

ORDINANCE NO. C.S. 1136

AN ORDINANCE RELATING TO ANIMALS

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Title 7 Animals of the Stanislaus County Code is hereby repealed.

Section 2. Title 7 Animals, attached hereto and incorporated herein by reference is added to the Stanislaus County Code and replaces the prior Title 7 Animals repealed in Section 1 of this ordinance

Section 3. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor Withrow, seconded by Supervisor Monteith, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the 15th day of October, 2013, by the following-called vote:

AYES: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

NOES: Supervisors: None

ABSENT: Supervisors: None



Vito Chiesa, Chairman of the Board
of Supervisors of the County of
Stanislaus, State of California

ATTEST:
CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By Elizabeth King
Elizabeth King, Assistant Clerk

APPROVED AS TO FORM:
JOHN P. DOERING
County Counsel

By Deirdre McGrath
Deirdre McGrath, Deputy County Counsel

Title 7 ANIMALS

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Chapter 7.04 GENERAL PROVISIONS

7.04.010 Stanislaus Animal Services Agency is created.

Stanislaus County and its city member partners Modesto, Patterson, Ceres, Waterford and Hughson created a joint powers agency known as Stanislaus Animal Services Agency (“SASA”). SASA was formed to jointly operate and manage an animal shelter for the partners’ and their respective residents’ mutual benefit and to provide animal services needed or requested by each partner, pursuant to the Joint Powers Agreement dated October 27, 2009. On behalf of the county, SASA is specifically authorized and charged with the enforcement and administration of this title and the laws dealing with animals. SASA is appointed to be the department of animal services for the county. (Ord. CS 237 §1, 1987: prior code §3-61).

7.04.15 Stanislaus Animal Services Executive Director.

The animal services executive director (sometimes referred to as “director”) is employed as the chief administrative officer of SASA. The director’s position is created in the unclassified service of the county; and who shall be appointed by resolution of the board of SASA. The animal services executive director shall hold office at the pleasure of the board of SASA. As a county employee, the salary of the animal services executive director and the staffing levels of SASA shall be as determined by resolution of the board of SASA. For purposes of this title, any reference to animal services executive director shall include his or her authorized staff, unless otherwise noted.

7.04.016 Animal Services Executive Director—Supervision authority.

The SASA staff shall be county employees for all intents and purposes. These SASA staff shall be under the supervision of the animal services executive director, that is, the director himself or herself. (Ord. CS 237 §11, 1987: prior code §3-70).

7.04.017 Animal Services Executive Director—Duties.

The animal services executive director is primarily responsible for the enforcement and administration of this title. In conjunction with the duties set forth by the board of SASA, his/her duties shall include but not be limited to the following:

- A. To administer the animal shelter and keep such records as may be required by law and the Board of SASA;
- B. To take up and impound animals when authorized by this title;
- C. To remove and dispose of the carcass of any animal found on any public highway, street, alley, or any other public place in the unincorporated area of the county;
- D. To quarantine animals and to cooperate with the county health officer;
- E. To administer licensing programs as delegated by the licensing authority; and

F. To provide opportunities for owners to find lost animals and for those who find lost animals to return them. (Ord. CS 237 §12, 1987: prior code §3-71).

7.04.020 Animal shelter maintained.

On behalf of the county as a member partner, SASA shall maintain a suitable animal shelter for impounding animals. (Prior code §3-62).

7.04.030 Establishment of regulations.

The board of supervisors acknowledges that SASA and its board may establish by resolution, regulations for the administration and implementation of this title. SASA regulations, when adopted, shall become and thereafter be a part of this title. A copy of the regulations established by resolution of the board of SASA shall be filed with the clerk of the board of SASA and with the clerk of the board of supervisors and be available for inspection at the animal shelter. The board of supervisors shall establish by ordinance a schedule of fees for licenses and for services provided in accordance with this chapter. (Prior code §3-63).

7.04.040 Enforcement.

The animal services executive director and animal services authorized staff and the county health officer and his or her deputies are empowered, and it shall be their duty, to enforce the provisions of this title. Any person whose duty it is to enforce the provisions of this title may at any reasonable time enter upon private property for such purpose. It is unlawful for any person to interfere with, oppose, or resist any authorized person enforcing this title. (Ord. CS 237 §2, 1987: prior code §3-64).

7.04.050 Authority to pursue an animal.

Any person charged with the duty to enforce this title who is in pursuit of an animal, shall have the authority to go upon the property of the owner or other person, in order to impound such animal; provided, however, he shall not enter a dwelling without a search warrant and he shall exercise reasonable care to avoid causing damage to the property. (Prior code §3-65).

7.04.060 Authority to arrest and issue notices to appear.

Pursuant to the provisions of California Penal Code Section 836.5, the animal services executive director, the health officer and his or her deputies, and a duly appointed state humane officer, law enforcement officers, and animal services authorized staff as defined in section 7.08.170 of this title, are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence, which is a violation of this title or a violation of any other ordinance or statute, which he or she has the duty to enforce. (Ord. CS 237 §3, 1987: prior code §3-66).

7.04.070 Equipment to impound authorized.

Any person charged with the duty to enforce this title may use any humane equipment or device necessary to take up and impound an animal. (Prior code §3-67).

7.04.080 Firearms authorized.

The animal services executive director and staff that he or she may specifically designate in writing are authorized to carry weapons when acting in the course and scope of their employment pursuant to Section 26025 of the Penal Code. (Ord. CS 237 §4, 1987: prior code §3-68).

Chapter 7.08 DEFINITIONS

7.08.010 Generally.

The words and terms used in this title shall have the meaning stated as set forth in this chapter, unless the meaning is clearly intended to be otherwise. (Prior code §3-60 (part)).

7.08.030 Animal shelter.

“Animal shelter” means a facility operated by SASA for the impoundment, relinquishment, quarantine, and adoption of animals. (Prior code §3-60(b)).

7.08.050 Health department.

“Health department” means the health department of the county. (Prior code §3-60(d)).

7.08.060 Health officer.

“Health officer” means the county health officer and his/her authorized deputies. (Prior code §3-60(e)).

7.08.070 Impoundment.

“Impoundment” means the taking up and holding of an animal by the animal services executive director in accordance with the provisions of this title or other applicable laws or regulations. (Ord. CS 237 §7 1987: prior code §3-60(j)).

7.08.080 Kennel.

“Kennel” means a place where five or more dogs or cats over four months of age are kept for commercial or noncommercial purposes. The term “kennel” shall not apply to animal shelters operated by governmental agencies, nonprofit societies for the care of stray animals or to veterinary hospitals. (Prior code §3-60(h)).

7.08.090 Licensing authority.

“Licensing authority” means the SASA and its animal services executive director. (Prior code §3-60(l)).

7.08.100 Animal ownership.

A. "Animal owner" or "owner" for purpose of this title means any person harboring, keeping or providing care or sustenance to a domestic animal for fifteen consecutive days or more on property within the jurisdiction of the county. Such a person shall be subject to the requirements of this title. This definition does not apply to government agencies, animal rescue organizations which have demonstrated to SASA that they have implemented an ongoing spay/neuter program as well as an adoption program, or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110 and successor sections, or persons who provide licensed boarding, kennel, training or veterinarian services for the owners of dogs and cats.

B. Subdivision (A) of this section shall not be interpreted to apply to a person caring for barn cats or a colony of feral cats if such person:

1. Registers with SASA as a caretaker for barn cats or feral cats;
2. Regularly feeds or arranges for the feeding of the cats, including on weekends and holidays;
3. Traps or makes a reasonable effort to trap all barn or feral cats over the age of seven weeks in his/her care, and has them spayed or neutered;
4. Makes a reasonable effort to test all trapped cats for feline leukemia and FIV and has those who test positive humanely euthanized or isolated indoors;
5. Identifies barn or feral cats that have been spayed or neutered by means of ear notching, ear tipping, or ear tagging; and
6. Has all trapped cats vaccinated according to state and local laws. (Ord. CS 908 §1 (part), 2005; Ord. CS 679 §1, 1998; prior code §3-60(f)).

7.08.110 Person.

"Person" means one or more human beings and all fictional entities such as corporations, estates, associations, partnerships and trusts. (Prior code §3-60(g)).

7.08.120 Rabies vaccination.

"Rabies vaccination" means the inoculation of an animal with a rabies vaccine approved by and in the manner prescribed by the California State Department of Public Health. (Prior code §3-60(k)).

7.08.130 Veterinarian.

"Veterinarian" means a person licensed to practice veterinary medicine in the state. (Prior code §3-60(i)).

7.08.140 Guide dog.

“Guide dog” means any guide dog or seeing-eye dog, which was trained by a person licensed under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code, or as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990. (Ord. CS 679 §2 (part), 1998).

7.08.150 Signal dog.

“Signal dog” means any dog trained to alert a deaf person, or person whose hearing is impaired, to intruders or sounds. (Ord. CS 679 §2 (part), 1998).

7.08.160 Service dog.

“Service dog” means any dog individually trained to the requirements of a person including but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items. A “service dog” is also any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, or any dog approved by the animal services executive director, which he/she believes to come within the definitions listed, after consultation with knowledgeable professionals. (Ord. CS 679 §2 (part), 1998).

7.08.170 Animal Services Authorized Staff.

The animal services executive director shall appoint suitable persons to act as animal services authorized staff. All animal services authorized staff shall enforce this title.

Chapter 7.12 ADMINISTRATION

7.12.010 Records of Stanislaus Animal Services Agency.

The animal services executive director shall keep records concerning the operation of the animal shelter as set forth by statute or regulations established pursuant to section 7.04.030. (Ord. CS 237 §8, 1987: prior code §3-115).

7.12.020 Information on animal care.

The animal services executive director is authorized to distribute to the people of the county brochures and information pertaining to care and control of animals. (Ord. CS 237 §9, 1987: prior code §3-116).

7.12.030 Notice—Administrative hearings and appeal of administrative decision.

A. Notice of Hearing. The animal services administrative hearing, hereafter called Animal Court, shall be a public hearing, administered by SASA. The hearings shall be held on the first Wednesday of each month. The person issued the citation shall have at least thirty days from the date on the citation (the date of issuance) to appeal the violation(s). Upon receipt of the

written appeal, the matter will be set for hearing at the next Animal Court. Notice of the hearing shall be issued in person or by mail through the U.S. Postal Service.

The alleged violator who requests a hearing shall be responsible for the cost(s) of the hearing and will be required to leave a deposit in the amount shown in the fee schedule for the alleged violations, chapter 7.50 of the Stanislaus County Code, unless a lesser amount is permitted to be deposited at the discretion of the animal services executive director or designee. If the alleged violator fails to appear at the scheduled hearing, the deposit shall be forfeited and any additional fees owed for the alleged violation(s) will be the violator's responsibility to pay. If the alleged violator appears at animal court and is found guilty of the offense charged, the fees imposed by the animal court will be deducted from the deposit. If the fees imposed by Animal Court exceed the amount of the deposit, the alleged violator will be responsible to pay the difference. If the fees imposed are less than the deposit, the difference will be refunded to the person. If the person is determined to be not guilty, the deposit will be refunded.

B. Hearing Procedure. The following sets forth the procedural rules applicable to the administrative hearing:

At the date, time and place set for the hearing, one of at least three hearing officers, appointed by the board of SASA, assigned to the hearings in a fixed rotational order, shall hear testimony and receive evidence presented by the alleged violator appealing the issuance of a citation, SASA and/or a third party complainant. At the outset of the hearing, the alleged violator may challenge the hearing officer first assigned to the matter. As a result, the hearing may be continued until the next month to be held before the hearing officer next in order. The hearing officer shall review all evidence introduced at the hearing of each alleged violation of this title in order to determine whether the alleged violation conforms to the law and whether it is supported by substantial evidence. Animal Court shall record the hearing in a suitable format and shall preserve the recording, all photographs and other documentary evidence introduced at the hearing for the thirty-six (36) month period immediately following closure of the hearing.

Animal Court shall render a written decision upon conclusion of the hearing; unless it is determined that further investigation into the matter is warranted. If this occurs, the matter will be continued until the next scheduled hearing at which time the new evidence shall be presented to the hearing officer and then a written decision shall be rendered. Any and all costs incurred by SASA, including fines, shall immediately become payable to SASA. Any person not making immediate payment shall be subject to approved collection procedures.

The written decision rendered by the hearing officer shall contain findings of fact and conclusions of law. The decision shall also set forth the right to appeal the decision of Animal Court to the board of SASA. A copy of the decision shall be mailed, by certified mail, to the last known address of the alleged violator/owner(s) of the animal and any third party complainant.

C. Appeal Procedure. Decisions of Animal Court may be appealed to the board of SASA. The appeal shall be filed with the clerk of the board of SASA within fifteen days after the mailing of the decision of Animal Court provided the appellant follows the following steps:

1. Delivers to the clerk of the board of SASA within fifteen days after the decision is made orally at the hearing, or if mailed then 20 days, a written appeal which clearly sets forth the reasons for the appeal; and

2. The appellant shall be responsible for the cost(s) of the appeal.

Upon receipt of the appeal, the clerk of SASA will schedule a hearing de novo. The hearing de novo panel shall be comprised of three panel members--two Animal Court hearing

officers, other than the one who presided over the subject Animal Court hearing, and one member currently sitting on the Board of SASA and who does not represent the jurisdiction in which the citation was issued. If one of the hearing officers was challenged before the first hearing, that hearing officer remains ineligible to sit on the hearing de novo panel. If required, a second SASA Board member, who also does not represent the jurisdiction in which the citation was issued, will sit as the third panel member.

The appeal hearing shall be heard within sixty days after the appeal is filed with the clerk of the Board of SASA.

If upon appeal the de novo hearing panel finds that no violation exists, then the costs of the appeal and the record shall be borne by SASA, and all assessed fees shall be refunded to the appellant.

If upon appeal the de novo hearing panel finds there was a violation and the appellant desires to further appeal, that appeal shall be to the Stanislaus County Superior Court.

D. Potentially Dangerous and Vicious Dogs. If a petition is to be filed alleging probable cause to believe that a dog is potentially dangerous or vicious pursuant to Food and Agricultural Code, Division 14, Chapter 9, commencing with Sections 31602 et seq., and specifically Section 31621, the petition shall be filed with the clerk of the board of SASA. The hearing shall be held before Animal Court to dispose of the petition. Animal Court shall notify the owner or keeper of the dog that a hearing will be held under the provisions set forth Sections 31621 and 31622. In order that such hearing is held timely, the hearing may take place, after proper service of the notice and a copy of the petition, at a special session of Animal Court. An appeal from an Animal Court's determination on this issue shall be to the Stanislaus County Superior Court as set forth in Section 31622, not before the board of supervisors or the board of SASA. (Ord. CS 966 §1, 2006; Ord. CS 869 §1, 2003; prior code §3-117).

7.12.040 License renewal or suspension.

Whenever provision is made in this title for a license or permit, such license or permit shall be renewed annually thereafter or at the next succeeding regular renewal date as provided by law by the licensing authority. The animal services executive director or the health officer may revoke or suspend a license whenever such action is necessary to protect the public health and safety or to accomplish the purposes of this title. (Ord. CS 237 §10, 1987; prior code §3-118).

7.14 ADMINISTRATIVE CITATIONS AND PROCEDURES

7.14.010 Purpose of this section.

SASA has the authority to provide animal control and enforcement of title 7 of the County Code. As part of the administration of SASA, violations of chapter 7.20 and section 7.36.050 of this title may be punishable by administrative citation.

7.14.020 Definitions.

A. "Administrative Citation" for purposes of this chapter shall mean a civil citation issued pursuant to this chapter and section stating that there has been a violation of one or more provisions of this title and setting the amount of the administrative penalty(ies) to be paid by the responsible party.

B. "Responsible party" shall mean any individual(s) who owns the animals for which an administrative citation under this title is being written.

C. "Enforcement Officer" shall mean the SASA, its executive director and SASA staff who are authorized to enforce this title.

D. "Hearing officer" means the individual who shall conduct the administrative citation appeal hearings and other administrative hearings pursuant to this chapter and shall render decisions pursuant to the applicable administrative hearing procedures set forth in this chapter.

7.14.030 Administrative citation penalty-Amounts.

A. Any responsible party violating chapter 7.20 and/or section 7.36.050 of this title may be issued an administrative citation by an enforcement officer, in accordance with the provisions of this section.

B. Each and every day a violation of the provisions of chapter 7.20 and/or section 7.36.050 exists constitutes a separate and distinct offense and shall be subject to citation.

C. The enforcement officer may issue a citation for a violation not committed in their presence, if the enforcement officer has determined through the investigation that the responsible party did commit or is otherwise responsible for the violation. The enforcement officer may issue administrative citations alone or in addition to all other enforcement proceedings available to them in this code, or by state or federal law, whether administrative, civil or criminal in nature.

D. Unless provided otherwise in this code, administrative penalties for the violation under chapter 7.20 and/or section 7.36.050 of this title would be punishable as an infraction and shall be assessed as follows:

1. One hundred dollars for a first violation;
2. Two hundred dollars for a second violation of the same ordinance within one year; and
3. Five hundred dollars for each additional violation of the same ordinance within one year.
4. The maximum fines imposed in this section are based upon the provisions of Section 25132 of the Government Code and will be increased automatically and without amendment to this section upon any amendment to Section 25132 of the Government Code increasing the amount of fines permitted.

E. The responsible party shall be provided an opportunity to correct the violation prior to the imposition of the administrative penalty as follows:

1. If a responsible party fails to correct a violation within thirty (30) days after an administrative citation is served under this chapter 7.14, the administrative penalty established by the citation shall become effective and due immediately. Administrative citations for

additional violations of the same ordinance shall not be served with less than thirty (30) days passing between subsequent citations. The administrative penalty shall not exceed \$800.

2. The administrative penalty, or any portion thereof, for a violation which has become effective following the thirty-day (30) corrective period may be waived by the executive director, or his/her designee(s), in his/her sole discretion only if the responsible party corrects the violation in accordance with all conditions established by the enforcement officer.

7.14.040 Content of citation.

A. Administrative Citation. The administrative citation shall be issued on a form approved by the animal services executive director in consultation with the office of county counsel. The administrative citation form shall contain the following information:

1. The name, if known, and mailing address of the responsible party.
2. The administrative citation shall refer to the date(s) and location of the violation and the approximate time(s), if applicable, that the violation was observed.
3. The administrative citation shall identify each violation by the applicable section number of this title in this code and by either the section's title or a brief descriptive caption.
4. The administrative citation shall describe the action(s) required to correct the violations, including the how, where, to whom, and within what number of days the penalty shall be paid and consequences of failure to pay the penalty within this time period.
5. The administrative citation shall require the responsible party to immediately correct the violation where appropriate, or otherwise indicate a reasonable compliance deadline date and shall explain the consequences for failure to correct the violation.
6. The administrative citation shall state the amount, if any, of the penalty imposed for the violation. Multiple violations may be listed on the same citation form. In the event of multiple violations, the administrative citation shall list the penalty amount, if any, for each violation and the total amount of all the penalties. However, different citations are to be written for each different dog of the same owner(s).
7. The administrative citation shall identify all appeal rights and include instructions on how to appeal the citation, including instructions regarding the advance deposit hardship waiver.
8. The administrative citation shall contain the printed name and the signature of the enforcement officer issuing the citation and, where reasonably possible, obtain the signature of the responsible party, if he or she or they can be located.
9. The administrative citation shall be served upon the responsible party.

B. Service of Citation

1. Service of an administrative citation may be made upon the responsible party either by personal delivery or by first class mail, postage prepaid, return receipt requested, and shall be deemed completed when it is personally delivered to the responsible party, or, if mailing is used, five days after deposit in the mail for mailing to an address within California or ten days after deposit for mailing to an address outside California. If the copy of the administrative citation sent by certified mail to a responsible party is returned by the United States Postal Service with the mail receipt unsigned, or marked "unclaimed" and/or "refused," then service by

first class mail shall be deemed effective provided it is also not returned by the United States Postal Service.

2. In lieu of personally serving the responsible party by personal delivery or first class mail, postage prepaid, service of the administrative citation, and any amended or supplemental citation, may be made by substituted service using the methods described in Sections 415.20 through 415.95 of the California Code of Civil Procedure.

3. The failure of any responsible party to receive a copy of the administrative citation shall not affect the validity of the proceedings.

C. Administrative Citation Penalties and Costs.

1. If the violation is not corrected within the time limits established in section 7.14.030 E.2, then additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified below.

a. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the Enforcement Officer.

b. The penalties assessed shall be due to SASA within 30 calendar days from the date the administrative citation is issued.

c. Except as provided below, any responsible party who fails to pay to SASA any penalty imposed pursuant to the provisions of this section shall be liable for payment of the applicable late payment charges as follows:

(i.) For payments received within 30 days after the due date, a late fee is due according to the current fee schedule.

(ii.) For payments received more than 30 days after the due date, a late fee is due according to the current fee schedule.

7.14.050 Administrative appeal of administrative citation.

A. Notice of Appeal. Any responsible party to whom the administrative citation has been issued may appeal the administrative citation by completing and filing a written notice of appeal form with SASA.

1. The written notice of appeal must be filed within 20 calendar days of the date the administrative citation was served in a manner set forth in section 7.14.040 B, above, and in this section. The written notice of appeal shall be filed together with an advance deposit for the full amount of the penalty stated on the administrative citation.

2. Failure to file a written notice of appeal and the full amount of the advance deposit within this time period shall constitute a waiver of the right to appeal the administrative citation. As a result of failing to appeal an administrative citation, the administrative citation automatically becomes a final administrative order twenty-five (25) calendar days after service.

3. Any administrative citation penalty that has been deposited shall be refunded if it is determined, after a hearing, that the responsible party charged with the violation was not responsible for the violation or that there was no violation as charged in the administrative citation. The time requirement for filing a written notice of appeal form shall be deemed jurisdictional and may not be waived.

B. Advance Deposit Hardship Waiver. Any responsible party intending to appeal an administrative citation and who is financially unable to make the advance deposit as required by this section may file a written request for an advance deposit hardship waiver. The written request must be filed before filing the written notice of appeal. The written request shall be filed with the animal services executive director of SASA. A SASA-approved form shall be made available for this purpose and conform to the requirements of Section 68511.3 of the Government Code or at minimum shall contain the same elements as the application form for waiver of court fees and costs prepared by the Judicial Council of California for use in California courts. The person requesting the advance deposit hardship waiver shall indicate on the corresponding notice of appeal that an advance deposit hardship waiver request has been submitted.

C. Advance Deposit Hardship Waiver Evaluation Procedures. Pending a decision by animal services executive director, or the director's designee, to grant or deny the request, the advance deposit requirement shall be stayed and no administrative hearing shall be scheduled. The animal services executive director, or the director's designee, may waive the advance deposit requirement and issue a waiver only if the person requesting the waiver submits to the animal services executive director's attention a sworn affidavit, together with any supporting documents or materials, reasonably demonstrating to the director the person's actual financial inability to submit the advance deposit in advance of the appeal hearing. Within ten days of receipt of the advance deposit hardship waiver request, the animal services executive director, or the director's designee, shall issue a written decision to grant or deny the request. If the request is denied, the written decision shall explain the reason(s) for denial of the waiver and shall state the due date for payment of the advance deposit. The written decision of the animal services executive director, or the director's designee, shall be sent via first class mail to the requesting party and shall be final. An administrative hearing shall not be scheduled until the advance deposit is received. If the request is denied and the advance deposit is not remitted within the time frame indicated in the written decision, the right to an appeal shall be deemed waived and payment of the administrative penalty shall become due immediately. The amount due shall be subject to all applicable late fees, which shall accrue from the original due date as indicated on the administrative citation.

D. Contents of Notice of Appeal. The notice of appeal shall be submitted on SASA-approved forms and shall contain the following information:

1. A brief statement setting forth the responsible party's (hereinafter "appellant") interest in the proceedings;
2. A brief statement of the material facts that the appellant claims supports their contention that they did not commit, cause, or otherwise allow a violation of one or more provisions of chapter 7.20 and/or section 7.36.050 of this title to occur, exist, or continue as alleged in the administrative citation at issue; or that they are not a responsible party as defined in section 7.14.020 B of this chapter.
3. A mailing address at which the appellant agrees that notice of any additional proceeding, or an order relating to the imposition of an administrative citation penalty, shall be received and accepted by the appellant by first class mail.
4. The notice of appeal must be signed and dated by the appellant.

E. Administrative Hearing. Upon SASA's receipt of a timely, written notice of appeal from the appellant, an administrative hearing shall be held as follows:

1. Hearing Date. The hearing shall be held at the day, time and place of Animal Court in chapter 7.12, section 7.12.030 of this title, or unless set forth otherwise at the animal services executive director's discretion, and not later than 60 days from the date the notice of appeal is received by SASA, unless otherwise stayed by the timely submission of an advance deposit hardship waiver, as indicated above.

2. Notice of Hearing. Notice of the administrative hearing shall be given to the appellant at least ten (10) calendar days before the hearing. The notice may be delivered to the appellant or mailed by first class mail to the address listed in the notice of appeal. Neither personal service nor service by certified mail shall be required.

3. Hearing Officer. One of at least three hearing officers, appointed by the board of SASA, in a fixed rotational order, shall hear testimony presented by SASA and the appellant appealing the issuance of the administrative citation. The appellant may challenge the hearing officer first assigned to the matter. If so challenged, the hearing may be continued until the next month to be held before the hearing officer next in order. The animal services executive director, through the SASA's contracting process, will contract with administrative hearing officers to conduct administrative hearings. The recommendation of the hearing officer shall be deemed adopted by the board of SASA, to whom the board of supervisors has delegated this authority and power for purposes of administrative citations under this title, without further notice.

4. Conduct of the Hearing.

a. The enforcement officer who issued the administrative citation shall not be required to participate in the administrative hearing. The contents of the enforcement officer's case file shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical or formal rules of evidence. SASA shall bear the burden of proof at the administrative hearing to establish the existence of a violation of chapter 7.20 and/or section 7.36.050 by a preponderance of the evidence. The hearing officer shall have the discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will cause an undue consumption of time. The enforcement officer establishing or confirming the occurrence or existence of a violation of this title (or city municipal code number) shall be deemed the complaining or reporting party.

b. Provided that proper notice of the administrative hearing has been served as required by this section, an appellant who fails to appear at the administrative hearing shall be deemed to have waived each of the following: the right to such hearing, the adjudication of issues presented at the hearing, and any and all rights afforded to the appellant under this section. The appellant shall also be deemed to have failed to exhaust their administrative remedies.

c. Notwithstanding paragraph E.4.b immediately above, if the appellant fails to appear at the administrative hearing, the hearing officer shall make his/her determination based on the information contained in the enforcement officer's case file and the appellant's notice of appeal.

d. The only evidence that shall be permitted at the administrative hearing and considered by the administrative hearing officer in reaching a decision is that evidence which is relevant to the proof or disproof of:

- (i) Ownership of the subject animal;

- (ii) Whether a person noticed by SASA as a responsible party is, in fact, a responsible party;
- (iii) Whether a violation of this title occurred and/or continues to occur on the date or dates specified in the administrative citation;
- (iv) Whether the responsible party has committed, caused, maintained, or permitted a violation of this title on the date or dates specified on the administrative citation.
- (v) SASA's administrative costs.

F. Hearing Officer's Ruling.

1. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall take the matter under submission. The hearing officer shall within ten (10) days issue a written administrative decision entitled "administrative citation order" to uphold or cancel the administrative citation, as to each violation, and shall list in the ruling the reasons for that decision.

2. If the hearing officer determines that the administrative citation should be upheld, then the amount of the penalties set forth in the citation shall not be reduced or waived for any reason. As to an administrative citation listing multiple violations, the amount of penalties for the violations so upheld shall not be reduced or waived for any reason.

3. If the hearing officer cancels the administrative citation, then no penalty shall be assessed and any penalty otherwise deposited with SASA shall be promptly refunded to the appellant. When an administrative citation lists multiple violations, then no penalties shall be assessed for the specific violations so cancelled and the amounts of such penalties otherwise deposited with SASA shall be promptly refunded to the appellant.

4. The ruling shall contain instructions for obtaining judicial review of the decision pursuant to Section 53069.4 of the Government Code, as that Section may be from time to time amended, or the successor provision thereto.

5. If the administrative citation is upheld, the hearing officer shall also award SASA its administrative costs. An itemized summary of these costs shall be presented at the hearing.

7.14.060 Judicial review of hearing officer's ruling and collection.

A. Notice of Appeal. Within 20 calendar days of the date of the mailing or serving of the ruling to the appellant, the appellant (hereinafter "contestant") may contest that decision by filing an appeal to be heard by the Stanislaus County Superior Court, and paying to the court clerk the filing fee set forth at Section 53069.4 of the Government Code, or the successor provision thereto. The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the ruling shall be deemed confirmed. The contestant shall serve a copy of the notice of appeal to the court, in person or by first class mail upon SASA.

B. Conduct of the Superior Court Appeal Hearing. The conduct of the appeal before the Stanislaus County Superior Court is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officers at the direction of the presiding judge at the Stanislaus County Superior Court. The appeal shall be heard de novo, except that the

contents of SASA's file in the case shall be received in evidence. A copy of the document or instrument of SASA providing notice of the violation and imposition of the administrative penalty (i.e., the administrative citation) shall be admitted into evidence as prima facie evidence of the facts stated therein. The Court shall request that SASA's file in the case be forwarded to the Court, to be received within 15 calendar days of the request.

C. Judgment. The Court shall retain the filing fee regardless of the outcome of the appeal. If the Court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by SASA. Any deposit of the administrative penalty shall be refunded by SASA in accordance with the judgment of the Court. If the administrative penalty has not been deposited and the decision of the Court is against the contestant and in favor of SASA, SASA may proceed to collect the penalty and administrative costs, in any manner provided by law.

D. Collection. An administrative citation order becomes a final administrative order when a timely administrative appeal is not filed, or when the hearing officer's decision is not appealed to the superior court within 25 days of mailing the decision first class postage paid, as set forth in Section 53069.4(b)(1) of the Government Code. The SASA may then proceed to collect as follows:

1. The SASA may commence a civil action to collect the administrative fine specified in the final administrative order as well as any accrued interest and/or late pay charges. In the event a civil action is commenced to collect, the SASA shall be entitled to recover all costs associated with the collection of the administrative fine and those costs set forth in Section 1033.5 of the Code of Civil Procedure; or

2. The SASA may collect any past due administrative citation penalty or late payment charge, including without limitation the amount of the costs, such as collection costs. SASA may transmit the final administrative order for administrative costs and administrative citation penalties, or notice of the judgment arising from a collection or other legal action, to the County Treasurer-Tax Collector, Revenue Recovery Division. A judgment or award/order of such costs, penalties or damages may also be enforced in any other manner provided by law, including enforcement of a civil judgment pursuant to Enforcement of Judgment Law, Code of Civil Procedure Sections 680.010 et seq.

Chapter 7.16 ANIMAL CONTROL

7.16.010 Animal restraint.

A. No owner of any animal, wild or domestic, except the domestic cat, shall permit or suffer the animal to:

1. Be off a leash or to be restrained by a leash which is more than eight feet in length, except that an animal need not be on a leash while it is on the premises of its owner nor while on other private property with consent of that owner or lessee or tenant.

2. Enter upon private property without consent of the owner, lessee and/or tenant of the private property;

3. Habitually make loud noises;

4. Act in such other manner so as to constitute a public nuisance.

B. Nothing in this section shall prohibit the use of animals on school property for teaching, for the blind and/or other disabilities, or for other school purposes when permitted by school officials, or require a person to keep any animal in his possession on a leash if, at the time, the animal is restrained in a vehicle or cage. (Prior code §3-72).

7.16.020 Loud noises—Prohibited acts defined.

Keeping or maintaining, or permitting to be kept or maintained, upon any premises owned, occupied, or controlled by any person, any animal which, by any frequent or long continued noise, shall cause annoyance or discomfort to two or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums). However, the animal services authorized staff may proceed on the basis of a complaint of only one person if circumstances are determined to exist whereby a noise disturbance caused by an animal affects only one individual. Any noise, such as howling, yelping, whining, barking or otherwise, that is audible continuously for ten minutes or intermittently for thirty minutes shall be prima facie evidence of such annoyance or discomfort.

Chapter 7.20 DOGS

7.20.010 License—Required.

A. Any person owning or having custody of any dog four months or older shall pay an annual license fee. The license fee for dogs shall be established by the board of supervisors and set forth in chapter 7.50. The increased fees collected by the SASA for unaltered dogs, less administrative costs, shall be used to pay for vouchers to support spay/neuter programs.

B. Any owner of any unaltered dog who meets any of the following criteria shall pay a reduced unaltered annual license fee as set forth in the fee schedule in chapter 7.50:

1. An owner who owns or operates an actual livestock working ranch or livestock farming operation of more than two acres; or

2. An owner who registers and participates in an American Kennel Club (AKC), United Kennel Club (UKC), or other state or nationally recognized organization and is a member of a parent club or organization for the purposes of showing, training, agility trials, or hunting and provides documentation to SASA of such membership and participation in the above animal activities.

C. If the owner fails to obtain and/or renew the dog license required in this title, upon the expiration of the thirty days after the day upon which the dog is four months old, or within thirty days after the day upon which the dog, if over the age of four months, is first acquired or brought into the county by a resident, SASA shall impose a late penalty on the owner of the dog. This late fee shall not be waived by SASA upon the transfer or abandonment of the dog by the non-compliant owner. This late penalty shall be imposed in addition to any other applicable civil or criminal penalties and all penalties shall be placed in the Stanislaus County Alternative to Euthanasia (SCATE) Program to be used for spaying or neutering of cats and dogs.

D. If the penalty mentioned in subdivision C of this section is not paid, and the owner fails to obtain the license required under subdivision A of this section within fifteen days from the date when SASA first notified the dog owner of the imposition of the penalty mentioned in

subdivision C, the continuing violation of the license requirement of this section becomes an additional infraction and may be prosecuted as such. (Ord. CS 908 §1, 2005; Ord. CS 844 §1 (part), 2003; Ord. CS 732 §1, 2000; Prior code §3-74).

7.20.020 License—Tags.

The licensing authority shall issue, upon proper application and payment of license fees, a serially numbered license tag stamped with the name of the county and the year of issuance. The owner shall provide a dog with a suitable collar or other device to which the license tag shall be attached. The animal services executive director shall keep an endorsed copy of the application or other records sufficient to establish the identity of the owner. (Ord. CS 237 §13, 1987; Ord. NS 1078 §1, 1982; prior code §3-75).

7.20.030 License—Rabies vaccination certificate required.

Each application for a dog license shall be on a form furnished by the licensing authority. An application for a license shall not be accepted unless a valid certificate of rabies vaccination by a licensed veterinarian covering the license period accompanies the application. (Prior code §3-76).

7.20.040 Exemptions—Guide dogs, signal dogs and service dogs.

Guide dogs, signal dogs, and service dogs as defined in sections 7.08.140, 7.08.150 and 7.08.160 of this title, with current rabies vaccinations, shall be licensed without charges upon submission of signed assistance dog applications and affidavits. (Ord. CS 680 §1, 1998; prior code §3-77(a)).

7.20.050 Exemption—licensed under another jurisdiction.

A dog brought into the county which has been licensed in another county or city within the state shall not be subject to licensing provisions of this chapter for so long as the license would be current and valid at its place of issuance or for one year, whichever is the lesser period. (Prior code §3-77(b)).

7.20.060 Exemption—Medical treatment.

Dogs brought into the county for the exclusive purpose of receiving medical care and in the custody of a licensed veterinarian need not be licensed. (Prior code §3-77(c)).

7.20.070 Exemption—Government ownership.

Dogs owned by the county, a city or other public agency shall be licensed without charge. (Prior code §3-77(d)).

7.20.080 Exemption—Temporary residence.

This chapter shall not apply to any dog in the custody or care of a non-resident of the county, or temporarily therein, for a period not exceeding thirty days.

Chapter 7.24 KENNELS

7.24.010 Kennel License—Required.

A kennel is defined in section 7.08.080. No person shall, without first obtaining a kennel license, keep, conduct or operate any dog kennel, cat kennel, pet shop, zoo, animal rental establishment, riding academy, livery stable, boarding stable, pony ride, livestock auction or market, rodeo, pet show, animal exhibition, or any other use of animals for a commercial or noncommercial purpose. No kennel license shall be required for an animal show or a use of animals, which is sponsored and controlled by an organization, which under the discretion of the animal services executive director has proper rules and procedures to prevent the abuse of animals. (Ord. CS 237 §13, 1987; Ord. CS 86 §1, 1984; prior code §3-80).

7.24.020 Kennel License—In lieu of individual licenses.

In lieu of securing the license required by chapter 7.20 for each of the dogs in a kennel, a person owning or operating a kennel may obtain a kennel license covering all dogs in the kennel. A kennel owner and/or operator shall adhere to provisions of sections 7.36.050 and 7.36.060 regarding vaccination for rabies. Dogs owned or controlled by the kennel operator and/or owner, which are allowed outside the confines of the kennel, shall be individually licensed as required by chapter 7.20. (Prior code §3-81).

7.24.030 License—Application form.

Each application for a kennel license or other animal establishment license shall be upon a form furnished by the licensing authority. (Prior code §3-82).

7.24.040 License—Posting.

All licenses issued under this chapter shall be kept posted in a conspicuous place on the premises. (Prior code §3-83).

7.24.050 License—Operating requirements.

Upon filing an application for an original, or a renewal kennel or animal establishment license, the licensing authority shall issue such license, only after certification by the animal services executive director that:

A. The keeping of animals, or the conduct or operation of business for which the license is requested and at the place set forth in the application will not violate any statute, law or any regulation adopted pursuant to section 7.04.030;

B. The conduct or operation of the activity will not endanger the health, peace or safety of the community;

C. The premises where animals are to be kept are clean and sanitary and that animals will not be subjected to suffering, cruelty or abuse;

D. The applicant has not had a similar license revoked within one year prior to the application. (Ord. CS 237 §14, 1987: prior code §3-84).

7.24.060 License—Suspension or revocation.

The licensing authority may revoke or suspend any license issued under this chapter upon recommendation of an animal services authorized staff, or county health officer, if it is found that the licensee, his agent or employee has been convicted of any offense involving a violation of Sections 596, 597, 597.1, 598 and 599 of the Penal Code, or other applicable law, or is in violation of ordinance of this code, or this title or of any regulation adopted pursuant to section 7.04.030. (Prior code §3-85).

Chapter 7.28 DANGEROUS ANIMALS

7.28.010 Investigation.

Whenever an animal suspected of being potentially dangerous or vicious is reported, the animal services executive director shall investigate the circumstances; and if he or she finds that the animal shows a propensity to attack, bite, scratch, or harass people or other animals without provocation, he or she shall notify the owner, stating all the facts and circumstances. He or she may under state law refer the matter to Animal Court, section 7.12.030 D. Animal Court may order that the animal be immediately seized or kept within a substantial enclosure, securely leashed or otherwise controlled. If the owner cannot provide restraint, the animal shall be temporarily impounded at the expense of the owner. At any time after seven days' impoundment for such purpose, the animal services executive director may, in his or her discretion, apply the provisions of chapter 7.32. (Ord. CS 237 §15, 1987: prior code §3-96 (part)).

7.28.020 Impoundment authorized.

If upon receiving written notification the owner fails to restrain or control a potentially dangerous or vicious animal, as ordered, the owner is in violation of this title. The animal services executive director is empowered to seize and impound or destroy the animal. (Ord. CS 237 §16, 1987: prior code §3-96 (part)).

7.28.030 Licensing of potentially dangerous non-domesticated and domesticated animals.

A. No person shall possess any animal not commonly kept or raised in the county as a domesticated animal and which is or may be, in the opinion of the animal services executive director, dangerous to the health and safety of any person, without first obtaining a license for the possession of the animal.

B. If the possession of the animal does not violate any federal or state law or zoning ordinance, a dangerous animal license may be issued.

C. Each application for a dangerous animal license shall be upon a form furnished by the licensing authority.

D. All licenses issued under this chapter shall be kept posted in a conspicuous place on the premises where the animal resides.

E. Upon filing an application for an original, or a renewal of a dangerous animal license, the licensing authority shall issue such license, only after certification by the animal services executive director that:

1. The keeping of a dangerous animal for which the license is requested, and at the place set forth in the application, will not violate any law or regulation;

2. The keeping of the dangerous animal will not endanger the health, peace, or safety of the community;

3. The premises where the dangerous animal or animals are to be kept are clean and sanitary and that the animals will not be subjected to suffering, cruelty, or abuse; and

4. The applicant has not had a similar license revoked within one year prior to the application.

F. Any license issued for a dangerous animal may be subject to such additional conditions as may be required by the animal services executive director.

G. A license shall not be issued, or if issued, shall be revoked, where, in the opinion of the animal services executive director, the possession of the dangerous animal will endanger the health and safety of one or more persons.

H. In the event that a license is denied or revoked, the owner shall, within the time designated and under the conditions required by the animal services executive director, dispose of the unlicensed animal. (Ord. CS 237 §17, 1987; Ord. CS 86 §2, 1984; prior code §3-97).

Chapter 7.32 IMPOUNDMENT

7.32.010 Authorized.

Any animal that law enforcement or an animal services officer has reasonable cause to believe is engaged in activities, or existing in a condition, prohibited by this title, shall be impounded. (Prior code §3-90).

7.32.020 Notice—Required.

Except as otherwise provided in this chapter, no animal impounded shall be disposed of until and after notice is given by SASA to the owner of the impounded animal, if he is known. (Prior code §3-91(a)).

7.32.030 Notice—Form.

The notice to the owner shall be in writing and shall contain a description of the animal impounded and the date and place of impoundment and the license tag number, if available. (Prior code §3-91(b)).

7.32.040 Notice—Service.

Notice to the owner may be served by delivering a copy to the owner of the animal personally, or by sending a copy by mail to the address provided on the application for license, or if the animal is unlicensed, then to the owner's place of residence or last known address. (Prior code §3-91(c)).

7.32.050 Notice—Completion of service.

Service of notice by mail is deemed complete on the day after such mailing. (Prior code §3-91(d)).

7.32.060 Duration —Unlicensed animal.

If an impounded animal bears identification and the owner is unknown, the animal shall be held for seven days. (Ord. CS 846 §1, 2003: prior code §3-91(e)).

7.32.070 Duration—Licensed dog.

All impounded dogs found wearing a current license tag or bearing identification shall, unless sooner redeemed, be kept in the animal shelter for a period of not less than seven days after notification. (Prior code §3-92(a)).

7.32.090 Duration—Livestock.

Any impounded animal, which is a kind referred to in Section 17003 of the Food and Agricultural Code (bovine animal, horse, mule or burro) shall be kept in the animal shelter for at least fourteen days, unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, the State Bureau of Livestock Identification shall be notified. The animal shall be sheltered at the direction of the Bureau of Livestock Identification for disposition by that office. (Ord. CS 847 §1, 2003: prior code §3-92(c)).

7.32.100 Duration—Animals.

Any impounded animal shall, unless sooner redeemed, be kept in the animal shelter for at least four days, unless the animal was seized pursuant to an illegal activity. In those cases where an animal is seized pursuant to an illegal activity, and where no owner is known or identified, animal services authorized staff shall dispose of the animal as required by law. In those cases where an animal is seized pursuant to an illegal activity, and where the owner is known or identified, the animal shall be disposed of as required by law. (Ord. CS 682 §1, 1998: prior code §3-92(b) and (d)).

7.32.110 Voluntary surrender.

Any animal that is voluntarily surrendered to or deposited with the animal shelter, or an animal services officer, by the owner, shall immediately thereafter become the property of SASA for the purposes of sections 7.32.140 and 7.32.150. The owner shall pay an owner surrender fee.

A fee shall be paid by the owner of any animal that is voluntarily surrendered to or deposited with the animal shelter, if that owner's primary residence is not located within a jurisdiction served by SASA. (Ord. CS 1057 §1, 2009; prior code §3-92(e)).

7.32.120 Disposition of injured animal.

A veterinarian who receives an injured animal under the provisions of Section 597(f) of the Penal Code shall promptly notify the executive director of animal services of his disposition of such animal, and if the animal is given care and treatment, the waiting period before destruction of the animal shall be the same as the duration of impoundment provided by this chapter. (Prior code §3-92(f)).

7.32.130 Owner redemption.

The owner or person entitled to custody or control of any impounded animal may, at any time before the sale or adoption or disposition of the animal, redeem such animal upon complying with the conditions and paying the fees established by ordinance of the board of supervisors. (Prior code §3-93).

7.32.140 Disposal authorized.

Except as otherwise provided in this chapter, an impounded animal that is not redeemed within the specific holding period shall be considered to be abandoned by its owner and shall become the property of SASA. Such animal may be sold, adopted, euthanized or otherwise disposed of as authorized by resolution of the board of SASA. (Prior code §3-94(a)).

7.32.150 Sale of animal.

Except as otherwise provided in this chapter, an impounded animal that is not redeemed within the applicable holding period specified in this chapter, or an animal voluntarily surrendered to SASA, or an animal that has been impounded for quarantine or is known to have bitten a human or to have demonstrated potentially dangerous or vicious propensities, at the discretion of the animal services executive director, may be sold or adopted for its fair market value as determined by the animal services executive director; and, upon reasonable conditions as the animal services executive director finds appropriate, may be euthanized. When an animal is sold/adopted, the receipt issued by SASA shall be valid title to the purchaser. (Ord. CS 544 §1, 1993; prior code §3-94(b)).

7.32.160 Diseased or injured animal.

Notwithstanding any provisions of this chapter, an impounded animal, which is determined by the health officer or a veterinarian to constitute a health or safety hazard, shall be euthanized or otherwise disposed of without delay by animal services authorized staff or the veterinarian. An impounded animal, which is determined by a veterinarian, to be suffering extreme pain due to disease or injury, and there is no reasonable probability that the animal will recover from its disease or injury, may be euthanized without delay by animal services authorized staff or the veterinarian. (Prior code §3-95).

7.32.170 Adopted dogs and cats—Microchipping required.

All dogs and cats adopted from the animal shelter shall be implanted, prior to the animal leaving the animal shelter, with a microchip provided by SASA. The microchip identification number shall be maintained on file at the animal shelter for identification purposes. (Ord. CS 683 §1, 1998).

7.32.180 Reclaimed dogs and cats—Microchipping required.

Any dog or cat impounded under authority of this chapter, which has no current license or any other visible means of permanent identification shall be, upon identification and reclaim by its owner, implanted with a microchip provided by SASA.

In addition, any dog or cat that has been identified by SASA as a “bite dog” or “bite cat” (a dog or cat which has previously bit a person or another animal) will be implanted with a microchip provided by SASA, regardless of whether the dog or cat has been licensed or not.

The cost of the microchip and the service to implant the microchip is to be determined by ordinance of the board of supervisors, and shall be paid by the animal’s owner before the animal’s release. The microchip’s identification number shall be maintained on file at the animal shelter for identification purposes. (Ord. CS 731 §1, 2000; Ord. CS 683 §2, 1998).

7.32.190 Fine for impounded non-spayed or unneutered dog.

The owner of a non-spayed or unneutered dog that is impounded by SASA shall be fined as set forth in chapter 7.50. These fines are for unaltered impounded dogs only, and are not in lieu of any fines or impound fees imposed by SASA.

An animal services officer, humane officer, police officer, peace officer or any agency authorized to enforce the Penal Code, may write citations with a civil penalty stated in an amount corresponding to the violation as provided above. The fines shall be paid to SASA and shall be collected at SASA. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by SASA or animal shelter in the administration of requirements of this section. The ordinance codified in this section was adopted pursuant to Section 30804.7 of the Food and Agricultural Code. (Ord. CS 845 §1, 2003; Ord. CS 733 §1, 2000).

Chapter 7.36 RABIES CONTROL

7.36.010 Quarantine.

A. The animal services executive director shall assure that all animals in the following categories are isolated or quarantined at the place and under the conditions prescribed by the county health officer and pertinent state laws and regulations:

1. Known rabid animals;
2. Suspected 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 come in close contact with a rabid or suspected rabid animal.

B. The owner of a quarantined animal shall pay a fee as set forth in the fee schedule under section 7.50.010 for the animal services costs in providing and insuring that the animal is properly quarantined. If the person fails or refuses to obey the lawful order for isolation or quarantine of an animal for rabies observations by the county health officer, any animal services staff may impound the animal for such quarantine at additional expense to the owner at the rate as established in the fee schedule. The person may also be found guilty of a misdemeanor. (Prior code §3- 100).

7.36.020 Carcass delivery.

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 services executive director shall obtain and turn over to the health officer the carcass of such animal or an adequate specimen thereof. (Prior code §3- 101).

7.36.030 Epidemic—Declaration.

The county 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. 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 may be necessary for the control of persons and animals within the area where the dangerous conditions exist. (Prior code §3-102 (part)).

7.36.040 Epidemic—Rules enforcement.

It shall be the duty of the animal services executive director to comply with all directives of the county health officer in the enforcement of the rules and regulations. The rules and regulations, when adopted, shall become and thereafter be a part of this chapter. (Prior code §3-102 (part)).

7.36.050 Vaccination—Required.

Every dog shall have a medically current vaccination with an anti-rabies vaccine approved by the California Department of Public Health. The vaccination shall be administered by a veterinarian or as provided through county recognized clinics, and a certificate of vaccination shall be issued to the owner. The certificate of rabies vaccination which accompanies the license application shall be valid if in compliance with the following immunization schedule:

A. Primary Immunization. Primary immunization shall be defined as the initial inoculation of an approved canine rabies vaccine administered to young dogs between the ages of four to twelve months.

B. Revaccination Intervals. The interval for revaccination of dogs administered primary immunization between the ages of four to twelve months will be twelve months. The interval for primary or revaccination of dogs administered rabies vaccine over the age of twelve months shall be at least once every three years. (Ord. CS 170 §§1, 2, 1986: prior code §3-103 (part)).

7.36.060 Vaccination—Exemption.

Notwithstanding the provisions of section 7.36.050, no dog need be vaccinated for rabies where a licensed veterinarian has certified that the vaccination would endanger the dog's health. The certificate must bear the date of issuance and must be renewed each year. (Prior code §3- 103 (part)).

7.36.070 Vaccination—Public clinic.

The animal services executive director shall establish public dog vaccination clinics at least once each calendar year. The charge for the rabies vaccination at such clinics shall not exceed the actual cost involved. (Prior code §3-104).

7.36.080 Animal bite report.

A. Any person, or parent or guardian of such person, or an owner of an animal, bitten or scratched by an animal of a species subject to rabies shall immediately report such incident to the county health officer or the animal services executive director. Additionally the owner or other person having custody or control of any animal, who bites a human, shall immediately notify the county health officer or the animal services executive director of such bite, giving the name and address of the person bitten, if known.

B. Willfully concealing the location or ownership of the an animal subject to rabies, that has bitten or otherwise exposed a person to rabies, with intent to prevent the quarantine or isolation of that animal by the county health officer may be found guilty of a misdemeanor. (Prior code §3-105(a)).

7.36.090 Animal bite—Medical report.

Every veterinarian and every person providing professional medical treatment for animal bite by an animal of a species subject to rabies shall immediately notify the health department whenever rabies is suspected. (Prior code §3-105(b)).

Chapter 7.44 DEAD OR ABANDONED ANIMALS

7.44.010 Abandonment unlawful.

It is unlawful for any person to abandon any animal whether dead or alive. (Prior code §3-98).

7.44.020 Dead animal disposal.

The owner of a dead animal shall provide, within a reasonable time period, for the burial, incineration in a manner approved by SASA or other disposition of the carcass in a safe and sanitary manner. The owner may request SASA to dispose of the animal at a fee fixed by ordinance by the board of supervisors. The animal services executive director shall be

responsible for disposal of all dead animals whose ownership cannot be established. (Prior code §3-99).

7.44.030 Disposition of stray cats.

A. It shall be unlawful for any person who contains a stray cat found at large on their property, to abandon the cat. Such act of abandonment is a violation of this code and will constitute an infraction.

For the purposes of this section only the following definitions shall apply:

1. “Contains” shall mean traps, corners, confines or in some manner restricts the cat’s freedom from continuing to roam.

2. “Stray cat” means a cat that is running loose and at large with no owner present, and/or a cat that is trespassing on another’s property.

3. “Abandon” means once the cat is contained, the person transports the cat to a location that is not within close proximity to where the cat was originally contained and releases the cat to freely roam.

B. Upon containing a stray cat, the person shall treat the cat humanely and:

1. As soon as possible shall release the cat or return the cat to the owner, if known;
or

2. If the owner is not known, then not later than the next business day, shall transport the cat to the animal shelter and provide the date, time and location of when and where the cat was contained upon surrendering the cat to SASA.

C. It is recommended, but not required, that a person who sets a trap take all reasonable measures to notify neighbors of the trap(s) being set, and/or attempt to locate the owner of the contained cat before transporting the cat to the animal shelter.

Chapter 7.48 VIOLATION—PENALTY

7.48.010 Infractions.

Any person violating any provision of chapters 7.04 through 7.32, chapter 7.36, sections 7.36.050 and 7.36.060, chapter 7.44 and/or chapter 7.54 is guilty of an infraction and upon conviction thereof is punishable as set forth in section 1.36.020; provided, however, the maximum fine shall not exceed three hundred dollars. (Ord. CS 909 §1, 2005; Ord. CS 705 §14, 1999; prior code §3-119).

7.48.020 Misdemeanors.

Any person violating section 7.36.010 and/or section 7.36.080 of chapter 7.36, is guilty of a misdemeanor and upon conviction thereof is punishable as set forth in section 1.36.010. (Ord. CS 705 §15, 1999; prior code §3-120).

7.48.030 Each day a separate offense.

Every person violating any provision of this title shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues. (Prior code §3-121).

Chapter 7.50 ANIMAL SERVICE FEES

Note

* Prior ordinance history: Ord. CS 843.

7.50.010 County of Stanislaus animal services fees schedule.

The animal services fees and fines referred to and applied in this title and its chapters, except as otherwise stated in title, are set forth in the current Stanislaus County animal services fee schedule, which is periodically reviewed and amended by ordinance. (Ord. CS 1043 § 1, 2008; Ord. CS 909 § 2, 2005; Ord. CS 887 § 1 (part), 2004).

7.50.020 Animal Court fines and fees.

Violations of this title and its chapters, except as otherwise stated in this title, will have the Animal Court fines and fees applied as set forth in the current Stanislaus County services fee schedule, which is periodically reviewed and amended by ordinance. (Ord. CS 1043 § 2, 2008; Ord. CS 887 § 1 (part), 2004).

Chapter 7.54 BREEDING AND TRANSFERRING OF DOGS AND CATS, AND LICENSING OF CATS

7.54.010 Purpose of regulations.

The board of supervisors finds and declares that there exists a pet overpopulation problem in the county of Stanislaus that has resulted in a threat to public safety and health, inhumane treatment of animals, mass euthanasia of dogs and cats at the local animal shelters and escalating costs for animal care and control. The board of supervisors further finds that uncontrolled breeding is a contributing cause to this problem. The board of supervisors further finds that part of the solution is for all dogs four months or older to be licensed and spayed or neutered, unless the owners purchase the appropriate licenses/permits for the privilege of maintaining the animal intact and allowing it to breed. The board of supervisors also finds that an increase in the license fee for unaltered dogs will encourage dog owners to spay/neuter their dog(s) in order to qualify for the lower altered dog license fee. Further, the board of supervisors finds that regulating the breeding and transfer of dogs and cats will help alleviate the county's pet overpopulation problem. (Ord. CS 908 §1 (part), 2005)

7.54.030 Litter permit.

A. No person shall cause or allow any dog or cat owned, harbored or kept within the county of Stanislaus to breed without first obtaining a litter permit. The term "litter permit"

means a written authorization, issued annually by the animal services executive director, or the director's designee, giving its lawful holder permission to breed a dog or a cat.

B. Each litter permit shall be valid for one year from the date of issuance, and may be renewed annually before its expiration date. Each applicant for a litter permit shall pay an annual fee as prescribed by the board of supervisors and set forth in the fee schedule section of this title.

C. SASA shall administer an animal litter permit program to allow the breeding of unaltered dogs and cats consistent with criteria and according to procedures established by the animal services executive director. Under no circumstances shall such a litter permit be issued to a person who has been convicted of animal cruelty or neglect.

D. In addition to the criteria and procedures established by the animal services executive director, litter permits shall contain the following terms and conditions:

1. The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter per animal in any household within the permit year. Notwithstanding this provision, the animal services executive director, or the director's designee, is hereby authorized, upon application of a permittee, to allow on a one-time basis the whelping of up to two dog or cat litters per breeding animal within any domestic household within a permit year, if the permittee established, according to regulations promulgated by the animal services executive director, including a veterinarian verification of health status that such breeding is required due to the health of the animal. In the event that a permittee is forced to euthanize a litter of dogs or cats, the animal services executive director, or the director's designee, may authorize the whelping of one additional litter of dogs or cats within the same permit year by the permittee;

2. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least seven weeks and the offspring have received its first immunizations against common diseases;

3. Any holder of a litter permit who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the litter permit number in any such advertisement. Further, the litter permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

4. Commercial establishments selling locally bred dogs or cats shall prominently display the litter permit number(s) of the breeder(s) whose dogs and cats are sold in such establishments and any other pertinent information required by the animal services executive director, or the director's designee;

5. Any litter permit holder selling or otherwise transferring a dog or cat, whether for compensation or otherwise, shall maintain records for a period of three years containing the name, address, and telephone number of the animal's new owner on a SASA's approved form;

6. Any litter permit holder or commercial establishment which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner written information regarding the license and permit requirements of the county of Stanislaus applicable to such animal; and

7. Any litter permit holder shall have his/her dog or cat licensed and microchipped with SASA as set forth in this title.

E. The following animals are exempt from the litter permit requirements:

1. Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;
2. Dogs documented as guide, signal, or service dogs pursuant to Section 365.5(d), (e) and (f) and successor sections of the Penal Code;
3. Dogs and cats under the care of governmental animal control agencies; animal rescue organizations which have demonstrated to SASA that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, if such societies are incorporated under the provisions of Section 10400 of the Corporations Code and the Nonprofit Public Benefit Corporation law in Part 2 of the Corporations Code, beginning at Section 5110, and successor sections; and
4. Dogs documented as enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) Division 3 of the Business and Professions Code. (Ord. CS 908 §1 (part), 2005).

7.54.040 Litter permit—Penalties.

A. Any cat or dog owner found by SASA to be in violation of the litter permit provisions of this section may correct the violation(s) by obtaining the necessary permit(s) mentioned in this section, no later than thirty days from the date when SASA had first notified (issued a written citation to) the owner of the violation(s). Should the owner fail to correct the violation(s) in the manner described above, SASA shall impose a five hundred dollar penalty on the dog or cat owner. Written notice of this penalty shall be served by SASA on the dog or cat owner by mail. The penalty shall not be waived by SASA upon the transfer or abandonment of the dog or cat by the non-compliant owner. This penalty shall be imposed in addition to any other applicable civil or criminal penalties.

If the penalty mentioned in this section is not paid and the owner does not comply with the identification laws established by ordinance, spay or neuter his/her dog(s) or cat(s) or obtain the litter permit(s) within twenty (20) days from the mailing date, when SASA first notified the owner of the imposition of a penalty, the continuing violation of the litter permit requirement of this section becomes an additional infraction and may be prosecuted as such.

B. Any litter permit issued pursuant to Section 7.54.030 may be revoked if the animal services executive director, or the director's designee, has reasonable cause to believe any of the following to be true:

1. The permit holder has violated any county ordinances relating to the keeping, care or use of any animal;
2. The permit holder is in violation of any state health or safety law or regulation regarding animal care or control;
3. The permit holder has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this code;
4. The permit holder refused to allow inspection, upon forty-eight hours written notice, of any animal covered by the permit or the premises on which the animal is kept; or
5. The permit holder has transferred, sold or otherwise disposed of the animal for which the permit was originally issued.

C. If, after inspection, the animal services executive director, or the director's designee, concludes that it is probable that one or more of the above grounds for revocation has occurred; he or she shall cause written notice thereof to be transmitted by mail to the address of the litter permit holder. The notice shall specify the grounds of possible revocation of the litter permit and shall specify a date and time for an informal hearing to be held before the animal services executive director, or the director's designee. The date shall be not set less than six days after the date the notice is mailed. After the informal hearing, the animal services executive director may modify the terms of the litter permit or revoke the litter permit.

D. The litter permit holder may appeal the decision of the animal services executive director, or the director's designee, to the Animal Court if the permit holder gives written notice of such appeal within five business days of the date of the animal services executive director's written decision.

E. Failure to comply with any of the requirements mentioned in sections 7.08.100, 7.20.010, 7.54.030, 7.54.040, and 7.54.050 of this chapter is an infraction punishable by a one hundred dollar fine for the first occurrence, two hundred dollars for the second occurrence and three hundred dollars for each subsequent occurrence. (Ord. CS 908 §1 (part), 2005).

7.54.050 Sale, adoption and other transfers of dogs and cats.

A. Any person who offers or provides, whether for compensation or otherwise, any dog or cat for sale or other type of transfer, shall disclose to the transferee information regarding the dog license and permit requirements of the county of Stanislaus applicable to the transferred animal.

B. No person shall present any unaltered dog or cat under six months of age for sale, barter, exchange, or adoption, whether for compensation or otherwise, in any public place, without first obtaining a litter permit pursuant to section 7.54.030. The term public place shall include, but not be limited to, streets, highways, sidewalks, parks, carnivals, shopping malls, flea markets, boardwalks, and areas in front of commercial establishments. This prohibition shall not apply to:

1. Government agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code Section 501(c)(3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of Section 10400 of the Corporations Code and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;

2. Show dogs or show cats; or

3. Permitted pet stores which sell or otherwise transfer dogs or cats, whether for compensation or otherwise, within the store.

C. No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game or competition.

D. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

E. No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen years without the written permission of one of the minor's parents or legal guardians.

F. Commercial establishments selling dogs and cats which were not bred within the county of Stanislaus shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the animal services executive director or his or her designee.

G. Failure to display the litter permit number or include it in any advertisement for sale, adoption or other transfer of dogs and cats is an infraction punishable by a one hundred dollar fine for the first occurrence, two hundred dollars for the second occurrence and three hundred dollars for each subsequent occurrence. Each day a violation occurs is a separate violation.

H. Possession of a valid permit under this chapter does not entitle the litter permit holder to engage in an activity which is otherwise prohibited by law. (Ord. CS 908 §1 (part), 2005).

7.54.070 Licensing of cats.

A cat owner may voluntarily obtain a license for their cat. If the cat owner voluntarily purchases a cat license, then the cat owner shall be eligible to receive a voucher for the spay/neuter identification program operated by SASA. (Ord. CS 908 §1 (part), 2005).

STANISLAUS COUNTY ORDINANCE C.S. 1136

Upon motion of Supervisor Withrow, seconded by Supervisor Monteith, Stanislaus County Ordinance C.S. 1136 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 15th day of October 2013, by the following called vote:

AYES: SUPERVISORS: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa
NOES: None
ABSENT: None
ABSTAINING: None

Ordinance C.S. 1136 repeals the current Animals portion of the Stanislaus County Code (Title 7) and adopts a new Title 7, with substantial revisions. These revisions include:

1. Providing that Stanislaus Animal Services Agency is the department of animal services for the County of Stanislaus responsible for enforcement and administration of the County animal program, including Animal Court.
2. Adding a provision allowing the Stanislaus Animal Services Agency to issue administrative citations to enforce rabies and licensing laws.
3. Adding a provision that makes it an infraction to transport a stray cat to another location and abandon it instead of taking it to the Animal Shelter.
4. Setting forth the definition of prohibited loud animal noises.
5. Making technical and conforming changes to update, clarify and comply with state law, and repeal obsolete and superseded language.

NOTICE IS FURTHER GIVEN that a full copy of the ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Annette Patton in the Stanislaus Animal Services Agency, at 209-342-1740, or at 3647 Cornucopia Way, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: October 15, 2013

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

BY:


Elizabeth A. King, Assistant Clerk of the Board

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO** , County of **STANISLAUS** , State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS** , State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Oct 21, 2013

STANISLAUS COUNTY
ORDINANCE C.S. 1136

Upon motion of Supervisor Withrow, seconded by Supervisor Monteith, Stanislaus County Ordinance C.S. 1136 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 15th day of October 2013, by the following called vote:

AYES: SUPERVISORS: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa; NOES: None; ABSENT: None; ABSTAINING: None.

Ordinance C.S. 1136 repeals the current Animals portion of the Stanislaus County Code (Title 7) and adopts a new Title 7, with substantial revisions. These revisions include:

1. Providing that Stanislaus Animal Services Agency is the department of animal services for the County of Stanislaus responsible for enforcement and administration of the County animal program, including Animal Court.

2. Adding a provision allowing the Stanislaus Animal Services Agency to issue administrative citations to enforce rabies and licensing laws.

3. Adding a provision that makes it an infraction to transport a stray cat to another location and abandon it instead of taking it to the Animal Shelter.

4. Setting forth the definition of prohibited loud animal noises.

5. Making technical and conforming changes to update, clarify and comply with state law, and repeal obsolete and superseded language.

NOTICE IS FURTHER GIVEN that a full copy of the ordinance is available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Annette Patton in the Stanislaus Animal Services Agency, at 209-342-1740, or at 3647 Cornucopia Way, Modesto, CA. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: October 15, 2013. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assist. Clerk of the Board Pub Dates Oct 21, 2013

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

October 21st, 2013

(By Electronic Facsimile Signature)

