

**ORDINANCE NO. 10098 (N.S.)  
12/08/2010 (23)**

AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRANSFER OF THE OFFICE OF THE COUNTY VETERINARIAN FROM THE DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES TO THE DEPARTMENT OF ENVIRONMENTAL HEALTH AND RETITLING TO VECTOR DISEASE AND DIAGNOSTIC LABORATORY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that County Veterinarian functions are no longer consistent with the core functions of the Department of Agriculture, Weights and Measures, and that these functions are more appropriate for the Department of Environmental Health. Accordingly, the authority and responsibility for the County Veterinarian functions shall be transferred from the Department of Agriculture, Weights and Measures to the Department of Environmental Health and shall be renamed the Vector Disease and Diagnostic Laboratory. The appropriate sections of the San Diego County Code of Regulatory Ordinances shall be amended to reflect this transfer of authority and responsibility, and the Code sections pertaining to the County Veterinarian that are no longer relevant shall be repealed.

Section 2. Subsection (m)(1) of Section 65.106 of the San Diego County Code of Regulatory Ordinances is hereby added to read as follows:

(m) MISCELLANEOUS DEPARTMENT FEES:

(10) The following fees shall be paid to the Department of Environmental Health for the specified services:

<u>ACTIVITY</u>	<u>FEE AUTHORITY</u> <sup>(1)</sup>	<u>FEE AMOUNT</u>
<u>Agricultural services of County Veterinarian:</u>	<u>////////////////////</u>	<u>////////////////////</u>
<u>Agriculture necropsy</u>	<u>CC Art. 11 Sec.7</u>	<u>\$60</u>
<u>Disposal (Charge per barrel)</u>	<u>CC Art. 11 Sec.7</u>	<u>\$50</u>
<u>Save body</u>	<u>CC Art. 11 Sec.7</u>	<u>\$20</u>
<u>Agriculture histology</u>	<u>CC Art. 11 Sec.7</u>	<u>\$20</u>

<u>Serology/Newcastle</u>	<u>CC Art. 11 Sec.7</u>	<u>\$15</u>
<u>Other tests, agriculture</u>	<u>CC Art. 11 Sec.7</u>	<u>\$25</u>
<u>Additional lab fee</u>	<u>CC Art. 11 Sec.7</u>	<u>\$20</u>
<u>Veterinarian (Public &amp; Non-Ag/Non-Disease Surveillance):</u>	<u>////////////////</u>	<u>////////////////</u>
<u>Save body</u>	<u>CC Art. 11 Sec. 7</u>	<u>\$20</u>
<u>Gross Necropsy Exam (Domesticated)</u>	<u>CC Art. 11 Sec.7</u>	<u>\$235</u>
<u>Microscopic Analysis</u>	<u>CC Art. 11 Sec.7</u>	<u>\$224</u>
<u>Pathogen Culture and Identification</u>	<u>CC Art. 11 Sec.7</u>	<u>\$107</u>
<u>Fecal Analysis and Serology</u>	<u>CC Art. 11 Sec.7</u>	<u>\$52</u>
<u>Antibiotic Sensitivity Testing</u>	<u>CC Art. 11 Sec.7</u>	<u>\$114</u>
<u>Biopsy</u>	<u>CC Art. 11 Sec.7</u>	<u>\$56</u>
<u>Wildlife Services Site Visits</u>	<u>CC Art. 11 Sec.7</u>	<u>\$100/site visit</u>

SPECIAL PROJECTS:

Special Projects include, but are not limited to, preparation for and speaking at public workshops, engagements, meetings, preparation of reports, review of reports or documents, and/or research. Fees for special projects shall be calculated and will be charged using the standard hourly billing rates set forth below.

<u>CLASS</u>	<u>CLASS TITLE</u>	<u>HOURLY RATE</u>
<u>2120</u>	<u>County Veterinarian</u>	<u>\$194</u>
<u>4230</u>	<u>Veterinary Pathologist</u>	<u>\$145</u>
<u>4317</u>	<u>Disease Research Scientist</u>	<u>\$74</u>

Section 3. The following sections of Title 6, Division 2, Chapter 1, Article 1 of the San Diego County Code of Regulatory Ordinances, related to Livestock, are hereby amended to read as follows:

**SEC. 62.101. DEFINITIONS.**

Whenever in this chapter the following terms are used they shall have the meaning ascribed to them in this article.

**SEC. 62.102. [RESERVED]**

**SEC. 62.103. [INFECTIOUS DISEASE.]**

“INFECTIOUS DISEASE” shall include any infectious, contagious or communicable disease considered by the County Veterinarian to be sufficiently dangerous to the welfare of the County and to the health of the livestock therein to warrant putting into effect the provisions of this chapter and their rules and regulations.

**SEC. 62.104. [LIVESTOCK.]**

“LIVESTOCK” shall mean any horses, mules, asses, cattle, sheep, goats, hogs, poultry, rabbits, pet birds, or dogs and cats, and fish, or any animal or animals ordinarily considered as wild animals which are kept in captivity or under control or ownership of any person for any purpose.

**SEC. 62.105. [RESERVED]**

**SEC. 62.106. [RESERVED]**

**SEC. 62.107. PROVISIONS SUPPLEMENT LAWS.**

This chapter shall in all respects be construed to supplement and harmonize with the provisions of the laws of the State of California pertaining to animal industry.

**SEC. 62.108. [RESERVED.]**

**SEC. 62.109. DUTIES OF COUNTY VETERINARIAN.**

It shall be the duty of the County Veterinarian, acting under the supervision of the Secretary of Food and Agriculture and in cooperation with the State Division of Animal Health, to enforce all laws of the State of California and all orders and ordinances of the Board of Supervisors pertaining to the health and sanitary surroundings of the livestock, poultry, and rabbits in the County, and for that purpose is hereby empowered and authorized by and with the approval of the Board of Supervisors to establish, maintain and enforce such quarantine, sanitary, testing and immunizing measures or to promulgate such rules and regulations as may be deemed proper and necessary. The County Veterinarian shall supervise examination and testing of animals or premises for the presence of contagious, infectious, or communicable disease; attend such meetings and

conferences as may be called from time to time by the Division of Animal Industry or the State Secretary of Food and Agriculture. He shall investigate with the State of California any reported outbreak of contagious, infectious or communicable disease, the presence of which in the State may constitute a menace to the health of livestock, poultry and rabbits in the County; shall investigate, make diagnosis of, and institute control measures for any suspicious case of rabies of animals reported by the Health Officer or any other person or agency. A report of such investigation shall be furnished to the Health Officer. The County Veterinarian shall supervise and administer the operation of the San Diego County Animal Disease Diagnostic Laboratory.

**SEC. 62.110. COUNTY VETERINARIAN MAY ENTER PREMISES.**

The County Veterinarian is hereby empowered to enter any premises where livestock is kept, or on which he has reason to believe that livestock is kept, in order to carry into effect the provisions of this chapter.

**SEC. 62.111. INTERFERENCE WITH COUNTY VETERINARIAN.**

It shall be unlawful for any person to interfere with the official actions of the County Veterinarian.

**SEC. 62.112. ILLEGALLY IMPORTED LIVESTOCK SUBJECT TO EXAMINATION AT OWNER'S EXPENSE.**

All livestock brought into the County in violation of any of the provisions of this chapter shall be subject to quarantine, examination and test at the expense of the owner by the County Veterinarian, who may dispose of such livestock to comport with the welfare of the County and the protection of the health of the domestic livestock therein.

**SEC. 62.113. DUTY TO ASSIST COUNTY VETERINARIAN.**

It is hereby made the duty of any person suspecting or having knowledge of the presence of any infectious disease in livestock to report same to the County Veterinarian. It shall be the duty of any person owning or having control of livestock to assist the County Veterinarian to enforce the provisions of this chapter, to obey all orders of the County Veterinarian made for the control and eradication of infectious disease, the sanitation of premises, the destruction of livestock and the disposal of carcasses, manure, offal, refuse, condemned meat and meat products.

**SEC. 62.114. [RESERVED].**

**SEC. 62.115. [RESERVED]**

**SEC. 62.116. [RESERVED]**

**SEC. 62.117. TESTS FOR LIVESTOCK DISEASES -- FEE.**

At such times and places within the County as he shall determine, the County Veterinarian, in accordance with his authority and duties prescribed by law, may perform such tests as may be required to make proper diagnosis of various conditions and diseases in livestock as may be authorized from time to time by the Board of Supervisors. Any person desiring such a test shall provide the County Veterinarian with such samples and/or specimens as the County Veterinarian may require. The County Veterinarian may issue health certificates based on his findings resulting from such tests or from such livestock examinations as may be authorized by law. The fees for such tests and health certificates shall be collected in advance by the County Veterinarian and shall be as specified by the Board of Supervisors.

**SEC. 62.118. [RESERVED]**

Section 4. Title 6, Division 2, Chapter 1, Article 3 of the San Diego County Code of Regulatory Ordinances is hereby repealed:

**ARTICLE 3. [RESERVED]**

Section 5. Title 6, Division 2, Chapter 1, Article 5 of the San Diego County Code of Regulatory Ordinances is hereby repealed:

**ARTICLE 5. [RESERVED]**

Section 6. Chapter 1, Article 7 of the San Diego County Code of Regulatory Ordinances is hereby repealed:

**ARTICLE 7. [RESERVED]**

Section 7. Section 62.614 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.614. REPORTING SUSPECTED CASE OF RABIES.**

An animal owner or custodian whose animal exhibits rabies symptoms or acts in a manner which would lead a reasonable person to suspect that the animal may have rabies, shall notify the Department or the Health Officer and comply with all applicable laws and

regulations regarding suspected cases of rabies. An animal owner or custodian of an animal that is suspected of having rabies shall also comply with all instructions and orders from the Department and the Health Officer.

Section 8. Section 62.616 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.616. CONFINEMENT AND ISOLATION OF SUSPECTED RABID ANIMALS.**

(a) The Department or the Health Officer may order the owner or custodian of a suspected rabid animal to deliver the animal to be confined and isolated under the care and observation of a licensed veterinarian at an animal shelter, veterinary hospital or other facility as approved by the Department, or the Health Officer. The order may also include a prohibition against destroying the animal.

(b) It shall be unlawful for a person to fail to comply with an order the Department or the Health Officer issues under this section. The Department or the Health Officer n, however, may grant permission to destroy the animal for the purpose of laboratory examination.

Section. 9. Section 62.617 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.617. ISOLATION OF BITING ANIMALS.**

(a) The Department or the Health Officer may order any dog, cat, skunk, fox, bat, coyote, bobcat or other animal of a species subject to rabies which has bitten or exposed a person to rabies to be impounded and isolated in strict confinement as approved by the Department or the Health Officer and observed for at least 14 days after the bite or other exposure, except that a dog or cat need only be observed for at least 10 days. No person shall release an animal impounded or confined under this section until the Department or the Health Officer examines the animal and approves its release.

(b) As an alternative to the 10 day isolation of dogs and cats referred to in subsection (a), dogs and cats which have been isolated in strict confinement under proper care and observation as approved by the Department or the Health Officer may be released from isolation by the Department or the Health Officer after five days of veterinary observation if upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease.

(c) Notwithstanding the requirements in subsection (a), the Department or the Health Officer may authorize, with the consent of the owner, if known, that the impounded animal be euthanized for the purpose of laboratory examination.

Section 10. Section 62.618 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.618. ANIMALS POSSIBLY EXPOSED TO RABIES.**

(a) An animal of a species subject to rabies, which has been bitten by or had intimate contact with an animal known to be rabid or suspected of being rabid, shall be confined and isolated as approved by the Department or the Health Officer and observed for a period of six months or destroyed.

(b) Notwithstanding the requirements of subsection (a), if a dog or cat has been vaccinated against rabies at least thirty days prior to possible rabies exposure with a type of vaccine and within the time period approved by the California Department of Health Services: (1) the dog or cat may be revaccinated within 48 hours as prescribed by the Department or the Health Officer, (2) confined and isolated as approved by the Department or the Health Officer and (3) observed for a period of thirty days following revaccination.

Section 11. Section 62.631 of Chapter 6, Article 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.631. EUTHANASIA AT ANIMAL SHELTERS.**

(a) The Department may accept animals to be euthanized at a County Animal Shelter. A person requesting an animal be euthanized shall provide proof of ownership or demonstrate that the person has the right to request an animal be euthanized. The person shall agree in writing to hold the County and its agents and employees harmless from any liability for accepting and euthanizing the animal. The person requesting euthanasia of an animal shall certify in writing under penalty of perjury, to the best of the person's knowledge: (1) whether or not the animal has bitten a human being within the period established by this chapter for isolating an animal that has bitten a human or (2) whether the person has reason to believe the animal is rabid. The Department or the Health Officer, however, may authorize with the owner's consent, that an animal that has bitten a human or is suspected of being rabid, be euthanized during the isolation period, for the purpose of laboratory examination.

(b) When an animal's owner or custodian releases an animal to the Department for euthanasia the Department may place the animal for adoption.

Section 12. Section 62.665 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.665. ENTRY ON PRIVATE PROPERTY.**

The Department, the Health Officer or any peace officer may enter private property when the person entering has reasonable grounds to believe that there is a dangerous dog, a rabid animal, animal suffering from some other contagious animal disease or there has been a violation of this chapter, section 21.103 of this code, section 148 of the California Penal Code or any other State or County law relating to or affecting an animal.

Section 13. Section 62.667 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.667. ANIMALS EXPOSED TO DANGEROUS DISEASES OR TOXIC SUBSTANCES.**

It shall be unlawful for a person to fail to comply with an order issued by the Public Health Officer ordering the quarantine, vaccination or destruction of a diseased animal or animal exposed to a dangerous disease or toxic substance.

Section 14. Section 62.682 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.682. PUBLIC NUISANCE.**

(a) In addition to exercising abatement powers under sections 16.201 et seq. the Department, the County Health Officer, or a peace officer, may abate a public nuisance involving an animal by impounding or abating the animal pursuant to this section. If the Department determines that there is an immediate threat to the health and safety of the public or an animal the Department may summarily abate a public nuisance involving an animal or the premises where an animal lives or is maintained, including destroying the animal involved.

(b) When the Department determines that an animal's behavior or the failure of an animal owner or custodian to control an animal results in a public nuisance, the Department may require the owner or custodian of the animal to obtain a public nuisance registration from the Department, in addition to the license required by section 62.620. The Department may impose the same conditions on the owner or custodian of the animal deemed a public nuisance as it may impose on the owner or custodian of dog declared a dangerous dog, enumerated in section 62.674 (b). It shall be unlawful for a person to violate any condition the Department imposes pursuant to this subsection.



(c) When the Department determines that a public nuisance exists due to an animal owner or custodian's failure to properly control or care for one or more animals, the Department, in addition to using its abatement powers under subsection (a) to abate any nuisance involving an animal, may require the owner or custodian to register with the Department. This registration need not name a specific animal if the Department is unable to determine which animal or animals were involved. The Department may impose any condition on the owner or custodian enumerated in section 62.674(b) relative to any or all animals the person owns or is the custodian of. The Department may also limit the number of animals or type of animals the owner or custodian may own or have custody of. It shall be unlawful for a person to violate any condition the Department imposes pursuant to this subsection.

(d) If a person fails to properly control or care for one or more animals or the premises where one or more animals are maintained, and the Department determines that person, based on the person's conduct, poses a risk to the health or safety of the public or an animal if that person were to own or have custody of any animal or a specific type or breed of animal, the Department may enter a declaration against the person prohibiting that person from having ownership or custody of any animal or a specific type or breed of animal, for up to five years. It shall be unlawful for a person to violate the terms of the declaration entered pursuant to this subsection. If the Department determines a person violated this section, the Department may, in addition to taking any legal action authorized by this code, enter a new declaration against that person prohibiting that person from having ownership or custody of any animal or a specific type or breed of animal, for up to five years from the date of violation.

(e) Except as provided in subsection (g), the Department shall provide an owner or custodian with at least 10 days notice before impounding or abating an animal of their right to a hearing to contest whether grounds exist for an impoundment or abatement. If the owner or custodian requests a hearing before the Department impounds or abates the animal, the County shall not impound or abate the animal until the conclusion of the hearing except as provided in subsection (g). The Department shall also provide notice to an animal owner or custodian of its intent to proceed under subsection (c) or (d) and advise the owner of the right to request a hearing to contest the Department's determination.

(f) The owner or custodian of an animal who receives a notice under subsection (e) may request a hearing to contest the Department's determination to impound or abate an animal under this section or the Department's determination to proceed under subsection (c) or (d). The owner or custodian's request shall be in writing and the request shall be received by the Department within 10 days. All hearings shall be conducted pursuant to section 62.684.

(g) When the Department determines it is necessary to immediately impound an animal under this section to preserve the public health and safety or the safety of an animal, or if the animal has already been impounded under another provision of law, no pre-impoundment hearing shall be held. The Department shall provide the owner or custodian with written notice allowing 10 days from the date of the notice to request a hearing to contest abatement of the animal. The hearing request shall be in writing and shall be received by the Department within the specified time period. If the owner or custodian requests a hearing, the animal shall not be disposed of until the hearing requirements are satisfied.

Once the hearing procedures enumerated in section 62.684 have been completed and there is a decision that grounds exist to impound or abate an animal under this section or the animal owner or custodian fails to request a hearing, or attend or be represented at a scheduled hearing, the Department may impound or abate an animal deemed a public nuisance under this section.

(h) The owner or custodian of an animal that is required to obtain a public nuisance registration for an animal shall provide at least 15 days advance written notice to the Department of a proposed change in the animal's ownership, custody or residence. The notice shall identify the animal and provide the name, address and telephone number of the proposed new owner or custodian or the proposed new residence. The Department may prohibit the proposed change when the Department has reasonable grounds to believe that the change would be harmful to the public health and safety or the safety of an animal by issuing a written order to the owner or custodian. No person shall fail to comply with an order the Department issues under this subsection.

(i) The owner or custodian who transfers ownership or custody of an animal subject to this section shall provide written notice to the new owner or custodian that the animal requires a public nuisance registration and the terms of any conditions the Department has imposed pursuant to this section. The owner or custodian shall obtain a written acknowledgment signed and dated by the new owner or custodian acknowledging receipt of the notice and acceptance of the conditions the Department imposed. The owner or custodian shall provide the Department with a copy of the notice and the signed acknowledgement from the new owner or custodian.

(j) If an animal that requires a public nuisance registration dies, the owner or custodian shall notify the Department no later than 24 hours after the animal's death. The owner or custodian shall produce the animal's remains when requested by the Department.

(k) If an animal that requires a public nuisance registration escapes, the owner or custodian shall immediately notify the Department of the escape and make every

reasonable effort to recapture it. The owner or custodian shall also notify the Department within 24 hours of the animal's recapture.

(l) The owner, custodian or person in possession of an animal that requires a public nuisance registration shall use all reasonable efforts to restrain or confine the animal to prevent it from being at large or from causing damage to any property or injury to any person.

(m) The Department's authority to act under this section is independent of any pending or resolved criminal prosecution, no matter what stage in the proceeding or the result in that case.

Section 15. Section 62.683 of Chapter 6, Article 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

**SEC. 62.683. INJURIES AND COMMUNICABLE DISEASES.**

No person shall knowingly keep an animal that suffers from a serious injury or is afflicted with mange, ringworm, distemper or other contagious disease without providing or obtaining adequate treatment for the animal. The Department may take immediate possession of an animal if either determines that the owner or custodian is not providing or obtaining adequate treatment and may dispose of the animal unless the owner or custodian places the animal with a licensed veterinarian for treatment.

Section 16. The provisions of this ordinance shall be operative as of January 1, 2011.

Section 17: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 8<sup>th</sup> day of December, 2010.