

ORDINANCE NO. 9420 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO GUARD DOG REGULATIONS.

The Board of Supervisors of the County of San Diego do ordain as follows:

Section 1. Sections 16.101 and 16.102 of the San Diego County Code of Regulatory Ordinances are hereby amended to read as follows:

SEC. 16.101. LICENSES AND PERMITS REQUIRED.

It shall be unlawful for any person, firm, or corporation to engage in, conduct, manage, or carry on any of the following businesses, practices, professions, or occupations within the unincorporated area of the County of San Diego without first having registered or obtained a license or permit therefor in accordance with the Uniform Licensing Procedure:

- (a) Adult Entertainment Establishment
- (b) Aircraft Ticket Brokers
- (c) Amusement Establishment and Device
- (d) Amusement/Go-Cart Centers
- (e) Bathhouses
- (f) Bingo
- (g) Carnivals
- (h) Casino Parties
- (i) Charitable Solicitations
- (j) Coupon Books, Distribution of
- (k) Dances and Dance Halls, Adult
- (l) Dances, Teenage
- (m) Entertainment
- (n) Entertainers
- (o) Entertainment Managers

- (p) Explosives
- (q) Firearms, Sale of
- (r) Fireworks
- (s) Fortune Telling
- (t) Holistic Health Practitioners
- (u) Junk, Automotive Wrecking, Non-Operating Vehicle Storage Yards
- (v) Kennels
- (w) Massage establishment
- (x) Massage technician
- (y) Massage technician trainee
- (z) Off-premises massage
- (aa) Outdoor Assemblages
- (bb) Outdoor Assemblage Managers
- (cc) Pawnbroker/Second hand dealers
- (dd) Alarm Systems
- (ee) Shooting Ranges
- (ff) Solicitors
 - (1) License
 - (2) Identification Card
- (gg) Swap Meets and Swap Lots
- (hh) Taxicabs - Taxicab Driver
 - (1) Operator's License
 - (2) Driver's Identification Card
- (ii) Guard Dog

- (1) Operator's Permit
- (2) Premises Permit

SEC. 16.102. ISSUING OFFICER

All licenses issued shall be issued by the issuing officer, who, in the case of licenses or permits for kennels, guard dog operators, and guard dog premises shall be the Department of Animal Control, and in all other cases the Sheriff.

Section 2. Chapter 6 of Division 2 of Title 6 of the San Diego County Code of Regulatory Ordinances is hereby repealed and readopted to read as follows:

CHAPTER 6

ANIMAL CONTROL

ARTICLE 1

GENERAL PROVISIONS AND DEFINITIONS

Sec. 62.601. DEFINITIONS.

For the purposes of this chapter the following definitions shall apply:

(a) "ALTERED" for a female means having had the ovaries and uterus surgically removed; an ovariectomy. "Altered" for a male means having had the testicles surgically removed.

(b) "AMBIENT TEMPERATURE" means the temperature surrounding the animal.

(c) "ANIMAL" shall include but not be limited to birds, fishes, reptiles, and non-human mammals.

(d) "AT LARGE" means being on any private property without permission of the person who owns or has a right to possess or use the property; or unrestrained by a "Leash" on either public property, unless expressly permitted by law, or private property open to the public; or in any place or manner which presents substantial risk of imminent interference with animal or public health, safety or welfare.

(e) "ATTACK" means any action by an animal which places a person in reasonable apprehension of immediate bodily harm.

(f) "BOARD OF SUPERVISORS" means the County of San Diego, Board of Supervisors.

(g) "CAT" means a *Felis domesticus* of either sex, altered or unaltered.

(h) "COUNTY" means the County of San Diego.

(i) "COUNTY ANIMAL SHELTER" means a premises selected by the Director of Animal

Control as a suitable facility for the requirements of this chapter.

(j) "COUNTY VETERINARIAN" means the County of San Diego, Veterinarian, his/her agents or deputies.

(k) "CURB" means to so restrain or control an animal that it urinates or defecates only in the street gutters.

(1) "DANGEROUS DOG" means a dog which:

(1) Has twice within a 48-month period attacked, bitten, or otherwise caused injury to a person engaged in lawful activity; or

(2) Has once attacked, bitten, or otherwise caused injury to a person engaged in lawful activity, resulting in death or substantial injury; or

(3) Has been declared a "Vicious Dog" or "Dangerous Dog" by the Department pursuant to section 62.674 of this chapter.

A "Dangerous Dog" within the meaning of this section shall be deemed a public nuisance and shall be subject to the provisions of this code relating to Dangerous Dogs and public nuisances for the remainder of its life.

(m) "DEPARTMENT" means the County of San Diego, Department of Animal Control, its agents or deputies.

(n) "DIRECTOR" means the County of San Diego, Director of Animal Control, his/her agents and deputies.

(o) "DOG" means a *Canis familiaris* of either sex, altered or unaltered; or any other member of the *Canis* genus if owned, kept, or harbored.

(p) "DOG LICENSE" means a properly completed certification issued by County or other authorized agency, including the dog owner's name, address, and telephone number; the dog's name and description, including breed, color, sex, day if known, month and year of birth; rabies vaccination date; license tag number and expiration date.

(q) "DOG LICENSE APPLICATION - RABIES CERTIFICATE FORM" means the dog license application form issued by County. To serve as a rabies certificate it must show:

(1) The dog owner's first and last name, street address and mailing address, if different, and telephone number; and

(2) The dog's name and description, including breed, color, sex, day if known, month and year of birth; and

(3) The type, lot number, and manufacturer of the rabies vaccine; and

(4) The date of vaccination; and

(5) The signature, or an authorized signature, of the veterinarian administering the vaccine.

(r) "GUARD DOG" means:

(1) A "sentry dog" as defined in The Dog Act of 1969 (Health and Safety Code section 121875 et seq.); or

(2) A "guard dog" or "attack dog" as defined in The Dog Act of 1969 (Health and Safety Code section 121875 et seq.).

(s) "GUARD DOG OPERATOR" means:

(1) A "sentry dog company" as defined in The Dog Act of 1969 (Health and Safety Code section 121875 et seq.); or

(2) Any person, including the owner of the dog, that operates or maintains a business to sell, rent, furnish, or train a "Guard Dog".

(t) "HEALTH OFFICER" means the County of San Diego, Health Officer, his/her agents or deputies.

(u) "IMPOUNDED ANIMAL" means any animal in the custody or control of the Department as provided in this chapter.

(v) "INDOOR HOUSING FACILITY" means any structure or building, housing or intended to house animals, which has the capability of controlling the environment within the enclosure created by the continuous connection of a roof, floor, and walls with at least one opening for entry and exit that is provided with a door or any movable structure used to close off the opening and typically consisting of a panel of wood, glass, metal, etc., which slides on rollers or swings on hinges: provided, however, that any openings which provide natural light shall be covered with a transparent material, e.g., glass, plastic, etc.

(w) "KENNEL" means any lot or adjacent lot(s), or any building(s), structure(s), enclosure(s) or premises on the same or adjacent lot(s), wherein a total of seven or more dogs, four months of age or over, are kept or maintained for any purpose by a person as defined in section 12.115 of this code including, but not limited to, any agency organized or operated for the welfare of animals. The term "kennel" shall not include an animal shelter operated or established by the Department or a veterinary hospital operated by a veterinarian licensed by the State of California.

(x) "KENNEL OPERATOR" means any person who owns, controls, or operates a kennel or any person who is responsible for or who participates in the control or operation of a kennel.

(y) "LEASH" means any rope, leather strap, chain or other material not exceeding six feet in length, being held in the hand of a person capable of controlling and actually controlling the animal to which it is attached.

(z) "LICENSE TAG" means a piece of metal or other durable material inscribed with a date and number which has been issued by the County or other authorized agency.

(aa) "LICENSED DOG" means a dog wearing its current dog license tag as required by this chapter.

(bb) "OUTDOOR HOUSING FACILITY" means any structure or building, housing or intended to house animals which does not meet the definition of "indoor housing facility."

(cc) "OWNER" means any person who is the legal owner, keeper, harbinger, possessor or the actual custodian of an animal. Ownership is also established by a person registering as the owner on a license or other legal document or by a person who claims to be the owner or custodian and who takes possession or custody of an animal.

(dd) "POTENTIALLY DANGEROUS ANIMAL" means:

(1) Any animal of a species or type likely to cause injury to a person; or

(2) Any animal which has once within the prior 48-month period attacked, bitten, or otherwise caused injury to a person engaged in lawful activity, except as otherwise provided by section 62.601(l) of this code.

(ee) "PRIMARY ENCLOSURE" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, or compartment, exclusive of any kennel house.

(ff) "PROTECTION DOG" means any dog, other than a "Guard Dog", available for hire or furnished for hire to be used in guarding, patrolling, or protecting any area, yard, or premises, with or without supervision, to deter or detain unauthorized persons; or guard, protect, patrol, or defend any premises, area, or yard; or to protect, defend, or guard any person or property. The term "hire" shall include, but not be limited to, the renting or leasing of the services of a dog with or without a dog handler, or the sale of a dog with an option to repurchase.

(gg) "PROTECTION DOG OPERATOR" means any person who makes available or furnishes a "Protection Dog" for hire.

(hh) "REGISTERED OWNER" means a person registered as the owner on a dog license or a person claiming ownership of an impounded animal and taking possession of it.

(ii) "SANITIZE" means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to animal or human health.

(jj) "STRAY" means an animal which is "At Large".

(kk) "SUBSTANTIAL INJURY" means a substantial impairment of the physical condition of a person which requires professional medical treatment, including, but not limited to, loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; muscle tears, disfiguring lacerations, or a wound requiring multiple sutures; or any injury requiring corrective or cosmetic surgery.

(ll) "VACCINATED DOG" means a dog inoculated with an approved, currently valid antirabies

vaccine, and wearing a current dog license tag indicating proof of such vaccination.

(mm) "WILD ANIMAL" means any animal which is not normally domesticated in the United States including, but not limited to, any lion, tiger, bear, non-human primate (monkey, chimpanzee, etc.), wolf, cougar, ocelot, wild cat, skunk, raccoon, ferret, venomous reptile, boa, python, anaconda, members of the Order Crocrodilia, or other such animal (ferae naturae) irrespective of its actual or asserted state of docility, tameness, or domesticity.

(nn) "BUSINESS DAYS" means any days on which County Animal Shelter facilities are open to the public.

(oo) "GUARD DOG PREMISES" means any premises, area, or yard where a "Guard Dog" is kept or maintained.

Sec. 62.602. VIOLATION - INFRACTION - MISDEMEANOR.

(a) Any person who violates any provision or fails to comply with any of the mandatory requirements of this chapter is guilty of an infraction, except as set forth in subsection (b) herein.

(b) Any person who violates any provision of Article 5 of this chapter, or sections 62.610, 62.614, 62.615(b), 62.616, 62.617, 62.618, 62.663(c), 62.668(d), 62.668(e), 62.669(a), 62.669.1, 62.669.5, 62.672, 62.673, 62.674(d), 62.674(e), 62.674(f), 62.674(g), 62.681, 62.682, 62.683, 62.685(c), 62.687(b), or who violates any other provision of this chapter three or more times within two years from the date of the first conviction, is guilty of a misdemeanor.

(c) Notwithstanding the foregoing, in cases alleging a violation of section 62.610, 62.669(a), or 62.672 the prosecutor may charge and prosecute the offense as an infraction.

(d) Each day on which a violation occurs or continues shall constitute a separate offense.

(e) Upon the conviction of a person charged with a violation of any provision of this chapter classified as a misdemeanor, the court may order, in addition to any other remedy authorized by law, that the convicted person be prohibited from owning, possessing, caring for, or having any contact with, animals of any kind for a period of up to three (3) years, if the court deems such action as reasonably necessary to ensure animal or public health, safety, and welfare.

Furthermore, the court may require the convicted person to immediately deliver all animals in his or her possession, custody or control, to the Department or other designated entity for adoption or other lawful disposition, or provide proof to the court that the person no longer has possession, care, or control of any animals.

Sec. 62.603. FEES.

(a) Fees shall be charged and collected by the Department for dog licensing and for other animal control services and enforcement. Such fees shall be collected by County personnel or deputized personnel and deposited in the County treasury. Such fees shall be established by resolution of the Board of Supervisors.

The owner of any animal which is lawfully impounded shall pay all fees and expenses related to such impoundment including, but not limited to, impound, board, vaccination, examination, and any medical treatment fees for the animal, whether or not the animal is claimed.

(b) A list of currently approved fees shall be filed with the Clerk of the Board of Supervisors of the County of San Diego and shall be available for public inspection.

(c) Fees shall be paid when due unless the Director, in accordance with Department policy, authorizes a payment arrangement or waives such fees in full or in part.

Specified fees may be deferred subject to the conditions of the Department policy, if the owner claims an economic hardship or the lack of ability to pay the fees when due, provides satisfactory evidence of personal identification, and agrees to pay the fees within a thirty (30) day period.

An owner claiming an economic hardship in paying the fees may submit an application for waiver on forms provided by the Department. The forms shall be executed under penalty of perjury and contain a declaration as to the truthfulness and correctness of the information contained therein. Upon submittal of the completed forms, the fees may be waived if no disqualifying conditions, as set forth in the Department policy, exist. The Department may also waive fees if necessary in order to accomplish the protection of animal or public health, safety or welfare or if the owner provides satisfactory evidence that he/she was not at fault for the violation or incident which led to the Department action and that such action was not justified.

Sec. 62.604. SERVICE OF NOTICES.

Notices required by this chapter shall be served as provided herein except as otherwise provided by law. Service of such notices shall be deemed to have been completed upon personal delivery or:

(a) Upon posting such notice at the last known address of the owner or his/her agent; or

(b) Upon deposit of such notice addressed to the owner or his/her agent at the last known address, in the United States mail postage prepaid; or

(c) In the case of notices required by Sections 62.674, 62.681, 62.682, or 62.684, upon deposit of such notice addressed to the owner or his/her agent at the last known address, in the United States mail as certified mail postage prepaid.

Sec. 62.605. SEVERABILITY.

If any provision or clause of this chapter or application thereof is held invalid, such invalidity shall not offset other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Sec. 62.606. CONSTRUCTION OF CHAPTER

Nothing in this chapter shall be construed as authorizing the keeping or maintaining of any animal that is otherwise prohibited or restricted by any law, regulation, or permit requirement.

ARTICLE 2

RABIES PROVISIONS

Sec. 62.610. VACCINATION REQUIRED.

Any person owning or having custody of a dog, shall ensure that the dog is vaccinated against rabies by a licensed veterinarian, with a rabies vaccine approved by the California Department of Health Services for use in dogs, within thirty (30) days after it becomes four months of age or within thirty (30) days after obtaining or bringing any dog over four months of age into the unincorporated area of San Diego County or any city in which the Department provides licensing or animal control services.

Such vaccination shall be repeated at intervals specified by the California Department of Health Services in order to maintain adequate immunity.

Such persons shall retain the rabies certificate for inspection by any person responsible for enforcing the provisions of this chapter.

Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 62.611. VACCINATION AND LICENSING CLINICS.

The Department shall provide or arrange for rabies vaccination and licensing clinics to be held at various locations where dog owners may obtain the required rabies vaccinations at the applicable fee.

Sec. 62.612. CERTIFICATE OF VACCINATION.

Any veterinarian who vaccinates a dog for rabies shall certify such vaccination by properly completing, as provided in section 62.601(q), the license application - rabies certificate form issued by County for that purpose and shall forward monthly to the Department a copy of each form so completed.

Sec. 62.613. EXEMPTION FROM RABIES VACCINATION DURING ILLNESS.

Notwithstanding any other provisions of this chapter, a dog need not be vaccinated for rabies during an illness if a licensed veterinarian has examined the dog and certified in writing that such vaccination should be postponed because of a specified illness. Old age, debility, and pregnancy are not considered contraindications to rabies vaccination. Exemption certificates are subject to approval by the Department and shall be valid only for the duration of the illness. Exemption from vaccination does not exempt a dog from the licensing requirement.

Sec. 62.614. REPORTING SUSPECTED CASE OF RABIES.

Any person having care or custody of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies, shall notify the Department, the County Veterinarian, or the Health Officer and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the Department, the County Veterinarian, or the Health Officer. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 62.615. REPORTING OF BITES.

(a) All persons bitten and the parents or guardians of minor children bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal of a species subject to rabies shall notify the Department or the Health Officer as soon as possible thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

(b) Any person owning or having custody or control of a dog or other animal of a species subject to rabies which bites a person, shall notify the Department or the Health Officer as soon as possible thereafter. Any person who violates any provision of this subsection is guilty of a misdemeanor.

Sec. 62.616. ISOLATION OF SUSPECTED RABID ANIMALS.

Upon the order of the Department, the County Veterinarian, or the Health Officer, a suspected rabid animal shall be isolated in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter, veterinary hospital, or other adequate facility in a manner approved by the Department, the County Veterinarian, or the Health Officer, and such animal shall not be killed or released for at least ten days after the onset of symptoms suggestive of rabies unless permission is obtained from the Department, the Health Officer, or the County Veterinarian to sacrifice the animal for the purpose of laboratory examination. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 62.617. ISOLATION OF BITING ANIMALS.

Upon the order of the Department, the County Veterinarian, or the Health Officer, any dog, cat, skunk, fox, bat, coyote, bobcat or other animal of a species subject to rabies which bites or otherwise exposes a person to rabies may be impounded and shall be isolated in strict confinement in a place and manner approved by the Department, the County Veterinarian, or the Health Officer and observed for at least fourteen days after the day of infliction of the bite or other exposure, and until examined and released by the Department, the County Veterinarian, or the Health Officer. Dogs and cats shall be so isolated and observed for at least ten (10) days after the day of infliction of the bite or other exposure, and until examined and released by the Department, the County Veterinarian, or the Health Officer.

Notwithstanding the foregoing provisions, the Department, the Health Officer, or the County Veterinarian may authorize, with permission of the owner if known, the euthanasia of a biting animal for the purpose of laboratory examination. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 62.618. ANIMALS POSSIBLY EXPOSED TO RABIES.

Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal, or which has been in intimate contact with such an animal shall be isolated in strict confinement in a place and manner approved by the Department, the County Veterinarian, or the Health Officer and observed for a period of six months or destroyed.

Notwithstanding the foregoing, the following alternative is permitted in the case of dogs and cats. If the dog or cat has been vaccinated against rabies at least thirty days prior to the suspected exposure with a type of vaccine and within the time period approved by the California Department of Health Services, the dog or cat may be revaccinated immediately (within 48 hours) in a manner prescribed by the Department, the County Veterinarian, or the Health Officer and isolated in strict confinement in a place and manner approved by the Department, the County Veterinarian, or the Health Officer and observed for a period of thirty days following revaccination. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 62.619. PAYMENT OF FEES AND EXPENSES.

The owner of any animal which is isolated under the provisions of this article shall pay all fees and expenses related to the isolation including, but not limited to, the impoundment, confinement, quarantine, board, examination, and release of the animal from quarantine, and any altering deposit or fee required by this chapter.

ARTICLE 3

DOG LICENSES

Sec. 62.620. DOG LICENSE REQUIRED.

(a) Any person owning or having custody of a dog, except tourists or visitors who stay less than thirty (30) days within the unincorporated area of San Diego County or any city in which the Department provides licensing or animal control services, shall apply for and obtain from the Department a separate dog license for each dog they own, possess, keep, or harbor, after it is four (4) months old. Such persons must possess the license at the time the dog is five (5) months old or thirty (30) days after obtaining or bringing any dog over four (4) months of age into the unincorporated area of San Diego County or any city in which the Department provides licensing or animal control services.

Such persons shall renew the dog license before it expires for as long as they own, possess, keep, harbor, or otherwise have custody of the dog. If renewal is not required, such persons shall within thirty (30) days after the expiration date advise the Department of the reason therefore.

(b) Any dog which is legally impounded according to the provisions of this chapter and does not have a valid dog license at the time of release shall be presumed to be a dog which, prior to impounding, required a Department issued dog license, regardless of such dog's actual age or owner's place of residence.

(c) Upon presentation by the dog owner of a properly completed dog license application form including proof that the rabies vaccination will be valid throughout the license period, and payment of the proper license fee, and if applicable, a late fee, the Department shall issue a dog

license and license tag. The dog owner shall retain the dog license for inspection by any person responsible for enforcing the provisions of this chapter.

(d) Licenses shall be valid for a term not to exceed the maximum immunity duration periods specified for the various types of canine rabies vaccines approved by the California Department of Health Services and must be renewed prior to the expiration of the term by the payment of the current effective fee for each renewal.

(e) The dog owner shall securely affix the current license tag to the collar or harness of the dog for which the license tag was issued and shall ensure that the dog wears such license tag at all times except when the dog is being exhibited at a dog show.

(f) A license tag issued for one dog shall not be transferred or attached to any other dog.

(g) No unauthorized person shall remove a license tag from a collar or harness or remove the collar or harness bearing such tag from a dog.

(h) Whenever a license tag is lost or damaged, the owner shall apply for and obtain a replacement from the Department upon payment of the prescribed fee.

Sec. 62.622. TRANSFER LICENSE.

Owners of dogs having a current license issued in their name by another dog licensing agency may be issued a County dog license upon payment of the applicable transfer fee. Such persons must possess a Department issued dog license within thirty (30) days of bringing the dog into the unincorporated area of San Diego County or any city in which the Department provides licensing or animal control services. The rabies vaccination for any such dog must be valid for the duration of the license issued.

Sec. 62.623. CHANGE OF ADDRESS.

The address of the owner is presumed to be the address where the dog is kept. Any change of address must be reported to the Department of Animal Control within thirty (30) days following such change.

Sec. 62.624. CHANGE OF OWNERSHIP.

(a) Whenever the ownership of a licensed dog changes, the new owner shall apply for and obtain a change of ownership license from the Department and pay the applicable fee. Such persons must possess the license within thirty (30) days of acquiring a dog currently licensed by this Department.

(b) Dog owners or the parent or guardian of minor children who sell or otherwise change the ownership or custody of a dog shall within thirty (30) days thereafter inform the Department of the name, address and telephone number of the new owner and the name and description of the dog.

ARTICLE 4

SHELTERS

Sec. 62.630. ESTABLISHMENT OF ANIMAL SHELTERS.

The Director of Animal Control shall, with the approval of the Board of Supervisors, establish as many animal shelters throughout the County as he/she shall determine to be necessary for the performance of his/her duties.

Sec. 62.631. ESTABLISHMENT OF ANIMAL DISPOSAL FACILITIES.

The Department shall establish at the County Animal Shelters a humane procedure for euthanasia of animals. The Department may, at its option, upon payment of applicable fees, accept animals for humane disposal. The owner or possessor of such animals shall first complete appropriate forms setting forth the facts constituting such ownership and/or possession, certifying that he/she has the right to request disposal of such animal, and agree to hold the County, its agents and employees harmless from any liability for its acceptance and disposal of such animals. The owner or person requesting the disposal of any animal shall certify in writing that, to the best of his/her knowledge, the animal has not bitten a human being within the period established by this chapter for isolation of biting animals and suspected rabid animals. Notwithstanding the foregoing, the Department, the Health Officer, or the County Veterinarian may authorize, with permission of the owner, if known, the euthanasia of a biting animal for the purpose of laboratory examination.

ARTICLE 5

KENNELS

Sec. 62.641. KENNEL LICENSING PROCEDURES.

It shall be unlawful for any person(s) to operate a kennel within the unincorporated area of San Diego County or any city in which the Department provides animal control services without first having obtained a kennel license therefor. Procedures for kennel license applications, renewals, denials, suspensions, revocations, hearings, and appeals, except as otherwise herein provided, shall be the same as those set forth in the Uniform Licensing Procedure (sections 16.101-16.115) of this code.

Kennel licenses shall expire one year from the date of issue unless the Department selects a different expiration. In such case the kennel license fee shall be prorated.

Any kennel which is found by the Department to be unsanitary or a menace to animal or public health, safety or welfare, is declared to be a public nuisance. The Department is authorized and empowered to take such action as is necessary to abate the nuisance. In the event that immediate action is necessary to preserve or protect animal or public health, safety or welfare, the Department is authorized and empowered to summarily abate such nuisance by any reasonable means including, but not limited to impoundment of the animal(s) and/or immediate closure of the kennel for such time until the nuisance is abated.

In such case, hearings shall be provided in accordance with section 16.113 and/or section 62.678 of this code. Otherwise, the Department shall inaugurate proceedings in accordance with provisions of the Uniform License Procedure. The Department may also commence proceedings in

accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 of this code.

Sec. 62.642. KENNEL LICENSE STANDARDS.

(a) **ACKNOWLEDGEMENT OF STANDARDS.** A copy of the applicable standards will be supplied to the applicant with each request for an application for a kennel license, and the applicant shall acknowledge receipt of such standards and agree to comply with them and to allow inspections at reasonable times by signing the application form.

(b) **DEMONSTRATION OF COMPLIANCE WITH STANDARDS.** Each applicant or kennel operator must demonstrate that his/her premises and any facilities or equipment used in his/her kennel comply with the standards set forth in this article. In addition, each applicant or kennel operator shall correct any deficiencies noted within a reasonable time specified by the Department. Plans for new or remodeled kennel facilities may be submitted to the Department for review. Upon request by the Department, the applicant or kennel operator must make his/her premises, facilities, and equipment available for the purpose of ascertaining compliance with said standards.

(c) **CONDITIONS AND RESTRICTIONS.** The issuing officer may issue a kennel license under any conditions and restrictions which he/she deems necessary for the protection of animal and/or public health, safety, or welfare, and may specify such conditions and restrictions on the kennel license.

(d) **ADDITIONAL REASONS FOR DENIAL OF APPLICATION.** In addition to the reasons stated in the Uniform Licensing Procedure the issuing officer shall not issue a kennel license to:

- (1) Any person applying for an original kennel license who has not received approval for the location from the appropriate planning/zoning Department or who has not obtained any necessary permit(s) for its operation; or
- (2) Any person whose kennel license has been suspended, for the period during which the order of suspension is in effect; or
- (3) Any person who has been or is an officer, agent, or employee of a licensee whose kennel license has been suspended or revoked and who was responsible for or participated in the violation upon which the order of suspension or revocation was based, for the period during which the order of suspension is in effect and for a period of one year from the effective date of a revocation, or if a revocation has been stayed, until one year from the expiration of the stay; or
- (4) Any person whose kennel license has been revoked, or any partnership, firm, corporation, or other legal entity in which any such person has a substantial financial interest for a period of one year from the effective date of such revocation, or if a revocation has been stayed, until one year from the expiration of the stay; or
- (5) Any person who fails to comply with any provision of this article.

Sec. 62.645.1. FACILITIES, GENERAL.

(a) **STRUCTURAL STRENGTH.** Indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals. Crates and boxes, automobile bodies, scrap materials salvaged from plyboards, odd pieces of material such as linoleum, tin, canvas and other such materials are not suitable and shall not be used.

(b) **FENCING.** Any fencing shall be in conformance with planning/zoning requirements and be of suitable sturdy material anchored solidly to the ground in such a manner to prevent animals from escaping by digging under the fence and of sufficient height to prevent animals from escaping. If necessary, to accomplish the intent of containment, a cover over the fenced area shall be installed.

(c) **WATER AND ELECTRIC POWER.** Reliable and adequate electric power, if required to comply with other provisions of this article, and adequate potable water shall be available.

(d) **STORAGE.** Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(e) **WASTE DISPOSAL.** Provisions shall be made for the removal and disposal of animal and food wastes, bedding, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(f) **WASHROOMS AND SINKS.** Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

Sec. 62.645.2. FACILITIES, INDOOR.

(a) **HEATING.** Indoor housing facilities shall be warm enough to protect the animals from cold. Sufficient clean bedding material or other means of protection shall be provided when the ambient temperature falls below that temperature to which an animal is acclimated.

(b) **VENTILATION.** Indoor housing facilities shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher, within the indoor housing facility.

(c) **LIGHTING.** Indoor housing facilities shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the animals from excessive illumination.

(d) **INTERIOR SURFACES.** The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(e) DRAINAGE. A suitable method shall be provided to rapidly eliminate excess liquid from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

Sec. 62.645.3. FACILITIES, OUTDOOR.

(a) SHELTER FROM SUNLIGHT. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.

(b) SHELTER FROM RAIN OR SNOW. Animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) SHELTER FROM COLD WEATHER. Shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below 50 degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which an animal is acclimated.

(d) DRAINAGE. A suitable method shall be provided to rapidly eliminate excess liquid.

Sec. 62.645.4. GENERAL REQUIREMENTS FOR PRIMARY ENCLOSURES.

Primary enclosures must be provided for all animals and shall conform to the following requirements:

(a) Primary enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them, and to keep other animals out. They shall be effectively enclosed.

(b) Primary enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.

(c) Primary enclosures shall be constructed and maintained so that the animals contained therein have convenient access to clean food and water.

(d) The floors of the primary enclosures shall be constructed so as to protect the animals' feet and legs from injury.

Sec. 62.645.5. ADDITIONAL GENERAL REQUIREMENTS FOR PRIMARY ENCLOSURES HOUSING CATS.

(a) In all enclosures having a solid floor, a receptacle containing sufficient clean litter shall be provided to contain excreta.

(b) Each primary enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the primary enclosure

at the same time. Such resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(c) Not more than twelve (12) adult cats shall be housed in the same primary enclosure.

Sec. 62.645.6. GENERAL SPACE REQUIREMENTS.

Primary enclosures must be large enough so that the animals in them can obtain adequate exercise. Any separate kennel houses used as sleeping quarters must provide sufficient space to allow each animal to turn about freely, stand easily, sit and lie in a comfortable normal position. It is unlawful to keep any animal in a primary enclosure or kennel house that does not provide adequate space as required by this article.

Sec. 62.645.7. ADDITIONAL SPACE REQUIREMENTS FOR DOGS.

(a) A primary enclosure shall never house more than twelve (12) dogs of any size.

(b) Passageways into kennel houses shall allow easy access for all dogs housed in them. Any dog confined to a kennel house which does not meet the space requirements for a primary enclosure shall be provided access to its primary enclosure after no more than twelve (12) hours for sufficient time to allow adequate exercise.

(c) Any primary enclosure(s) and/or kennel house(s) of kennels which were not licensed on September 11, 1986, and those completed or installed in any kennel after September 11, 1986, shall meet the following space requirements.

MINIMUM SPACE REQUIREMENTS

**WEIGHT OF
DOG IN POUNDS**

**PRIMARY
ENCLOSURE**

**KENNEL
HOUSE**

	WIDTH	SQ FOOTAGE	WIDTH	SQ FOOTAGE
Up to 15	2.0'	6.0	1.5'	3.0
Over 15 to 35	2.5'	10.0	2.0'	5.0
Over 35 to 65	3.0'	15.0	2.5'	7.5
Over 65 to 95	3.0'	18.0	2.5'	9.0
Over 95 to 130	3.5'	24.0	3.0'	12.0
Over 130	4.0'	32.0	3.5'	14.0

If a primary enclosure or kennel house contains more than one dog the minimum number of square feet required is the sum of the square feet requirements for each individual dog kept therein.

Sec. 62.645.8. FEEDING.

(a) Animals shall be provided food which shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(b) Food receptacles shall be accessible to all animals and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be sanitized at least once every two weeks. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

Sec. 62.645.9. WATERING.

Clean potable water shall be available to the animals in conformance with the principles of good animal husbandry unless restricted for veterinary care. Containers shall be designed sufficient to prevent tipping and spilling the water contained therein. If necessary to accomplish this, the containers shall be secured to a solid structure. Watering receptacles shall be kept clean and shall be sanitized at least once every two weeks.

Sec. 62.645.10. SANITATION OF PRIMARY ENCLOSURES AND KENNEL HOUSES.

(a) CLEANING. Excreta shall be removed from primary enclosures and kennel houses as often as necessary, at least daily, to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning, any animal contained in the enclosure shall be protected during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes. Rugs, blankets, or other bedding material shall be kept clean and dry.

(b) **SANITIZING.** Prior to the introduction of animals into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided herein. Enclosures shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard, provided, however, that such enclosures shall be sanitized at least once every two weeks in the following manner: Cages, rooms and hard-surfaced pens or runs shall be sanitized by washing them with hot water (180 degrees Fahrenheit) and soap or detergent or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand, or dirt shall be sanitized by removing the soiled gravel, sand, or dirt and replacing it as necessary.

(c) **HOUSEKEEPING.** Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animal from injury and to facilitate the prescribed husbandry practices. Premises shall remain free of accumulations of trash.

(d) **PEST CONTROL.** An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

Sec. 62.645.11. EMPLOYEES.

A sufficient number of caretakers shall be utilized to maintain the standards set forth in this section.

Sec. 62.645.12. CLASSIFICATION AND SEPARATION.

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(a) Females in season (estrus) shall not be housed in the same primary enclosures with males, except for breeding purposes.

(b) Any animal exhibiting a vicious disposition shall be housed individually in a primary enclosure.

(c) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when the owner specifically requests they be housed together.

(d) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals unless the owner specifically requests they be housed together.

(e) Animals under quarantine or treatment for a communicable disease shall be separated from other animals and other susceptible species of animals in such a manner as to minimize dissemination of such disease. Animals with substantial injuries shall also be separated from other animals.

Sec. 62.645.13. RECORDS.

The kennel operator shall keep available for inspection on the premises a record that shall show the name, current address and telephone number of the owner of each animal kept at the

kennel, the description of the animal, including its age (if known) or approximate age, breed, sex and color. As a part of such record, a current valid rabies certificate or other written proof of vaccination, verified by telephone, shall be maintained for each dog required to be vaccinated by this chapter, showing the dog owner's name, address, and telephone number; the dog's name and description, including breed, color, sex, month and year of birth; the date of vaccination; and the name and telephone number of the veterinarian who vaccinated the dog or telephone number of the licensing agency verifying the vaccination. In addition, each kennel operator shall have someone in attendance at the kennel who can identify each animal in the kennel, except that animals under four months of age may be identified as to litter.

Sec. 62.646. VACCINATION REQUIRED FOR INDIVIDUAL DOGS.

A kennel operator shall not be required to obtain the individual dog licenses imposed by this chapter for each dog in his/her kennel for which the kennel license is obtained; however, each kennel operator shall ensure that each dog in his/her kennel is vaccinated as required by this chapter.

Sec. 62.647. KENNEL INSPECTION.

Because of the need to adequately protect animals within kennels from unhealthy conditions and practices and the interests of society in curbing and preventing inhumane practices, reasonable inspection requirements dictate that Department officers shall have the right to inspect at reasonable times. As a condition of the issuance of a kennel license, each operator shall agree to allow such inspection; such acknowledgement shall be made a part of the application and file. Each kennel for which a kennel license has been issued shall be inspected at intervals determined by the Department.

Sec. 62.648. VIOLATION.

Any person who violates any provision of this article or of the Uniform Licensing Procedure (sections 16.101 through 16.115) of this code is guilty of a misdemeanor. Any act or omission by a kennel operator in contravention of these requirements, or of any of the conditions and/or restrictions of the issued kennel license, shall be grounds for and shall authorize the suspension and/or revocation of the kennel license independently of any criminal prosecution or the results thereof. The Director may suspend or revoke the kennel license irrespective of the pendency of any criminal proceedings, and prior to the initiation thereof.

ARTICLE 6

CONTROL PROVISIONS

Sec. 62.660. PRESUMPTION OF RESPONSIBILITY FOR VIOLATION.

(a) In any prosecution involving an animal charging a violation of any provision referred to in section 62.661 of this code, proof by the People of the State of California that the particular animal described in the complaint was found in violation of any provision of said sections, together with proof that the defendant named in the complaint was at the time of the alleged violation the owner of the animal, shall constitute prima facie evidence that the owner of the animal was the person responsible for the violation of said provisions involving said animal. However, for the purpose of this section proof that a person is the owner of said animal is not prima facie evidence that he/she has violated any other provision of law.

(b) The presumption created by this section shall be nullified when the person charged has made a bona fide sale or transfer and has complied with the requirements of section 62.624, or section 62.674 for a "Dangerous Dog", prior to the date of the alleged violations and has advised the court of the name and address of the purchaser, and of the date of sale.

Sec. 62.661. ENFORCEMENT PROVISIONS.

(a) The Department, each agent or deputy thereof who is assigned to duties which include the enforcement of animal regulation laws and any peace officer are responsible for enforcing the provisions of this chapter, sections 16.101 through 16.115 of this code, sections 62.700 and 62.701 of this code, section 148 of the California Penal Code, and any law relating to or affecting animals of the State of California, the County of San Diego or any city in which the Department provides animal control services.

California Penal Code section 597.1 shall be operative in and enforced by the Department, and California Penal Code section 597f shall not be operative.

(b) The Health Officer and each agent or deputy thereof who is assigned to duties which include the enforcement of rabies control and sanitation laws are responsible for enforcing section 148 of the California Penal Code and the following provisions of this chapter:

- (1) Article 2 (commencing with section 62.610).
- (2) Sections 62.665, 62.667, 62.668(d) and (e), 62.670, 62.672, 62.674, 62.675, 62.681, 62.682.

(c) The County Veterinarian and each agent or deputy thereof who is assigned to duties which include the enforcement of the provisions of the California Food and Agricultural Code relating to the health and sanitary surroundings of livestock, poultry, and rabbits are also responsible for enforcing section 148 of the California Penal Code and the following provisions of this code:

- (1) Chapter 1 (commencing with section 62.101) of Division 2, Title 6.
- (2) Sections 62.610; 62.614; 62.616; 62.617; 62.618; 62.646; 62.665; 62.667; 62.668(c), (d) and (e); 62.672; 62.681; 62.682; and 62.683 of this chapter.

(d) Each of the individuals referred to in subsections (a), (b) and (c) hereof shall cooperate to attain compliance with and shall take appropriate action in the case of any violations of those provisions which they are responsible to enforce.

Sec. 62.662. ARREST AND CITATION.

Each of the individuals referred to in section 62.661 shall have the power to make arrests without warrant in the manner prescribed in section 836.5 of the California Penal Code, for violations of those provisions of this chapter and of state law which he/she has a duty to enforce and to issue citations for such violations. Any person so arrested who does not demand to be taken before a magistrate may instead be cited in the manner prescribed in Chapter 5C (commencing with section 853.5) of Title 3, Part 2 of the California Penal Code.

Sec. 62.663. DOG LICENSE VIOLATIONS: DISMISSAL ON PROOF OF CORRECTION; FALSE OR FICTITIOUS INFORMATION.

(a) Whenever a person is arrested for a violation of section 62.620 of this code and the officer issues a Notice to Appear, the officer shall note on the form that the charge shall be dismissed on proof of correction unless a disqualifying condition as set forth in subsection (b) exists. If the arrested person presents, by mail or in person, proof of correction as prescribed herein, on or before the date on which the person promised to appear, the court shall dismiss the violation or violations.

Proof of correction shall consist of a certification by the Department or by any clerk or deputy clerk of a court that the alleged violation has been corrected.

(b) A Notice to Appear shall be issued as provided in subsection (a), unless the officer finds any of the following disqualifying conditions:

- (1) Evidence of fraud.
- (2) The person has been charged within the past one (1) year period with a violation of section 62.620.
- (3) The violation involves a dog which has attacked, bitten, or otherwise caused injury to a person; or, which otherwise presents an immediate safety hazard.
- (4) The person does not agree to, or cannot, promptly correct the violation.

(c) Any person who signs a Certificate of Correction with a false or fictitious name or who presents as evidence of correction false or fictitious information is guilty of a misdemeanor.

Sec. 62.664. AGREEMENTS - RULES AND REGULATIONS.

For the purpose of performing their duties under this chapter the Department or the County Veterinarian may, with approval of the Board of Supervisors, negotiate agreements, and shall promulgate such rules and regulations as they may deem proper and necessary.

Sec. 62.665. INVESTIGATIONS.

The Department, the County Veterinarian, the Health Officer, and any peace officer, may enter private property to investigate reports of dangerous dogs, rabies, or other contagious animal diseases, and to investigate possible violations of and enforce the provisions of this chapter, sections 16.101 through 16.115 of this code, section 148 of the California Penal Code, and any law relating to or affecting animals of the State of California, the County of San Diego or any city in which the Department provides animal control services.

Sec. 62.667. EPIDEMICS.

Either the Health Officer or the County Veterinarian may determine and declare that an epidemic or other unusually dangerous health situation exists among the animals in the County. Upon the making of such a declaration the Health Officer or the County Veterinarian shall prepare

and promulgate, with the approval of the Board of Supervisors, such rules and regulations as are necessary for the conduct of all persons within the area where the dangerous condition exists. These rules and regulations may include, but are not limited to, quarantine, vaccination, and destruction of diseased, exposed or stray animals by humane methods. It shall be the duty of the Department, the County Veterinarian, and the Health Officer to cooperate in the enforcement of such rules and regulations.

Sec. 62.668. CONDITIONS OF ANIMAL OWNERSHIP.

Animal owners or keepers must comply with the following conditions of animal ownership, and the Department or the County Veterinarian may require as a condition of licensing such owners or keepers to sign permit or license applications agreeing to comply with such conditions:

- (a) Animals shall be restrained or confined as required by law.
- (b) Animals shall be humanely treated at all times.
- (c) Vaccinations, licenses, and permits shall be obtained as required by law.
- (d) Animal premises shall be kept sanitary and shall not constitute a fly breeding reservoir, a source of offensive odors or of human or animal disease.
- (e) Animals and animal premises shall not be permitted to disturb the peace or constitute a public nuisance or hazard.

Any person who violates any provision of subsections (d) or (e) of this section is guilty of a misdemeanor.

Sec. 62.669. RESTRAINT OF DOGS REQUIRED.

(a) Any person owning or having custody or control of a dog shall at all times prevent the dog from being "At Large" and from being in violation of other provisions of law. However, dogs may be unrestrained by a "Leash" while assisting their owners in legal hunting, in the herding of livestock as permitted by law, or on public property with the written permission of, and for purposes authorized by, the agency responsible for regulating the use of such property; so long as such dogs are under direct and effective voice control to ensure that they are not in violation of any other provision of law. This section does not apply to dogs assisting peace officers while performing law enforcement duties. Any person who violates any provision of this subsection is guilty of a misdemeanor.

(b) Any person owning or having custody or control of a dog that is lawfully on any private property, shall keep the dog either on a leash or tether, under direct and effective control by voice or electronic pet containment system, or in a building or enclosure that is adequate to ensure the physical confinement of the dog and meet humane standards. Nothing in this subsection shall be construed to provide impoundment authority.

Sec. 62.669.1. PUBLIC PROTECTION FROM DOGS.

(a) Any person owning or having custody or control of a dog shall at all times prevent the dog from attacking, biting, or otherwise causing injury to any person engaged in a lawful act; from

interfering with the lawful use of public or private property; or from damaging personal property which is lawfully upon public property, or upon private property with the permission of the person who owns or has the right to possess or use the private property. Any person who violates any provision of this section is guilty of a misdemeanor.

(b) The owner of any unaltered dog which bites a person engaged in a lawful act shall pay an altering deposit in addition to other applicable fees as established by resolution. Such altering deposit shall be refunded or forfeited in the manner described in section 62.679(c) of this Code. Nothing in this subsection shall be construed to prevent the Department from abating or requiring the altering of any "Dangerous Dog" or other public nuisance animal.

Sec. 62.669.5. PROTECTION DOG, GUARD DOG, DANGEROUS DOG, OR POTENTIALLY DANGEROUS ANIMAL.

(a) Any person owning or having custody or control of a "Protection Dog", "Guard Dog", "Dangerous Dog", or any "Potentially Dangerous Animal" is guilty of a misdemeanor if, as a result of that person's failure to exercise ordinary care, the animal attacks, bites, or otherwise causes injury to a person engaged in lawful activity and the owner or custodian knew or should have known of the animal's vicious or dangerous nature, or the animal's "Protection Dog", "Guard Dog", "Dangerous Dog", or "Potentially Dangerous Animal" status.

(b) This section does not apply to animals used in military or police work while they are actually performing in that capacity.

Sec. 62.670. COMMITTING NUISANCE.

No person shall allow a dog in his/her custody to defecate or to urinate on any property other than that of the owner or person having control of the dog. It shall be the duty of all persons having control of a dog to curb such dog and to immediately remove any feces to a proper receptacle. Disabled persons while relying on a seeing eye, hearing, or service dog shall be exempt from this section.

Sec. 62.671. FEMALE DOGS IN SEASON (ESTRUS).

Any person owning or having custody or control of a female dog in season (estrus) shall securely confine such dog within an enclosure in a manner that will prevent the attraction of male dogs to the immediate vicinity.

Sec. 62.672. DISTURBING THE PEACE PROHIBITED.

No person shall own or harbor an animal in such a manner that the peace or quiet of the public is unreasonably disturbed. The keeping or maintenance, or the permitting to be kept or maintained, on any premises owned, occupied, or controlled by any person of any animal or fowl which, by any frequent or long continued noise, shall cause unreasonable annoyance or discomfort to any person of normal sensitivity in the vicinity shall constitute a violation of this section; provided, however, that nothing contained herein shall be construed to apply to reasonable noises emanating from legally operated veterinary hospitals, humane societies, animal shelters, farm and/or agricultural facilities, or areas where keeping of animals or fowls are permitted. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 62.673. INHUMANE TREATMENT AND ABANDONMENT.

No person shall treat an animal in a cruel or inhumane manner or willingly or negligently cause or permit any animal to suffer unnecessary torture or pain. No person shall abandon any domestic animal without care on any public or private property. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 62.674. DECLARATION AND POSSESSION OF DANGEROUS DOG.

(a) GENERAL PROVISIONS.

- (1) If the Department has cause to believe that a dog is a "Dangerous Dog", it may commence proceedings as provided herein.
- (2) The Department shall first serve, upon the owner and/or custodian, notice of intent to declare the dog a "Dangerous Dog".
- (3) The notice shall inform the dog owner and/or custodian of the incident(s) that provide a basis for the Department's action, and specify that he/she may request a hearing within five (5) "Business Days" from service of the notice to determine whether grounds exist for such declaration; the potential consequences if such a declaration is issued; and the Department's authority for such action. Such request shall be in writing and must be received by the Department within the specified time period.
- (4) Failure of the owner and/or custodian to request a hearing pursuant to subsection (3), or failure to attend or be represented at a scheduled hearing, shall satisfy the hearing requirements and shall result in the issuance of a "Dangerous Dog" declaration.
- (5) A finding at the hearing that the dog does fall within subsections (1) or (2) of section 62.601(1) shall result in the issuance of a "Dangerous Dog" declaration.
- (6) The Department is hereby authorized and empowered to impound and/or abate any "Dangerous Dog" independently of any criminal prosecution or the results thereof by any means reasonably necessary to ensure the health, safety and welfare of the public including, but not limited to, the destruction of the dog or by the imposition upon the owner and/or custodian specific reasonable restrictions and conditions for the maintenance of the dog. The restrictions and conditions may include, but are not limited to:
 - a. Obtaining and maintaining liability insurance in the amount of one hundred thousand dollars (\$100,000) and furnishing a certificate or proof of insurance by which the Department shall be notified at least ten (10) days prior to cancellation or non-renewal;
 - b. Requirements as to size, construction and design of enclosure;
 - c. Location of the dog's residence;

- d. Requirements as to type and method of restraints and/or muzzling of the dog;
- e. Photo identification or permanent marking of the dog for purposes of identification;
- f. A requirement to obtain a "Dangerous Dog" registration in addition to the license required under section 62.620 of this code;
- g. A requirement to alter the dog;
- h. Requirements to allow inspection of the dog and its enclosure by the Department or any other law enforcement agency, and to produce upon demand, proof of compliance with all requirements of this section; and,
- i. Payment of a reasonable fee to recover the costs of the Department in verifying compliance and enforcing the provisions of this section.

The Department may also commence proceedings in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 of this code.

(b) NOTIFICATION OF RIGHT TO HEARING. At least five (5) "Business Days" prior to the impoundment and/or abatement, the owner or custodian of record shall be served a notice of their right to a hearing to determine whether grounds exist for such impoundment and/or abatement. If a hearing is requested, the impoundment and/or abatement hearing may be held in conjunction with the hearing provided for in subsection (a) of this section. If the owner or custodian of record requests a hearing prior to impoundment and/or abatement, no impoundment and/or abatement shall take place until the conclusion of the hearing except as noted in subsection (c). Such request shall be in writing and must be received by the Department within the specified time period.

(c) IMMEDIATE IMPOUNDMENT. When, in the opinion of the Department, immediate impoundment is necessary for the preservation of animal or public health, safety or welfare, or if the dog has been impounded under other provisions of law, the pre-impoundment hearing shall be waived; however, the owner or custodian of record shall be given a notice allowing five (5) "Business Days" from service of the notice to request an abatement hearing. Such request shall be in writing and must be received by the Department within the specified time period. If a hearing is requested, the dog shall not be disposed of prior to satisfaction of the hearing requirements.

A finding at an abatement hearing under subsection (b) or (c) that grounds exist for the impoundment and/or abatement of the dog, or the failure of the owner and/or custodian to request a hearing or to attend or be represented at a scheduled hearing, shall satisfy the hearing requirements and the dog shall be impounded and/or abated.

(d) CHANGE OF OWNERSHIP, CUSTODY AND/OR RESIDENCE. The owner and/or custodian of a "Dangerous Dog" who moves or sells the dog(s) or otherwise transfers the ownership, custody or residence of the dog(s), shall at least ten (10) days prior to the sale or transfer, inform the Department in writing of the name, address and telephone number of the proposed new owner or custodian, and/or the proposed new residence, and the name and description of the dog(s). The Department may prohibit the proposed transfer for cause.

The owner and/or custodian shall, in addition, notify any new owner or custodian in writing regarding the details of the dog's record, and the terms and conditions for maintenance of the dog. The owner and/or custodian shall also provide the Department with a copy thereof containing an acknowledgment by the new owner or custodian of his/her receipt of the original and acceptance of the terms or conditions. The Department may impose different or additional restrictions or conditions upon the new owner or custodian.

In the event of the dog's death, the owner and/or custodian shall notify the Department no later than twenty-four (24) hours thereafter and, upon request, produce the dog for verification. If the dog escapes, the owner and/or custodian shall notify the Department and make every reasonable effort to recapture it. Any person who violates any provision of this subsection is guilty of a misdemeanor.

(e) **POSSESSION UNLAWFUL.** It is unlawful to have custody of, own or possess a "Dangerous Dog" unless it is restrained, confined, or muzzled so that it cannot bite, attack or cause injury to any person. Any person who violates any provision of this subsection is guilty of a misdemeanor.

(f) **DECLARED DANGEROUS DOG.** It shall be unlawful for the owner and/or custodian of a dog declared to be a "Dangerous Dog" to fail to comply with any requirements or conditions imposed pursuant to subsection (a) (6). Any person who violates any provision of this subsection is guilty of a misdemeanor.

(g) **SURRENDER OF DOG UPON DEMAND.** The owner and/or custodian of a "Dangerous Dog", shall surrender such dog to the Department upon demand.

Any person who violates any provision of subsections (d), (e), (f), or (g) of this section is guilty of a misdemeanor.

Sec. 62.675. COMPLAINTS.

Upon receiving a complaint from a person alleging a violation of this chapter or any other law relating to or affecting animals, an investigation to determine whether a violation exists may be made. If the investigation discloses a violation of this chapter, prosecution may be initiated against the owner. Complainants' identities shall be kept confidential to the extent permitted by law.

Sec. 62.676. CAPTURE OF ANIMALS AT LARGE.

(a) The Department, peace officers and persons employed for animal control purposes by the local governing body may attempt to capture any animal found "At Large" in violation of law and may destroy an animal "At Large" if, in their judgment, such action is required for public health and safety.

The Department shall not seize or impound any dog, however, for being "At Large" that has strayed from, but then returned to, the private property of its owner or the person who has a right to control the dog, but in such case a citation may be issued; provided, however, that if in such a situation the owner or person who has a right to control the dog is not home, the dog may be impounded, but the Department shall post a notice of such impounding on the front door of the living unit of the owner or person who has a right to control the dog.

Such notice shall state the following: That the dog has been impounded, where the dog is being held, the name, address, and telephone number of the agency or person to be contacted regarding release of the dog, and an indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control the dog.

(b) Any person who finds an animal "At Large" may take it into his/her possession and must as soon as possible, but no later than twenty-four hours thereafter, notify the Department. The Department may accept such animal for impoundment and the person who finds the animal shall surrender the animal to the Department upon demand. No such action shall result in a charge against the County. The finder of the animal "At Large" shall use reasonable care to preserve it from injury; however, he/she shall not be held liable if the animal dies, escapes or injures itself while he/she is carrying out the provisions of this section.

Sec. 62.677. RELINQUISHING AN ANIMAL.

Any person who relinquishes an animal to the Department shall give his/her name, address and, if he/she is not the owner, the location where the animal was found.

Sec. 62.678. NOTIFICATION OF OWNER - RIGHT TO HEARING.

Upon impoundment of an animal wearing a license tag, or identification listing the owner's name and address, the Department shall immediately post at the owner's address of record, or mail or personally deliver to the owner of record a notice that the animal is in the custody of the Department.

The notice shall include a statement that the owner may within five (5) "Business Days" from the date of service request a hearing as to the legality of the impoundment. Such request shall be in writing and must be received by the Department within the specified time period.

The time during which the animal shall not be disposed of other than by return to the owner shall be extended until the conclusion of the hearing. If at the conclusion of the hearing the impoundment is found to be unjustified, the animal shall be returned to the owner without charge. If the animal is returned to the owner prior to the hearing, any fees other than vaccination or licensing fees paid by the owner to the County as a result of an unjustified impoundment shall be refunded to the owner.

Sec. 62.679. RETURN OF ANIMALS TO THEIR OWNERS; ALTERING DEPOSIT, MICROCHIP FEE REQUIRED.

(a) The owner of an impounded animal not subject to abatement action may claim it prior to other legal disposition by providing proper identification, meeting all requirements, and paying the applicable redemption fees.

(b) Upon redemption of any lawfully impounded unaltered dog or cat found "At Large", the owner shall pay an altering deposit in addition to other redemption fees as established by resolution.

(c) Such altering deposit shall be refundable upon proof that the animal has been altered by a licensed veterinarian within thirty (30) days of the redemption or deposit payment date unless the

animal is under four (4) months of age at the time of redemption or deposit payment. In such cases, the deposit shall be refundable upon proof that the animal has been altered by a licensed veterinarian by the time the animal is five (5) months of age. Such altering deposit shall also be refundable if the owner submits, within the specified period, a written certification from a licensed veterinarian stating that, due to health considerations, the animal should not be altered, or that, in the professional judgement of the veterinarian, the animal has previously been altered.

The Deposit shall be forfeited to the County if such proof of altering or written certification has not been presented to the Department within the specified period. All such forfeited deposits shall be used to offset the costs of animal control services.

(d) Upon redemption of any lawfully impounded dog or cat found "At Large" and without identification, the Department may require the owner to pay for the implantation of microchip identification in addition to other redemption fees as established by resolution, unless the owner objects to the implantation of microchip identification.

Sec. 62.680. HOLDING PERIODS AND AVAILABILITY FOR REDEMPTION, ADOPTION, OR RELEASE OF IMPOUNDED STRAY OR RELINQUISHED ANIMALS.

(a) The holding period and availability for redemption, adoption, or release of an impounded stray or relinquished animal shall conform with applicable provisions of this chapter, sections 17006, 31108, 31752, 31752.5, 31753, and 31754 of the California Food and Agricultural Code, and section 597.1 of the California Penal Code.

(b) The Department may determine the animal holding period and disposition not specified in subsection (a) or other provisions of law.

(c) The adoption or transfer to a new owner of any impounded dog or cat shall conform with applicable provisions of sections 30503, 30504, 31751, and 31751.3 of the California Food and Agricultural Code.

(d) The Department may create by policy a Senior Citizen/Disabled Persons Pet Adoption Program for San Diego County residents who are sixty (60) years or older or recipients of either Supplemental Security Income or Social Security Disability payments and who are qualified to adopt a dog or cat. The Department may also develop policies for the administration of other special redemption, adoption, or release programs. The Director may waive or adjust applicable fees established by the Board of Supervisors in conjunction with such programs, provided that the animals involved shall be vaccinated for rabies and shall be altered as required by law.

Sec. 62.681. WILD ANIMALS.

(a) VENOMOUS REPTILES. It shall be unlawful for any person to own, possess or maintain any venomous reptile.

(b) GENERAL PROVISIONS. It shall be unlawful for any person to own, possess or maintain any other wild animal unless he/she complies with all federal, state and local laws, regulations, and permit requirements affecting such animals. The owner shall also:

- (1) Keep the animals at all times in cages or enclosures of such size and construction or confined in such a manner as to preclude the possibility of escape. Such cages, enclosures, or confinement shall be of such size as to permit the animals reasonable freedom of movement;
- (2) Keep the cages or enclosures in a clean and sanitary condition at all times;
- (3) Provide the animals with adequate food, water, shelter, and veterinary care;
- (4) Keep the animal(s) in a manner so as not to threaten or annoy any person of normal sensitivity.

(c) **ADDITIONAL PROVISIONS.** The owner shall, in addition:

- (1) Take adequate safeguards to prevent unauthorized access to the animals and to preserve animal and public health, safety, and welfare. In the event of an escape, immediately notify the Department and make every reasonable effort to recapture the animal(s);
- (2) Upon request by the Department make his/her animal(s), premises, facilities, equipment, and any necessary permit(s) available for inspection for the purpose of ascertaining compliance with the provisions of this section;
- (3) Reimburse the Department for all costs incurred in enforcing the provisions of this section when a violation is found, and shall be responsible for any injury, or any damage to private or public property caused by the animal(s);

(d) **LOCATION AND TRANSPORTATION.** Such animals shall be kept upon, or transported in escape proof enclosures to, private property which the animals' owner or the person who has a right to control the animal, owns or has a right to possess or use. All other transportation is prohibited unless authorized by the Department.

(e) **EXCEPTIONS.** Subsections (a), (c), and (d) of this section do not apply to:

- (1) Small birds that attain an adult weight under fifteen (15) pounds, small rodents that attain an adult weight under ten (10) pounds, fish, invertebrates, amphibians or reptiles except for the following reptiles: all crocodylians (Order Crocodylia); all boa and python species (Family Boidae) that attain an adult weight over fifteen (15) pounds or an adult length over three and one-half (3-1/2) feet; and all monitor lizard species (Family Varanidae) that attain an adult weight over ten (10) pounds or an adult overall length over three (3) feet.
- (2) Legally operated zoos or circuses or to recognized institutions of learning or scientific research unless by reason of inadequate caging or other means of protection of the public from such animals, or by the ineffectiveness of sanitation measures, or by a particular hazard connected with the animal(s) involved, animal or public health, safety or welfare will be endangered.

(f) **IMPOUNDMENT AND/OR ABATEMENT.** The Department may impound and/or abate any animal held in violation of this section and relocate or dispose of it in a humane manner or

impose specific reasonable conditions and restrictions for the maintenance of the animal(s). At least five (5) "Business Days" prior to the impoundment and/or abatement, the owner shall be served a notice of his/her right to a Departmental hearing as to whether the animal is being held in violation of this section. If the owner requests a hearing prior to impoundment and/or abatement, no impoundment and/or abatement shall take place until the conclusion of the hearing except as provided herein. Such request shall be in writing and must be received by the Department within the specified time period.

If, in the opinion of the Department, immediate impoundment is necessary for the preservation of animal or public health, safety, or welfare or if the animal has been impounded under other provisions of law, the pre-impoundment hearing may be dispensed with; however, in such cases, the owner shall be given five (5) "Business Days" notice of his right to a hearing as to whether the animal was being held in violation of this section. Such request shall be in writing and must be received by the Department within the specified time period.

If a hearing is requested, the animal shall not be disposed of prior to satisfaction of the hearing requirements. A finding at a hearing that grounds exist for the impoundment and/or abatement of the animal, or the failure of the owner and/or custodian to request a hearing or the failure to attend or be represented at a scheduled hearing, shall satisfy the hearing requirements and the animal shall be impounded and/or abated. If, at the conclusion of a hearing, the impoundment is found not to be justified, the animal shall be returned to the owner without charge. The Department may also commence proceedings in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 of this code.

(g) VIOLATION. Any person who violates any provision of this section or who fails to comply with any condition or restriction imposed pursuant to subsection (f) is guilty of a misdemeanor.

Sec. 62.682. PUBLIC NUISANCE.

(a) GENERAL PROVISIONS. The introduction, possession or maintenance of any animal, or the allowing of any animal or animal premises to be in contravention of this chapter or any other law relating to or affecting animals is in addition to being a violation, hereby declared to be a public nuisance.

The Department, the Health Officer, the County Veterinarian and peace officers, may summarily abate any such public nuisance independently of any criminal prosecution or the results thereof by any means reasonably necessary including but not limited to the destruction of the animal or animals involved, or by the imposition of specific reasonable conditions and restrictions for the maintenance of the animal(s) and/or the animal premises. The restrictions and conditions may include, but are not limited to:

- (1) Obtaining and maintaining liability insurance in the amount of one hundred thousand dollars (\$100,000) and furnishing a certificate or proof of insurance by which the Department shall be notified at least ten (10) days prior to cancellation or non-renewal;
- (2) Requirements as to size, construction and design of enclosure;
- (3) Location of the animal's residence;

- (4) Requirements as to type and method of restraints of the animal;
- (5) Photo identification or permanent marking of the animal for purposes of identification;
- (6) A requirement to obtain a public nuisance registration in addition to any license required under section 62.620 of this code;
- (7) Requirements to allow inspection of the animal premises, and/or the animal and its enclosure, by the Department or any other law enforcement agency, and to produce upon demand, proof of compliance with all requirements of this section;
- (8) A requirement to alter the animal; and,
- (9) Payment of a reasonable fee to recover the costs of the Department in verifying compliance and enforcing the provisions of this section.

Failure to comply with such conditions and restrictions is a misdemeanor.

The Department may also commence proceedings in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 of this code.

(b) NOTIFICATION OF RIGHT TO HEARING. At least five (5) "Business Days" prior to the impoundment and/or abatement, the owner or custodian of record shall be served a notice of their right to a hearing to determine whether grounds exist for such impoundment and/or abatement. If the owner or custodian of record requests a hearing prior to impoundment and/or abatement, no impoundment and/or abatement shall take place until the conclusion of the hearing except as noted in subsection (c). Such request shall be in writing and must be received by the Department within the specified time period.

(c) IMMEDIATE IMPOUNDMENT. When, in the opinion of the Department, immediate impoundment is necessary for the preservation of animal or public health, safety or welfare, or if the animal has been impounded under other provisions of law, the pre-impoundment hearing shall be waived. However, the owner or custodian of record shall be served a notice allowing five (5) "Business Days" from service of the notice to request an abatement hearing. Such request shall be in writing and must be received by the Department within the specified time period. If a hearing is requested, the animal shall not be disposed of prior to satisfaction of the hearing requirements.

A finding at an abatement hearing under subsection (b) or (c) that grounds exist for the impoundment and/or abatement of the animal, or the failure of the owner and/or custodian to request a hearing or the failure to attend or be represented at a scheduled hearing, shall satisfy the hearing requirements and the animal shall be impounded and/or abated.

(d) CHANGE OF OWNERSHIP, CUSTODY AND/OR RESIDENCE. The owner and/or custodian of a public nuisance animal who moves or sells the animal(s), or otherwise transfers the ownership, custody or residence of the animal(s), shall at least ten (10) days prior to the sale or transfer, inform the Department in writing of the name, address and telephone number of the proposed new owner or custodian, and/or the proposed new residence, and the name and description of the animal(s). The Department may prohibit the proposed transfer for cause.

The owner and/or custodian shall, in addition, notify any new owner or custodian in writing regarding the details of the animal's record, and the terms and conditions for maintenance of the animal. The owner and/or custodian shall also provide the Department with a copy thereof containing an acknowledgment by the new owner or custodian of his/her receipt of the original and acceptance of the terms or conditions. The Department may impose different or additional restrictions or conditions upon the new owner or custodian.

If the animal should die, the owner and/or custodian shall notify the Department no later than twenty-four (24) hours thereafter and, upon request, produce the animal(s) for verification. If the animal escapes, the owner and/or custodian shall notify the Department and make every reasonable effort to recapture it. Any person who violates any provision of this subsection is guilty of a misdemeanor.

(e) POSSESSION UNLAWFUL. It is unlawful to have custody of, own or possess an animal regulated as a public nuisance unless it is restrained or confined to prevent it from being "At Large" or from causing damage to any property or injury to any person. Any person who violates any provision of this subsection is guilty of a misdemeanor.

(f) SURRENDER OF ANIMAL UPON DEMAND. The owner and/or custodian of an animal regulated as a public nuisance shall surrender such animal to the Department upon demand.

Any person who violates any provision of subsections (a), (d), (e), or (f), of this section is guilty of a misdemeanor.

Sec. 62.683. INJURIES AND COMMUNICABLE DISEASES.

No person shall knowingly harbor or keep any dog or other animal with a serious injury or afflicted with mange, ringworm, distemper or any other contagious disease, unless such dog or other animal is, in the opinion of the Department or the County Veterinarian, being given adequate treatment for such disease. The Department or the County Veterinarian may take immediate possession of any such animal not being so treated or which is not responding to such treatment, and immediately dispose of the animal unless the owner shall forthwith place such animal under the control and treatment of a licensed veterinarian. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 62.684. HEARINGS.

(a) All hearings required pursuant to this article shall be conducted by an employee designated by the Director who shall not have been directly involved in the subject action. Hearings shall be held not more than thirty (30) days from the date of receipt of the request for the hearing and shall be conducted in an informal manner consistent with due process of law. A hearing may be continued if the hearing officer deems it necessary and proper or if the owner or custodian shows good cause. The designated employee shall render a brief written decision that shall be final except as otherwise provided herein. The failure to conduct a hearing required by this article shall have no bearing on any criminal prosecution for violation of any of the provisions of this article.

(b) Each party shall have these rights: To call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter

was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify; and to rebut the evidence against the party. If the owner/custodian does not testify in his/her own behalf, the owner/custodian may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.

(d) In any case where the hearing officer determines that a Dangerous Dog declaration shall be issued and/or that an abatement remedy shall be imposed, the owner of the animal(s) in question shall be served a written notice that he/she may, within five (5) "Business Days" from service of the notice, apply for a departmental administrative review of the record. Such application for review shall be in writing, shall briefly set forth the reasons why the owner believes that the decision is not proper, and must be received by the Department within the specified time period.

The departmental review of the record shall be conducted by the Director personally or by a designated employee who shall not have been directly involved in the subject action and who shall not be junior in rank to the hearing officer.

The effect of a hearing decision to abate an animal by destruction shall be stayed while a departmental administrative review is pending or until the time period for applying for such review has expired. There shall be no stay of the effect of a decision of a hearing in which a Dangerous Dog declaration is issued and/or a condition for the continued ownership of the animal is imposed.

If a departmental administrative review is requested, the review of the record shall extend to the questions whether the Department has proceeded without, or in excess of its authority; whether there was a fair hearing; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the Department has not proceeded in the manner required by law, the decision is not supported by the findings, or the findings are not supported by substantial evidence in light of the whole record.

At the conclusion of the administrative review, the individual reviewing the record may uphold, modify, or rescind the decision of the hearing officer, or may order the reconsideration of the case. The individual reviewing the record shall prepare a brief written report concerning his/her review of the case.

If a decision by the hearing officer to abate an animal by destruction is upheld by the individual reviewing the record, the owner/possessor shall be served a written notice that he/she may apply for a writ of mandate or other order from Superior Court within five (5) "Business Days" from service of the notice to contest the decision. The disposition of the animal shall be stayed while an appeal is pending or until the time for filing such appeal has expired.

Sec. 62.685. PROTECTION DOGS.

- (a) GENERAL PROVISIONS. Any "Protection Dog Operator" shall:
- (1) Comply with all applicable federal, state and local laws, regulations, and permit requirements affecting the keeping of a "Protection Dog" and/or the operation of a "Protection Dog" business. Upon demand by the Department or any other law enforcement agency, each "Protection Dog Operator", must demonstrate compliance with all applicable laws, regulations, and permit requirements affecting the keeping of a "Protection Dog" and/or the operation of a "Protection Dog" business.
 - (2) Notify the local law enforcement agency and fire department which provide police and fire suppression services, and the Director of Animal Control, in writing of the location of the "Protection Dog Operator" office, base facility, and/or kennel, where any dogs are maintained for any period.
 - (3) Ensure each dog furnished or assigned to any facility within the unincorporated area of San Diego County or any city in which the Department provides animal control services is wearing a County of San Diego dog license tag before such furnishing or assigning of the dog. This licensing requirement is in addition to the identification tag specified in (4) below. Notwithstanding the provisions of section 62.646 of this code, a "Protection Dog Operator" shall obtain individual dog licenses for each dog, whether or not it is kept in a "Kennel" as defined by this code.
 - (4) Ensure that each dog is wearing a durable identification tag in addition to a County of San Diego dog license tag. The identification tag provided by the "Protection Dog Operator" shall contain the name, address, and telephone number of the "Protection Dog Operator" furnishing the "Protection Dog". The telephone number so provided shall be to a telephone which is answered by a person 24 hours per day every day of the year. In addition, a dog handler shall be available at all times to respond in a timely manner to reports regarding a dog which has escaped, is injured, or presents a risk of harm to animal or public health, safety, or welfare.
 - (5) Provide positive identification for each dog by implantation of a microchip of a type and in a manner approved by the Department. The "Protection Dog Operator" shall also provide the Director of Animal Control with a written list of dogs to be assigned to any facility within the unincorporated area of San Diego County or any city in which the Department provides animal control services. Such list shall include each dog's name and description, along with the license and identification numbers.
 - (6) Notify the local law enforcement agency and fire department which provide police and fire suppression services, and the Director of Animal Control, in writing prior to, but not more than, fifteen (15) days before a dog is sent on an assignment of the location and duration of such assignment. In addition, such notification shall be provided, within fifteen (15) days, when the assignment of the dog is terminated.
 - (7) Ensure that dogs working with supervision in an unfenced area, yard, or premises, be controlled on a handheld "Leash" as defined in this code. Dogs working without supervision shall be confined within a fenced or otherwise enclosed facility not open to

the public. The fence or other enclosure shall be of sufficient structural strength and height with locked gates and/or doors to ensure the strict confinement of the dog and to prevent unauthorized access. The fence or other enclosure is subject to inspection and approval by the Department. The "Protection Dog Operator" may be required to pay a reasonable fee to recover the costs of such inspection.

In addition, ensure that each dog, whether or not on duty, is visited at least once every twelve (12) hours and that each dog has adequate food, water and shelter. Any dog which is sick or injured shall be provided proper care and attention and, if on duty, shall be removed from the site. Dogs shall not be kept or maintained on a chain or tether. When not on a handheld "Leash", dogs shall be kept or maintained, at all times, in an enclosure which meets the minimum space requirements as provided by section 62.645.6 and 62.645.7(b) of this code. In addition, the minimum space requirements provided by section 62.645(c) of this code shall also apply unless the dogs are kept in a kennel which was licensed pursuant to section 62.641 of this code on September 11, 1986.

Further, ensure that the dog is not knowingly overworked, or tortured, tormented, neglected, abandoned, deprived of necessary sustenance or care, drink or shelter, beaten, mutilated, or unjustifiably killed. The words "torment" and "torture" include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

- (8) Obtain and maintain liability insurance issued by an insurance company authorized to transact business in this state which provides minimum limits of insurance of five hundred thousand dollars (\$500,000) for any one loss due to bodily injury or death and five hundred thousand dollars (\$500,000) for any one loss due to injury or destruction of property. The "Protection Dog Operator" shall also furnish the Director of Animal Control with a certificate or photocopy of the insurance policy and notify the Director at least ten (10) days prior to cancellation or non-renewal of the policy.
- (9) Ensure that durable signs of sufficient size containing both a clear pictorial depiction of a protection dog and a legible written warning of the presence of a protection dog are conspicuously posted and maintained at every entrance and at reasonable intervals on the fence or other enclosure where the dog is to be assigned so as to be clearly visible. Signs shall also include the name and telephone number of the "Protection Dog Operator" furnishing the "Protection Dog". The telephone number so provided shall be to a telephone which is answered by a person 24 hours per day every day of the year. In addition, a dog handler shall be available at all times to respond in a timely manner to reports regarding a dog which has escaped, is sick, injured, or presents a risk of harm to animal or public health, safety, or welfare.
- (10) Provide a written statement to any person who obtains a "Protection Dog" on hire, prior to a dog being sent on assignment, containing the following:

"In addition to other provisions of law, any person or business entity with custody of a protection dog is responsible for preventing the dog from being 'At Large', within the meaning of the San Diego County Code, and from attacking or injuring a person engaged in a lawful act. Any person who obtains a dog on hire shall immediately notify the protection dog operator

and the Department of Animal Control at (619) 236-2341 in the event an escaped dog is not immediately recaptured.

"Section 62.615 of the San Diego County Code provides in part that any person owning or having custody or control of a dog which bites a person, shall notify the Department as soon as possible thereafter.

"Protection dog operators and the keeping or maintenance of protection dogs are regulated by the County of San Diego Department of Animal Control, 5480 Gaines Street, San Diego, California, 92110-2687."

The "Protection Dog Operator" shall also provide the Director of Animal Control with a copy thereof containing an acknowledgment of receipt, signed and dated by the person who obtained the dog on hire. Such acknowledgement shall also include the printed name, address, and telephone number of the "Protection Dog Operator" and the person who obtained the dog on hire.

- (11) Transport the dog in a secure, humane manner that will reasonably prevent its possible escape.
- (12) Make every reasonable effort to recapture an escaped dog and, if not immediately recaptured, notify the Department.
- (13) Reimburse the Department for all costs incurred in enforcing the provisions of this section.

(b) Any person who obtains a "Protection Dog" on hire shall immediately notify the "Protection Dog Operator" and the Department by telephone in the event an escaped dog is not immediately recaptured.

(c) The sale, transfer, or use as a "Protection Dog" of any "Dangerous Dog" as defined in this code is prohibited whether or not the dog had been declared a "Dangerous Dog" pursuant to section 62.674.

Sec. 62.686. GUARD DOGS

(a) It shall be unlawful for any person to operate or maintain a business to sell, rent, or train, or to furnish for hire a "Guard Dog" without a Guard Dog Operator Permit.

(b) Unless otherwise provided herein, it shall be unlawful for any "Guard Dog Operator" to maintain a "Guard Dog" without a Guard Dog Premises Permit for each premises, area, or yard where a "Guard Dog" is kept or maintained for any period of time; including, but not limited to, the office, base facility, training facility, or kennel utilized by the "Guard Dog Operator", and any premises, area, or yard to which a "Guard Dog" has been furnished for hire.

(c) Guard Dog Operator Permits and Guard Dog Premises Permits shall be administered as follows:

- (1) Procedures for Guard Dog Operator Permit and Guard Dog Premises Permit applications,

renewals, denials, suspensions, revocations, hearings, and appeals, except as otherwise herein provided, shall be the same as those set forth in the Uniform Licensing Procedure (sections 16.101-16.115) of this code.

- (2) Application for a Guard Dog Premises Permit shall be granted or denied within five (5) "Business Days" after the Department receives a completed application, including applicable fees, from the holder of a Guard Dog Operator Permit.
- (3) Failure of a "Guard Dog Operator" to comply with any requirement listed in this chapter or The Dog Act of 1969 (Health and Safety Code section 121875 et seq.) in connection with a "Guard Dog Premises" may result in the denial, suspension, or revocation of a Guard Dog Premises Permit.
- (4) The expiration, denial, suspension, or revocation of a Guard Dog Operator Permit shall have the same effect on any and every Guard Dog Premises Permit issued to the "Guard Dog Operator".

(d) The Department may inspect a "Guard Dog Premises" to verify compliance with this chapter and The Dog Act of 1969 (Health and Safety Code section 121875 et seq.) prior to the issuance of a Guard Dog Premises Permit.

Sec. 62.687. GUARD DOG OPERATORS

(a) Any "Guard Dog Operator", in addition to the requirements of The Dog Act of 1969 (Health and Safety Code 121875 et seq.), shall comply with the following:

- (1) Supply each animal with sufficient, good, and wholesome food and water as often as the feeding habits of the animal requires.
- (2) Keep each animal and animal quarters in a clean and sanitary condition.
- (3) Provide each animal with proper shelter and protection from the weather at all times. An animal shall not be overcrowded or exposed to temperatures detrimental to the welfare of the animal.
- (4) Visit to ensure that no animal is allowed to be without care or control in excess of twelve (12) consecutive hours.
- (5) Take every reasonable precaution to ensure that no animal is teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any person or by any means.
- (6) Ensure that no animal is maintained or allowed to exist in any manner that is, or could be, injurious to that animal.

In addition, each dog shall be transported in a secure, humane manner that will reasonably prevent its possible escape.

- (7) Ensure that no animal is given any alcoholic beverage, unless prescribed by a veterinarian.
- (8) Animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, shall not be quartered together or so near each other as to cause injury, fear, or torment.
- (9) Any tack equipment, device, substance, or material that is, or could be, injurious or cause unnecessary cruelty to any animal shall be prohibited.
- (10) Keep or maintain animals physically controlled by a hand held "Leash" or confined at all times. Dogs shall not be kept or maintained on a chain or tether. Any fence or other enclosure shall be of sufficient structural strength and height with locked gates and/or doors to ensure the strict confinement of the dog so as to prevent escape or unauthorized access. The "Guard Dog Operator" or "Protection Dog Operator" shall have full responsibility for recapturing any animal that escapes. Furthermore, any escaped animal that is not immediately recaptured shall be promptly reported to the Department.
- (11) Give proper rest periods to any working animal. Any confined or restrained animal shall be given exercise proper for the individual animal under the particular conditions.
- (12) Ensure that no animal overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit is worked, used, or rented.
- (13) Ensure that any animal the Department has suspended from use, is not worked or used until the animal is released by the Department.
- (14) Ensure that no animal bearing evidence of malnutrition, ill health, unhealed injury, or having been kept in an unsanitary condition is displayed.
- (15) Keep or maintain each animal in a manner as may be prescribed to protect the public from the animal, and the animal from the public.

In addition, the local law enforcement agency and fire department which provide police and fire suppression services, and the Director of Animal Control, shall be notified in writing, of the office, base facility, training facility, or kennel where any "Guard Dog" is maintained for any period.

Such notification shall also be provided at least five (5) "Business Days" before a "Guard Dog" is to be sent on an assignment, and shall include the location and duration of such assignment.

Ensure that each dog furnished or assigned to any facility within the unincorporated area of San Diego County or any city in which the Department provides animal control services is wearing a County of San Diego dog license tag before such furnishing or assigning of the dog. Notwithstanding the provisions of section

62.646 of this code, a "Guard Dog Operator" shall obtain individual dog licenses for each dog, whether or not it is kept in a "Kennel" as defined by this code.

Ensure that each dog is wearing a durable identification tag in addition to a County of San Diego dog license tag. The identification tag provided shall contain the name, address, and telephone number of the "Guard Dog Operator" furnishing the dog.

Provide positive identification, by implantation of a microchip of a type and in a manner approved by the Department. For each dog to be furnished for hire to any premises, area, or yard within the unincorporated area of San Diego County or any city in which the Department provides animal control services.

Each required notification shall include each dog's name and description along with the license, microchip, and any other identification numbers.

Ensure that durable signs of sufficient size containing both a clear pictorial depiction of a guard dog and a legible written warning of the presence of a guard dog are conspicuously posted. Such signs shall be maintained at every entrance and at not more than fifty (50) foot intervals so as to be clearly visible on the fence or other enclosure where the dog is to be maintained or assigned. Any such sign that is initially posted or replaced on or after the effective date of this ordinance shall measure a minimum of 11 x 8.5 inches with lettering of a minimum of 1.25 x .5 inch (91 point) and of contrasting color with the background.

Signs shall also include the name and telephone number of the "Guard Dog Operator" furnishing the dog.

The telephone number included on the identification tag and warning sign(s) shall be to a telephone that is answered by a person 24 hours per day, every day of the year. In addition, a dog handler shall be available at all times to immediately respond to reports regarding a dog that has escaped, is sick, injured, or presents a risk of harm to animal or public health, safety, or welfare.

- (16) Take any animal to a veterinarian for examination and/or treatment upon the order of the Department.
- (17) Display no animal whose appearance is, or may be, offensive or contrary to public decency.
- (18) Allow no animal to constitute a nuisance, cause a hazard, or be a menace to the health, peace, or safety of the community.

In addition, obtain and maintain liability insurance issued by an insurance company authorized to transact business in this state which provides minimum limits of insurance of five hundred thousand dollars (\$500,000) for any one loss due to bodily injury or death and five hundred thousand dollars (\$500,000) for any one loss due to injury or destruction of property. The "Guard Dog Operator" shall also furnish the Director of Animal Control with a certificate or photocopy of the

insurance policy and notify the Director at least ten (10) days prior to cancellation or non-renewal of the policy.

Provide a written statement to any person who obtains a "Guard Dog" on hire, prior to a dog being sent on assignment, containing the following:

"In addition to other provisions of law, any person or business entity with custody of a guard dog is responsible for preventing the dog from being 'At Large', within the meaning of the San Diego County Code, and from attacking or injuring a person engaged in a lawful act. Any person who obtains a dog on hire should immediately notify the guard dog operator in the event a guard dog escapes from its enclosure, and the Department of Animal Control at (619) 236-2341 in the event an escaped dog is not immediately recaptured.

"Section 62.615 of the San Diego County Code provides in part that any person owning or having custody or control of a dog which bites a person, shall notify the Department as soon as possible thereafter.

"Guard dog operators and the keeping or maintenance of guard dogs are regulated by the County of San Diego Department of Animal Control, 5480 Gaines Street, San Diego, California, 92110-2687."

The "Guard Dog Operator" shall also provide the Director of Animal Control with a copy thereof containing an acknowledgment of receipt, signed and dated by the person who obtained the dog on hire. Such acknowledgement shall also include the printed name, address, and telephone number of the "Guard Dog Operator" and the person who obtained the dog on hire.

(19) Isolate at all times any sick or diseased animal from any healthy animal, and adequately segregate them so that the illness or disease will not be transmitted from one animal to another. Any sick or injured animal shall be isolated and given proper medical treatment.

(20) Immediately notify the owner of any animal held on consignment or boarded if the animal refuses to eat or drink beyond a reasonable period, is injured, becomes sick, or dies. In case of death, the body of the dog shall be retained for 12 hours after notification has been sent to the owner.

(b) The sale, transfer, or use as a "Guard Dog" of any "Dangerous Dog" is prohibited whether or not the dog has been declared a "Dangerous Dog" pursuant to section 62.674.

(c) Reimburse the Department for all costs incurred in enforcing the provisions of this section.

PENALTIES. Any who violates subsection (b) of this section is guilty of a misdemeanor. Nothing in this section limits or authorizes any act or omission that violates any provision of Title 14 of the Penal Code.

CHAPTER 7

ANIMALS IN VEHICLES

Sec. 62.700. TRANSPORTATION OF ANIMALS.

No person shall transport or carry, on any public roadway, any animal in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a cab or container, secured cage, cross-tether, harness, or other device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.

Sec. 62.701. ANIMALS IN UNATTENDED VEHICLES.

No person shall leave an animal in any unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health or welfare.

Section 3. Effective Date and Publication. This ordinance shall take effect and be in force on February 2, 2002, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 8th day of January, 2002.