board of Supervisors.

(Code 1997, § 6.32.050; Ord. No. 3446, § 10(part), 1984)