

## **ORDINANCE NO.**

### **AN ORDINANCE AMENDING TITLE 10 OF THE MENDOCINO COUNTY CODE ENTITLED "ANIMALS"**

The Board of Supervisors of the County of Mendocino ordains as follows:

Title 10 of the Mendocino County Code is amended to read as follows:

Title 10 - ANIMALS

CHAPTER 10.04 - ANIMAL CARE SERVICE AND ANIMAL CONTROL

#### **Sec. 10.04.010 - Title.**

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

#### **Sec. 10.04.020 - Purpose.**

This chapter is intended to regulate, control and protect animals existing within the unincorporated area of the county. Both Animal Care Services and the Animal Control Division of the Sheriff's Office enforce animal regulations, provide humane care for sheltered animals and educate animal owners on responsible ownership.

#### **Sec. 10.04.030 - Administration: General Powers and Authority.**

- (A) Animal Control shall be under the general direction of the Mendocino County Sheriff's Office. Animal Care Services shall be under the general direction of the Animal Shelter Director, who shall be appointed by and report to the Mendocino County Chief Executive Officer.
- (B) ) Animal Control Officers shall have the following power and authority.
  - (1) To enforce the provisions of the ordinance codified in this Title and State laws pertaining to the care, treatment, impounding and destruction of animals.
  - (2) To exercise all enforcement powers granted by Food and Agricultural Code Section 7.
  - (3) Formulate rules and regulations in conformity with and for the purpose of carrying out the provisions and intent of the ordinance codified in this title.
- (C) Animal Shelter Director shall have the following power and authority.
  - (1) To enforce the provisions of the ordinance codified in this title and State laws pertaining to the care, treatment, impounding and destruction of animals.
  - (2) Formulate rules and regulations in conformity with and for the purpose of carrying out the provisions and intent of the ordinance codified in this title.
- (D) Pursuant to Penal Code Section 830.9, Animal Control Officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530, and are authorized to

carry firearms during the course and within the scope of their employment, if those officers successfully complete a course in the exercise of those powers pursuant to Penal Code Section 832. For the purposes of this subdivision, "firearms" includes capture guns, blowguns, carbon dioxide operated rifles and pistols, air guns, handguns, rifles, and shotguns.

#### **Sec. 10.04.040 Violation and Penalties.**

- (A) Violations. Unless otherwise specified, any violation of this Title 10 shall be deemed an infraction.
- (B) **Infractions.**
  - (1) Unless otherwise specifically provided in this title, every violation determined to be an infraction is punishable by a fine or penalty imposed by the court of appropriate jurisdiction.
  - (2) Each offense shall constitute a separate infraction. Any person cited for an infraction violation of this Title with three (3) prior convictions of the same section within a twelve (12) month period may be charged with a misdemeanor.
- (C) **Misdemeanors.** Except in cases where a different punishment is prescribed by any law of this state law or the provisions of this code, every offense declared to be a misdemeanor by this Title is punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both.
- (D) **Public Nuisance.**
  - (1) Any violation of this Title 10 may be declared a public nuisance by any animal enforcement authority and abated pursuant to Chapter 8.75 of this Code. This remedy shall be available in addition to any other remedy provided by this Title.
  - (2) An animal, including dog or cat, shall be considered a nuisance if any of the following are true:
    - (a) It damages, soils, defiles or defecates on private property other than the owner's or on public property.
    - (b) It repeatedly chases passing vehicles or bicycles on public highways or streets whether or not such chasing results in damage or injury to persons or private property.
    - (c) It interferes with or molests human beings on public property or private property other than the property of the owner of such animal.
    - (d) It engages in conduct that interferes in the reasonable and comfortable enjoyment of life and property.

#### **Sec. 10.04.050 – Animal Owner Responsibility.**

An animal owner shall be held responsible for adverse actions of his dog(s) or animal(s) and accountable for those damages inflicted by a vicious dog, potentially dangerous dog or other animal.

#### **Sec. 10.04.060 - Definitions.**

Unless the context otherwise requires, the following definitions govern the construction of this Title in order for more effective interpretation and enforcement.

#### **Sec. 10.04.062 - Definition (A).**

- (A) "Animal" means and includes any reptile, avian, fish, or mammal, other than homo sapiens..
- (B) "Animal Care Services" means the division of the County of Mendocino responsible for operating the County Animal Shelter and for providing animal regulation services that promote public safety, health and responsible pet ownership.
- (C) "Animal Control" means the division of the Mendocino County Sheriff's Office which is specifically charged with the regulation of, and the enforcement of, laws relating to animals within the jurisdiction of the County of Mendocino.
- (D) "Animal Control Officer" means any person duly appointed by the Sheriff to enforce all laws and regulations related to animal control and care or rabies control.
- (E) "Animal shelter" means any facility operated by a local governmental agency, contracting agency, or Humane Society for the purposes specified in this Title.
- (F) "Animal exhibition" means any display containing one or more live domesticated, wild or exotic animals which are exposed to public view for entertainment, instruction or advertisement.
- (G) "At large." Any animal, excepting a working animal, shall be deemed to be "at large" when off the premises of the owner and not under restraint by leash or physical control of its owner.
- (H) "Animal Enforcement Authority" means Animal Care Services, Animal Control, Environmental Health, Public Health and/or Sheriff.
- (I) "Animal Sanctuary" means any for-profit or nonprofit organization where domestic animals are rehabilitated or protected from molestation.

**Sec. 10.04.064 - Definition (B).**

- (A) "Bite" means any cut, laceration, tear, bruise, abrasion, puncture or injury inflicted to the epidermis of a person or animal whether or not that bite is considered a rabies risk by the County or State Health Department.
- (B) "Boarding kennel" means a commercially operated establishment for the care and keeping of dogs and cats, other than those belonging to the operator.

**Sec. 10.04.066 - Definition (C).**

- (A) "Cat" means any member of the domestic feline species (felis catus). An adult cat is any cat older than four months of age.
- (B)
- (C) "City" means any incorporated municipality within the County.
- (D) "Commercial kennel" means any place where dogs or cats are kept for commercial purposes, including dog breeding business, boarding kennel, profit or nonprofit dog and cat adoption agency, profit or nonprofit animal sanctuary, profit or nonprofit rescue organization; provided however, a commercial kennel shall not include any county animal control shelter, a licensed veterinary hospital, licensed agricultural or non-commercial residential kennel.

The amendment to this Section shall be retroactive to any entity or organization existing or operating in Mendocino County as of September 15, 2000.

- (E) "Community Animal Rescue Partner" means an animal rescue organization that has been certified by the Animal Shelter Director as a Community Animal Rescue Partner.
- (F) "County" means the County of Mendocino and if the context so indicates County employees designated to carry out the provisions of this Title.

- (G) "County animal shelter" means the County-owned and operated shelter where animals impounded pursuant to this chapter or voluntarily surrendered by their owners are placed for humane care, keeping and adoption to the public.

**Sec. 10.04.068 - Definition (D).**

- (A) "Dangerous animal" means any animal which, because of its disposition, physical or inherent characteristics or size, behavior or propensity (without provocation) to inflict bodily harm or otherwise, demonstrate actions that would constitute a danger to any person, domestic livestock, other domestic animals or property.
- (B) "Dangerous exotic animal" means any exotic animal which, because of its disposition, physical or inherent characteristics or size, behavior or propensity (without provocation) to inflict bodily harm or otherwise, demonstrate actions that would constitute a danger to any person, domestic livestock, other domestic animals or property.
- (C) "Dog" means any member of the domestic Canine species and shall include all breeding crosses of dog with wolf (*Canis Lupus* or *Canis Rufus*) and coyote (*Canis Latrans*). An adult dog is any dog older than four months of age.
- (D) "Domestic animal" means any animal other than wild or exotic animals, customarily confined or cultivated by humans for domestic or commercial purposes.

**Sec. 10.04.070 - Definition (E).**

- (A) "Estray" means the act of any animal to wander or roam at large.
- (B) "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..

**Sec. 10.04.072 - Definition (F).**

- (A) "Fence" means wire, wood, metal, masonry, electric, or other material, at least four (4) feet in height, used as an enclosure for a yard, lot, field, or pasture to effectively confine any animal or animals within a specific area. Fences that contain livestock that are not solid and view-obscuring shall not be considered as effectively confining livestock unless the horizontal and vertical members (wires, rails and posts) are so securely fastened together and firmly anchored into the ground as to provide a barrier beyond which the livestock cannot readily penetrate.
- (B) "Feral Cat" means a cat without owner identification of any kind whose usual and consistent temperament is fear and resistance to contact with people. A feral cat is totally unsocialized to people.
- (C) "Feral cat colony" means a group of two or more feral cats.

**Sec. 10.04.074 - Definition (G).**

- (A) "Guard dog" means a dog trained specially for the protection of property and registered as a recognized guard dog with the local governing body.
- (B) "Grooming shop/parlor" means a commercial establishment where animals are bathed, clipped, plucked, or otherwise conditioned.

**Sec. 10.04.076 - Definition (H).**

- (A) "Health Department" means the County Health Officer, County Public Health Agency or authorized agents of the County Health Officer or County Public Health Agency.

**Sec. 10.04.078 - Definition (I).**

- (A) "Impoundment" means any taking custody, taking up, or confining of any animal(s) by the Animal Control authority.

**Sec. 10.04.080 - Definition (J).**

- (A) Reserved.

**Sec. 10.04.082 - Definition (K).**

- (A) "Kitten" means any member of the domestic Feline species under four (4) months of age.

**Sec. 10.04.084 - Definition (L).**

- (A) "Large Domestic Animal" means those animals that live in or about the habitation of people such as to contribute to the support of a family or wealth of a community, and includes, but is not limited to, any bovine, caprine, equine, ovine, or suine animal except those animals commonly kept as household pets, such as, but not limited to, dogs, cats, ducks, geese, chickens, or domesticated exotic fowl.
- (B) "Leash" means any rope, leather strap, chain, or other material not exceeding six feet (6') in length being held in the hand of the person capable of controlling the animal to which it is attached.
- (C) "License" means the license issued for the specified licensing period within Mendocino County with all fees being paid as evidenced by a valid receipt.
- (D) "Licensing Period" means that period of time for which any license is valid. Licensing periods shall be set by a Resolution of the Board of Supervisors.
- (E) "Livestock" means any cattle, sheep, swine, goat, horse, mule or other equine, any llama or other camelidae, pig, or any domestic fowl or rabbits.

**Sec. 10.04.086 - Definition (M).**

- (A) Reserved.

**Sec. 10.04.088 - Definition (N).**

- (A) "Noncommercial kennel" means a place where five or more dogs are kept by the owner for personal pleasure or herding and protection of farm animals, and the owner has a valid noncommercial kennel license on file with the Department of Animal Care and Control.
- (B) "Nonprofit" means "nonprofit" as defined by 501(c)(3) of the United States Internal Revenue Code.

**Sec. 10.04.090 - Definition (O).**

- (A) "Owner" means any person who is the keeper, harborer, possessor, or custodian, or who has control of an animal, or legal owner of any animal. Any occupant of premises upon which an animal is found shall be deemed prima facie the owner of said animal for the purposes of this title. In addition, it shall be evidence of ownership of any animal for any person to refuse to present that animal to an Animal Control Officer for inspection or to refuse to permit such officer to impound any animal on the premises of such person when said animal is found in the violation of the provisions of this Title.

**Sec. 10.04.092 - Definition (P).**

- (A) "Pet shop" means every place where pet animals are kept for the purpose of either wholesale or retail sale, barter or hire.
- (B) "Physical control" means confined or restrained by a chain, rope or leash, which is securely held or connected to a responsible adult. (C) "Potentially Dangerous" means any dog in which a finding has been made pursuant to California Food and Agriculture Code section 31601 et seq. that the dog is potentially dangerous.
- (D) "Protective custody hold" means a hold placed on any animal for protective purposes, which the animal enforcement authority determines should extend beyond the animal holding period, pending the completion of an investigation and determination of final disposition. Such hold shall be at the discretion of the Animal Control Officer or peace officer.
- (F) "Puppy" means any member of the domestic Canine species under the age of four (4) months.

**Sec. 10.04.094 - Definition (Q).**

- (A) "Quarantine" means the act of strict isolation and confinement of any animal to prevent the exposure to and the spread of a contagious disease or to prevent the animal from causing injury to any person or other animal.
- (B) "Quarantine Locations" any location designated by the Animal Shelter Manager, Health Department or Animal Control Officer at which an animal may be held during quarantine.

**Sec. 10.04.096 - Definition (R).**

- (A) "Rescue Organization" means any for-profit or nonprofit, paid or volunteer organization that rescues homeless, sick or abused animals and later adopts or provides them sanctuary.

**Sec. 10.04.098 - Definition (S).**

- (A) "Service Animal" means a dog that is individually trained to do work or perform tasks for people with disabilities, as further defined by 28 CFR 35.104 and California Health and Safety Code § 113903.
- (B) "Severe injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or prolonged physical pain, or any physical injury that results in broken bones, disfiguring lacerations, multiple sutures, or cosmetic surgery.
- (C) "Stray" means any animal that is at large without an identification tag, license tag, rabies tag, brand, tattoo, microchip or any apparent identification that would identify the true

ownership of said animal, or an animal that may be lost or abandoned with or without such means of identification.

**Sec. 10.04.100 - Definition (T).**

- (A) Reserved.

**Sec. 10.04.102 - Definition (U).**

- (A) "Unconfined" means any animal not securely confined indoors or not confined in a securely enclosed and locked pen or structure upon the premises of its owner. To be securely enclosed such pen or structure must have secured sides and secured top; if the pen or structure has no bottoms secured to the sides, the sides must be embedded into the ground no less than one (1) foot.
- (B) "Unlicensed" means the licensing fee has not been paid for the current licensing period in Mendocino County.

**Sec. 10.04.104 - Definition (V).**

- (A) "Vaccination" means a rabies vaccination of a dog or cat with a vaccine approved by and in the manner prescribed by the California Department of Public Health.
- (B) "Veterinarian" means a person licensed to practice veterinary medicine in the State of California.
- (C) "Vicious" means any of the following:
- (1) Any animal which, when unprovoked, in an aggressive manner attacks a human being or another animal;
  - (2) Any animal that has a disposition, behavior or propensity to attack any person without provocation;
  - (3) Any animal that constitutes an imminent threat of bodily harm to human beings or other animals in a place where such person or animal is acting peaceably and lawfully;
  - (4) Any animal kept or maintained by its owner for the purpose of animal fighting or breeding to perpetuate the aggressive inherent genetic characteristics or any level of training to encourage an animal's innate aggressive behavior that may result in a menace to persons or other animals, or has been specifically trained to guard persons and/or property;
  - (5) Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.
  - (7) Any dog in which a finding has been made by any court or hearing body of a local jurisdiction pursuant to 31601 et seq., or the laws of any local jurisdiction, that the dog is vicious.
  - (8) A dog specifically trained and licensed as a "guard dog," "sentry dog", when registered as a recognized "guard dog" with the local governing body, or a dog used in the official capacity of law enforcement activities is exempt from the definition of a vicious animal.

**Sec. 10.04.106 - Definition (W).**

- (A) "Wild animal" means and includes any animal identified in California Fish and Game Code Section 2116.

- (B) "Working animal" means animals under the control of humans used for the movement of livestock, fowl, tracking, obedience, show, or in the taking of wild animals or wild fowl during the season established by law or in the field trials, or animals used for agricultural purposes.

**Sec. 10.04.108 - Definition (X).**

- (A) Reserved.

**Sec. 10.04.110 - Definition (Y).**

- (A) Reserved.

**Sec. 10.04.112 - Definition (Z).**

- (A) Reserved.

**CHAPTER 10.08 - PROHIBITIONS**

**Sec. 10.08.010 - Dogs.**

- (A) It shall be unlawful for any person who owns, harbors or keeps any dog:

- (1) To permit or cause such dog to run at large, roam or run astray.
- (2) To fail to keep the dog under physical control when the dog is upon any public property or private property without the express permission of the owner or the custodian of such property.
- (3) To allow a dog on public property without a leash not exceeding six feet (6') in length. To comply with this section, the person in charge of the dog must have physical control of the leash.

(a) Dogs may be permitted to run without a leash in designated areas which, from time to time, may be set aside by the County for the specific purpose of exercising a dog, so long as the owner or keeper of the dog maintains control of the dog at all times and does not permit the dog to go beyond the boundaries of the designated area and subject to the following restrictions:

- (i) No person shall keep a noisy, vicious or dangerous dog or animal or one which is disturbing other persons or animals who are in the designated areas and remain therein after the owners have been asked by County personnel or law enforcement to leave;
- (ii) No person shall leave or deposit dogs, cats, or other animals, fowl or fish within the boundaries of the designated areas;
- (iii) No person shall bring a dog into, permit a dog to enter or remain, or possess a dog in the designated areas unless the person is able to present proof upon request that the dog has a valid rabies inoculation and the person presents a valid license for the dog.

- (b) The following activities are permitted and excepted here from, provided the dog does not present a hazard to the public safety and welfare, does not trespass upon private property, cause a nuisance or violate any other provisions of this Title or State law:



- (i) Lawful hunting;
  - (ii) Livestock herding and control;
  - (iii) Organized field trials;
  - (iv) Tracking, obedience training/or show and other recognized work activities when under the direct control of the owner or handler or assistance dogs for the physically handicapped when performing their duties.
- (4) To permit the dog to defecate upon public property, including, but not limited to, any public sidewalk or public area commonly occupied or traversed on foot by members of the public, unless the person immediately removes the feces and properly disposes of it. Visually handicapped persons who use assistance dogs are exempt from this law.
- (5) To permit any dog to be unlicensed.
- (6) To permit any dog to remain unrestrained without an appropriate fence, chain or enclosure.
- (7) To permit or take any dog into a restaurant, grocery store, meat market, supermarket, fruit store or any place where food is sold, dispensed or served to members of the public. Exempted from this law are service animals under the immediate control of their owners.
- (8) To keep, possess, maintain or harbor any vicious or potentially dangerous dog as defined in Section 10.04.104 of this Code or dangerous exotic animal unless the animal(s) is registered under an annual permit with Animal Care Services.

**Sec. 10.08.020 - Cats.**

- (1) It shall be unlawful and an infraction for any person who owns or harbors or keeps any cat:
  - (a) To permit a cat to damage property, public or private, real or personal, or to bite, scratch, or claw any human being or other animal which is on the property of another.
  - (b) To take a cat into any of the places set forth in Section 10.08.010(5).
- (2) It shall be unlawful and an infraction for any person to maintain a feral cat colony, unless that colony is registered with Animal Care Services or a Community Animal Rescue Partner and that person abides by any rules regulations established by the Director of Animal Care Services.

**Sec. 10.08.030 - Miscellaneous.**

- (1) It is unlawful and a misdemeanor to abandon any animal in Mendocino County.
- (2) With the exception of livestock at recognized auctions, fairs or expositions, it shall be unlawful and an infraction for any person to display for sale, offer for sale, exchange, barter or give away any animal except in the following places:
  - (a) Pet shop, commercial kennel, private kennel, nonprofit incorporated pet adoption agency, pet grooming parlor, animal shelter, humane society facility, horse establishment, which have a valid permit or license as may be required by this title, may on occasion be permitted by Animal Care Services to temporarily display animals at specialized locations other than their normal place of business, provided such animals are at all times under physical control and restrained, have adequate water, food and shelter;
  - (b) Private residence; or
  - (c) Veterinary clinic.

- (3) Any person who reports to Animal Control or Animal Care Services any false information regarding animals, or causes any such report to be made, knowing that the report is false and with the intent to deceive, which false information causes Animal Control to actively and substantially respond to such report is guilty of a misdemeanor.

**Sec. 10.08.040 - Impoundment.**

Any Animal Control Officer or peace officer may impound any dog or cat for violations of this Title, or when deemed necessary to preserve public health and safety or to prevent needless suffering of animals. Impoundments shall be governed by Chapter 10.24 of this Title.

**CHAPTER 10.10 – VICIOUS ANIMALS**

**Sec. 10.10.010 - General Requirements for Owners of Vicious Animals.**

- (A) The purpose of this article is to establish a program for the control of vicious animals. This Chapter does not apply to dogs while utilized by the sheriff, any police department or any law enforcement officer in the performance of police work.
- (B) All owners of vicious animals, in addition to the required permit, must provide written proof (a true copy) of public liability insurance policy in the single incident amount of Fifty Thousand Dollars (\$50,000) for bodily injury or death of any person(s) or for damage to property which may result from the ownership or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy be made unless ten (10) days written notice is first given to Animal Control. Owners of animals unable to meet the requirements of the aforementioned section shall forfeit ownership of such animal(s) to the Department of Animal Care Services or Animal Control for further disposition.
- (C) Owners of any vicious animal shall not allow the animal freedom to:
- (1) Remain unmuzzled, unconfined, unrestrained or unsupervised on the premises of its owner whether indoors or outdoors in a manner that would allow the animal to exit such structure(s) on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open, when screened windows or doors are the only obstacle preventing the animal from exiting the house or structure, or to allow or permit the animal to be so improperly leashed, chained or secured to a structure (i.e., dog house, building, etc.), in a manner that it is not adequately restrained from access to any child passing by, or to a child wandering into a yard, to be subjected to such unpredictable aggressive behavior by the offending animal that may result in injury or death to an unsuspecting victim.
  - (2) The owners of a vicious animal shall be required to post a permanent sign in letters no less than two (2) inches in height and width stating "Beware of Vicious Dog" or "Beware of Vicious Animal" in a prominent place easily legible by the public as well as posted on any pen or housing structure for that animal.
  - (3) Such vicious animal may be housed outdoors providing the pen/structure has passed prior approval through an inspection as to its sound structural strength and size, ability to be kept and maintained in a sanitary condition, and so constructed as to prevent and insure that all reasonable precautions are undertaken to prevent the vicious dog from escape.
- (D) An animal declared to be vicious shall not be allowed to roam at large by its owner.

- (E) This Chapter may be enforced by Animal Control and any local or state law enforcement agency.

**Sec. 10.10.020 - Leash and Muzzle.**

No person shall permit a vicious dog or other vicious animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet (4') in length and an adult is in physical control of the leash. When off the premises of its owner in public places such aforementioned, animal must not be leashed to inanimate objects such as trees, posts, buildings, etc., or within a vehicle in such manner the animal can access someone passing by and shall not be left unattended, unrestrained or unsupervised. In addition, all vicious dogs must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

**Sec. 10.10.020 - Other Requirements For Ownership of a Vicious Animal or Potentially Dangerous Dog.**

- (A) All owners of a vicious animal or potentially dangerous dog must report the following information to Animal Control:

- (1) The removal from the county environs or the death of the animal;
- (2) The new address of the owner should the owner move to a new location within the County or to another location within the State;
- (3) The sale or other transfer of ownership of the animal.

- (B) All owners of a vicious or potentially dangerous dog shall provide to both Animal Control and Animal Care Services two (2) current color photographs of their animals showing the color and the approximate size accompanied by the description of the animal along with their annual permit. (C) The owner of any potentially dangerous or vicious dog must additionally comply with the following:

- (1) At his or her expense, shall have a microchip registered with Animal Care Services, implanted into the animal for identification purposes. The identifying information listed on the microchip shall be noted in the licensing files for that animal.
- (2) The animal must be spayed or neutered.
- (3) The animal must be properly licensed, with said license record indicating that the animal is vicious or potentially dangerous.

**Sec. 10.10.030 - Failure to Comply.**

It shall be a misdemeanor for the owner of a vicious animal or potentially dangerous dog to fail to comply with the requirement and conditions set forth in this Title. Any animal found to be the subject of a violation of this Section shall be subject to immediate impoundment by any Animal Control Officer or peace officer pursuant to the procedures for impoundment provided by Chapter 10.24 of this Code. Shelter.

**Sec. 10.10.040 - Irrebutable Presumption.**

There shall be an irrebutable presumption that any animal registered as vicious under the license required for a vicious animal is in fact an animal subject to the requirements of this Section where applicable.

**Sec. 10.10.060 - Disposition of a Vicious Dog or Other Animal.**

- (A) If a vicious animal at any time presents a clear and present danger to the public safety, or if the dog cannot be impounded without undue risk to the officer, he/she may destroy the dog by the safest, most expeditious, and most humane method, which may include the use of firearm when deemed necessary.
- (B) In the event a vicious animal is destroyed in this manner, a report shall be prepared and submitted by the officer dispatching the animal to the Sheriff's Office.

**Sec. 10.10.070. - Impoundment of Animal**

- (A) If upon investigation it is determined by an animal control officer or peace officer that probable cause exists to believe an animal is vicious and poses an immediate threat to public safety, then the officer may seize and impound the animal pursuant to Chapter 10.24, section 10.24.050, and/or file a petition pursuant to California Food and Agriculture Code § 31601 et seq. in order to have the animal declared vicious.
- (B) The owner of the animal shall be liable to the division for the costs and expenses of keeping the animal, if the animal is later adjudicated potentially dangerous or vicious.
- (C) The exclusions from declaring a dog vicious provided by California Food and Agriculture Code § 31626 shall apply to this Chapter.

**CHAPTER 10.12 - LICENSING AND PERMITS**

**Sec. 10.12.010 - Dog Licenses.**

**(A) General Requirements.**

- (1) Except as otherwise permitted, owners of dogs shall procure a valid Mendocino County dog license not later than thirty (30) days after the dog attains the age of four months or thirty (30) days after the dog comes into their possession. The licensing period shall be set by a Resolution of the Board of Supervisors, but in no instance shall a dog licensing period be for a term that exceeds the period for which the rabies vaccination is valid. The license renewal shall be procured not later than sixty (60) days after expiration of the previously issued license.
- (2) Evidence of spaying and neutering when required shall be furnished by the owner and shall consist of certification from a licensed veterinarian. Any owner of the same dog so licensed may transfer a valid license and registration to another person.
- (3) In the event that the State of California establishes a program for the licensing of dogs through an electronic tag/implant identification process, the electronic tag may be accepted in lieu of the physical tag.
- (4) No license or tag of any type shall be issued pursuant to this Chapter for any dog until a valid certificate of rabies vaccination is presented to the County agency responsible for the licensing program for each dog to be licensed.
- (5) The current valid dog license tag shall be securely affixed to the dog's collar, harness or device and shall be worn at all times by said dog for whom the license registration is issued.
- (6) Whenever a dog license tag is issued pursuant to this Chapter, the tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered. The fee schedule shall be set by resolution of the Board of Supervisors.

- (7) Any physically handicapped person using a dog as a recognized service animal or any person participating in any youth project for raising dogs for the physically handicapped and submitting documentary proof of such participation shall be issued a dog license without charge upon proof of a valid rabies vaccination.
  - (8) A dog owned and used exclusively for law enforcement purposes by a public agency requires a valid rabies vaccination and a valid dog license. The license requested shall be issued without charge upon documentary proof that such dog is certified for law enforcement activities only.
- (B) **License Forms and Tags.** The County agency responsible for the licensing program shall provide forms for the licenses required herein. Such licenses when completed, shall state the age, sex, color, and breed of the dog for which a license is requested and the name and physical address of the owner thereof. Upon completion of license form by the applicant, payment of the fees required and presentation of a valid certificate of rabies vaccination as required herein, the County agency responsible for the licensing program shall issue the necessary license tags which shall be of a durable material and bear the name "County of Mendocino" or "Mendocino County," and the number of the license tag.
- (C) **Notice to Public.** The County agency responsible for the licensing program shall at least semiannually, cause to be published in a newspaper of general circulation, a notice addressed to all persons who own or harbor dogs. Said notice shall state the amount of the license fee and the penalty for failure to pay within the time prescribed by this Chapter.
- (1) The County agency responsible for the licensing program is also authorized and may require businesses which sell pet food or pet supplies to permit the posting of a notice next to such items reminding pet owners to comply with County licensing regulations, rabies vaccination requirements and County Animal Control laws. These notices will be supplied and posted by the County.
  - (2) The County Purchasing Agent is hereby directed to purchase such notices and supplies.
- (D) **Late Procurement and Penalty.**
- (1) An owner of a dog failing to obtain the necessary license within the time frames established in this Chapter, shall, in addition to the license fee, pay a penalty. The penalty shall be set by a Resolution of the Board of Supervisors.
  - (2) Notwithstanding the preceding paragraph, Animal Care Services may establish a policy allowing the penalty to be waived or reduced by the Animal Shelter Director.
  - (3) An owner who initiates the licensing process and is unencumbered by outstanding licensing violations is not to be discouraged from voluntary compliance. No penalty fee shall be charged for failure to license under these circumstances.
- (E) **Nonresidents.** Licensing requirements for County residents shall not apply to nonresident owners of dogs who are temporarily within the County with their dog for thirty (30) days or less, nor to dog owners whose dogs are brought into the County to participate in any dog show, field trial, or tracking activity, providing said dogs have a current valid dog license and rabies vaccination from a city or county or state of origin.
- (F) **Tribal Jurisdictions.** Any contract for animal control services to be provided within the boundaries of a federally recognized Rancheria or reservation shall include a provision applying the County's licensing requirements to residents of said Rancheria or reservation. Any such contract shall require the tribal jurisdiction to adopt Title 10 of this code during the term of the contract. Licensing requirements shall apply to residents of federally recognized Rancherias or reservations when such a contract exists. .

- (G) **Imported Dogs.** Unless otherwise specified, when an owner brings into the County a dog that has a current and valid license in another jurisdiction of this State the owner shall, upon surrender of the license from the other jurisdiction, be issued a Mendocino County dog license at no charge. The owner shall procure their dog license(s) within thirty (30) days of obtaining residency. Said license shall be valid until the date of the license expiration from the other jurisdiction, or the rabies vaccination expiration date whichever comes first. After which the dog owner shall pay Mendocino County dog licensing fees.
- (H) **Lost Tags.** In the event a license tag issued to a dog is lost or destroyed, the owner shall within thirty (30) days thereafter procure a new license tag. If said owner shall fail to secure a new license within thirty (30) days from the loss of said tags, said owner or owners shall be subject to fines and penalties as set forth by resolution by the County Board of Supervisors.
- (I) **Prohibitions.**
- (1) Any person who secures, or evades securing a dog license, any type dog kennel license, vicious, or dangerous exotic animal permit any time by means of fraud or misrepresentation shall be guilty of a misdemeanor.
  - (2) Any person who owns or harbors or keeps any dog and fails, neglects or refuses to attach and keep a valid current license tag affixed to said dog in the manner prescribed by this Title and State law is guilty of an infraction. Such unlawful conduct may also result in the impoundment of the dog.
  - (3) Any person removing a dog license tag from any dog without the consent of the owner thereof, except in cases of emergency, is guilty of an infraction.
  - (4) It is an infraction for any person to place a dog license tag on any dog for which the tag was not issued or place an imitation or false dog license tag on any dog.
  - (5) Any person failing or refusing to show to the Animal Control Officer or peace officer the dog license tag or license certificate or rabies certificate for any dog upon request is guilty of an infraction.
  - (6) It is an infraction to possess, own, keep or harbor any unlicensed dog or to maintain, conduct, or cause to be operated any unlicensed kennel, grooming shop/parlor, pet shop, commercial kennel and profit or nonprofit dog adoption agency.
- (J) **Disposition of Funds.** All fees collected for the issuance of dog licenses and tag and all fines collected pursuant to this Chapter shall be paid into the County Treasury and shall be used for:
- (1) First, to pay costs of materials and supplies incurred in the issuance of dog licenses and tags.
  - (2) Second, to pay fees, salaries, costs, expenses or any or all of them, for the enforcement of State laws and this Title pertaining to regulation, licensing and control of dogs.
  - (3) Third, to pay damages to owners of livestock which are killed by dogs. Each such claim for damages must meet the requirements of Food and Agricultural Code Sections 30653, 30654 and 30655.
  - (4) Fourth, to pay costs of any hospitalization or emergency care of animals pursuant to Section 597f of the Penal Code.

#### **Sec. 10.12.020 - Kennel Licenses.**

- (A) General Requirements.
- (1) No person shall conduct a commercial kennel without a current commercial kennel license, in addition to a County business license from the Treasurer-Tax Collector. No

person(s) shall be issued a non-commercial kennel license without verifying to the fact that their dogs (five (5) or more) are not to be sold or traded for commercial purposes. Applicants will be required to complete and sign a statement attesting to the validity of this information as being true and correct.

- (2) The kennel license period shall be set by a resolution of the Board of Supervisors, but in no instance shall a dog be included under the kennel license unless the dog's rabies vaccination is valid for the kennel-licensing period.
  - (3) Kennel fees and penalties for non-compliance shall be set by a resolution of the Board of Supervisors.
  - (4) Exempt from the penalty provisions are premises where dogs are kept, harbored, or maintained for the sole purpose of raising, training and providing service animals. All dogs kept for such reasons shall have a current individual license in accordance with the provisions of Chapter 10.12 et seq. A nonprofit dog adoption agency will likewise be exempt from this penalty.
  - (5) A special fee-exempt commercial kennel license is provided for and required of such nonprofit adoption agencies as well as those persons raising and selling dogs for the physically handicapped.
  - (6) The County agency responsible for the licensing program shall issue such owner individual tags for each of such dogs covered by the kennel license and, during the term of that license, shall, upon written application, issue to such owner without charge additional license tags for any additional dogs that came into the possession of the owner within that license year.
  - (7) Except for kennels housing working animals, no person shall be issued a non-commercial kennel license unless all dogs covered by the kennel license have been spayed/neutered. This spay/neuter requirement shall not apply to any animal for which a veterinarian licensed to practice veterinary medicine in this state certifies that the animal is too sick or injured or that it would otherwise be detrimental to the health of the animal to be spayed or neutered.
- (B) **Application for License.** The application for above-mentioned licenses shall be in writing on a form approved by the Animal Shelter Director. The applicant shall furnish a list of the types of animals to be maintained or used for any purpose, together with the approximate number of animals of each type.
- (C) **Regulations and Standards.** The Animal Shelter Director and/or Sheriff may establish regulations and standards relating to:
- (1) The maximum number and species of animals to be kept or maintained on the premises;
  - (2) The construction, sanitation, and maintenance of the facility; and
  - (3) Any other regulations and standards in conformity with and for the purposes of carrying out the intent of this Section. Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any license provided pursuant to this Section.
- (D) **Inspection.** Animal Control shall have the authority to inspect any facility for which a noncommercial residential kennel or commercial kennel license is to be issued or renewed for the purpose of determining inhumane treatment of animals and/or violations of State and local health and sanitation laws.
- (E) **Conditions Relating to Kennels.**

- (1) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- (2) All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require.
- (3) All animals shall be maintained in a clean and sanitary condition.
- (4) All animals shall be so maintained as to eliminate excessive and nighttime noise.
- (5) No animals shall be without attention more than eighteen (18) consecutive hours. Whenever an animal is left unattended at a commercial animal facility, the telephone number of Animal Care Services or the name, address and telephone number of the person in charge of the facility, the telephone number for the Sheriff's Office, and contact information for the owner of the facility shall be posted in a conspicuous place at the front of the property.
- (6) Every reasonable precaution shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.
- (7) No condition shall be maintained or permitted that is or could be injurious to the animals.
- (8) Animal buildings and enclosures shall be so constructed and maintained as to prevent the escape of animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- (9) Every animal establishment shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- (10) Every building or enclosure wherein animals are maintained, shall be constructed of material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling are to be provided as may be required, according to the physical need of the animals, with the sufficient light to allow observation of animals and sanitation.
- (11) The kennel owner or his representative shall take any animal to a veterinarian for examination or treatment if the Animal Control or other enforcement agencies finds this necessary in order to maintain the health of the animal and orders the owner or custodian to do so.
- (12) All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodations for the animals.
- (13) Every violation of an applicable regulation shall be corrected when specified by the Animal Control or other enforcement agencies.
- (14) The kennel operator shall:
  - (a) Provide proper shelter and protection from the weather at all times.
  - (b) Not give any animal any intoxicating substance, unless prescribed by a veterinarian.
  - (c) Not allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury or torment.

If two (2) or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies.
  - (d) Not allow the use of any equipment, device, substance or material that is injurious or causes extreme or needless pain or cruelty to any animal.



- (e) Give working animals proper rest periods. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.
  - (f) Not work, use, or rent any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit.
  - (g) Not display animals bearing evidence of malnutrition, ill health, unhealed injury, or having been kept in an unsanitary condition.
  - (h) Not display any animal whose appearance is or may be offensive or contrary to public decency.
  - (i) Not allow any animal to constitute or cause a hazard or be a menace to the health, peace or safety of the community.
- (15) The Licensee shall maintain a record of the names and addresses of persons or entities from whom animals are received and to whom the animals are sold, traded or given. This shall be available to the Animal Control or Animal Shelter Director upon request.

### **Sec. 10.12.030 - Exotic Animals.**

- (A) **Permit Required.** No person shall keep, have, maintain, sell, trade, or let for hire an exotic animal without first obtaining a permit from Animal Care Services. Said permit shall require renewal on an annual basis. The application for a permit, permit conditions, inspection, denial, revocation, and appeal shall be the same as set forth in Sections 10.12.020 and 10.12.040 inclusive of this Chapter.
- (1) Said permit shall require renewal on an annual basis.
  - (2) A permit shall not issue or be renewed pursuant to this section without an inspection first being completed by Animal Control to ensure proper confinement and health of the exotic animal.
  - (3) Animal Care may condition the issuance of a permit for an exotic animal on the owner obtaining insurance.
- (B) **Registration Requirements.** In addition to obtaining a permit, any person keeping, having or maintaining an exotic animal must register the animal with Animal Care Services. Said registration shall include the following:
- (1) A picture of the exotic animal for identification purposes.
  - (2) The name of the Veterinarian that cares for the animal.
  - (3) If the location where the exotic animal will be kept is a rental, a signed letter from the property owner stating that the renter is allowed to keep the exotic animal at the premises.
  - (4) Documentation showing that a permit been obtained for the exotic animal from the California Department of Fish and Wildlife.
- (C) Animal Control, in their discretion, may require any exotic animal to be properly caged, tethered, or restrained in zoo type facilities that meet or are in addition to, or more restrictive than, State guidelines issued under the provisions of Section 671 of Title 14 of the California Administrative Code and Federal standards issued under Chapter 1 of Title 9 of the Code of Federal Regulations. Nothing in this Section shall be construed to permit the keeping of dangerous animals where zoning provisions or State law would prohibit such keeping.
- (B) **Permit Denial.** In addition to the grounds for permit denial listed in section 10.12.040, Animal Care Services may deny or revoke a permit to keep or maintain any exotic animal when, in the opinion of either Animal Care or Animal Control:

- (1) Any such animal may not be kept or maintained without endangering the safety of any person(s) or property;
  - (2) The keeping of the animal would constitute a public nuisance; or
  - (3) Such animal would be subject to suffering, neglect, cruelty, or abuse.
- (C) **Permit Fee.** The fee for a permit to keep or maintain an exotic animal shall be set forth by resolution of the Board of Supervisors.
- (D) **Reporting Requirements.** All owners of exotic animals must report the following events to Animal Control:
- (1) The removal from the county environs or the death of the animal;
  - (2) Birth of offspring from that animal, and they must be also registered under the annual permit.
  - (3) The new address of the owner should the owner move to a new location within the County or to another location within the State;
  - (4) The sale or other transfer of ownership of the animal.
- (G) **Zoo-Type Facilities.** A permit shall be required of any private zoo, private university, private college, or private research agency, or other bona fide private scientific or public health research institution. For the purposes of this section, a zoo shall be considered any private organization which exhibits animals to the general public at regular specified hours, equaling at least thirty (30) hours a week for thirty-six (36) weeks a year, and whose animals, whether maintained for exhibit purposes or not, are not for sale to private individuals.

#### **Sec. 10.12.040 - Denial, Cancellation or Revocation of a License or Permit.**

- (A) General Provisions. Animal Control may deny, revoke or cancel any permit or license issued pursuant to this Chapter in the following situations:
- (1) Whenever it is determined by inspection that any animal facility fails to meet any of the sanitary or health conditions or standards or any other requirements of any permit, license, this Title, or applicable State law.
  - (2) Whenever there is reason to believe that the applicant or permit holder has willfully withheld or falsified any information required for the permit or license.
  - (3) If the applicant or permit holder has been convicted by a court of law of two (2) or more violations in a twelve (12) month period of this Title or State laws relating to animals. For purposes of this Section, a bail forfeiture shall be deemed to be a conviction of the offense charged.
- (B) Appeal Provisions. A denial, cancellation or revocation of a kennel license or permit shall become effective ten (10) days after written notice has been served in person by the issuing officer stating certain defective conditions or violations are found to exist or commencing from the date such notice was served by certified mail addressed to the person owning, managing, or operating the kennel. The aggrieved applicant, license or permittee has the right to an administrative hearing and review to be conducted upon request and stating the reasons for their action within five (5) business days or receipt of said notice.
- (1) The appeal notice of a license or permit denial, cancellation or revocation shall be in a form as provided by the Sheriff and/or Animal Shelter Director and shall be filed with the Sheriff's Office or Animal Care Services. (2) If an

Administrative Hearing is requested, the hearing shall be held as provided by Chapter 10.26 of this Title. (3) If no appeal hearing is requested within the time limits specified in this Chapter, the license or permit denial, cancellation or revocation action shall be final.

#### **Sec. 10.12.050 - Penalties Preserved.**

The power of the County to deny, cancel or revoke a permit or license does not diminish or otherwise limit the power of the County to enforce violations of this Title and State law by applying injunctive, infraction, misdemeanor or felony penalties as may be appropriate.

#### **Sec. 10.12.060 - Fees.**

All license and permit fees, transfer fees, inspection fees, late charges and other costs and charges which are authorized herein shall be set by Resolution of the Board of Supervisors.

The foregoing fees or charges may be waived or reduced at the discretion of the Animal Shelter Director upon review of mitigating circumstances or factors presented by the party seeking redemption which justify such waiver.

### **CHAPTER 10.16 - RABIES CONTROL**

#### **Sec. 10.16.010 - Authority and Purpose.**

This Chapter is enacted for the purpose of the preservation of public health, safety, and welfare in connection with the protection of human beings from rabies.

The County Health Officer shall be responsible for supervising rabies control activities within the county in accordance with Chapter 1 (commencing with Section 121575), Part 6, of Division 105 of the Health and Safety Code, Subchapter I (commencing with Section 2500) of Chapter 4 of Title 17 of the California Code of Regulations, such other laws, rules and regulations relating to rabies control as may be enacted or promulgated by the state, and the policies and procedures established by the board. Animal Control and Animal Care Services shall cooperate with and assist the County Health Officer in carrying out any measures necessary for rabies control, including, but not limited to, quarantining of animals and complying with directives of the health officer.

### **CHAPTER 10.20 - LARGE DOMESTIC ANIMALS**

#### **Sec. 10.20.010 - Purpose.**

In enacting this Chapter, it is the intent of the Board of Supervisors to insure reasonable control of large domestic animals by their owners and to protect life and property. This Chapter gives any peace officer the power to ensure that negligent management practices are prevented.

It is not the intent of this ordinance to resolve property line disputes between owners of adjacent properties, as there are adequate civil remedies at law.

#### **Sec. 10.20.010A - Prohibitions.**

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

- (1) Run estray;
- (2) Trespass upon public property or upon private property without the consent of the owner of the property.

#### **Sec. 10.20.010B - Owner to Provide Care.**

The owner of any large animal shall provide proper and adequate food, water, shelter, care and attention for such animal. No owner of such animal shall suffer or allow it to be left in a filthy, diseased or neglected condition, or fail to provide such adequate fencing as will prevent it to run estray.

Upon receiving a complaint of animal neglect, Animal Control or any peace officer shall investigate to determine if a violation exists and/or if the animals in question need to be impounded.

#### **Sec. 10.20.020 - Authority to Impound.**

Any peace officer or Animal Control Officer in the County of Mendocino may summarily seize and impound any large domestic animal found in any condition prohibited by this Chapter. Such animal shall be impounded at such appropriate place as may be approved by the Sheriff's Office or Animal Care Services.

This Section is not intended to require the County of Mendocino to impound estray large domestic animals.

#### **Sec. 10.20.030 - Due Process Rights.**

An owner of an animal which has been impounded is entitled to a post-seizure hearing to challenge the animal's impoundment. These due process rights are contained in Chapter 10.24 of this Title.

#### **Sec. 10.20.040 - Natural Calamities—Relief from Fees.**

Upon the recommendation of the Sheriff or Animal Shelter Director and the approval of the Board of Supervisors, the fees and penalties provided for by this Chapter may be waived when large domestic animals have been impounded because of natural disaster, civil unrest or other emergency situation within the County.

#### **Sec. 10.20.050 - Absence of Liability.**

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

### **CHAPTER 10.24 - IMPOUNDMENT**

#### **Sec. 10.24.010 - Repealed by Ord. No. 4186, adopted 2007.**

#### **Sec. 10.24.020 - Persons Authorized to Impound Animals.**

- (A) **Impoundment by Public Officer.** Any Animal Control Officer or peace officer may impound any animal when permitted or required by this Title or when the officer deems it necessary in the interest of public health and safety or to prevent needless suffering of any animal.
- (B) **Citizen Impoundment.** Any person who finds any animal which has strayed or is running at large upon their property or any public place in violation of this Title may take possession of and hold the same; provided, however, that the person be obligated to notify the Department of Animal Control within twenty-four (24) hours of securing possession or control of the animal and provide complete information regarding the impoundment and shall surrender the animal to Animal Care Services or an Animal Control Officer upon demand. The taker-up shall provide adequate, safe proper care to the animal in conformance with the provisions of Penal Code Sections 597, 597(a), 597(e) and 597(t).

(1) If the taker-up of a stray retains the dog in his/her possession, he or she shall publish a Notice of Possession of such dog in a local newspaper or post such notice in a conspicuous place to which the public has access for a period of ten (10) days. An announcement on radio or on a widely used social media site for the same period of time may be substituted for the publishing or posting requirement. The notice shall describe the animal found as to breed, size, color, sex and any other identifying marks or license and shall state the date and place where it was taken up, where currently confined and in whose possession. The taker-up of such stray dog may have a lien for all reasonable expenses which are incurred in taking up, keeping and caring for it and the cost of publication required by this section. (2)

Failure to comply with the foregoing requirements constitutes a misdemeanor.

#### **Sec. 10.24.030 - Notification of Impoundment.**

- (A) Animal Care Services shall, except as otherwise provided, prepare within twenty-four (24) hours after impounding any animal, legal notice to be mailed by certified mail to the owner, or keeper of such animal at their residence or regular place of business, if such owner or keeper is known. Such notice shall state that the animal has been impounded, shall give the date and place of impoundment, shall describe the animal, shall state that if the animal is not claimed within ten (10) days of the mailing of such notice, or a longer period if stated in such notice, and that such animal will be disposed of in accordance with county policy.
- (B) Upon the impounding of any bovine animal, horse, mule, sheep, swine, burro, alpaca, llama, or goat Animal Care Services shall notify the office of the County Agricultural Commissioner, the Secretary of Food and Agriculture for the State of California for further disposition if the owner of the animal(s) is not known, according to California Food and Agriculture Code section 17003.

#### **Sec. 10.24.040 - Impoundment of Dogs Running at Large.**

- (A) An Animal Control Officer shall not seize or impound a dog for running at large when the dog has not strayed from and is upon the private property of the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has a right to control the dog has a right of possession.
- (B) An Animal Control Officer shall not seize or impound a dog which has strayed from, but then returned to, the private property of his owner or the person who has a right to control the dog, but in such case, a citation may be issued. If the owner or person who has a right to control the dog is not at home, the dog may then be impounded. The Animal Control Officer

shall then post a notice of such impoundment on the front door of the residence of the owner or person who has a right to control the dog. The notice shall state the following: (1) the dog has been impounded, (2) where the dog is being held, (3) the name, address, and telephone number of the agency or person to be contacted regarding the release of the dog, and (4) an indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control the dog.

- (C) This Section shall not be construed as prohibiting any person from killing a dog in the situations authorized by Food and Agricultural Code Sections 31102, 31104, 31152.

#### **Sec. 10.24.050 - Summary Seizure and Post Seizure Hearing.**

- (A) An Animal Control Officer may place in protective custody hold, seize or impound an animal for violation of any provision of this Title or State law prior to a hearing where the officer reasonably believes it is necessary:
- (1) To protect public health, safety and property;
  - (2) To protect an animal which is injured, sick, or starving and must be cared for; and
  - (3) To protect an animal from injury which has strayed into public property or public right-of-way.
- (B) If the owner or person who has the right to control the animal wishes to challenge the impoundment, he/she shall personally deliver or mail a written request for a hearing, such that it is received by Animal Control or the Animal Shelter Director within seventy-two (72) hours of notification of the seizure and impoundment. Whenever an animal is impounded without a prior hearing, the Animal Shelter Director shall notify the owner of such impoundment at the earliest possible opportunity.
- (C) Animal Control or Animal Shelter Director, upon receipt of a Notice of Appeal, shall immediately set a time, date and place for a hearing on said matter.. Said hearing shall be held not less than five, nor more than ten days after the filing of the Notice of Appeal. Notice of such hearing shall immediately be given to the owner at the address shown in the Notice of Appeal. During the pendency of any appeal from an order of impoundment or abatement, the animal impounded may be maintained in the County impound facility or other approved facilities in the case for large domestic animals.(1) The hearing shall be conducted as set forth in Chapter 10.26 of this Title.
- (D) In the case of animals being impounded pursuant to Penal Code 597.1, the County shall follow the pre and post seizure hearing processes that are described therein.
- (E) In the case of any impoundment in which the animal will be returned to its owner upon payment of any impound and boarding fees, the imposition of said fees are not appealable pursuant to any of the appeal mechanisms in this Title. Said fees may be contested only by requesting a hearing with the Animal Shelter Manager, who shall have the discretion of waive or reduce boarding and/or impound fees. The decision of the Animal Shelter Director shall be final. The request for such a hearing must be made within seventy-two (72) hours of notification of the seizure and impoundment.

#### **Sec. 10.24.060 - Hearing Prior to Animal Deprivation.**

Except as provided in Section 10.24.050 of this Chapter or when immediate impoundment is otherwise permitted by a provision of this Code or State law, an animal may not be seized or impounded, unless an appeal hearing is held prior to the seizure as set forth in Section 10.24.070 of this Chapter.

#### **Sec. 10.24.070 - Appeal Hearing.**

- (A) Upon the conclusion of the hearing, the hearing officer shall determine whether to sustain or overrule the Animal Control Officer, Health Department or Sheriff Office's order of seizure and impoundment or abatement or whether the animal should be destroyed. If the Hearing Officer finds that the animal should be returned to its owner, the Hearing Officer may condition the release of the animal on the owner meeting additional requirements related to the care and control of the animal designed to prevent future impoundment of the animal.
- (B) If the order of seizure and impoundment or abatement is not appealed or if such order is sustained after a hearing, in those cases where there is no order for destruction, the animal seized shall not be released to the owner until the owner pays all fees, charges or costs of the impounding and care for such animal, and said animal owner signs a written promise to control said animal and to prevent said animal from trespassing, or causing damage to property, or being vicious or demonstrating that it is potentially vicious or in any manner causing a public nuisance. If all fees, charges, fines, and penalties are not paid or the written promises to abate is not filed within five (5) days of the date that said order of abatement becomes final, the animal impounded shall be placed in a suitable home or humanely destroyed by the impounding agency.
- (C) If any seizure and impoundment or order for abatement is overruled, the animal impounded shall be released forthwith and the County shall bear all costs and expenses of such impoundment. Nothing in this Section shall be deemed to exempt any owner from any fines or penalties imposed by failure to have such animal duly and properly licensed or registered.
- (D) In the event any animal owner is ordered to abate a nuisance caused by an animal, and the owner fails to take appropriate action which results in the animal continuing to be a nuisance, and when abatement proceedings result, , the hearing officer, if the abatement order is appealed, or Sheriff or Animal Shelter Director, if the abatement order is not appealed, may order that no further kennel license or permit be issued to such kennel licensee or a vicious dog or dangerous exotic animal permittee pursuant to this Title for any such period of time, not to exceed one (1) year, as the hearing officer, Sheriff or Animal Shelter Director may determine.

#### **Sec. 10.24.080 - Failure to appeal impoundment—redemption.**

- (A) Any person who fails to appeal any seizure or impoundment or order of abatement will forfeit all rights of ownership and control of the animal to Animal Care Services. Final disposition of the animal shall be determined by that agency in accordance with the provisions of this Title and State law.
  - (1) Subject to the due process rights described in this Title, any animal impounded by the Department of Animal Care and Control or placed in its custody at the request of any law enforcement agency or by a court shall at the expiration of ten (10) days following such initial impoundment or placement become the property of the County of Mendocino for disposition.
  - (2) Where the impounded animal is in need of medical treatment for injury or illness not caused by Animal Control or Animal Care Services, the owner of such animal shall reimburse the County for all medical treatment charges incurred before such animal may be released from custody.

- (B) Upon proper identification or ownership or entitlement to possession of an impounded animal, such person may redeem the impounded animal after any applicable hearing and unless an order for destruction has been entered after the hearing. Such proof of ownership or right to custody made to the Sheriff in the case of large impounded animals shall entitle such person to redeem the impounded large animal.
  - (1) The same animal being redeemed from impoundment after more than one offense shall be redeemed by none other than its actual owner.
- (C) The owner of a dog or cat that is impounded once by a city or county Animal Control agency or contracting agency, shall be fined in an amount set by the Board of Supervisors. The amount of the fine may be increased for any second and subsequent impounds. These fines are in addition to and not in lieu of any fines or impound or other fees imposed by any individual city or other fines imposed by the County.
- (D) Upon the second or subsequent impoundment of an unaltered dog or cat, Animal Care Services may not waive the impounding and penalty fees for any unaltered animal. Prior to the release of this subsequently unaltered dog or cat, Animal Care Services shall require that the animal be spayed or neutered and shall require the owner to pay the impounding fee established by resolution and to deposit the fees for spay/neutering in the account provided for such purposes.
- (E) No dog shall be redeemed without (1) a valid rabies vaccination certificate, (2) current valid dog license, and (3) payment of the fees or charges for impoundment, board and care, and/or veterinary services rendered. The foregoing fees or charges may be waived at the discretion of Animal Care Services upon review of mitigating circumstances or factors presented by the party seeking redemption.
- (F) No large domestic animal shall be redeemed without payment of fees and charges to cover impoundment, capture, hauling and any other expenses incurred in taking up the animal.
- (G) The animal or dog impounded by an Animal Control Officer or peace officer into his patrol vehicle prior to being impounded at the animal shelter for reasons of violations of this Title, or for the health and safety of the animal, may be released to its owner, or the person entitled to custody upon proper identification, by the Animal Control Officer at his/her discretion. However, a Notice of Warning or Citation may be issued to the owner or other person entitled to custody. It is a misdemeanor for any person to remove any animal from the custody of the impounding officer without the express permission of the officer.

#### **Sec. 10.24.090 - Adoption/Sale of Animals**

- (A) Except as otherwise provided in this Chapter, the County shall not place for adoption any dog or cat that has not been spayed or neutered.
- (B) The County may transfer to a new owner a dog or cat that has not been spayed or neutered under the following circumstances:
  - (1) The new owner signs a written agreement acknowledging the dog or cat is not spayed or neutered and agrees to be responsible for ensuring the dog or cat will be spayed or neutered within thirty (30) business days after the agreement is signed. However, animals that are too young to be spayed or neutered at the time of adoption, may be granted an extension. The period of time shall be at the direction of the Animal Shelter Director, but in no case over eight (8) months of age will be allowed, otherwise the deposit required by subsection (B)(2) shall be deemed unclaimed and forfeited.



- (2) The new owner pays a deposit of an amount set by the Board of Supervisors, within the limits provided by California Food and Agriculture Code § 30521, the terms of which are part of the written agreement executed. (3) The County may extend the date by which spaying or neutering is to be completed at its discretion for good cause being shown. Any extension shall be in writing. (4) If a veterinarian licensed to practice veterinary medicine in this state certifies that the animal is too sick or injured or that it would otherwise be detrimental to the health of the animal to be spayed or neutered the adopter shall pay a spaying and neutering deposit. (5) The County may enter into cooperative agreements with nonprofit organizations and veterinarians in lieu of requiring spaying and neutering deposits to carry out this section. (C) Fees for adoption including spay and neuter deposits are set forth by resolution of the Board of Supervisors. All spay and neuter deposits shall be placed in the Spay and Neuter Trust Account that was established by the Board of Supervisors.
- (1) Spay and neuter deposits are refundable to the new owner if proof of alteration is presented to the County not more than thirty (30) business days after the date the animal was altered, otherwise the deposit is forfeited.
  - (2) All spaying or neutering deposits forfeited or unclaimed under this section shall be retained by the County and expended only for the following purposes:
    - (a) A program to spay or neuter dogs and cats.
    - (b) A public education program to reduce and prevent overpopulation of dogs and cats, and the related costs.
    - (c) A follow-up program to ensure that dogs and cats adopted or transferred are spayed or neutered in accordance with the adoption agreements.
    - (d) Any additional costs incurred by the County in the administration of the requirements of this Section.
- (D) All dogs and cats adopted or sold from nonprofit organizations shall be altered under the same terms as provided in this Title/.
- (E) As a condition of adoption, the adoptee shall agree in writing to provide proper and adequate care in accordance with the law.
- (F) Any person who has been convicted of a violation of Penal Code Section 597 or against whom charges based on allegations that a person has violated Penal Code Section 597 are pending shall be prohibited from any adopting any animal from the County Animal Shelter. Any person who repeatedly allows an adopted dog to be at large, fails to obtain required vaccination and license, fails to spay or neuter the dog or cat, or allows such animal to become a nuisance or to be in three (3) repeated violations of this Title, or one (1) violation involving killing or critically wounding livestock, or it has been verified that such dog has bitten a human being, may be prohibited from adopting animal from any County Animal Shelter.
- (G) No person shall give false or misleading information to Animal Care Services or Animal Control in the adoption of an impounded animal to avoid penalties, fees, or charges for impoundment and boarding care.
- (H) **Sale.** Except for bovine animals, Animal Care Services shall sell all large domestic animals not redeemed, securing for such animal the highest possible price.
- (1) All sales shall be for cash. Animal Care Services shall deduct from the proceeds of any such sale all the proper fees and charges for taking-up, transporting and keeping such animal and all reasonable and proper demands made pursuant to the provisions of this Title. Any balance remaining after the payment of such fees, charges, and demands shall be paid into the County Treasury for the use of the prior

owner of such animal. If such funds are not claimed by such owner within thirty (30) days thereafter, such funds shall be paid into the General Fund of the County.

- (2) Animal Care Services may reject any or all bids not deemed to be adequate. In the event any large domestic animal advertised for sale pursuant to this Section not be sold within ten (10) days after the date of the first notice of sale, the Animal Care Services may sell such animal to any person, or if such animal cannot be sold, the Animal Shelter Director may order the animal destroyed in any humane manner.

(3) If any large domestic animal is in the opinion of the Animal Shelter Manager not reasonably saleable, Animal Care may transfer said animal to a rescue organization.

**Sec. 10.24.100 - Disposition of impounded dogs, cats and other animals excluding large domestic animals.**

**(A) Dogs and Cats.**

(1) The required holding period for a stray dog or cat impounded pursuant to this Chapter shall be six (6) business days, not including the day of impoundment, except as otherwise provided in Divisions 14 and 14.5 of the California Food and Agriculture Code or as follows:

- (a) If the animal shelter has made the dog or cat 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; or
- (b) If the animal 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 dog or cat by appointment at a mutually agreeable time when the shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.

(2) Any stray dog or cat, other than a vicious dog, that is impounded pursuant to this chapter shall, prior to the killing of that animal for any reason other than irremediable suffering, be released to a nonprofit animal rescue or adoption organization if requested by the organization prior to the scheduled killing of that animal. In addition to any required spay or neuter deposit, the County, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals released.

(3) Notwithstanding subsection (A), if an apparently feral cat has not been reclaimed by its owner or caretaker within the first three (3) days of the required holding period, shelter personnel shall follow the procedure for feral cats established by Food and Agriculture Code § 31752.5.

(4) Any vicious or potentially dangerous dog impounded based on a violation of Chapter 10.10 shall be humanely destroyed after the expiration of the time in which the impound maybe appealed.

- (B) Animals Other than Dogs, Cats, and Large Domestic Animals.** Holding periods for any impounded rabbit, guinea pig, hamster, pot-bellied pig, bird, lizard, snake, turtle, or tortoise legally allowed as personal property shall be held for the same period of time, under the same requirements of care, and with the same opportunities for redemption and adoption by new owners or nonprofit animal rescue or adoption organizations as cats and dogs. Food and Agricultural Section 17006 shall also apply to these animals. In addition to any required spay or neuter deposit, the County, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals released to nonprofit animal rescue or adoption organizations pursuant to this Section.

- (C) **Holding Periods for Relinquished Animals.** Except as provided in Food and Agriculture Code § 17006, any animal relinquished by the purported owner that is of a species impounded shall be held for the same holding periods, with the same requirements of care, applicable to stray dogs and cats in subsection (A), except that the period for owner redemption shall be one (1) day, not including the day of impoundment, and the period for owner redemption or adoption shall be the remainder of the holding period.

#### **Sec. 10.24.110 – Mandatory Microchipping of Impounded Animals**

(A) **Microchipping Requirement.** When an impounded dog or cat is without microchip identification, in addition to satisfying applicable requirements for the release of the animal, including, but not limited to, payment of impound fees required by this Chapter, the owner or keeper will be required to do the following have the dog or cat implanted with an animal services microchip by designated personnel at the expense of the owner or keeper.

(B) **Fees for Microchip Identification Device.** The fee for an identifying microchip device shall be set by the Board of Supervisors. Microchip fees may be collected by the Animal Care Services division when a dog or cat is adopted by the public, transferred to a non-profit animal rescue or adoption corporation, or when a dog or cat is reclaimed by the owner from the county animal shelter. If an animal has already been implanted with an identifying microchip device by some other facility, there will be no fee to have the identification microchip number entered into the Animal Care Services division's registry.

#### **CHAPTER 10.26 – ADMINISTRATIVE HEARINGS**

##### **Sec. 10.26.010. Purpose and Scope of Chapter.**

The purpose of this Chapter is to provide a process for the hearings required pursuant to the terms of Title 10 of the Mendocino County Code. The procedures set out in this Chapter shall be used for all hearings required under this Title.

##### **Sec. 10.26.010. Hearing Procedures**

- (A) When a hearing is required pursuant to any provision of Title 10 of this Code, the Sheriff or Animal Shelter Director shall immediately set a time, date, and place for a hearing. Said hearing shall be held not less than five (5), nor more than ten (10) days after the filing of the Notice of Appeal, Petition or other request for hearing is filed, unless otherwise agreed upon by the parties. Notice of such hearing shall be given to the appellant in writing at the address shown in the Notice of Appeal. Hearings held pursuant to this Title shall be presided over by a hearing officer appointed by the County. The Sheriff or Animal Shelter Manger shall coordinate with County Counsel to appoint and maintain at least one Hearing Officer to the extent possible. In the event that a Hearing Officer is unavailable, the duty to hear the appeal shall remain with the Sheriff or Animal Shelter Manger.
- (B) At the time, date and place set for said hearing the aggrieved licensee, permittee or petitioner may appear in person and testify as to any matters relevant to the proceedings. The Sheriff's Office or Animal Care Services shall present all evidence, oral and documentary, justifying license or permit denial, cancellation or revocation. Technical rules of evidence shall not apply to said proceedings, and the Hearing Officer may hear and consider any evidence it deems relevant and upon which reasonable people would be likely to rely in the consideration of matters of a serious nature. The decision of the Hearing Officer shall be supported by the weight of the evidence presented. Upon conclusion of the

hearing, the Hearing Officer shall determine whether to sustain or overrule the license or permit denial, cancellation or revocation action of the Animal Control Officer or Hearing Officer's decision is final.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following roll call vote:

AYES:  
NOES:  
ABSENT:

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

*APPROVED AS TO FORM:*  
KATHARINE L. ELLIOTT, County Counsel

\_\_\_\_\_  
DAN HAMBURG, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy