

6. ANIMALS

Title 6
ANIMALS

Chapter 6.04
COUNTY ANIMAL CODE ADOPTED

Chapters:

6.04 County Animal Code Adopted Appendix to
Title 6

Sections:

6.04.010 Adoption of county provisions.

6.04.010 Adoption of county provisions.

The city adopts Title 8 of the Amador County Code (Ordinance No. 1436 - May 6, 1997) with the exception of the kennel regulations as set forth in Chapter 8.32 of the Amador County Code. Ordinance 1436 of the county is set out in its entirety in an Appendix at the end of this chapter. (Ord. 144, 2001)

APPENDIX TO TITLE 6

ORDINANCE NO. 1436

The board of supervisors of the County of Amador ordains as follows:

SECTION I

Animals Chapters 8.04 through Chapters 8.44 are hereby amended and will replace Title 8 last amended in July 1990 to read as follows:

Title 8

ANIMALS

Chapters:

- 8.04 Definitions
- 8.08 General Provisions
- 8.12 Administration; Penalties; Appeal Procedure
- 8.16 Impoundments
- 8.20 Rabies Control
- 8.24 Dogs

Chapter 8.04

DEFINITIONS

8.04.010 Definitions. As used in this title, the words defined in this chapter shall have the meanings prescribed in this chapter.

8.04.020 Animal. "Animal" means any members of the kingdom Animalia exclusive of homo sapiens.

8.04.030 Animal control. "Animal control" or "animal control department" means that department of the county government which is specifically charged with the regulation of, and the enforcement of laws dealing with animals, existing within the unincorporated territory of the county and the incorporated areas thereof which may, from time to time, contract with the county for such services upon terms which include, without limitation, adoption of the provisions of this title within such incorporated area(s).

8.04.040 Animal control director. "Animal control director" or "director" means the person designated by

the county as the person in charge of animal control in the county.

8.04.050 Animal control officer. "Animal control officer" means an employee of the animal control department trained and employed to carry out the duties of and enforce the provisions of this title.

8.04.055 Animal control supervisor. "Animal control supervisor" means the employee of the animal control department assigned as direct supervisor under the animal control director and generally in direct supervision of animal control officers.

8.04.060 Animal shelter. "Animal shelter" means the facilities provided by the county for the impounding, relinquishment, quarantine, and adoption of animals.

8.04.070 At large. An animal (except a domestic cat) shall be considered "at large" if it is off the premises of its owner and not under restraint by leash, or not under the control and in the immediate presence of its owner.

8.04.080 Domestic animal. "Domestic animal" means dogs and cats as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits, llamas, camels, potbelly pigs, ostriches, emus, rheas, cassowaries, and fowl kept or raised in Amador County as farm animals or beasts of burden. The term "livestock," as used in this title, includes all domestic animals except dogs or cats.

8.04.090 Feral animal. "Feral animal" means any domestic animal which is known to live in a wild or semi-wild state without an owner, or any domestic animal which has escaped for a substantial period of time and is existing in a wild state without being domesticated.

8.04.100 Health department. "Health department" means the health department of the County of Amador.

8.04.110 Health officer. "Health officer" means the public health officer or other person duly authorized by the public health officer or designated by the board of supervisors to act as the public health officer.

8.04.120 Impoundment. "Impoundment" means the taking up and confining of an animal by the animal control officer in

accordance with the provisions of this title or other applicable law or regulation.

8.04.130 Kennel, commercial. “Commercial kennel” means any facility or parcel within or upon which five or more dogs are boarded, trained, bred, treated or otherwise kept for remuneration or within or upon which ten or more dogs are kept, regardless whether for remuneration or not. For the purpose of applying this section, the number of dogs shall not include puppies less than six months old.

8.04.140 Kennel, noncommercial. “Noncommercial kennel” means any facility or parcel upon which not less than five and not more than nine dogs are kept, other than for remuneration. For the purpose of applying this section, the number of dogs shall not include puppies less than six months old, nor shall this section or the regulatory provisions of this code dealing with noncommercial kennels apply to parcels zoned AG—exclusive agriculture district.

8.04.150 Owner. “Owner” means a person who possesses, has title to or an interest in, harbors, or has custody, control, or possession of an animal, and the verb form of “to own” as used in this title includes all these shades of meaning.

8.04.160 Person. “Person” includes one or more individuals, as well as corporations, partnerships, associations, estates, and trusts, and in general every type of natural person or entity capable of owning or possessing property, real or personal.

8.04.170 Quarantine. “Quarantine” means the confinement of an animal upon the premises of the owner or elsewhere as approved by the health officer.

8.04.180 Vaccination. “Vaccination” means the inoculation of a dog with a vaccine approved by, and in the manner approved or prescribed by, the State Department of Public Health.

8.04.190 Veterinarian. “Veterinarian” means a person licensed by the state to practice veterinary medicine.

8.04.200 Wild animal. “Wild, animal” means and includes any of the following:

A. The following members of the class

MAMMALIA:

1. Order Carnivora, expressly excepting the domestic dog (*canis familiaris*) and the domestic cat (*felis catus*), but including, but not limited to, the family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), and the family Canidae (such as wolves, dingos, coyotes, and jackals);

2. Order Marsupialia (such as, but not limited to, kangaroos and opossums);

3. Order Chiroptera (bats);

4. Order Edentata (such as, but not limited to, sloths, anteaters, and armadillos);

5. Order Proboscidea (elephants);

6. Order Primata (including, but limited to, monkeys, chimpanzees, and gorillas); and

7. Order Ungulata (expressly excluding any animal which would be included within the definition of “domestic animal,” in Section 8.04.080), including, but not limited to, ante lope, deer, and bison.

B. The following members of the class REPTILIA:

1. Order Ophidia (such as, but not limited to, racers, boas, water snakes, and pythons) over eight (8) feet in length;

2. Order Loricata (such as, but not limited to, alligators, caymans, and crocodiles) over three (3) feet in length; and

3. Order Sauriaa (excepting iguanas) over three (3) feet in length.

C. The following members of the class AVES:

Order Falconiformes (such as, but not limited to, hawks, eagles, and vultures which are not kept pursuant to federal or state permit); and

D. Any nondomestic species when kept, maintained, or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings, or to the property of human beings.

E. Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting, touch, or other means, except honey-producing bees.

F. Any hybrid animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the State of California.

Chapter 8.08

GENERAL PROVISIONS*

* For the statutory provisions authorizing counties to fix limits within which animals may not run at large, see Government Code §25802.

8.08.010 Title. This title shall be known as and may be cited and referred to as the “Animal Control Ordinance.”

8.08.020 Legal effect of license. The issuance of any license or permit to keep an animal or animals as provided for in this title is prima facie evidence that the owner has satisfied the basic licensing requirements under this title, but such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations, or to any other applicable rule, regulation, or statute, unless, pursuant to the issuance, official written approval has been given by the office or agency responsible for the administration of the rule, regulation, or statute in question. If such approval has been given, it shall be deemed prima facie evidence that the matter approved is in accordance with the rule, regulation, or statute in question.

8.08.030 Prohibited conduct. No owner of any animal, wild or domestic, except the domestic cat, shall permit or allow said animal to do any of the following things:

- A. Run at large;
- B. Trespass upon public property or upon any private property;
- C. Habitually make loud noise for a period of fifteen consecutive minutes or longer, or act in such a manner so as to constitute a public nuisance. Violation of this subsection shall constitute an infraction.

8.08.040 Proper care. The owner of any animal, wild or domestic, shall provide proper and adequate food, water, shelter, care, and attention for such animal.

8.08.050 Cooperation of public. No person shall prevent, oppose, resist, or otherwise interfere with the animal control officer in the performance of his or her duties as provided in this title.

8.08.060 Duty to report bite. It is the duty of any person having knowledge that any animal capable of transmitting

rabies has bitten a human being within Amador County to immediately report the fact to the health department, the animal control officer, or the sheriff, and to furnish complete information concerning the bite incident.

8.08.070 Display and offering animals in public prohibited. Except as provided herein, the placing on display in any public place in Amador County, including without limitation streets, sidewalks, parking lots, malls, walkways, or common areas of shopping centers, of any dog, cat, puppy, kitten, or other animal for the purpose of offering to sell, give away, or otherwise dispose of said animal is prohibited. This section shall not apply to the display or offering of animals for adoption or sale from the animal shelter, when such display or offering is performed by animal control department personnel, or any humane organization acting under the auspices of the animal control department or in conjunction with said department. Violation of this section is an infraction.

Chapter 8.12

ADMINISTRATION; PENALTIES; APPEAL PROCEDURE

8.12.010 Jurisdiction. All functions and duties of the Amador County Department of Animal Control, including without limitation the animal control director, animal control officers, the animal shelter, and department personnel, shall be under the supervision of the Amador County Board of Supervisors.

8.12.020 Responsibility. The animal control director is responsible for the enforcement of this title, and his/her duties shall include, but not be limited to, the following:

- A. To administer the Amador County animal shelter and keep such records as may be required by the board;
- B. To take up and impound animals which are in violation of this title. The foregoing notwithstanding, whenever any animal control officer has knowledge of any livestock at large on any public highway or in any other public place said officer shall go to the site and turn said livestock into the nearest appropriate fenced pasture or other enclosure. First priority shall be the owner's pasture or enclosure. The officer shall notify the livestock's owner, if the owner is known or can be identified, of the livestock's location and shall notify the pasture owner (if different from the livestock owner) of the presence of the livestock in his/her pasture

or enclosure. If necessary for the protection of the public the officer shall impound the livestock at any appropriate place at the owner's expense. While the livestock is on a public highway or in a public place, the officer shall take reasonable precautions to warn motorists or others of the presence of the livestock. The owner's allowing of livestock to be at large on any public highway or in any other public place shall constitute a misdemeanor.

C. To remove and dispose of the carcass of any animal found on any county road, street, alley, or other public place; provided, however, that this duty shall not apply to any private property, nor to state highway or other state public place over which the state of California or CalTrans has jurisdiction to perform those duties unless otherwise directed by the county;

D. To quarantine animals and to cooperate in that regard with the health officer; and

E. To administer licensing programs as provided for in this title.

8.12.030 Rules and regulations. The animal control director may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of this title, and compliance with such rules and regulations shall be a prerequisite to the issuance and continued validity of any license or permit provided for in this title.

8.12.040 Authority to arrest. In the performance of his/her duties, the animal control director and each animal control officer shall have the authority and immunities of public officers and employees, as set forth in Penal Code Section 836.5, to make arrests, and to issue citations without a warrant whenever he/she has reasonable cause to believe that the person to be arrested has committed a misdemeanor or infraction in his/her presence which is a violation of any of the provisions of this title, or of any ordinance or statute which he/she has the duty to enforce.

8.12.060 Authority to use tranquilizer gun. In the performance of his/her duties, the animal control director and each animal control officer shall have the authority to use a tranquilizer gun and any and all other animal control equipment, services, and techniques commonly used by other animal control agencies located within this state.

8.12.070 Administrative appeal. Any person aggrieved by any decision or action resulting from the application

of this title may appeal to the board of supervisors. Such appeal must be in writing and must be received by the clerk of the board not more than fifteen days after the person aggrieved has actual notice of such action.

8.12.080 Violation—Penalty. Except as otherwise provided in this title, any person violating any provision of this title is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not more than five hundred dollars, or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

8.12.090 Continuing violation—separate offense for each day. Every person violating any provision of this title is guilty of a separate offense for each day or portion thereof during which such violation continues, and is punishable therefor as provided in Section 8.12.090.

Chapter 8.16

IMPOUNDMENT*

* For statutory authority empowering counties to maintain, regulate, and govern public pounds, see Gov. Code §25802.

8.16.010 Animals subject to impoundment. Any animal which is, to the knowledge of the animal control director or any animal control officer, engaged in an activity or existing in a condition prohibited by this title or any other activity or condition otherwise prohibited by State law or regulation, shall be taken and impounded at the Amador County animal shelter or at such other place as may be approved by the board of supervisors.

8.16.020 Duration.

A. All impounded dogs found wearing a current dog license tag shall be kept in the animal shelter for a period of not less than three days unless redeemed within such period.

B. All impounded dogs not wearing a current dog license tag shall be kept in the animal shelter for a period of not less five days unless redeemed within such period.

C. Any impounded animal which is of a type referred to in Section 17003 of the State Food and Agricultural Code shall be kept in the animal shelter for at least three days unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, it shall be turned over to the State Bureau of Livestock Identification for disposition by that office.

D. Any other impounded animal, with the exception of feral cats, shall be kept in the animal shelter for at least three days unless redeemed within that period.

E. Any animal which is voluntarily surrendered to or deposited with the animal shelter 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.

8.16.030 Redemption. Except as provided in section 8.16.035, below, the owner of any animal impounded may, at any time before the disposition thereof, redeem the same by paying all proper fees and charges accrued as provided for by this title; provided, however, that if the animal is one which is subject to a license herein, the licensing requirements must be satisfied before the animal's release, except that an impounded dog that has not been vaccinated against rabies, or exempted therefrom by an exemption as provided in this title, may be released to an owner who has paid all fees required herein, including the license fee, on condition that such owner shall:

A. Have the dog vaccinated against rabies within ten days; and

B. Present to the animal control director or officer a valid certificate of vaccination within ten days, at which time the license will be is sued.

C. Upon the third (3rd) impound of the same intact (un-neutered) dog, the owner must either (1) have the dog spayed or neutered prior to release from the animal shelter, or pay a fee of one hundred fifty dollars (\$ 150.00), in addition to all other fees provided for else where hi this title.

8.16.035 Limitations on redemption. Notwithstanding the provisions of Section 8. 16.030, above, if an animal has been impounded because of a violation of Section 8.08.040 of this title or any other provision of state law or regulation relating to cruelty to or improper treatment of animals, such impounded animal shall not be released for redemption unless and until, in addition to the requirements set forth in Section 8.16.030, the owner of such animal demonstrates to the reasonable satisfaction of the animal control director that the conditions which led to the impoundment of the animal have been remedied.

8.16.040 Disposition of impounded animals.

A. Except as otherwise provided in this title, an impounded animal which is not re deemed within the

applicable holding period specified herein may, in the discretion of the animal control director, be adopted or destroyed; provided, however, that no live animal shall be adopted or destroyed or otherwise disposed of until not less than seventy-two hours after notice of the impoundment has been given to the owner, if the owner is known; and provided further, no live animal may be sold or otherwise disposed of for the purpose of experimentation or medical re search.

B. Notwithstanding any other provision of this title to the contrary, an impounded animal which is determined by the animal control director or the director's designee to constitute a public health hazard may be destroyed, quarantined, or otherwise disposed of as ordered by the animal control director upon the concurrence of the county health officer.

8.16.050 Fees. Animal control personnel shall charge and collect all fees established from time to time by resolution of the board of supervisors.

8.16.060 Absence of liability. No liability shall be incurred for the disposition of any animal made pursuant to the provisions of this title.

Chapter 8.20

RABIES CONTROL

8.20.010 Quarantine.

A. The animal control director shall ensure that all animals falling into the following categories shall be isolated or quarantined at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations:

1. Known rabid animals;
2. Suspect rabid animals;
3. Animals that have bitten or otherwise exposed a human to rabies;
4. Animals, of a species subject to rabies, which have been bitten by a known rabid or suspected rabid animal or have been in inti mate contact with a rabid or suspected rabid animal.

B. It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the health officer.

8.10.020 Delivery of carcass. Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the animal control director or any animal control officer shall obtain and turn over to the health officer or the health officer's designee the carcass of said animal or an adequate specimen thereof.

8.20.030 Epidemics. The health officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs or other animals in the county, or 'in any part thereof, including incorporated cities within the county. Upon making such a declaration, the health officer shall prepare and promulgate, with the approval of the board of supervisors, 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 said 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 animal control director to comply with all directives of the health officer in the enforcement of such rules and regulations. A violation of any of such rules or regulations shall be a violation of this title.

8.20.040 Vaccination—Required.

A. Every dog over four months of age shall have a medically current vaccination with a canine antirabies vaccine approved by the State Health Department. Such vaccination shall be administered by a veterinarian or as provided through county recognized vaccination clinics.

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

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

1. A licensed veterinarian has examined said dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and

2. Such certificate is presented to the health officer or the health officer's designee with five days of such examination; and

3. The health officer (or his/her designee) concurs in the opinion of the veterinarian, contained in such certificate, and endorses on such certificate his approval thereof. Such certificate must bear the date of issuance and must be renewed

each year.

8.20.050 Vaccination—Certificate. Every veterinarian after vaccinating a dog for rabies, shall issue a certificate to the owner. The certificate shall include the following information:

A. The owner's full name, address, and telephone number;

B. The vaccination tag number;

C. The breed, age, sex, and color or markings of the dog;

D. A statement which provides: "This certificate that the dog described herein was vaccinated against rabies with an approved rabies vaccination approved by the State Department of Health."

E. The signature of the veterinarian administering the vaccination, or the veterinarian's agent; and

F. The date of the vaccination and date of renewal.

Chapter 8.24

DOGS

8.24.010 Control—In public places. No person shall permit any animal in his possession or under his ownership to run at or bite any person or animal on any public street or in any public place or public park, or to drop excreta upon or defoul any public street, public park, or public place in the county.

8.24.020 Control—Dog which has bitten person. The animal control director, upon receiving an affidavit or declaration under penalty of perjury from any person who has been bitten by a dog or from any person who has witnessed such occurrence, which affidavit or declaration is sufficiently specific to particularly identify the dog in question, shall notify the owner of the dog in writing of the report of occurrence, and shall direct the owner to such dog at all times on the property or premises where such owner resides or on the property or premises of the person to whom the owner has given the custody of such dog, or to securely hold the dog by a leash or other device or means so as to prevent the dog from wandering, straying, or getting beyond the control of its custodian.

8.24.030 Control—Owner responsibility. After the receipt by the owner of a dog of a notice referred to in Section 8.24.020, above, the owner shall at all times keep the dog on the property or premises where such person resides or on the property or premises of the person to whom the owner has given the custody of such dog, or to securely hold the dog by a leash or other device or means so as to prevent the dog from wandering, straying, or getting beyond the control of its custodian.

8.24.040 Unlicensed dogs. Every owner of an unlicensed or untagged dog shall be in violation of this title except as otherwise provided herein.

8.24.050 Unvaccinated dogs. Every owner of a dog which does not have a current vaccination certificate for rabies as provided for in this title shall be in violation of this title except as otherwise provided herein.

8.24.060 Kenneled dogs. Dogs kept in or at a kennel shall be subject to all the regulations and controls herein pertaining to non-kenneled dogs.

8.24.070 Animal license fee—when due. Dogs over four months of age shall be subject to license fees. The fees shall be due and payable upon the dog reaching the age of four months, being brought into the county initially, or upon the expiration of the current license. A penalty shall be imposed on every dog owner who fails to license his or her dog within thirty calendar days after the date license fees are due and payable. The animal control director shall not deliver a license tag for any dog until all license fees and applicable penalties have been paid in full. This penalty is in addition to, and not in lieu of, any other penalty imposed by this chapter.

8.24.080 Additional license required. In addition to the dog licensing requirement set forth in Section 8.24.070, above, any breeder who owns or breeds dogs for the purpose of selling or giving away the dogs shall pay an annual breeder's license fee. This fee shall be waived by the animal control director upon being provided with satisfactory proof that the dog subject to the fee has been neutered or spayed within thirty (30) days after notice is given of the spaying/neutering of the affected animal.

8.24.090 License tags. The animal control director

shall procure and issue serial-numbered license tags stamped with the name of the county. With the approval of the animal control director, which approval may be revoked at any time by the animal control director in the director's sole discretion, any licensed veterinarian within the county may issue the license tag and retain that percentage of the license fees as specified by resolution of the board of supervisors, the tags shall only be issued upon the application of owners who have complied with the vaccination and fee provisions of this title.

8.24.100 License tags—attachment to collar. Every dog shall at all times wear a suitable collar or other device to which the dog license tag shall be attached.

8.24.110 License fee not required for certain dogs. Dogs owned by the county, any city in the county, or any special district located in the county, and service dogs for medical or public protection, shall be licensed without the owner having to pay the fee established by this chapter.

8.24.120 Validity of out-of-county license. When an owner brings into the county a dog which has been licensed in another county or city within the state, such license shall be valid until its expiration.

8.24.130 Rabies vaccination—reporting requirements. Any veterinarian who vaccinates a dog for rabies, whether or not in the office of the veterinarian or elsewhere, shall submit a report of all dogs vaccinated for rabies, which report shall include (1) the date of vaccination, (2) the name and address of the dog's owner or the person who was in control of the dog when it was vaccinated, (3) a description of the dog, and (4) the term for which the vaccination was given (e.g. one-year, two years, etc.).

8.24.140 Violations of this chapter— Infractions. The violation of any of the provisions of this chapter shall be an infraction.

SECTION II

This ordinance or a summary thereof shall be published in the manner prescribed in Government Code 25124 and shall become effective thirty (30) days after the date of adoption.

The foregoing resolution was duly passed and adopted by the board of supervisors of the county of Amador at a regular meeting thereof, held on the 6th day of May, 1997 by the following vote:

AYES: Edward T. Bamert, Richard P. Vinson, Louis D. Boitano, and Rich F. Escamilla

NOES: Stephanie A. Moreno ABSENT: None

Chairman, Board of Supervisors

ATTEST:

LISA M. BAKER-DALMAU, Clerk of the Board of Supervisors, Amador County, California

Deputy