



OFFICE OF THE COUNTY COUNSEL

TO: Board of Supervisors

FROM: Brina Blanton, Deputy County Counsel
Richard Molinari, Animal Shelter Director
George Hodgson, Supervising Animal Control Officer

DATE: December 4, 2018

SUBJECT: Discussion and Possible Direction to Staff on Adoption of Ordinance
Revising Title 10 of the Mendocino County Code, Including the Addition of
Chapter 10.26

Honorable Board Members,

Title 10 of the Mendocino County Code contains the County's regulations related to the care and control of animals. Since this Title was last amended in 2000, significant changes have been made to the structure of the County agencies tasked with the care and control of animals. Additionally, staff believes that changes in state law and other factors necessitate changes to Title 10. Staff has proposed changes to Title 10 and seeks direction from the Board of Supervisors regarding whether to implement the changes proposed.

A summary of the changes being proposed is as follows:

1. **Recognizing the Divisions Between Animal Care Services and Animal Control** – The current version of Title 10 is based on Animal Care Services and Animal Control being one combined county agency "Animal Care and Control." The proposed revisions to Title 10 reflect the change in that Animal Care Services is a division of the Health and Human Services Agency and Animal Control is a division of the Sheriff's Office. This includes identifying the responsibilities of both Animal Care Services and Animal Control.
2. **Reorganization and Reformatting** – The recommended revisions include removing definitions that are not used in this Title and adding in numbering where none is currently provided.
3. **Updates to Comply with State Law** – The recommended revisions include updates to reflect changes in state law. Additionally, sections that had previously misstated state law have been modified and language that merely repeated state law has been replaced with a reference to the state law code section. In particular, the recommendation is to greatly modify Chapter 10.16 – Rabies Control – by replacing the entire section with a brief introduction and reference to state law. The reason for this recommendation is that the County follows state law in matters of rabies control and the current version of Chapter 10.16 is a cut-and-paste of state law.

4. **Removal Specific Fee Amounts** – Instead of including actual fees in Title 10, it is recommended that the County Master Fee Schedule is referenced to allow for fees to be more easily modified if necessary.
5. **Removal of the Animal Care and Control Appeals and Advisory Board** (“Appeals Board”) – Currently, a number of the hearing procedures provided for in Title 10 must be heard by the Appeal Board. However, since the County has been unable to fill the Appeals Board for several years, the hearing procedures provided for in Title 10 have not been available. Staff recommends replacing the Appeals Board with a hearing officer.
6. **Violations** – Staff recommends specifying that all violations of Title 10 are infractions unless otherwise specified.
7. **Kennel Types** – Staff recommends the removal of “certified agriculture kennel.”
8. **Kennel requirements** – Staff recommends changes to the requirements for kennel licensing including:
 - a. Spay/neuter requirement for non-commercial/non-working animals. This would include an animal health exception.
 - b. Requirement that the kennel maintain contact information for people who bring to or buy animals at the kennel.
9. **Additional Requirements For Vicious Animals** – Staff recommends additional requirements for dogs that have been declared vicious including that the owner microchip the animal and spay/neuter the animal.
10. **Tribal Contract Requirement** – Staff recommends that Title 10 be amended to include a requirement that any contract for animal control services with a tribal jurisdiction include a requirement that the tribe adopt Mendocino County Code Title 10. This is required for enforcement on tribal lands.
11. **Exotic Animals** – Staff recommends changing the exotic animal definition to be consistent with state law and additions to the requirements for exotic animal ownership including:
 - a. Annual permit.
 - b. Inspection required for reissuance of permit.
 - c. Registration to include the name of the animal’s vet, location, permission from the property owner and a permit from the California Department of Fish and Wildlife.
 - d. Owner must report death or removal from county, birth of offspring, new location of the animal, and sale or transfer of animal.
 - e. May require special fencing.
12. **Separate Hearing Procedures Section** – Staff recommends the addition of a Chapter 10.26

that provides a process of all hearing under Title 10. The addition of this chapter would create one uniform process for most hearings under this Title.

13. **Limited Hearing Procedures for Fee-Only Appeal** – Staff recommends that the appeal of impound fees in cases in which the animal will be returned upon payment of fees be limited to a hearing with the Animal Shelter Manager.
14. **Animal Cruelty Prohibition for Adoptions from the Animal Shelter** – Title 10 currently prohibits adoptions from the animal shelter by people who have convictions for animal cruelty. Staff recommends adding a provision that would also prohibit adoptions by persons currently being prosecuted for animal cruelty charges.
15. **Update “Service Animal” Definition** – Staff recommends updating this definition, so that it can mean either the state or federal law definition.
16. **Mandatory Microchipping for Impounded Animals** – Staff recommends adding a requirement that all impounded animals be microchipped at the owner’s expense.
17. **Vicious dog section expanded to include other animals** – Currently, Title 10 allows Animal Control to address only vicious dogs. Staff recommends changing the sections related to vicious dogs to include all animals so that Animal Control has a mechanism to protect the public from other types of vicious animals.
18. **Feral Cats** – Title 10 currently has no specific regulation of feral cats. Staff recommends adding language that would prohibit individuals from maintaining feral cat colonies, defined as two or more feral cats, unless the feral cat colony is registered with the County or Community Animal Rescue Partner. Further registration would require the person maintaining the colony to abide by rules established by the Animal Shelter Director.