



**Health and Human
Services Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: April 9, 2019

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Patrick Hamblin PHONE: (559) 636-4051

SUBJECT: Amendment to the Tulare County Animal Ordinance, and Amendment to the Tulare County Zoning Ordinance relating to Kennels.

REQUEST(S):

That the Board of Supervisors:

On April 9, 2019

1. Receive a presentation on proposed amendments to the Tulare County Ordinance code and Zoning Ordinance, and proposed Commercial and Kennel Minimum Standards;
2. Introduce and waive the first reading of an ordinance amending Sections 2, 4, 4.5, 5, 6, 7, 8, 18.7, Part II B and II G of Section 16, and adding new Section 15.10 to Ordinance No. 352, the Zoning Ordinance of Tulare County, pertaining to Kennels;
3. Introduce and waive the first reading of an ordinance amending Chapter 7 of Part IV of the Tulare County Ordinance Code, pertaining to Control of Animals;
4. Hold a Public Hearing at 9:30 a.m. or shortly thereafter, regarding the two proposed ordinances described above;
5. Approve the attached Commercial Kennel Minimum Standards;
6. Approve the attached Rescue Kennel Minimum Standards;
7. Set the second reading of the ordinances for April 30, 2019;
8. Approve the attached summaries of the ordinances for publication; and
9. Direct the Clerk to publish summaries of the ordinances before the second reading, as required by law.

SUBJECT: Amendment to the Tulare County Animal Ordinance, and Amendment to the Tulare County Zoning Ordinance relating to Kennels.

DATE: April 9, 2019

On April 30, 2019

10. Approve a Non-project Exemption (14 Cal. Code. Regs. § 15378)), a General Rule Exemption ((14 Cal. Code Regs. § 15061(b)(3)), and a Class 8 Categorical Exemption, (14 Cal. Code. Regs. § 15308) pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines;
11. Waive the second reading and adopt an ordinance amending Sections 2, 4, 4.5, 5, 6, 7, 8, 18.7, Part II B and II G of Section 16, and adding new Section 15.10 to Ordinance No. 352, the Zoning Ordinance of Tulare County, pertaining to Kennels;
12. Waive the second reading and adopt an ordinance amending Chapter 7 of Part IV of the Tulare County Ordinance Code, pertaining to Control of Animals;
13. Direct the Clerk to publish summaries of the ordinances and post a full copy of each of the ordinances after adoption, as required by law; and
14. Direct the Environmental Assessment Officer of the Tulare County Resource Management Agency, or designee, to file a Notice of Exemption with the Tulare County Clerk.

SUMMARY:

BACKGROUND

The Tulare County Ordinance sections relating to Animals were last updated in 2015. At that time, the ordinances were overhauled to reduce redundancy and ambiguity, as well as revise language to align with changes in State regulations and best practices in the Animal Services field. With the 2015 ordinance amendments, the Tulare County Animal Services Advisory Committee was created, bringing together animal experts and caretakers from around the county, as well as providing a forum for community input into Animal Services policy and procedure. The committed participation of the Committee combined with the experience of Animal Services implementing the 2015 ordinances, observing local, state-wide, and national developments and trends regarding companion animal care, and working with other animal control, rescue, and shelter organizations, has highlighted the need for the Animal Ordinances to be further refined to reflect the County's needs and welfare, as well as changing attitudes towards animal care.

In particular, HHSA and the Committee aim to address dog overpopulation, dog mistreatment, and associated burdens on County resources.

In order to achieve continued consistency with the Animal Ordinances' proposed kennel provisions, changes to the Tulare County Zoning Ordinance are also proposed.

PROPOSED CHANGES TO ZONING ORDINANCE

In order to achieve continued consistency with the Animal Ordinances' proposed kennel provisions, changes to the Tulare County Zoning Ordinance are proposed.

SUBJECT: Amendment to the Tulare County Animal Ordinance, and Amendment to the Tulare County Zoning Ordinance relating to Kennels.

DATE: April 9, 2019

SECTION 15.10'S CONSISTENCY WITH GENERAL PLAN AND ZONING:

The application of the Kennel Ordinance is generally consistent with General Plan and Zoning Code, and is consistent with State law.

No General Plan Amendments are necessary to implement these considerations. Staff suggests the proposed changes to Section 15.10 as common sense, reasonable updates to ensure consistency across County policy.

ENVIRONMENTAL SUMMARY:

Under the California Environmental Quality Act (CEQA), three CEQA exemptions are applicable to County approval of the proposed Zoning Code Amendments: a Non-project Exemption (14 Cal. Code. Regs. § 15378), a General Rule Exemption ((14 Cal. Code Regs. § 15061(b)(3)), and a Class 8 Categorical Exemption, (14 Cal. Code. Regs. § 15308).

PROPOSED CHANGES TO ANIMAL ORDINANCE

The proposed ordinance revisions are designed to aid Animal Services in achieving the goals of reducing pet overpopulation, stray animal issues, euthanasia rates, and animal mistreatment, while giving citizens clear guideline and procedural expectations. These goals are advanced with expanded definitions, regulations incorporating current science, limitations on kennel size and breeding rates, mandatory microchipping to facilitate reunification of lost pets and owners, and limited exceptions to the requirement to spay/neuter.

A more thorough summary is available in the attached "Quick Guide" and "Animal Ordinance Summary for Publication."

FISCAL IMPACT/FINANCING:

There is no fiscal impact associated with this Ordinance. No Net County Cost.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year plan includes the Safety and Security initiative to promote personal responsibility for public safety. Adoption of the ordinance will help fulfill this initiative by providing ordinance codes that offer clear, concise regulations to better protect the constituents and animals living in Tulare County.

ADMINISTRATIVE SIGN-OFF:



Robert C. Stewart
Director of Fiscal Operations

cc: County Administrative Office

SUBJECT: Amendment to the Tulare County Animal Ordinance, and Amendment to the Tulare County Zoning Ordinance relating to Kennels.

DATE: April 9, 2019

Attachment(s)

Attachment 1 – PowerPoint Presentation

Attachment 2 – Proposed Animal Ordinance Revisions – Tracked Changes

Attachment 3 – Proposed Animal Ordinance Revisions – Quick Guide

Attachment 4 – Proposed Chapter 7 Part IV of the Ordinance Code

Attachment 5 – Commercial Kennel Minimum Standards

Attachment 6 – Commercial Kennel Minimum Standards – Quick Guide

Attachment 7 – Animal Rescue Kennel Minimum Standards

Attachment 8 – Animal Rescue Kennel Minimum Standards – Quick Guide

Attachment 9 – Proposed Amendments and Added Section 15.10 of the Zoning Ordinance

Attachment 10 – Notice of Exemption for Project

Attachment 11 – Planning Commission Resolution No. 9593

Attachment 12 – Notice of Public Hearing

Attachment 13 – Summary of Proposed Chapter 7 Part IV Amendments for Publication

Attachment 14 – Summary of Proposed Zoning Amendments and Addition for Publication

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AMENDMENT TO THE)
TULARE COUNTY ANIMAL ORDINANCE,)
AND AMENDMENT TO THE TULARE)
COUNTY ZONING ORDINANCE RELATING) Resolution No. _____
TO KENNELS.)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

That the Board of Supervisors:

On April 9, 2019

1. Received a presentation on proposed amendments to the Tulare County Ordinance code and Zoning Ordinance, and proposed Commercial and Kennel Minimum Standards;
2. Introduced and waived the first reading of an ordinance amending Sections 2, 4, 4.5, 5, 6, 7, 8, 18.7, Part II B and II G of Section 16, and adding new Section 15.10 to Ordinance No. 352, the Zoning Ordinance of Tulare County, pertaining to Kennels;
3. Introduced and waived the first reading of an ordinance amending Chapter 7 of Part IV of the Tulare County Ordinance Code, pertaining to Control of Animals;

4. Held a Public Hearing at 9:30 a.m. or shortly thereafter, regarding the two proposed ordinances described above;
5. Approved the attached Commercial Kennel Minimum Standards;
6. Approved the attached Rescue Kennel Minimum Standards;
7. Set the second reading of the ordinances for April 30, 2019;
8. Approved the attached summaries of the ordinances for publication; and
9. Directed the Clerk to publish the summaries of the ordinances before the second reading, as required by law.

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AMENDMENT TO THE)
TULARE COUNTY ANIMAL ORDINANCE,)
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COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

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On April 30, 2019

1. Approved a Non-project Exemption (14 Cal. Code. Regs. § 15378)), a General Rule Exemption ((14 Cal. Code Regs. § 15061(b)(3)), and a Class 8 Categorical Exemption, (14 Cal. Code. Regs. § 15308) pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines;
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3. Waived the second reading and adopted an ordinance amending Chapter 7 of Part IV of the Tulare County Ordinance Code, pertaining to Control of Animals;

4. Directed the Clerk to publish summaries of the ordinances and post a full copy of each of the ordinances after adoption, as required by law; and
5. Directed the Environmental Assessment Officer of the Tulare County Resource Management Agency, or designee, to file a Notice of Exemption with the Tulare County Clerk.

Attachment 1

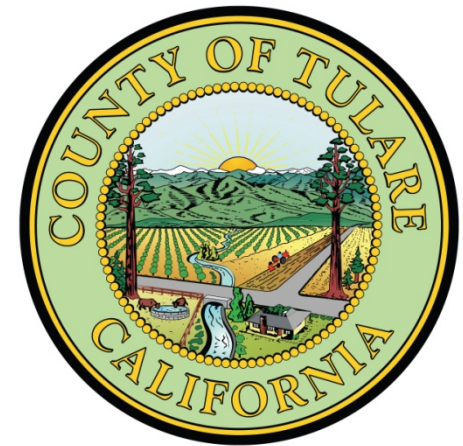
PowerPoint Presentation

Tulare County
Health & Human Services Agency

Animal Services Division
Animal & Zoning Ordinance Updates
and
Kennel Minimum Standards



TULARE COUNTY
ANIMAL CARE & ADOPTIONS



Overview

- 2015 to 2019
- Public Outreach
- Animal Services Advisory Committee
- Proposed Revisions to Animal Ordinance
- New Commercial Kennel Minimum Standards
- New Rescue Organization Minimum Standards
- Proposed Revisions to Zoning Ordinance
- Summary

Goals and Objectives

- Address the pet overpopulation within County
- Improve health and well-being of animals within County
- Maintain the Agency's vision, mission, and core values
- Zoning Ordinance Amendments

Public Input

- **Outreach event in Pixley –September 25, 2018**
- **Outreach event in Sultana –September 26, 2018**
- Posted to Animal Services Website August 9, 2018
- Established dedicated email account receive questions/comments animalcontrolsupport@tularehhsa.org
- Letters sent to current kennel permit holders and swap meets
- Email updates sent to attendees of the August 9, 2018 Animal Services Advisory Committee
- Social Media Postings of link to revisions and updates
- Public Notices in Visalia Times Delta and Sun Gazette

Animal Ordinance Proposed Revisions

Article I

- Findings in Support of Animal Ordinance
- Revised and Expanded Definitions

Article II

- Incorporates references to CA code sections where applicable
- Authority to adjust/waive fees and penalties by Administrative Review Officer
- Recoupment of Enforcement Costs

Article III

- Licensing of Dogs
- Mandatory Microchipping
- Revised Spay & Neuter Requirements

Article IV

- Permitting
- Transitional Period
- Maximum Number of Adult Dogs
- Permit Application, Fees, and Term
- Revocation of Permit
- Transfer of Permit
- Kennel Standards

Article IV (cont.)

- Records
- Breeder Permits and Advertising
- Limitation on number of Breeder Permits
- Limitation on breeding of Animals
- Violations and Penalties

SWAP MEETS

- Prohibits sale of live Animals at Swap Meets within Tulare County's jurisdiction

Article V

- Spay/Neuter upon second impound within 24 months vs 12 months
- Animal Impoundment for Abuse or Neglect

Proposed Kennel Minimum Standards

Commercial Kennel Minimum Standards & Rescue Organization Minimum Standards

- Promotes health and wellbeing of Animals
- Establishes Standards including, but not limited to:
 - Housing space requirements
 - General and Veterinary Care
 - Exercising and Socialization
- Record keeping

Calculating Minimum Space

- Measure dog from nose to base of tale + 10" squared:
 - Dog measures 24"
 - $(24'' + 10'')$ ² = 1,156
 - Multiply by 3
 - $1,156 \times 3 = 3,468$
 - Divided by 144
 - $3,468 / 144 = 24.08$ sq. ft.
- This provides the minimum amount of floor space in square feet.
- Minimum vertical space requirement is sixty (60) inches.



Zoning Ordinance Proposed Revisions

Collaborative Effort

- Comprehensive animal and zoning ordinance package.
- Provide reasonable and uniform regulations regarding both non-commercial and commercial kennel activities.
- Protect the health, safety and welfare of the general public.
- Reviewed by Planning Commission February 27, 2019; recommendation to BOS to adopt proposed changes.

Proposed Zoning Ordinance Revisions

- Section 1. Section 2 “DEFINITIONS,” amending “KENNEL”: Any combination of building(s), structure(s), and/or land area(s) on an individual parcel where five (5) or more “Adult Dogs” – nine (9) months.
- Section 2. Part II B of Section 16, pertaining to “SPECIAL USES AND ZONES IN WHICH ALLOWABLE,” is amended so that the section pertaining to Kennels reads as follows: Kennels – Commercial Kennels, Boarding Kennels, and Rescue Kennels. AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, CO, C-1, C-2, C-3, M-1, M-2, AP
- Section 2. Kennels – Personal Use Kennels. AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, CO, C-1, C-2, C-3, M-1, M-2, AP. Personal Use Kennels require no Special Use Permit but are subject to appropriate Kennel “Licensing” approval from Tulare County Animal Services
- E. Any use of real property existing on the effective date... shall be regarded as a nonconforming use which may be continued for up to five (5) years after the effective date of this ordinance. On or after such date, all such nonconforming uses shall be public nuisances.

Requested Action & Next Steps

- Asking Board to adopt proposed Animal and Zoning Ordinance revisions.
- Asking Board to adopt newly created Minimum Standards for Commercial and Rescue operations.
- Direct staff to bring back the ordinance for the second hearing.
- Provide input to Animal Services on future ordinance revisions and focus.

Thank you

Questions?

Attachment 2

Proposed Animal Ordinance Revisions – Tracked Changes

ARTICLE I – General Provisions

4-07-1000 - Short title.

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

4-07-1100 - Purpose - Construction.

This chapter is intended to regulate, control, and protect Domestic Animals within the unincorporated area of Tulare County. Because of the importance of agricultural production in and to the county, the provisions of this chapter shall be construed and given effect in a manner that is consistent with and in furtherance of conserving, protecting, enhancing and encouraging Agricultural Operations within the county and in accordance with the Tulare County General Plan.

4-07-1200 - Relationship to other laws.

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to any activity which is regulated by federal or state law. This chapter shall be interpreted to be compatible with federal and state enactments, and in furtherance of the public purposes which those enactments express. Tulare County will uphold the laws of the state of California. Where the ordinances are silent, Tulare County will enforce the laws of the state of California as related to the health and welfare of Animals, as amended from time to time.

4-07-1300 - Authority to set fees and charges.

Fees shall be established by the Board of Supervisors of Tulare County to include, but not be limited to, fees for Impoundment, licensing, kenneling, adoption, and boarding of Animals. The fees and charges so established may recover the reasonable cost of providing such services and issuing such licenses, as well as administrative fees related to such services, as allowable under the law.

4-07-1400 - Definitions.

Unless the provision or context requires otherwise, the definitions contained in this section shall govern the construction of this chapter. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

"Abandon" means to leave an Animal upon any public street or other public place, or upon any private property or Premises with no intention of returning to care for that Animal.

"Administrative Citation" means a notice provided by the Animal Services Manager or an Animal Control Officer outlining behaviors in violation of this Chapter.

"Administrative Review Officer" means the Agency Director of the County's Health and Human Services Agency (HHS) or his or her designee. The Director may contract with a qualified provider to conduct the Administrative Reviews or to process Administrative Citations.

"Administrative Review Appeals Officer" means the Agency Director of the County's Health and Human Services Agency (HHS) or his or her designee. The Director may contract with a qualified provider to

conduct the Administrative Review Appeals.

"Adoptable" means, pursuant to Penal Code Section 599d(a), Animals eight weeks of age or older that, at or subsequent to the time they are Impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a significant health or safety risk or otherwise make the Animal unsuitable for placement as a pet, ~~and have manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the Animal's health in the future.~~

"Adoption" means transferring possession of any animal from an Animal Rescue Organization or government operated shelter, with such transfers including adoption terms enumerated in a signed contract between the Animal Rescue Organization or shelter and adoptee.

"Adult Dog" means any Dog over the age of nine (9) months.

"Altered" means spayed or neutered.

"Animal" means and includes any mammal, reptile, amphibian, avian, or fish.

"Animal Services Division" or "Animal Services" means the division, and its duly authorized staff, within the Health and Human Services Agency, which has been established to oversee the County's Animal Control and Licensing functions and the day-to-day operations of the County's Animal Care and Adoption Facility.

"Animal Control Officer" means a person duly appointed by the Animal Services Manager to carry out the activities and programs of Animal Services.

"Animal Nuisance, " within the meaning of this title, means such actions or behaviors of an Animal which interfere with the rights of persons to the enjoyment of life or property by creating chronic annoyance, disturbance, or discomfort to neighbors or others in close proximity to the Premises where the Animal is kept, harbored or maintained, and shall include, but not be limited to, the following:

- A. Causing fouling of the air by the unpleasant odor of accumulated fecal waste or urine. Such fouling of the air must be detected from a location or locations other than the property in question; or
- B. Causing unsanitary conditions in enclosures or surroundings; or
- C. Making a chronic, continuous excessively loud or disturbing noise of more than a fifteen (15) minute duration per incident, that prevents the resident or residents of any property from enjoying the full use quiet enjoyment of ~~that their~~ property ~~for any lawful purpose including but not limited pursuant to sleep or rest~~ Health and Safety Code §46000. This does not include periodic barking or other utterances of short duration.

This list excludes agricultural operations that are in compliance with zoning ordinances and special use permits.

"Animal Owner", "Owner" or "Custodian" means any Person who owns an Animal or who has charge, care, custody or control of, or has a right to control an Animal for fourteen (14) or more consecutive days, except a Veterinarian caring for an Animal in the regular practice of veterinary medicine.

"Animal Rescue- Organization" or "Rescue Organization" means any person or group registered within their state of operation as a charitable organization ~~operating as a~~, or registered as a tax exempt

organization under 501(c)(3) that provides of Title 26 of the United States Code, dedicated to the housing and care for of domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted-out, and which does not in the normal course of its operations obtain animals from any breeder(s) or broker(s) for payment or other compensation.

"Animal Services Manager/Director" or "Manager" means the person, appointed by the Health and Human Services Agency Director, who is tasked with the management of the Animal Services Division.

"Animal Services Personnel" means any person working at the Animal Shelter and tasked with carrying out the activities and programs of Animal Services.

"Animal Shelter" means the County-owned and operated shelter for the purpose of Impounding, caring for, adopting out, and placing seized, stray, distressed, homeless, Abandoned, or unwanted Animals.

"At large" means an Animal off the Premises of its Owner or Custodian and:

- A. If Livestock, not properly fenced, or not under the control and in the immediate presence of the Owner or Custodian; or
- B. If a Dog, not under physical restraint.

"Biting Animal" means any Animal, other than a law enforcement service Dog, that bites a person or other Animal in the unincorporated areas of the Tulare County; provided however, that the person or Animal bitten was not at the time either provoking or teasing the Animal ~~without cause.~~ The records of Animal bites kept by Animal Services shall be deemed official records and shall establish the number of bites recorded.

"Board" means the Board of Supervisors of Tulare County, California.

"Breed" or "Bred" means to mate animals to produce offspring. For the purposes of this Chapter, an Animal has been bred when its mating has resulted in pregnancy, whether or not pregnancy results in live birth.

"Breeding Permit" as used in this chapter means a permit issued by Animal Services to Commercial Kennels engaging in the any person, organization, or entity breeding of Animals dogs for sale, profit, trade, or gifting; or advertising such animals for sale, profit, trade or gifting.

"Cat" means any Domestic Cat (*Felis catus*).

"County Property" means any building, land or water owned, leased, managed, or controlled by the County.

"Corrective Action Plan" means a directive from the Animal Services Manager, or similarly situated person, compliance with which will result in return of an Animal and/or cessation of any pending matters with Animal Services.

"Custodian" means any person or entity who is temporarily in possession and control of an Animal.

[“Dam” means the female parent of an animal, especially a domestic mammal.](#)

"Director" means the Agency Director of the County’s Health and Human Services Agency (HHS) or his or her designee and acting within the scope of the Director’s authority.

"Dog" means any Domestic Dog (*Canis familiaris*).

"Dog license" means a tag, which will be firmly affixed to the Animal's collar on which is imprinted the phone number and name of the issuing agency, and a serial number unique to the individual tag.

"Domestic Animal" means Dogs and Cats, except as limited in the definition of “Feral Animal” in this section, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, llamas, camels, rabbits and fowl commonly kept or raised in the county as farm or Livestock Animals or other animals kept as pets, including but not limited to birds, guinea pigs, and rats.

"Equine" means any horse, pony, mule, or ~~burro~~donkey.

~~"Exotic Animal" means and includes any Wild Animal which the California Fish and Game Commission has declared to be a prohibited Wild Animal and the importation, transportation or possession of which is unlawful except under authority of a revocable permit issued by the California Department of Fish and Game.~~

~~"Exotic Animal" includes but is not limited to those animals or species set forth in California’s Fish and Game Code Section 2118.~~

"Feral Animal" means any ~~Domestic Animal~~Dog or Cat that is known to live in a wild or semi-wild state without benefit of an Owner, or any ~~Domestic Animal~~Dog or Cat that has escaped for a substantial period of time from the care of its Owner or Custodian and is existing in a wild state without benefit of domestication.

~~“Foster Animal” means an animal placed by a government operated shelter or a Rescue Organization with a temporary caregiver while awaiting adoption. Foster Animals will be evaluated by the entity retaining ownership of the Animal every 90 days for continued viability in foster placement.~~

"Guide Dog" means any Guide Dog or seeing eye Dog which has been trained by a Person licensed under Chapter 9.5 (commencing with Section 7200) of the Business and Professions Code.

"Health Officer" means the Health Officer of the County or his or her designee.

"Hearing", for the purposes of this chapter, means the process prescribed in Section 4.07.6100 for the redress of issues relating to or arising from the enforcement of this chapter including, but not limited to, Potentially Dangerous and Vicious Animals, permits, or such other administrative matters for which a person is entitled to an impartial third party making a determination.

"Hearing Officer" means the person designated by the Director, or his or her designee, to preside at and render judgments from Hearings transacted under the authority of this chapter. The person may be an employee of the County who is not assigned to Animal Services or otherwise subordinate to the Manager

thereof, or a person who is not an employee but is retained to provide such services. Any such Hearing Officer shall be qualified by training or experience or shall be an attorney or an administrative law judge. The person shall be impartial and make a decision based on the evidence presented at the Hearing.

"Impound" or "Impoundment" means the physical restraint and ~~transport~~ taking into custody of an Animal ~~to the Animal Shelter~~ by Animal Services Personnel, ~~another agency, or the general public.~~ An Animal confined and returned to the Owner or Custodian, prior to transport to the Animal Shelter, is considered to be Impounded.

"Impoundment" means the taking up and confining of an Animal, by Animal Services, in accordance with the provisions of this chapter or other applicable law or regulation, whether or not transported to the Animal Shelter, and whether or not initially restrained and transported by Animal Services personnel.

"Kennel – Boarding" or "Boarding Kennel" means any Lot or Premises on which five (5) or more Adult Dogs, which are not owned by the landowner, occupant, or the Kennel owner or operator, are kept on a temporary basis, for any length of time for the purposes of boarding or training.

"Kennel – Commercial" or "Commercial Kennel" means any Lot or Premises on which between five (5) or more and twenty-five (25) Adult Dogs over four (4) months of age are kept for any length of time by the Owner or occupant for commercial purposes, including, but not limited to, ~~boarding,~~ breeding, buying, selling, or renting, ~~or training.~~

"Kennel – Non-commercial" or "Non-commercial Kennel" means any Lot or Premises on which between five (5) or more and twenty-five (25), Adult Dogs over four (4) months of age are owned and kept by the Owner or occupant for personal, non-commercial purposes, including, but not limited to, hunting, tracking, exhibiting and at shows, exhibitions, field trials, competitions, or perpetuating a given breed, or the fostering of Dogs on behalf of Animal Services, which no Dogs are engaged in breeding.

"Kennel – Non-Profit" or "Rescue Kennel" means any Lot or Premises on which five (5) or more Dogs are kept by a person or organization operating as a 501 (c)(3) an Animal Rescue Organization that provides housing and care for domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted out, and at which no Dogs are engaged in breeding.

"Licensed Premises" means any Lot or Premises on which a Commercial Kennel ~~or,~~ Non-commercial Kennel or Rescue Kennel is maintained by the Person owning or occupying such Lot or Premises.

"Livestock" means and includes any cattle, sheep, swine or goats, or any llamas or other camelidae, or any domestic fowl or rabbits.

"Microchip" means an identifying integrated circuit placed under the skin of an Animal.

"Nonlethal force" means and includes capture guns, counter-assault agents (pepper spray, citronella-based deterrents, etc.), blowguns, carbon dioxide operated rifles and pistols, air guns, and electronic control devices.

"Person" means and includes any individual, firm, association, organization, partnership, joint venture, business trust, corporation or company.

"Pets" means Dogs, Cats, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles and any other species of Animal which can be legally sold or retained for the purpose of being kept as a household pet.

"Potentially Dangerous Animal" means any of the following:

- A. Any Animal which behaves in such a manner that the Owner or Custodian thereof knows or should know that the Animal poses a threat to public safety;
- B. Any Animal which because of its size, training, behavior, physical nature, or vicious propensity would threaten public safety were it not controlled as prescribed in this chapter;
- C. Any Animal which threatens or attacks any Person in a manner which requires substantial defensive action by any Person to prevent bodily injury;
- D. Any Animal which threatens or attacks any other Animal belonging to another when such other Animal is confined upon private property or otherwise lawfully restrained and controlled.

"Premises" means any property owned, leased or rented by any Person.

"Retired Breeding Dog" means a dog that has been used for breeding but which is no longer going to be bred, for reasons of age, health, or selection.

"Secure Enclosure" means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a Potentially Dangerous or Vicious Animal in conjunction with other measures which may be taken by the Owner of the Animal. The enclosure shall be designed to prevent the Animal from escaping. The Animal shall be housed pursuant to Penal Code Section 597t.

"Service Dog" means any Dog that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

"Severe Injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

"Substantial-Leash" means any ~~substantial~~ chain, cord, rope, strap or other restraint of sufficient strength to restrain a particular Animal and which is held or otherwise controlled by a Person capable of controlling and actually controlling the Animal to which such restraint is attached.

"Swap Meet" means any building or open area where the display, exchange, barter or sale of new or used common household items or office equipment and furnishings is conducted, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.

"Transfer" means to sell, barter, trade, gift, or otherwise remove an Animal from the custody and control of one person to another.

"Unaltered" means neither spayed nor neutered; with reproductive organs intact.

"Veterinarian" means any Person actively licensed to practice veterinary medicine in California.

"Veterinary Facility" means a clinic or hospital for the provision of inpatient or outpatient medical services to Domestic and Exotic Animals. Animals may be kenneled on site.

"Vicious Animal" means any of the following:

- A. Any Animal seized under Penal Code Section 599aa and upon the sustaining of a conviction of the Owner under subdivision (a) of Penal Code Section 597.5;
- B. Any Animal which, when unprovoked, acts in an aggressive manner, and inflicts Severe Injury on or kills a human being or other Animal;
- C. Any Animal previously determined to be, and currently listed as, a Potentially Dangerous Animal which, after its Owner or Custodian has been notified of this determination, continues the behavior described in the definition of "Potentially Dangerous Animal" set out above, or is maintained in violation of Tulare County Ordinances.

"Wild Animal" ~~means~~ is defined in California's Fish and Game Code Section 2116 and includes any Animal identified in Fish and Game Code Section ~~2116~~2118.

ARTICLE II – Administration and Authority

4-07-2000 – Jurisdiction

The Animal Services Manager shall supervise the Animal Shelter and all Animal Services Personnel.

A. *Responsibility* - The Animal Services Manager is responsible for the regulation and the enforcement of this chapter and all other laws dealing with Animals existing within the unincorporated territory of the County and those incorporated areas thereof which may contract with the County for such services. The duties of the Animal Services Manager shall include, but not be limited to, the following:

1. To administer the Animal Shelter and keep such records as may be required;
2. To take up and Impound Animals which are in violation of this chapter;
3. To quarantine Animals and to cooperate with the County Health Officer;
4. To administer licensing programs as provided for in this chapter and in compliance with State and Federal laws; and
5. To abate Animal Nuisances.

B.– *Rules and Regulations* - The Animal Services Manager may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of, this chapter. Such rules and regulations will be approved by the Tulare County Board of Supervisors by resolution. Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any license provided herein. Documents that one must submit in order to comply with this code will be readily available at Animal Services and/or the Tulare County Health and Human Services Agency.

C. *Animal Control Officers* ~~— Animal Control Officers—~~ An individual(s) qualified pursuant to

- section [830-9830.9](#) of the Penal Code shall enforce the provisions of this Chapter, including:
1. Take up and Impound all Animals found to be in violation of the provisions of this Chapter;
 2. Provide all Impounded Animals with sufficient shelter, food and water;
 3. Keep such records as may be required by the Board of Supervisors or any other authority;
 4. Carry out the provisions of this Chapter and all applicable statutes of the State.
- D. Animal Control Officers shall have the power to issue citations pursuant to section [1-21-1005 of Chapter 21 of Part 11-21-1005 of Chapter 21 of Part 1](#) of the Tulare County Ordinance Code.
- E. *Authority to Pursue on Foot* - In the performance of his or her duties, the Animal Services Manager and each Animal Control Officer shall have the authority, when in pursuit of an Animal, which is in violation of a provision of this code, to go upon the outdoor property of the Owner or a third person for the purpose of Impounding the Animal; provided, that in the course of such pursuit he or she shall exercise reasonable care to avoid causing damage to the property.
- F. *Authority to Use Specialized Equipment* - Upon satisfactory completion of a Peace Officer Standards and Training Course pursuant to Penal Code section 832, in the performance of his or her duties, the Animal Services Manager and Animal Control Officer(s) shall have the authority to employ the use of specialized equipment, as defined in these ordinances and California Penal Code Section 830.9, and all other Animal control devices commonly used by other Animal control agencies located within the state of California. The Animal Services Manager may authorize trained and certified Animal Services Personnel to use specialized self-protection equipment such as an expanding baton or other non-lethal device or chemical agent to prevent personal injury while on duty.
- G. *Authority to Humanely Euthanize*
1. ~~The~~[In accordance with California Penal Code section 597.1\(e\), Food and Agricultural Code section 31152, and any other applicable law, the](#) Animal Services Manager or Animal Control Officer shall have the authority, ~~when a clear and present danger to public safety exists and reasonable means of capture have failed, or if the Animal is irremediably ill,~~ wounded or suffering, to direct the humane ~~euthanization~~[euthanasia](#) of an Animal in the field.
 2. In such cases of humane ~~euthanization~~[euthanasia](#), reasonable efforts will be made to notify the Owner or Custodian of the Animal, if one exists.
- H. *Obstruction* - Any person who prevents, resists, threatens, or obstructs an attempt by the Animal Services Manager or Animal Control Officer to perform his or her lawful duties pursuant to this chapter or any Person who conceals ~~or secretes~~ any Animal subject to inspection or Impoundment or any Owner who fails to relinquish upon lawful demand any Animal to be Impounded shall be guilty of a misdemeanor.
- I. *Misrepresentation* - No person shall willfully make a false or misleading statement or representation to the Animal Services Manager or Animal Control Officer acting in his or her official capacity regarding the Ownership or right to custody or control of an Animal for which a license is required, or regarding the Ownership of an Animal redeemed from, relinquished

to, Impounded by, or taken up by the Animal Services Manager or Animal Control Officer pursuant to this chapter. ~~Such Persons~~Any Person who makes such a false or misleading statement shall be guilty of a misdemeanor.

J.K. *Abuse of Services* - The Animal Services Manager is authorized to charge and collect a fee, as laid out in the Tulare County fee schedule, from any Person, including the Animal's Owner or Custodian, who calls Animal Services to his or her residence requesting emergency assistance more than twice in a six month period when no action is taken by the Animal Control Officer upon their arrival.

K.L. *Relief from Fees* - Upon the recommendation of the Animal Services Manager to the Director and with the approval of the Board by resolution, the fees provided for by this chapter may be waived when Animals have been Impounded because of civic disorganization, disruption, or other conditions of civil emergency, or because of devastation due to fire, flood, earthquake, storm or other natural calamity.

4-07-2050 – Authority to Sign on Behalf of the County

The Director of Health and Human Services, or his/her designee, shall have the authority to sign on behalf of the County the following types of agreements for Animal Services:

- A. Agreements for Animal Adoption and Animal Foster, on a form approved by County Counsel;
- B. Agreements for the transfer of Animals to Rescue Organizations,
- C. Agreements to participate in or rent booth/vendor space for educational or animal adoption opportunities at festivals, fairs, or other special events;
- D. Fee and penalty Payment Plan Agreements;
- E. Pharmaceutical bulk pricing acknowledgements;
- F. Non-binding, non-monetary agreements to participate in coalitions.; and
- G. Agreements for volunteer services, on a form approved by County Counsel.

4-07-2100 - Corrective Action Plan

At the discretion of the Animal Services Manager, in lieu of a formal Hearing and in conjunction with the Animal's Owner, a corrective action plan may be put in place to abate Animal related issues. The Animal Owner will be served with the Corrective Action Plan signed by the Animal Services Manager or their designated agent outlining a plan of action, including but not limited to actions involving Animals running-at-large, minimum shelter requirements, veterinarian care, Animals worrying livestock or other Animals, Animal Nuisance complaints, or licensing, regarding the Animal or Animals in question. If the Owner or Custodian complies with the requirements of the Corrective Action Plan within the prescribed time period, no further action on the Animal or Animals will be taken and any pending action by Animal Services will cease. If the Owner or Custodian fails to comply with the requirements of the Corrective Action Plan within the prescribed period, Animal Services shall resume any pending action.

Should an Owner or Custodian dispute the action taken by Animal Services for the Owner or Custodian's failure to comply with the Corrective Action Plan, the Owner or Custodian may request a Hearing and pay the applicable Hearing fees. Animal Services shall schedule the Hearing and provide notice to the Owner or Custodian, via first class mail or personal service, of the date, time and place of the Hearing. Failure to appear at the Hearing at the designated time and place will be deemed a forfeiture of the Animal.

4-07-2200 - Administrative Citations and Penalties

In addition to the remedies and penalties contained in this Ordinance, and in accordance with Government Code Section 53069.4, an Administrative Citation may be issued for any violation of County Animal Ordinances. The following procedures shall govern the imposition, enforcement, collection and Administrative Review of Administrative Citations and penalties.

- A. ~~Notice of Violation~~Administrative Citation. If an Animal is owned, kept, maintained, or found to be in violation of a County Animal Ordinance, an Administrative Citation may be issued by the Animal Control Officer.
- B. Content of Citation. The Administrative Citation shall be issued on a form approved by County Counsel and shall contain the following information:
1. Date, location and approximate time that the violation was observed;
 2. The Ordinance violated and a brief description of the violation;
 3. The amount of the administrative penalty imposed for the violation;
 4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within this time period;
 5. Instructions on how to appeal the citation;
 6. The signature of the Animal Control Officer.
- The failure of the Administrative Citation to set forth all required contents shall not affect the validity of the proceedings, so long as it substantially complies with the above requirements.
- C. Service of Administrative Citation.
1. If the person who has violated the County Animal Ordinance is present at the scene of the violation, the Animal Control Officer shall attempt to obtain his or her signature on the Administrative Citation and shall deliver a copy of the Administrative Citation to him or her.
 2. If the owner, occupant, or other person who has violated a County Animal Ordinance is a business, and the business owner is on the premises, the Animal Control Officer shall attempt to deliver the Administrative Citation to him or her. If the Animal Control Officer is unable to serve the business owner on the premises, the Administrative Citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the Administrative Citation shall also be mailed to the business owner by first class mail.
 3. If no one can be located at the property where the violation occurred, then the Administrative Citation shall be posted in a conspicuous place on or near the property and a copy mailed by first class mail to the owner, occupant, or other person who has violated this chapter. The Administrative Citation shall be mailed to the property address.
 4. The failure of any interested person to receive a properly mailed Administrative Citation shall not affect the validity of the proceedings.
- D. Administrative Penalties.
1. ~~The~~1. Except as enumerated in Sections 4-07-4400, the monetary penalties assessed for each violation of a County Animal Ordinance shall not exceed the following amounts:
 - a) ~~a.~~ a. One hundred dollars (\$100.00) for a first violation;

- b) ~~b.~~—Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;
 - c) ~~c.~~—Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one year.
2. If the violation is not corrected, additional Administrative Citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
 3. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
 4. The penalties assessed shall be payable to the County of Tulare, Animal Services Division.
 5. Where the violation would otherwise be an infraction, the administrative penalty shall not exceed the maximum fine or infraction amount.

4-07-2300 - Administrative Review of Administrative Citation.

A. Request for Administrative Review. The recipient of an Administrative Citation may appeal the citation ~~by filing a written request for~~through Administrative Review with Animal Services. The ~~written request for recipient wishing to appeal must appear at the next regularly scheduled~~ Administrative Review ~~must be filed or file a written request for extension. The schedule of Administrative Reviews is available on the citation itself or on the Animal Services website. Failure to appear at the next regularly scheduled review or file a request for extension~~ within ten (10) calendar days of ~~the service of the Administrative Citation as set forth in subsection C above. Failure to file a written request for Administrative Review within this time period receiving the citation, whichever is later,~~ shall constitute a waiver of the right to request a review the Administrative Citation and may be deemed a forfeiture of the Animal in question. ~~The~~

A.B. ~~Appellant shall bring to Review a written request for Administrative Review shall be submitted on County forms and shall contain statement containing~~ the following information:

1. A brief statement setting forth the appellant's interest in the proceedings;
2. A brief statement of the material facts which the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
3. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
4. The request for Administrative Review ~~must be~~ signed by the ~~appellant requesting party~~.

B.C. Administrative Review. ~~Upon a timely written request by the recipient of an Administrative Citation, an~~The Administrative Review shall be held as follows:

~~1. Notice of Administrative Review. Notice of the Administrative Review regarding the Administrative Citation shall be given at least five (5) business days, including Saturday, before the hearing date to the person requesting the Administrative Review. The notice may be personally delivered to the person requesting the hearing or may be mailed by first class mail to the address listed in the written request for Administrative Review.~~

~~1. Administrative Reviews shall be held on a schedule which is available on the Animal Services Website and printed on Animal Services citations.~~

2. Administrative Review Officer. The Administrative Review regarding the Administrative Citation shall be held before the Administrative Review Officer. The Administrative Review Officer shall not be the investigating Animal Control Officer who issued the Administrative Citation or his or her immediate supervisor.

3. Conduct of the Administrative Review. The investigating Animal Control Officer who issued the Administrative Citation shall not be required to participate in the Administrative Review regarding the Administrative Citation. The contents of the investigating Animal Control Officer's file shall be admitted as prima facie evidence of the facts stated therein. The Administrative Review Officer shall not be limited by the technical rules of evidence. If the person requesting the Administrative Review of the Administrative Citation fails to appear at the Administrative Review, the Administrative Review Officer shall make his or her determination based on the information contained in the written request for Administrative Review. The person requesting the Administrative Review may supply any additional evidence to assist the Administrative Review Officer in reaching his or her decision.

4. Authority to reduce fee and penalty amounts for sustained charges. If any or all charges on the Administrative citation are sustained by the Administrative Review Officer, he/she may provisionally dismiss any or all charges pending specified conditions, such as, but not limited to, no repeat offenses within a certain amount of time. If any conditions of the provisional dismissal are violated, the associated fees and penalties will become due. The Administrative Review Officer may alternatively reduce the fees and/or penalty amounts in the interest of justice, including where accrued fees and/or penalties would be a hardship or discourage return of an animal to its home.

4.5. Administrative Review Officer's Decision. The Administrative Review Officer's decision regarding the Administrative Citation following the Administrative Review may be personally delivered to the person requesting the Administrative Review or sent by first class mail. The Administrative Review Officer may allow payment of ~~the~~any administrative penalty in installments, if the person provides evidence satisfactory to the Administrative Review Officer of an inability to pay the penalty in full at one time. The Administrative Review Officer's decision shall contain instructions for obtaining review of the decision by the Director.

C.D. Appeal of Administrative Review Officer's Decision. If the recipient of an Administrative Citation disagrees with the Administrative Review Officer's decision upholding the issuance of the Administrative Citation and/or administrative penalty amount assessed, the recipient may appeal the issuance of the Administrative Citation to the Director as set forth in this section.

1. Notice of Appeal. Within five (5) business days following the mailing date of the Administrative Review Officer's decision regarding the Administrative Citation, the recipient of the Administrative Citation may contest that decision by submitting a written appeal to the Director ~~along with any applicable fees.~~ The failure to submit the written appeal within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon Animal Services by the contestant.

2. Conduct of Hearing. ~~A Hearing~~An Administrative Review Appeals Officer shall hear the appeal. At the hearing on appeal, the ~~Hearing~~Administrative Review Appeals Officer shall review the written decision of the Administrative Review Officer, any documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished, and will hear such testimony as is relevant to the issues raised in the Notice of Appeal. The ~~Hearing~~Administrative Review Appeals Officer will limit new testimony only to that which is raised in the Notice of Appeal. The ~~Hearing~~Administrative Review Appeals Officer will not be subject to the rules of evidence.

3. ~~Judgment. The Department shall retain the appeal fee regardless of the outcome of the appeal. If the Hearing Officer finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the Department of Animal Services. Any deposit of the fine or penalty shall be refunded by the department of animal services in accordance with the judgment of the Hearing Officer.~~ If the fine or penalty has not been deposited and the decision of the HearingAdministrative Review Appeals Officer is against the contestant, the issuing agency may proceed to collect the penaltyfees and penalties pursuant to the procedures set forth in this ordinance, or in any other manner provided by law.

~~4-07-2400—Recoupment of Enforcement Costs~~

~~The intent of this section is to authorize the recoupment of administrative costs reasonably related to the enforcement of this chapter. In furtherance of this intent the County shall be entitled to recover costs of enforcement, including costs of staff time, by complying with the following procedure:~~

- ~~A.—Records of Costs. Animal Services shall maintain records of all administrative costs incurred by Animal Services and all other responsible County Departments, in the processing of the violation or violations and the enforcement of this chapter and other applicable Ordinances and may recover such costs from the violator and/or property owner or property occupier as provided in this chapter.~~
- ~~B.—Notice. Upon investigation and determination that a violation of any of the provisions of this chapter or other related county ordinances is found to exist, Animal Services and/or other County Department(s) shall notify the violator and/or record owner of the property, or any person having possession or control of the subject property, by mail of the existence of the violation, of the department's intent to charge the violator and/or property owner and/or person having possession or control of the property for all administrative costs associated with enforcement, and of the respondent's right to a hearing on objections thereto.~~
- ~~C.—Summary of Costs. At the conclusion of the case, the Animal Services Division shall send a summary of costs associated with enforcement to the violator and/or owner of the property and/or person having possession or control of the subject property by first class mail.~~
- ~~D.—Right to Administrative Review. Any violator or property owner, or other person having possession and control of the property, who receives a summary of costs under this section shall have the right to an Administrative Review before an Administrative Review Officer on his or her objections to the proposed costs in accordance with the procedures set forth herein.~~
- ~~E.—Request for Administrative Review. A Request for Administrative Review shall be filed with Animal Services Division within ten (10) calendar days of the service by first class mail of Animal Services' summary of costs, on a form provided by Animal Services. Within thirty (30) days of the filing of the request, and on ten (10) days' written notice to the violator and/or owner, the Administrative Review Officer shall hold a proceeding on the violator and/or owner's objections, and shall determine the validity thereof.~~
- ~~F.—Recovery of Costs. In the event that: (a) no request for Administrative Review is timely filed; or (b) after an Administrative Review the Administrative Review Officer affirms the validity of the costs; the violator, the property owner or the person in control and possession of the property shall be liable to the County in the amount stated in the summary of costs or any lesser amount as determined by the Administrative Review Officer. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County.~~

- ~~G. Administrative Review Officer's Decision. In determining the validity of the costs, the Administrative Review Officer shall consider whether the total costs as charged have been fairly and accurately calculated. Factors to be considered include whether the time and personnel spent in enforcement were reasonably necessary to bring about compliance and whether the rate charged is the current rate established by the County.~~
- ~~H. Appeal. The decision of the Administrative Review Officer may be appealed by filing a written notice of appeal with the Director within ten (10) calendar days after service by mail on the violator, property owner, or other person having possession and control of the property, of the decision of the Administrative Review Officer. The appeal shall be heard by a Hearing Officer which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The Department shall give written notice of the time and the place of the hearing to appellant. In conducting the hearing, the Hearing Officer shall not be limited by the technical rules of evidence.~~

DRAFT

ARTICLE III – Licensing, Vaccinations, Animal Ownership & Responsibilities

LICENSING

~~4-07-3000 - Legal effect of license~~

~~A. The issuance by Animal Services and the acceptance by the Owner of any license to keep an Animal as provided for herein is prima facie evidence that the Owner agrees to comply with the terms and conditions set forth in this chapter and that the Owner has satisfied the basic licensing requirements under this chapter. Such issuance shall be given no evidentiary weight to indicate that the Owner has conformed to zoning regulations, building regulations, health and safety regulations or to any other applicable rule, regulation or statute. For purposes of the administration of this chapter, if, pursuant to the issuance of official written notice, approval has been given by the office or agency responsible for the administration of the rule, regulation or statute in question, such approval shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation or statute in question.~~

~~B. Exemptions. The licensing regulations in this chapter are not applicable to the following:~~

- ~~1. Owners of Animals kept as all or part of the stock of (a) nonprofit zoological gardens open to the public; (b) circuses; or (c) Animal exhibits when such enterprises are operated under business licenses granted by the County.~~
- ~~2. Service Dogs as defined in Section 4.07.1400 of this Chapter.~~
- ~~3. Public safety Animals such as police, rescue and drug enforcement Dogs.~~

~~4-07-3010~~ Licensing of Dogs Required.

~~A. Every~~A. Except as established in section 4-07-3010(B), every Dog meeting the minimum age requirements to receive a rabies vaccination shall be subject to a Dog license fee, due and payable by its Owner or Custodian within thirty (30) calendar days of the acquisition of the Dog, or entry into the County. Thereafter, such license fee shall become due and payable on the date of expiration on any license previously issued to the Owner or Custodian for the Dog. The amount of such fee shall be established in accordance with Section 4.07.1300 of this chapter. No license shall be issued without evidence of a valid rabies vaccination.

B. Upon the written certification of a Veterinarian that a Dog has been surgically sterilized, the amount of the license fee shall be not more than one half the fee established for intact Dogs, in accordance with Food & Agriculture Code Section 30804.5.

C. No Dog license shall be issued for any Dog vaccinated with a Rabies vaccine not authorizedapproved by the State of California. Should a rabies vaccination not be valid for twelve (12) months from the date of application the Owner or Custodian may elect to do either of the following:

1. Be issued a license at the regular one year rate as outlined in subsection A of this section that will expire upon expiration of the vaccination and be due again in full; or
2. Re-vaccinate and be issued a license which would be valid for at least twelve (12) months.

D. A Dog license fee shall become delinquent thirty (30) calendar days after it becomes due and payable, and upon delinquency, an additional delinquent fee, as established by the Board,

shall be added to the regular fee. An unpaid delinquent fee shall be added to the succeeding year's license fee.

- E. Animal Services shall procure and issue serially numbered tags stamped with the name of the county. This tag is a ~~life-time~~lifetime tag, which should not be removed, and will be unique to the Animal to which it was issued. The license tag shall only be issued upon the application of Owners who have complied with the vaccination and fee provisions of this chapter.
- F. Every Dog shall be provided by the Owner or Custodian with a suitable collar, harness, or other device to which the Dog tag can be affixed. The Dog Owner or Custodian shall ensure that the Dog wears such license tag at all times except when the Dog is being prepared for an exhibit at a Dog show.
- G. A license tag issued for one Dog shall not be transferred or attached to any other Dog. Any change of ownership of the dog or any change in the Owner's contact information shall be noticed to Animal Services within 30 days of the change.
- H. Whenever a license tag is lost, stolen, or damaged the Owner or Custodian shall apply for and obtain a replacement tag from Animal Services upon payment of the prescribed replacement fee.
- I. Despite anything in this chapter to the contrary, when an Owner or Custodian brings into the County a Dog which has been licensed in another jurisdiction, the Dog shall be licensed within thirty (30) calendar days as outlined in this chapter. If the license from the other jurisdiction is valid for at least twelve (12) months, a one-year license may be obtained for replacement tag fees upon the surrender of the other jurisdiction's license and the proper completion of a license application.

~~4-07-3010~~

~~J. Kennel Permit Exemption. Any person or place of business that has properly applied for and received a valid kennel permit as outlined in Section 4.07.4000 is exempt from licensing each individual Dog as described in this section. This exemption does not relieve the permit holder of the responsibility of vaccination as outlined in Section 4.07.3100. - Legal effect of license~~

A. The issuance by Animal Services and the acceptance by the Owner of any license to keep an Animal as provided for herein is prima facie evidence that the Owner agrees to comply with the terms and conditions set forth in this chapter and that the Owner has satisfied the basic licensing requirements under this chapter. Such issuance shall be given no evidentiary weight to indicate that the Owner has conformed to zoning regulations, building regulations, health and safety regulations or to any other applicable rule, regulation or statute. For purposes of the administration of this chapter, if, pursuant to the issuance of official written notice, approval has been given by the office or agency responsible for the administration of the rule, regulation or statute in question, such approval shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation or statute in question.

B. Exemptions. The licensing regulations in this chapter are not applicable to the following:
1. Animals kept as all or part of the stock of (a) nonprofit zoological gardens open to the public; (b) circuses; or (c) Animal exhibits when such enterprises are operated under

- business licenses granted by the County.
- 2. Service Dogs as defined in Section 4.07.1400 of this Chapter.
- 3. Public safety Animals such as police, rescue, and drug enforcement Dogs.
- 4. Dogs in the care and custody of a Rescue Kennel.

4-07-3020 - Unlicensed Dogs.

Every Owner or Custodian of an unlicensed or untagged Dog shall be deemed to be in violation of this chapter and is guilty of an infraction.

VACCINATIONS

4-07-3100 - Vaccination.

- A. Every Dog meeting the minimum age requirements to receive a rabies vaccination shall receive a rabies vaccine approved by the California State Department of Health Services.
- ~~B.~~ Every person who owns or comes to own an unvaccinated Dog over four months of age shall have thirty (30) calendar days from the date the Animal was obtained to comply with the provisions of this ~~chapter~~section.
- C. Every Veterinarian, after vaccinating a Dog for rabies, shall issue a certificate to the Owner or Custodian. The certificate shall include, but not be limited to, the following information:
 - 1. The Owner's full name, address, and telephone number;
 - 2. The breed, age, sex, and color or markings of the Animal;
 - 3. The date of immunization and expiration;
 - 4. The type of vaccine administered;
 - 5. The name of the vaccine manufacturer;
 - 6. The lot number of the vaccine used; and
 - 7. The signature of the Veterinarian administering the vaccination and their veterinary license number.
- D. A copy of the certificate must be kept on file with Animal Services if the vaccination was issued at the Animal Shelter or low-cost vaccination clinics held by Animal Services. A duplicate copy may be provided when requested by the Owner or Custodian of the Dog.
- E. The Owner or Custodian must maintain the certificate of vaccination, or a copy thereof, and must, upon demand of a public or peace Officer acting within the course and scope of his or her employment, display said certificate for examination.
- F. Upon written proof provided by a Veterinarian that a Dog has a medical condition which would cause it to be endangered by receiving a rabies vaccination, Animal Services may exempt the Dog from the vaccination requirements in this section so long as the Dog is kept in strict confinement and isolated at all times and so long as the medical condition is proven to exist. The written proof must also contain an estimated date when the Dog can be safely

vaccinated. Although temporarily exempt from the vaccination requirements the Dog is still to be considered non-vaccinated and is not exempt from other provisions of Title 7.

4-07-3110 - Duty of Veterinarians to furnish rabies vaccination certificates.

Every Veterinarian practicing veterinary medicine within the County of Tulare shall furnish Animal Services with a copy of every rabies vaccination certificate prepared by them or their staff. Such certificates must be mailed, [emailed, or faxed](#) to Animal Services no later than the fifth day of each month. The certificates may also be picked up by designated Animal Services Personnel if prior arrangements are made by the Veterinarian. ~~A violation of this section is an infraction.~~

4-07-3120 - Unlicensed vaccinated Dogs.

Whenever any Animal Services Personnel discovers through a vaccination certificate obtained from any Veterinarian that a Dog named thereon is unlicensed, the Owner or Custodian of such Dog will be notified by mail that such Dog is unlicensed and that such Dog must be licensed within thirty (30) days of the date of the notice. The Owner or Custodian of any such Dog which has been previously licensed in Tulare County shall be subject to a delinquent fee. The Owner or Custodian of any such Dog which has never been previously licensed in Tulare County who obtains a license within thirty (30) days of the date of the notice shall be subject to an administrative fee plus the license fee or any other applicable fee. The Owner or Custodian of such Dog which has never been previously licensed in Tulare County who does not obtain a license within thirty (30) days of the date of said notice shall be subject to a delinquent fee, plus the license fee or any other applicable fee.

OWNERSHIP AND OWNER RESPONSIBILITIES

4-07-3200- Animal Ownership.

Animal Owner shall be subject to the requirements of this chapter. This definition does not apply to government agencies, Animal Rescue organizations which have demonstrated to the Department of Animal Services that they have implemented an ongoing spay/neuter program as well as an adoption program, or humane societies or societies for the prevention of cruelty to Animals, or persons who provide licensed boarding, kennel, training, or Veterinarian services for the Owners of Dogs.

4-07-3210- Proper care.

The Owner or Custodian of any Domestic Animal shall provide proper and adequate food, water, shelter, qualified medical care or attention and required vaccinations, for such Domestic Animal at a level which insures the Domestic Animal's safety, good health, and wellbeing. The Owner or Custodian shall maintain any enclosures or surroundings where the Domestic Animal is kept in a sanitary condition. ~~A person in violation of this section is guilty of a misdemeanor. After a person has been given written notification that a violation Penal Code 597 and of this chapter exists, each day the violation continues is to be considered a separate offense.~~

4-07-3220 - Implantation of Microchip.

A. All dogs shall be implanted with an identifying microchip. The Owner shall provide the microchip

number to Animal Services at the time of implantation or licensing and shall register the microchip with the manufacturer of the microchip and/or designated registry. Any change of ownership of the Dog or any change in the Owner's contact information shall be noticed to the manufacturer and/or designated registry, and Animal Services within 30 days of the change.

A.B. All Dogs Impounded in the County's Animal Shelter shall be implanted with an identifying Microchip prior to adoption or Owner redemption, at the Owner's expense. The Owner is required to provide the Microchip number to Animal Services and the national registry who provided the chip. Any change of Ownership of the Dog or any change in the Owner's contact information shall be noticed to the national registry and Animal Services within 30 days of the change of Ownership.

4-07-3225 –Spaying and Neutering of Dogs

- A. All Dogs shall be spayed or neutered by the age of six (6) months, with the following exceptions:
 - 1. Dogs used by police agencies;
 - 2. Dogs that have a letter from a licensed Veterinarian stating spaying or neutering the Dog would be detrimental to the health of the Dog.
 - 3. Licensed Unaltered Dogs.
- B. Owners who have intact Dogs prior to the enacting of this Ordinance have six months to comply with subsection (A).
- C. Owners moving into the County of Tulare under the jurisdiction of these Ordinances in possession of intact Dogs have 90 days to comply with subsection (A).
- D. First-time offenders will be provided with information on subsidized sterilization services and be given an additional 60 days to comply with this Section. If they still fail to comply enforcement action will be taken in accordance with 4-07-2200.

4-07-3230 - Prohibited conduct.

- A. No Owner or Custodian of any Animal, wild or domestic, shall permit or suffer the Animal to do any of the following:
 - 1. Be at large;
 - 2. Be without proper care;
 - ~~1.3. Be willfully mistreated;~~
 - 2.4. Act or be kept in such a manner as to constitute an Animal Nuisance within the meaning of this chapter, as described in Section 4.07.3300 et. seq.;
 - ~~3.5. Endanger the life or health of others;~~
 - 4.6. Damage the property of others; or
 - ~~5.7. Be afflicted with and not be receiving medically accepted treatment for zoonotic or other communicable disease.~~
- B. If found guilty to be in violation of ~~violating~~ this section, the Owner or Custodian may be ordered by the Animal Services Manager, Hearing Officer, or Court to relocate or otherwise remove the Animal from the location where it is kept to prevent further violations. The Animal Services Manager, Administrative Review Officer, Hearing Officer, or Court may also prohibit

the Owner or Custodian from owning Animals for a period of up to three years. These actions may be taken in addition to any other fine or punishment the Animal Services Manager, Administrative Review Officer, Hearing Officer, or Court deems necessary.

4-07-3240 - Animals in vehicles.

- A. No person other than individuals transporting working Dogs within agricultural or rural areas of the County shall transport or carry on any public highway or public roadway, any Animal, wild or domestic, in or by a motorized vehicle unless the Animal is as follows:
1. Safely enclosed within the passenger compartment of the vehicle; or if
 - 1.2. If carried in the area designated for load carrying, the area must be enclosed or have appropriate shade and side and tail racks at least forty-six (46) inches in height as measured from the floor of the vehicle;— and the Animal must be either
 - a) Protected within a secured container carried within, upon, or by such a vehicle; or
 - b) Securely cross-tethered or secured to such within that area of the vehicle by rope, chain, or other device in a fashion which prevents injury to the Animal from falling from, being ejected from, or jumping from the vehicle;.
- B. No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
1. Nothing in this section shall prevent a peace officer, humane officer, or an Animal Control Officer Services representative from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
 2. A peace officer, humane officer, or Animal Control Officer Services representative who removes an Animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
 3. A peace officer, humane officer, or Animal Control Officer Services representative is authorized to take all steps that are reasonably necessary for the removal of an Animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.
 4. A peace officer, humane officer, or Animal Control Officer Services representative who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the Animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or Impoundment of the Animal.
 5. This section does not affect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities.

4-07-3250 – Tethering and chaining of dogs.

The tethering and/or chaining of dogs shall be pursuant to California Health and Safety Code section 122335.

4-07-3300 – Animal nuisances prohibited.

- A. No owner of any animal shall do any of the following:
 - 1. Permit such animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, barking, howling or making other noise;
 - 2. Permit such animal to damage or trespass on public or private property;
 - 3. Permit unsanitary conditions to exist on the premises where such animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or community or any considerable number of other persons;
 - 4. Maintain a dangerous animal in a manner that creates a significant threat to the public health, safety, and welfare.
- B. Any violation of this section is hereby declared to be a public nuisance.
- C. Whenever the Manager or any Animal Control Officer has reasonable cause to believe that a public nuisance as defined in this section exists, the Manager may conduct an investigation of the alleged nuisance. Whenever it is affirmed in writing by two (2) or more persons residing in separate residences or regularly employed in the neighborhood that a public nuisance as defined in this section exists, the Manager shall investigate the alleged nuisance. Provided, however, that where there is only one (1) person residing or regularly employed within three hundred feet (300') of the alleged public nuisance, written affirmation of only that one (1) person shall be required for the Manager to investigate the alleged nuisance. If, upon investigation, the Manager determines that a public nuisance exists, the Manager may issue an order to the owner of the offending animal directing that such nuisance be abated. In the event that the owner does not comply with the abatement order, the Manager may immediately refer the matter to the district attorney for prosecution of the public nuisance.
- D. Any person may maintain an action under Civil Code section 3493 for compliance with the requirements of this section.
- E. Notwithstanding any of the preceding, no Animal which is part of an agricultural operation exempt from being or becoming a nuisance by Civil Code section 3482.5 shall be deemed to be a public nuisance under this section, provided such Animal is owned and kept in compliance with this chapter and state law.

ARTICLE IV – Kennel and Breeder Permits

4-07-4000 - Permitting.

- A. No person shall operate a Commercial, Non-commercial, Boarding, or Rescue Kennel without first obtaining the proper permit or registration in accordance with the provisions of this Chapter and paying such fees as established by Animal Services. These permits shall expire June 30 of every calendar year.
- B. All Kennels must also operate in accordance with applicable zoning laws. Commercial, Rescue, and may Boarding Kennels require a special use permit ~~from Tulare County's Resource Management Agency~~. Any Kennel not operating within the proper zone and/or with a special use permit will be subject to the penalties of Code Enforcement. ~~All Kennel applicants shall also include a letter of compliance issued by the appropriate local building and planning official indicating conformity with the provisions of zoning and building ordinances of the County.~~
- C. Any Commercial Kennel or person engaging in the breeding of Animals shall be required to obtain and maintain a Breeding Permit from Animal Services. for each female Animal being bred.

~~4-07-4010 – Transfer of permit~~

- ~~D. Any A current kennel permit may be transferred if Kennel must comply with the transferee files an application therefore and pays the related transfer fee as established by Kennel Minimum Standards for that Kennel type, available from Animal Services. No permit~~

4-07-4002 – Transitional Provisions

- A. Permits Granted Before Effective Date
Any Kennel or Breeding Permits granted before the passage of this Article remain valid until their expiration date.
- B. Application of certain Provisions to Existing Operations. For Kennels operating with a valid Kennel Permit at the time this Article is passed, the following extensions apply:
 - 1. Maximum number of Dogs.
The Maximum number of Dogs housed at the Kennel must be brought into compliance with this Article no later than June 30, 2020. Permit holders are eligible to renew their permits for the July 2019-June 2020 permit cycle without having reached compliance. If a Kennel exceeds the maximum number of dogs at the time this Article is passed, the Kennel may apply for and receive special dispensation from Animal Services to continue to operate after the 2020 compliance date with the following conditions:
 - a. No new Adult Dogs may be transferred added to the Kennel's resident population until the Kennel is in compliance with the relevant Section of this Ordinance related to Maximum Number of Dogs for the permitted Kennel type;
 - b. All Dogs above ten (10) years of age must be spayed or neutered unless a Veterinarian certifies that such would be dangerous to the animal's health;
 - c. The Kennel and its operators comply with all other sections of this Article and the currently applicable Minimum Kennel Standards

2. The Commercial Kennel Minimum Standards which are in place at the time a Permit was granted will apply for that Permit cycle (July-June), with the exception of any Minimum Confinement Space requirements which will remain in effect until June 30, 2020.

C. Applications in Progress before Effective Date

Applications for Kennel or Breeding Permits that are pending approval at the effective date of this Ordinance will be reviewed wholly under the terms of this Ordinance.

D. the kennel meets Any re-application for an expired approval must meet the standards prescribed of this Ordinance in effect at the time of re-application, with the exception(s) noted in Sections 4-07-4002(B).

4-07-4005 – Maximum Number of Adult Dogs; Licenses

A. The maximum number of Adult Dogs allowed on any Lot or Premises for any length of time without a kennel permit is four (4).

A.B. The maximum number of adult dogs allowed under a Commercial or non-Commercial, Kennel Permit shall be based on a combination of the number of animals allowed by the Special Use Permit issued by this Title the County’s Resource Management Agency and the minimum kennel standards requirements pertaining to the minimum care of animals, but in no case shall be more than twenty-five (25).

4-07-4020 – Permitting standards.

~~A. Acknowledgment of Standards. A copy of the applicable standards will be supplied to the applicant with each request for an application for a permit, 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 or her Premises and any facilities or equipment used in his or her kennel complies with the standards. In addition, each applicant or kennel operator shall correct any deficiencies noted within a reasonable time as specified by designee. Upon request by Animal Services, the applicant or kennel operator must make his or her Premises, facilities, and equipment available for the purpose of ascertaining compliance with said standards.~~

~~C. Conditions and Restrictions. Animal Services may issue a permit under any conditions and restrictions which are deemed necessary for the protection of Animal and/or public health, safety, or welfare, and shall specify such conditions and restrictions on the permit.~~

C. D. — The maximum number of adult dogs allowed under a Boarding or Rescue Kennel Permit shall be based on a combination of the number of animals allowed by the Special Use Permit issued by the County’s Resource Management Agency and the Tulare County minimum kennel standards requirements pertaining to the minimum care of animals.

D. The Kennel Permit fee for Commercial and Non-Commercial Kennels includes licenses for all Altered Dogs covered by the Kennel Permit.

E. Every Unaltered Dog covered by the Kennel Permit requires an individual Unaltered License.

F. Boarding Kennels must ensure that all dogs placed in their care are appropriately licensed and vaccinated.

4-07-4008 – Permit Application, Fees, and Term

A. Supporting documents

1. New permit applicants shall submit all required permits, a copy of their business permit, if required, and all applicable fees together with their completed application. Supporting documents must be issued under the same person or business name for which the permit is being sought.

2. Kennels are identified by landowner, kennel owner/operator, parcel number, and address.

3. New permit applicants shall also include a written document detailing the facility's animal care program and confinement facilities. The document should detail the animal feeding, watering, cleaning, exercise, medication and evaluation practices and/or procedures. It must also include a statement that it has been reviewed and approved by a licensed Veterinarian.

4. Renewal applicants shall include all applicable fees. Land use permits and business permits only need to be submitted if there has been a change in their status since the last permit was issued.

B. Payment of the application fee neither constitutes nor guarantees Animal Services' permit approval. Without permit approval, all activities requiring Animal Services' permit approval under this section are strictly prohibited. All fees are non-refundable.

C. The effective period of all permits is one year, beginning on July 1st and ending June 30th, subject to suspension or revocation in accordance with the terms of this Article.

1. Fees will not be prorated for applications submitted after July 1st.

2. Obtaining and maintaining a permit is the sole responsibility of the applicant or permit holder. It is the responsibility of the permit holder to ensure that an application for renewal has been submitted to and received by Animal Services prior to the expiration of their current permit term

3. In addition to any penalties incurred for operating a Kennel without a valid Permit, a late penalty equal to ten percent (10%) of the total fee for the Kennel Operation (the sum of the Kennel Permit fee, any Unaltered License fee(s), and any Breeder Permit fees) shall apply to all renewal applications submitted after August 31st.

D. Permit holders operating multiple Kennels must obtain a separate permit for each facility.

E. Permit holders with multiple types of operations at a single location must obtain a separate permit for each operation. A separate fee will be applied to each application.

A.F. Denial of an Application may include, but are not limited to:-: The following persons may have their application denied.

1. Any person applying for an original permit who has not received approval for the location from the appropriate planning/zoning department or agency or who has not obtained any necessary permit(s) and/or license(s) for its operation; or

2. Any person whose permit 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 permitted establishment whose permit 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 a stay; or

4. Any person whose permit has been revoked, or any partnership, firm, corporation, or legal entity in which any such person has 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 Title; or
6. Any person who has been convicted of the crime of cruelty to Animals, whether in this State or any other State.
7. Any person with a prior record of Animal abuse and/or defiance of existing Animal control codes.

~~**This list is not exhaustive and other factors may be taken into consideration in approving a Kennel Permit.*~~

~~8. Any person who has failed to comply with the terms of a prior application or permit.~~

G. Revocation of Permit. A Kennel or Breeder Permit may be immediately revoked, or suspended pending investigation, by the Director, at any time, for the following reasons:

1. Lapse of appropriate permits or licenses from the appropriate planning/zoning department for the site of the Kennel operation;
2. Discovery of fraud or false statements in the Permit Application;
3. Violation of any Penal Code section 597 by Permit Holder or Caretaker;
4. Conviction of Permit Holder of the crime of cruelty to Animals, whether in this State or any other State.
5. When the continued operation of the Kennel poses an immediate threat to the health and/or safety of the public or the resident animals.
6. A pattern of unnecessary or inhumane euthanasia of retired breeding Dogs or other Dogs for space.
7. Failure to comply with the terms of the application or permit.

H. Right to Appeal Denial, Suspension, or Revocation of Kennel Permit. Should a Kennel Owner dispute the denial by Animal Services of their application for a Kennel Permit, or suspension or revocation by Animal Services of their existing Kennel Permit, Kennel Owner may request an Administrative Review ~~and pay the applicable fees~~. Animal Services shall schedule the Administrative Review and provide notice to the Kennel Owner, via first class mail or personal service, of the date, time and place of the Administrative Review. Failure to appear at the Administrative Review at the designated time and place will be deemed a forfeiture of the Application for Kennel Permit appeal and any fees.

Judicial review of a decision made after an appeal hearing pursuant to this section shall be made pursuant to Section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

4-07-4010 - Transfer of permit.

A. Kennel and Breeding permits are non-transferable.

4-07-4020 – Kennel Standards.

- A. Acknowledgment of Standards. A copy of the applicable standards will be supplied to the applicant with each request for an application for a permit, 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 or her Premises and any facilities or equipment used in his or her kennel complies with the standards. In addition, each applicant or kennel operator shall correct any deficiencies noted within a reasonable time as specified by designee. Upon request by Animal Services, the applicant or kennel operator must make his or her Premises, facilities, and equipment available for the purpose of ascertaining compliance with said standards.
- C. Conditions and Restrictions. Animal Services may issue a permit under any conditions and restrictions which are deemed necessary for the protection of Animal and/or public health, safety, or welfare, and shall specify such conditions and restrictions on the permit.

4-07-4100 – Records.

Kennel operators shall keep available for inspection on the Premises records 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, color, and color~~color~~microchip number. As a part of such record, a current valid rabies certificate or other written proof of vaccination, verified in writing, shall be maintained for each Dog required to be vaccinated by this Title, showing the Dog Owner's name, including breed, color, sex, microchip number, and 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 agency verifying vaccination. In addition, each kennel operator shall have someone in attendance at the kennel able to identify each Animal in the kennel, except that Animals under four months of age may be identified as a litter.

Kennel operators must keep and make available to Animal Services staff a record of all veterinary care each Animal has received, including examination notes.

Kennel operators engaged in breeding must keep an individual record for each Dam owned or housed by the Kennel, including its month and year of birth (if known) or approximate month and year of birth; breed; color; microchip number; any breeding permits received for that Dam; records of when the Dam was bred, and the outcome (live birth or otherwise); and for any Dams that have left the Kennel facility, information on their transfer or death, as required by the Tulare County Commercial Kennel Minimum Standards.

4-07-4110 - Records of Dogs sold.

All kennel operators shall maintain records of all Dogs sold of any age. Records shall include the source of the Animal, the new Owner's name and address, and a description of the Animal including breed, color,

sex, month and year of birth, and veterinary records. These records may be accessed by [the](#) Animal Control Officer or his or her designee [Services representative](#) as deemed necessary.

4-07-4200 - Kennel inspections.

~~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~~ Animal Services shall have the right to inspect kennels at reasonable times, though this may be done at unannounced times. As a condition of the issuance of a kennel permit, each [Kennel](#) operator shall agree to allow such inspections; such acknowledgment shall be made as part of the application and file.

4-07-4300 - Violation.

~~Any act or omission by a kennel operator in contravention of this Title's requirements, or of any of the conditions or restrictions of the issued permit, shall be grounds for and shall authorize the suspension and/or the revocation of the kennel permit by the Animal Services Manager or designee; independent of any criminal prosecution or the results thereof. Revocation of a Kennel Permit will entitle the permit holder to request a Hearing by a Hearing Officer.~~

4-07-4400 - Breeder permit and advertising Permits.

- A. It is unlawful for any person to breed Dogs for sale or ~~profit~~ [other transfer](#), or to advertise for the sale or ~~adoption~~ [other transfer](#) of such Animals without first obtaining a [Tulare County](#) breeder permit [for the litter's Dam](#). The fees for a breeder permit shall be set by the Board of Supervisors and shall be paid to Animal ~~Control~~ [Services](#).
- B. To obtain a permit, the applicant must fill out the appropriate [license application for each breeding female](#) and be approved by Animal ~~Control~~ [Services](#). The applicant must agree that they may not sell or adopt any Dogs until eight weeks of age and each has been vaccinated against common diseases; ~~that each female dog will be bred based on the advice of their California licensed veterinarian ensuring that she is managed with excellent husbandry and has good reproductive health. A record of this advice and an annual veterinary examination supporting it shall be provided annually; that they commit to care for their retired/aged-out breeding Dogs or to make all reasonable effort to rehome the Dogs; and that any euthanasia of Dogs will be performed by a licensed Veterinarian.~~ The breeder must list the permit number when advertising Dogs for sale or ~~adoption~~ [other transfer](#), must list the permit number as part of the sale or ~~adoption~~ [other transfer](#) paperwork, and must disclose the permit number to all ~~potential purchasers or adopters of Dogs~~ [parties acquiring animals](#).

~~It is unlawful for any person to advertise for the sale or adoption of any Dogs without including in the advertisement a breeder permit number.~~

- C. [A Commercial Kennel may obtain no more than five \(5\) breeding permits per calendar year. Permits are non-transferable and in the event that a Dog covered by a breeding permit dies or otherwise becomes unbreedable for that year, no replacement permits will be issued.](#)

D. No breeding permits will be issued for Non-commercial Kennels.

E. An individual without a Kennel Permit may obtain no more than one (1) breeding permit per calendar year. Permits are non-transferable and in the event that the Dog covered by a breeding permit dies or otherwise becomes unbreedable for that year, no replacement permit will be issued.

F. A breeder permit shall be in addition to any other requirements and conditions set forth in the County ordinances or by state law, including Health and Safety Code Section 122045 et seq.

4-07-4300 - Same; Advertising.

It is unlawful for any person to advertise for the sale or other transfer of any Dogs without including in the advertisement a valid Tulare County breeder permit number.

4-07-4400 –Violations

A. Individual without Kennel Permit; Violation of Breeding Permit Requirements.

1. First Violation: A correctable Administrative Citation will be issued.

a) Any individual, non-Kennel Permit holder, found by Animal Services to be in first-time violation of Section 4-07-4400 may correct the violation by either of the following:

i. Retroactively obtaining a breeding permit(s), or;

ii. Providing proof of surrendering the puppies, after 8 weeks of age, to an Animal Rescue Organization, and proof of spaying the mother after 10 weeks, but before 14 weeks, after giving birth, and neutering the father if in the owner's possession.

2. Second Violation: A non-correctable Administrative Citation will be issued. The penalty for a second violation will be one thousand dollars (\$1,000), unless the dog owner provides proof of surrendering the puppies, after 8 weeks of age, to an Animal Rescue Organization, and proof of spaying the mother after 10 weeks, but before 14 weeks, after giving birth, and neutering the father if in the owner's possession, in which case the fine will be fifty dollars (\$50).

3. Third Violation: Animal owner will be required to have their female dog spayed to protect the animal from further breeding activities. The animal owner will not be allowed to obtain any further Unaltered Dog License or Breeding Permit for a minimum of 36 months from the date of the third violation.

B. Kennel Operators.

1. The following penalties will be imposed for violation of a Kennel Permit, including but not limited to minimum care standards, breeding permit requirement, number of animals:

a. First Violation: A penalty not to exceed one hundred dollars (\$100.00) per animal covered under the current permit. Example - 25 animals x \$100 = \$2,500 penalty for first violation.

b. Second Violation: A penalty not to exceed three hundred dollars (\$300.00) per animal covered under the current permit. Example - 25 animals x \$300 = \$7,500 penalty for second violation.

c. Third Violation: Kennel permit will be revoked. Permit holder will be banned from holding a kennel permit for a minimum period of 36 months from the expiration date of current permit. Example - if third violation occurs in December of current permit period the 36

months would commence at on the date permit was scheduled to expire June 30. Revocation of a Kennel Permit will entitle the permit holder to request a Hearing by a Hearing Officer.

4-07-4500 – Swap Meets within Tulare County.

~~Effective as of January 1, 2016, any vendor selling Animals Live animals shall not be sold, bartered, gifted, or otherwise transferred at Swap Meets within Tulare County shall be required to comply with the minimum standards as set forth in Sections 122370–0122374 of California’s Health & Safety Code.~~

~~Vendors selling Animals at Swap Meets within Tulare County shall, at a minimum, comply with the following standards:~~

- ~~A. Maintain the facilities used for the keeping of Animals in a sanitary condition.~~
- ~~B. Provide proper heating and ventilation for the facilities used for the keeping of Animals.~~
- ~~C. Provide adequate nutrition for, and humane care and treatment of, all Animals that are under his or her care and control.~~
- ~~D. Take reasonable care to release for sale, trade, or adoption only those Animals that are free of disease or injuries.~~
- ~~E. Provide adequate space appropriate to the size, weight, and species of Animals.~~
- ~~F. Have a documented program of routine care, preventative care, emergency care, disease control and prevention, and Veterinary treatment and euthanasia that is established and maintained by the vendor in consultation with a licensed Veterinarian employed by the vendor or a California-licensed Veterinarian, to ensure adherence to the program with respect to each Animal. The program shall also include a documented onsite visit to the swap meet premises by a California-licensed Veterinarian at least once a year.~~
- ~~G. Provide buyers of an Animal with general written recommendations for the generally accepted care of the type of Animal sold, including recommendations as to the housing, equipment, cleaning, environment, and feeding of the Animal. This written information shall be in a form determined by the vendor and may include references to Internet Web sites, books, pamphlets, videos, and compact discs.~~
- ~~H. Present for inspection and display a current business license issued by the local jurisdiction where the Animals are principally housed.~~
- ~~I. Maintain records for identification purposes of the person from whom the Animals offered for sale were acquired, including that person's name, address, e-mail address, and telephone number and the date the Animals were acquired.~~

ARTICLE V – At Large, Impoundment, Rabies Quarantine

4-07-5000 - Dogs at large.

No person shall permit a Dog to stray from private property owned or legally possessed by the Dog Owner or Custodian unless the Dog is restrained by a leash or lead not exceeding eight feet in length, except in the following situations:

- A. When the Dog is assisting a peace Officer who is engaged in law enforcement duties or when the Dog is participating in a search and rescue effort at the specific request of a law enforcement authority;
- B. When the Dog is enrolled in and actually participating in a Dog training or obedience course, exhibition, or competition conducted by an organization on private or public property with the permission of the Owner or operator of the grounds of facilities;
- C. When the Dog is assisting the Owner or person in charge of Livestock in the herding or control of such Livestock;~~or~~
- D. When the Dog is accompanying and under the direction of a person engaged in hunting on property where such activities are allowed, or on private property with written permission of the Owner~~;~~ or
- E. When the Dog is contained within a legally designated Leash-free park or enclosure.

4-07-5010 - Dog at Large Causing Injury.

Any Owner or Custodian of any Dog, which is running at large, that causes injury through indirect, or direct action, is guilty of a misdemeanor. Nothing in this section precludes prosecution for any additional or more severe applicable state or federal criminal liability that may apply as a result of injuries, property damage, or death that resulted from the Animal running at large.

4-07-5100 - Livestock or Equine at large.

- A. No person shall permit Livestock or Equine to stray from private property owned by the Owner or Custodian of such Livestock or Equine, or from private property to which such Owner or Custodian has a right of possession, except in the following situations:
 - 1. When the Livestock or Equine is being led, driven, or conducted along a public road or street during daylight hours under the supervision and control of its Owner or Custodian;
 - 2. When the Livestock or Equine is on public property with the consent of the Owner or operator of the grounds or facilities, or on private property with the consent of the Owner, lessee, or other person in control thereof, and such property is lawfully fenced;
 - 3. When the Livestock or Equine is on designated open range areas.
- B. The Owner or Custodian of any Livestock or Equine that are found at large on any public or private property other than the Owners, without permission of the property Owner shall be guilty of an infraction.

- C. Nothing in this section precludes prosecution for any additional or more severe applicable state or federal criminal liability which may apply as a result of injuries, property damage, or death which resulted from the Livestock or Equine running at large.
- D. In addition to any other penalties imposed, the Owner or Custodian of the Livestock or Equine shall be liable for the salaries, costs, and other expenses incurred by ~~the division~~[Animal Services](#) in restraining, capturing, or rescuing such Livestock or Equine.

4-07-5200 - Animals subject to Impoundment.

- A. Any Animal shall be taken up and Impounded at the Animal Shelter (or at such other place as may be approved by the ~~director~~[Manager](#)) if, to the knowledge of Animal Services, any of the following conditions exist, including but not limited to:
 - 1. The Animal is engaged in an activity or existing in a condition prohibited by this chapter;
 - 2. The Animal is, or will be, without proper care due to the injury, illness, death, incarceration, or other involuntary absence of the Owner or person responsible for the care of such Animal;
 - 3. [The Animal is being neglected or mistreated as described in Penal Code sections 597, 597f, 597t, 597.1, or other state or federal law prohibiting the mistreatment of animals.](#)
 - ~~3.4.~~ The Animal poses an immediate threat to public safety and/or health; or
 - ~~4.5.~~ The Animal is required to be quarantined.
- B. Notice of Impoundment.
When an Animal implanted with a Microchip or wearing a current Tulare County license is Impounded, Animal Services shall make a reasonable attempt to notify the Owner or Custodian of record of the date and place of Impoundment or removal, and the procedure whereby the Owner or Custodian may apply to regain custody of the Animal.
- C. Duration.
 - 1. All Impounded Animals shall be kept in the Animal Shelter or other authorized place of Impoundment for the period as described in Sections 31108, 31752 and 31753 of the Food and Agricultural Code.
 - 2. During this holding period and prior to adoption or euthanasia, the Animal will be scanned for a Microchip, license tag, tattoo or other form of identification. If one is found and the Owner can be determined, a reasonable effort must be made to contact the Owner of the Animal.
 - 3. Except for stray Animals experiencing irremediable suffering ~~or needing maternal care~~, any stray Animal Impounded shall, prior to the scheduled euthanasia of that Animal, be released to ~~any willing~~[any willing](#) Animal Rescue.
- D. Redemption.
 - 1. ~~The~~[Except in case of abuse, neglect, quarantine, or potentially dangerous or vicious dogs,](#) ~~the~~ Owner or Custodian of any Animal Impounded may, at any time before the expiration of the period of Impoundment, redeem the Animal by paying all civil penalties, fees and charges accrued. If the Animal is subject to the licensing or license provisions of this chapter, the licensing requirements must be satisfied before the Animal is released.
 - 2. Pursuant to Section 31254 of the Food and Agricultural Code, the refusal or failure of the Owner or Custodian of any Impounded Animal to pay the fees and charges after due

notification shall be held to be an abandonment of the Animal by the Owner or Custodian.

3. All Animals that have been Impounded must be implanted with a Microchip at the Owner's or Custodian's expense prior to redemption.
4. Upon the second Impoundment within a ~~twelve (12)~~twenty-four (24) month period, any Animal so Impounded must be spayed or neutered at the Owner's or Custodian's expense prior to redemption. ~~If the Owner or Custodian can prove to Animal Services that the Animal is a valuable breeding Animal and currently registered with a national organization such as the American Kennel Club and such sterilization would devalue the Animal, this requirement may be waived at the discretion of the Animal Services Manager, and any applicable breeding permit issued for the Animal revoked.~~

E. Owner Surrendered Animals.

1. Upon surrender of the Animal to Animal Services, the Owner or Custodian must present sufficient identification such as driver's license, or California identification card, and the bill of sale for the Animal, adoption contract, or Dog license, to establish his or her Ownership of the Animal and shall sign a statement that he or she is the lawful Owner of the Animal. The Owner or Custodian of the surrendered Animal must pay all required fees.
2. If the Animal surrendered has a history of Potentially Dangerous or Vicious behavior, it may be immediately euthanized in accordance with Section 31108.5 of the Food and Agriculture Code.
3. All Animals will be held for the length of time outlined in Section 31754 of the Food and Agricultural Code.

F. Animal Impounded for Abuse or Neglect.

1. In addition to any other civil or criminal penalties, Animals impounded or seized for violations of 4-07-3210, 4-07-3230, any of the statutes listed in 4-07-5200(A)(3), or any other state or federal law prohibiting the mistreatment of animals will not be returned until the owner demonstrates to the satisfaction of the seizing agency or the hearing officer that the owner can and will provide proper and necessary care for the animal, and all costs for the seizure and care of the animal are paid. The animal's return may be conditioned.
2. If the seizing agency believes that return of the Animal would endanger the Animal, the agency shall provide notice to the Owner that the Animal will not be returned to the Owner. This decision may be appealed to Administrative Hearing in the same manner as a post-seizure hearing. The decision of the Administrative Hearing Officer may be appealed to a Hearing Officer in the same manner as a Potentially Dangerous or Vicious Dog, 4-07-6100, except that evidence presented shall relate to the allegations of abuse or neglect.

G. Disposition of Impounded and Surrendered Animals.

1. Except as otherwise provided in this chapter, an Impounded Animal which is not redeemed within the applicable holding period specified in this chapter or an Animal voluntarily surrendered to Animal Services for adoption, except an Animal that has been Impounded for quarantine or is known to have bitten a human or to have demonstrated potentially dangerous or vicious propensities, may be offered for adoption as determined by Animal Services and in accordance with the laws of the State of California.
2. When an Animal is adopted, the receipt issued by Animal Services shall be valid proof of

Ownership to the adopter. All adoptions shall convey a good and valid title to the adopter, and the previous Animal Owner or Custodian shall thereafter be barred from recovering said Animal.

4-07-5300 – Rabies Quarantine.

- A. 1. Animal Services shall ensure that all Animals falling into the following categories shall be isolated or quarantined or destroyed and a rabies specimen taken at Animal Services or at such other place and under such conditions as are prescribed by the health Officer or authorized according to other applicable California State laws and regulations, including but not limited to:
 - a. Known rabid Animals;
 - b. Suspected rabid Animals;
 - c. Animals that have bitten or otherwise exposed a human to rabies; and
 - d. Animals of a species subject to rabies, which have been bitten by a known rabid or suspected rabid Animal or have been in intimate contact with a known rabid or suspected rabid Animal.
 2. In circumstances where the bite or exposure to rabies occurred while the victim was on the property of the Owner or Custodian of the Animal or when the victim is a member of the family or household of the Owner or Custodian, and when the Animal is not currently vaccinated against rabies and, as applicable, licensed as required by the provisions of this chapter, the Animal may, at the discretion of Animal Services, be quarantined on the property of the Owner provided the following:
 - a. The Owner of said Animal can and does agree to ensure its confinement and isolation for the period of quarantine;
 - b. The Owner agrees, upon demand of the Health Officer or Animal Services during the period of quarantine, to surrender the Animal to Animal Services;
 - c. The Owner agrees to immediately notify Animal Services if the Animal escapes, becomes ill, or dies.
 3. It is unlawful for the Owner or Custodian of an Animal to violate any of the conditions of isolation or quarantine prescribed by the Health Officer or Animal Services. Any violation of this section is a misdemeanor.
- B. Non-vaccinated Biting Animals Fee. Notwithstanding any other provision of this chapter, the Owner of any Animal which is required by law to be vaccinated for rabies and which has not been so vaccinated and which bites or wounds any person or other Animal shall be subject to a penalty fee.

ARTICLE VI – Potentially Dangerous and Vicious Animals, Hearings and Appeals

4-07-6000 – Potentially Dangerous and Vicious Animals.

A. Purpose.

1. The purpose of this section is to regulate the keeping of Animals which are Potentially Dangerous or Vicious or involve a threat to the safety of people and other Animals on streets, sidewalks, and private property where the Animals are not properly maintained as such Animals constitute a serious hazard within the unincorporated area of the County. The increasing tendency to maintain Animals which, by virtue of breeding or training, have a propensity to attack others compounds the hazard.
2. Every Owner or Custodian of an Animal is held strictly accountable for the exercise of such control over the Animal as necessary to ~~insure~~ensure that the Animal does not injure innocent human beings or other Animals that are not on the Premises where the Animal is maintained. Such strict accountability is imposed whether or not the injury results from the negligence or fault of the Owner or Custodian, and regardless of the degree of precaution or control exercised by the Owner or Custodian.

B. Owner Responsible.

1. Any Owner or Custodian of any Animal is deemed responsible for the acts committed by that Animal when the Owner or Custodian has failed to comply with the legal requirements for the keeping of that Animal as defined in this chapter. No person shall permit an Animal to act in such a manner as constitutes Potentially Dangerous or Vicious behavior as defined in Section 4.07.1400 of this chapter.
2. A violation of any of the provisions of this section is punishable as follows:
 - a. On a first offence, any Animal Owner who maintains an Animal in such a manner as to permit it to exhibit Potentially Dangerous behavior shall be guilty of an infraction.
 - b. On the second and subsequent offence, any Animal Owner who maintains any Animal in such a manner as to permit it to exhibit Vicious behavior shall be guilty of a misdemeanor.
3. Nothing in this section shall prevent prosecution for violations of other statutes or codes which may deal with other or more specific offenses, including but not limited to, penal and civil statutes.

C. Quarantine or Impound. No Animal which has been declared Potentially Dangerous or Vicious or against which a Potentially Dangerous or Vicious Animal Report has been filed may be Impounded or quarantined at any place other than Animal Services, unless authorized by the Animal Services Manager.

D. Notice of escape. Any person keeping, harboring, maintaining, or owning a Potentially Dangerous Animal, Vicious Animal, or Wild Animal that escapes from its confinement shall immediately notify Animal Services. Notification shall first be by phone and shall be followed with written notification within one business day, via email to Animal Services, which includes the following information, as known:

1. The date, place, and time of the Animal's escape;
2. A description of the Animal, including a photo, and its condition at the time of escape; and
3. The name, address, and residential and occupational telephone numbers of the Owner of the Animal.

- E. Filing of a Complaint. Any person, including employees of Animal Services, possessing personal knowledge of facts that there exists a Potentially Dangerous or Vicious Animal within the unincorporated area of the County or those incorporated areas served by Animal Services may file with Animal Services a written report, signed under the penalty of perjury, which contains the following facts:
 - 1. A description of the offending Animal including, to the extent known, the color, size, sex, breed and name of the Animal, and the name and address of the Animal Owner or Custodian;
 - 2. An assertion that the Animal described is a Potentially Dangerous or Vicious Animal within the meaning of Section 4.07.1400, together with a statement of the facts upon which the assertion was based, including the name and address of any person who has been victimized or injured, including a description of the extent of the injuries, the names and addresses of the witnesses thereto, the time, date, and location of the incident related to the assertion, and an explanation of how the personal knowledge of the affiant was acquired; and
 - 3. The name, residential and occupational addresses and telephone numbers of the affiant.
- FE. Timely Filing. Unless otherwise provided, the filing of a Potentially Dangerous or Vicious Animal Report must be made within six (6) business days, including Saturday, of the most recent event or circumstances occasioning the report. Upon evidence that good cause exists that a report could not be filed within the six (6) business days, including Saturday, the Animal Services Manager may extend the deadline for filing the report.
- GF. Impoundment of Animal. Upon receipt by Animal Services of a Potentially Dangerous or Vicious Animal Report, Animal Services shall initiate an investigation of the incident or incidents described in the report for the purpose of verifying the facts stated and obtaining other information. If, after an investigation, the identified facts show the existence of a Potentially Dangerous or Vicious Animal, Animal Services shall immediately locate and Impound the Animal which is the subject of the charges and the Owner or Custodian shall have to request a Hearing within six (6) business days, including Saturday, from date of impoundment and pay any applicable hearing fees.

4-07-6100 – Potentially Dangerous and Vicious Animal Hearings and Appeals

- A. Notice of Hearing.
 - 1. When a Hearing is requested by the Animal Owner or Custodian, Animal Services shall set a date and time for the hearing and send a notice thereof by first class mail at least five (5) business days, including Saturday, before the scheduled hearing date to the Owner or Custodian at the address set forth on his or her request for a hearing and shall notify the victim and the Director of such hearing.
 - 2. Conversely, if, or after an investigation, the identified facts show that cause to conduct a Potentially Dangerous or Vicious Animal Hearing has not been shown, Animal Services shall notify the Animal Owner or Custodian -to reclaim their Animal from Animal Services.
- B. Conduct of Hearing.
 - 1. The Hearing shall be conducted before a person appointed as a Hearing Officer.
 - 2. The Hearing shall be open to the public.

3. The Owner or Custodian may be represented by counsel at their own discretion and cost. If Animal Services plans to be represented by counsel, such fact will be made clear to the Owner or Custodian upon writing regarding the time and place of the Hearing. Animal Services representation by counsel does not in any way entitle the Owner or Custodian to be represented by counsel.
 4. The burden is on the Animal Owner or Custodian to present evidence that the Animal is not Potentially Dangerous or Vicious.
 5. The technical rules of evidence shall not be applicable to the Hearing, except that the Hearing Officer's decision may not be based wholly on hearsay evidence.
 6. The Hearing Officer may find, based upon the preponderance of the evidence, that:
 - a. The Animal is not Potentially Dangerous or Vicious and should be returned to its Owner or Custodian;
 - b. The Animal is not Potentially Dangerous or Vicious but that the attack, bite, or injury was the result of improper or negligent training, handling, or maintenance and that the License should be revoked and the Animal relinquished to Animal Services;
 - c. The Animal is Potentially Dangerous or Vicious but may be returned to the Owner or Custodian with stipulations and/or restrictions; or
 - d. The Animal is Potentially Dangerous or Vicious and that it should be humanely euthanized no sooner than the fifth business day, including Saturday, following the mailing of notice of determination.
 7. The Hearing Officer shall make other orders required or authorized by this chapter.
 8. The Hearing Officer may decide all issues for or against the Owner or Custodian of the Animal even if the Owner or Custodian fails to appear at the Hearing. Failure to appear at the Hearing will be deemed a forfeiture of the Animal.
- C. Consideration of Evidence. In considering whether an Animal is Potentially Dangerous and/or Vicious, the Hearing Officer shall consider evidence including, but not limited to, the following:
1. Any previous history of the Animal attacking, biting or causing injury to a human being or other Animal.
 2. The nature and extent of injuries inflicted and the number of victims involved.
 3. The location where the bite, attack or injury occurred.
 4. The presence or absence of any provocation for the bite, attack, or injury.
 5. The extent to which property has been damaged or destroyed.
 6. Whether the Animal exhibits any characteristics of being trained for fighting or attacking, or other evidence to show such training or fighting.
 7. Whether the Animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of Persons or other Animals.
 8. Whether the Animal can be effectively trained or re-trained to change its temperament or behavior.
 9. The manner in which the Animal had been maintained by its Owner or Custodian.
 10. Any other relevant evidence concerning the maintenance of the Animal.
 11. Any other relevant evidence regarding the ability of the Owner or Custodian to protect the public safety in the future if the Animal is permitted to remain in the County.
- D. Mitigating Circumstances. In considering whether an Animal is Potentially Dangerous and/or Vicious the Hearing Officer may hear and consider evidence of any of the following mitigating circumstances:

1. That the injury or damage complained of was sustained by a person who was committing a willful trespass or other tort upon the Premises occupied by the Owner or Custodian of the Animal, or was teasing, tormenting, abusing, or assaulting the Animal, or was committing or attempting to commit a crime.
 2. That the Animal was protecting or defending a person within the immediate vicinity of the Animal from an unjustified attack or assault.
 3. That the injury or damage complained of was sustained by a Domestic Animal which at the time of the injury or damage was teasing, tormenting, abusing, or assaulting the Animal which is the subject of the Hearing.
 4. The injury or damage complained of was to a Domestic Animal and was sustained while the Animal in question was working as a hunting Animal, herding Animal, or predator control Animal on the property of, or under the control of, its Owner or Custodian and the damage or injury complained of was to a species or type of Domestic Animal appropriate to the work of the Animal.
- E. Determinations and Orders—Notice—Compliance—Appeal—Finality of Appeal.
1. Within ten (10) calendar days after the Hearing is conducted, the Hearing Officer shall notify in writing Animal Services and the Owner or Custodian of the determination and orders issued, by first class mail or personal service at the address appearing on the request for hearing.
 2. If a determination is made by the Hearing Officer that the Animal is Potentially Dangerous or Vicious, and is returning the Animal to the Owner or Custodian, the Owner or Custodian shall comply with subsection F and G of this section within fifteen (15) calendar days after the date of determination or twenty (20) calendar days if notice of the determination is mailed to the Owner or Custodian by first class mail.
 3. If a determination is made by the Hearing Officer that the Animal is not Potentially Dangerous or Vicious, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance, the following may apply:
 - a. The License may be revoked and reissued with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the Animal to protect the public health safety and welfare, only if it is determined that the Owner or Custodian is able and willing to properly train, handle or maintain the Animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance; or
 - b. The Owner or Custodian is unable or unwilling to properly train, handle or maintain the Animal and that a similar incident is not likely to occur in the future with proper training, handling or maintenance, the Animal shall be relinquished to Animal Services.
 4. If Animal Services or the Owner or Custodian of the Animal contests the determination, he or she may, within five (5) business days of the receipt of the notice of determination, appeal the decision of the Hearing Officer to the Director.
 5. The appeal shall be heard by a second impartial Hearing Officer appointed by the Director, other than the Hearing Officer who originally heard the petition.
 6. The Director shall give notice by first class mail to Animal Services, to the appellant or Animal Owner or Custodian if Animal Services is the appellant, and to the victim(s), of the date, time and location of when the appeal will be heard.
 7. The Hearing Officer hearing the appeal shall conduct a Hearing de novo, but upon submission of all relevant evidence, including but not limited to Animal Control reports, transcripts, and other testimony, from the first hearing, and make its own determination

as to potential danger and viciousness of the Animal and make other orders authorized by this chapter, based upon evidence presented.

8. The Hearing shall be conducted in the same manner set forth in subsection B above.
9. Judicial review of a decision made after an appeal hearing pursuant to this section shall be made pursuant to Section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

- F. Registration. Any Animal which has been declared by the Hearing Officer to be Potentially Dangerous or Vicious within the meaning of Section 4.07.1400, and is being returned to the Owner or Custodian, shall be subject to special registration requirements as follows:

An Owner or Custodian of a Potentially Dangerous or Vicious Animal is required to pay, in addition to any Licensing or License Fee, an annual special registration fee (as applicable) which shall be valid and renewable concurrent with the effective dates of the Licensing of the Animal. Late registration is subject to a penalty fee equal to two times the annual registration fee.

- G. Keeping of a Potentially Dangerous or Vicious Animal. In addition to any other provisions [provided in the Except as otherwise](#) provided in the decision rendered by the Hearing Officer, the keeping of an Animal which has been declared Potentially Dangerous or Vicious and returned to the Animal Owner or Custodian by the Hearing Officer shall, at the minimum, be subject to the following provisions:

1. The Animal must at all times, when not under restraint by leash on public property, be securely confined in an enclosure under lock within a lawful fence.
2. The Animal must, at all times when kept in any part of a house or structure, be confined in such a manner that the Animal cannot exit such building on its own volition.
3. The Animal must, at all times, be licensed and registered as required by this chapter and must be kept in compliance with all the regulatory provisions of this chapter in its entirety.
4. The Animal Owner or Custodian must notify Animal Services in writing within three calendar days if the location of the Animal is to be permanently changed. An administration fee will be charged to modify the issued license.
5. The Owner or Custodian must allow Animal Services to inspect the property at such time as reasonable to insure the provisions ordered by the Hearing Officer are being complied with. All costs associated with these provisions or any other or additional provisions ordered by the Hearing Officer shall be borne by the Owner or Custodian of the Animal which has been declared to be Potentially Dangerous or Vicious.

- H. Right to Destroy. Nothing in this section shall be construed to prevent Animal Services from destroying an Animal which is in the act of dangerous or vicious behavior towards any person or other Animal as set forth in Section 4.07.1400, if such immediate destruction is reasonably necessary to protect public safety.

Attachment 3

Proposed Animal Ordinance Revisions – Quick Guide



TULARE COUNTY ANIMAL ORDINANCES “Proposed Revisions Quick Guide”

General edits, in addition to those highlighted in this Quick Guide, have been made throughout the current ordinances to clarify wording and provide community members with a better understanding of ordinance meaning.

ARTICLE I – GENERAL PROVISIONS

- A. Expands definitions contained within the Ordinances.
 - 1. Requesting language be added acknowledging the county’s pet overpopulation issue.
 - 2. Expanding definitions provides community members with a better understanding of terms used within the Ordinances.
 - 3. Additional definitions are required to clarify proposed revisions to the Animal Ordinances and new Commercial Kennel Minimum Standards.

ARTICLE II – ADMINISTRATION AND AUTHORITY

- A. Authority to Humanely Euthanize
 - 1. Incorporates references to CA code sections providing authority to humanely euthanize an irremediably ill, wounded, or suffering animal.
- B. Grants limited authority to HHSA Director or his/her designee, the authority to sign adoption, foster, volunteer agreements; booth/vendor rental agreements for outreach and adoption events; animal transfer and rescue partnership agreements.
- C. Deletes “Recoupment of Enforcement Costs” section, as these costs are incorporated into the calculation of fees and/or penalties.

ARTICLE III – LICENSING, VACCINATIONS, ANIMAL OWNERSHIP & RESPONSIBILITIES

- A. Licensing of Dogs
 - 1. Adds requirement to notify Animal Services of the change of ownership of a licensed dog within 30 days.
 - 2. Adult dogs will be defined as being nine (9) months or older versus four (4) months.
- B. Implantation of Microchips
 - 1. Requires all dogs to be implanted with a microchip and the microchip information provided to Animal Services. Increases Animal Services’ ability to reunite pets with their owners; decreases number of animals impounded.
 - 2. Changes of ownership must be reported to microchip registry and Animal Services within 30 days. Proof of ownership should more than one person claim ownership of the same animal.
 - 3. All shelters and clinics have the ability to scan animals.
- C. Spaying and Neutering of Dogs
 - 1. All dogs shall be spayed or neutered by 6 months of age.
 - 2. Exceptions for police dogs, if a veterinarian states in writing it would be detrimental to the dog, and licensed unaltered dogs.
 - 3. Owners will have 6 months to comply; 90 days for new Tulare County residents.
 - 4. First-time offenders given information on subsidized sterilization services and given an additional 60 days to comply prior to enforcement action.

ARTICLE IV – KENNEL AND BREEDER PERMITS

- A. Permitting
 - 1. Added Boarding Kennels to types of kennels.



TULARE COUNTY
HEALTH & HUMAN SERVICES AGENCY

Timothy W. Lutz, MBA
Agency Director

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2. Added Breeder Permit requirement for each female dog being bred.
3. Added requirement for kennels to comply with established Kennel Minimum Standards.
- B. Transitional Period
 1. Current permit holders will have until June 30, 2020, to comply with reduction in maximum number of animals allowed under a Kennel Permit. If a kennel exceeds the maximum number at time this Article is passed, the Kennel may apply for and receive a dispensation and continue operating.
 2. No new adult dogs may be added during transition period.
 3. Current permit holders will have until June 30, 2020, to comply with minimum confinement space requirements and minimum standards.
- C. Maximum Number of Adult Dogs; Licenses
 1. Maximum of four (4) dogs nine (9) months of age or older without a kennel permit.
 2. Maximum of 25 dogs nine (9) months of age or older with a kennel permit; maximum allowed may be lower if Special Use Permit or Minimum Kennel Standards further restrict the number allowed.
 3. Altered dogs are licensed under the kennel fee. Unaltered dogs required to have individual licenses.
 4. Boarding Kennels must ensure that all dogs in their care are licensed and vaccinated.
- D. Permit Application, Fees, and Term
 1. Supporting Documents
 - a. New permit applicants shall submit all business permits and fees with the application. All supporting documents must be issued under the same person or business name.
 - b. Kennels are identified by landowner, kennel owner/operator, parcel number, and address.
 - c. New permit applicants shall include written details regarding the facility's animal care program, including feeding, watering, cleaning, exercise, etc., procedures, as well as a statement that the plan has been reviewed and approved by a licensed veterinarian.
 - d. Renewal applicants must include fees and any other permits, if changed.
 2. Payment of fees does not guarantee the permit will be approved.
 3. Permits will be effective July 1 through June 30.
 4. In addition to other penalties, a late penalty of 10% of the total fees shall apply to applications submitted after August 31.
 5. Permit holders operating multiple kennels must obtain a separate permit for each facility.
 6. Permit holders with multiple types of operations must obtain a separate permit for each operation.
- E. Revocation of Permit
 1. Lapse of permits.
 2. Discovery of fraud or false statements in permit application.
 3. Violation of Penal Code 597.
 4. Continued violation of ordinances, laws, or minimum standards.
- F. Transfer of Permit
 1. Kennel and Breeder permits are non-transferable.
- G. Kennel Standards
 1. A copy of the applicable standards will be supplied with each request for a permit application, and the applicant shall acknowledge its receipt.
 2. Each applicant or kennel operator must demonstrate that his or her facility complies with the standards and must make the facility available for compliance inspection(s).
 3. Animal Services may issue a permit under conditions and restrictions as deemed necessary for the protection of animal or public health, safety, or welfare.
- H. Records
 1. Microchips



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2. Veterinary Records
3. Breeding Records
4. Sales and Transfer Records
- I. Kennel Inspections
 1. Animal Services shall have the right to inspect kennels unannounced, at reasonable times.
- J. Breeder Permits, Advertising
 1. Requires a permit for each breeding female, which will be tied to the microchip.
 2. Adds transferring dogs to bans against advertising or sale without a permit.
 3. Adds each female dog will be bred based on advice of California licensed veterinarian ensuring she is managed with excellent husbandry and has good reproductive health. A record of annual veterinary examination supporting shall be provided annually with permit application.
 4. Limits commercial kennels to 5 breeding permits per calendar year.
 5. No breeding permits for non-commercial kennels.
 6. Individuals may obtain 1 breeding permit per calendar year; includes address/parcel.
 7. Breeding permits are non-transferable, and if a dog is sold, given away, or dies, no replacement permit will be issued.
- K. Violations
 1. Individual without Kennel Permit
 - i. First violation — Violators will be issued a correctable Administrative Citation which may be corrected by retroactively obtaining a breeding permit or by surrendering the puppies to an Animal Rescue Organization, spaying mother, and neutering father if in possession.
 - ii. Second violation — Violators will be issued a non-correctable Administrative Citation of \$1000, unless the dog owner surrenders the puppies to an Animal Rescue Organization and spays the mother and neuters the father, in which case the fine will be \$50.
 - iii. Third violation — Violators will be required to have the female dog spayed and will not be allowed to obtain any unaltered dog licenses or breeding permits for up to 36 months.
 2. Kennel Operators (Commercial and Non-Commercial)
 - i. First violation — Maximum penalty up to \$100 per animal covered by permit.
 - ii. Second violation — Maximum penalty up to \$300 per animal covered by permit.
 - iii. Third violation — Kennel permit will be revoked and permit holder banned from holding a kennel permit for a minimum of 36 months.
- L. Swap Meets
 1. Live animals will not be sold, bartered, gifted, or transferred at swap meets within the county's jurisdiction.

ARTICLE V – AT LARGE, IMPOUNDMENT, RABIES QUARANTINE

- A. Dogs at Large — Adds exception allowing dogs to be off leash at designated dog parks.
- B. Animal Subject to Impoundment
 1. Redemption — Requires animal owner to have animal spayed or neutered upon second impoundment within 24 months versus current period of 12 months.
 2. Added language to address animals taken into the care and custody of Animal Services as the result of abuse or neglect.

**ARTICLE VI – POTENTIALLY DANGEROUS AND VICIOUS ANIMALS,
HEARINGS & APPEALS**

- A. No significant changes.

Attachment 4

Proposed Chapter 7 Part IV of the Ordinance Code

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 7 OF PART IV OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO THE CONTROL OF ANIMALS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. Articles 1 through 6 of Chapter 7 of Part IV of the Ordinance Code of Tulare County, pertaining to the control of animals, are hereby repealed.

Section 2. Chapter 7 of Part IV of the Ordinance Code of Tulare County, pertaining to the Control of Animals, is hereby amended to read as follows:

ARTICLE I – General Provisions

4-07-1000 - Short title.

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

4-07-1100 - Purpose - Construction.

This chapter is intended to regulate, control, and protect Domestic Animals within the unincorporated area of Tulare County. Because of the importance of agricultural production in and to the county, the provisions of this chapter shall be construed and given effect in a manner that is consistent with and in furtherance of conserving, protecting, enhancing and encouraging Agricultural Operations within the county and in accordance with the Tulare County General Plan.

4-07-1150 – Findings.

The Board of Supervisors makes the following findings in support of the enactment of this Chapter:

- (a) The County of Tulare has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, and preserving the peace and integrity of communities within the unincorporated area.
- (b) The County of Tulare has a compelling interest in protecting animal welfare and maintaining minimum standards of animal care.
- (c) In 2018, Tulare County Animal Services took 7,022 animals into the County shelter. Of those, only 4,248 were able to be rehomed.

(d) The Humane Society of the United States cites that 2.4 million healthy, adoptable animals are euthanized in U.S. shelters each year, amounting to roughly every 13 seconds. These animals are often the offspring of family pets which are not spayed or neutered.

(e) In Tulare County, with its combination of rural and urban zones, stray and unregulated animals are both a danger to themselves as well as the public via auto accidents, property damage, and potential attacks on both humans and livestock.

(f) Unregulated animal keeping practices, unregulated animal sales, and unregulated breeding of dogs result in operations driven solely for profit with no concern for animal welfare, leading to animal abuse, illness, and abandonment. California taxpayers spend a quarter of a billion dollars annually to house and kill animals in local shelters while unregulated and irresponsible breeding facilities continue to breed animals in poor conditions for profit.

(g) The unregulated keeping of dogs poses a risk of attacks, bites, and menacing behavior by such dogs. In 2018, Tulare County reported 80 dog bites, with the majority of these bites being by owned, yet unvaccinated and/or unlicensed animals.

(h) Pet overpopulation and the unregulated keeping of dogs can have a negative effect on the general quality of life for surrounding areas, such as noise issues and malodorous smells.

(i) In an attempt to bring these problems under control it is necessary to (1) create permitting procedures within the County of Tulare to encourage and enforce compliance with local, state, and federal regulations on animal care and breeding, (2) create breeding permits per animal to encourage the humane treatment of breeding animals within the County and avoid pet overpopulation, (3) limit the number of animals to be kept in commercial and private kennels, and (4) establish minimum kennel requirements for commercial, private, and rescue kennels.

(j) Pursuant to Article XI, section 7 of the California Constitution, the County may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

4-07-1200 - Relationship to other laws.

This chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to any activity which is regulated by federal or state law. This chapter shall be interpreted to be compatible with federal and state enactments, and in furtherance of the public purposes which those enactments express. Tulare County will uphold the laws of the state of California. Where the ordinances are silent, Tulare County will enforce the laws of the state of California as related to the health and welfare of Animals, as amended from time to time.

4-07-1300 - Authority to set fees and charges.

Fees shall be established by the Board of Supervisors of Tulare County to include, but not be limited to, fees for Impoundment, licensing, kenneling, adoption, and boarding of Animals. The fees and charges so established may recover the reasonable cost of providing such services and issuing such licenses, as well as administrative fees related to such services, as allowable under the law.

4-07-1400 - Definitions.

Unless the provision or context requires otherwise, the definitions contained in this section shall govern the construction of this chapter. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

"Abandon" means to leave an Animal upon any public street or other public place or upon any private property or Premises with no intention of returning to care for that Animal.

"Administrative Citation" means a notice provided by the Animal Services Manager or an Animal Control Officer outlining behaviors in violation of this Chapter.

"Administrative Review Officer" means the Agency Director of the County's Health and Human Services Agency (HHSA) or his or her designee. The Director may contract with a qualified provider to conduct the Administrative Reviews or to process Administrative Citations.

"Administrative Review Appeals Officer" means the Agency Director of the County's Health and Human Services Agency (HHSA) or his or her designee. The Director may contract with a qualified provider to conduct the Administrative Review Appeals.

"Adoptable" means, pursuant to Penal Code Section 599d(a), Animals eight weeks of age or older that, at or subsequent to the time they are Impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a significant health or safety risk or otherwise make the Animal unsuitable for placement as a pet

"Adoption" means transferring possession of any animal from an Animal Rescue Organization or government operated shelter, with such transfers including adoption terms enumerated in a signed contract between the Animal Rescue Organization or shelter and adoptee.

"Adult Dog" means any Dog over the age of nine (9) months.

"Altered" means spayed or neutered.

"Animal" means and includes any mammal, reptile, amphibian, avian, or fish.

"Animal Services Division" or "Animal Services" means the division, and its duly authorized staff, within the Health and Human Services Agency, which has been established to oversee the County's Animal Control and Licensing functions and the day-to-day operations of the County's Animal Care and Adoption Facility.

"Animal Control Officer" means a person duly appointed by the Animal Services Manager to carry out the activities and programs of Animal Services.

"Animal Nuisance, " within the meaning of this title, means such actions or behaviors of an Animal which interfere with the rights of persons to the enjoyment of life or property by creating chronic annoyance, disturbance, or discomfort to neighbors or others in close proximity to the Premises where the Animal is kept, harbored or maintained, and shall include, but not be limited to, the following:

- A. Causing fouling of the air by the unpleasant odor of accumulated fecal waste or urine. Such fouling of the air must be detected from a location or locations other than the property in question; or
- B. Causing unsanitary conditions in enclosures or surroundings; or
- C. Making a chronic, continuous excessively loud or disturbing noise of more than a fifteen (15) minute duration per incident, that prevents the resident or residents of any property from enjoying the quiet enjoyment of their property pursuant to Health and Safety Code §46000. This does not include periodic barking or other utterances of short duration.

This list excludes agricultural operations that are in compliance with zoning ordinances and special use permits.

"Animal Owner", "Owner" or "Custodian" means any Person who owns an Animal or who has charge, care, custody or control of, or has a right to control an Animal for fourteen (14) or more consecutive days, except a Veterinarian caring for an Animal in the regular practice of veterinary medicine.

"Animal Rescue Organization" or "Rescue Organization" means any person or group registered within their state of operation as a charitable organization, or registered as a tax exempt organization under 501(c)(3) of Title 26 of the United States Code, dedicated to the housing and care of domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted, and which does not in the normal course of its operations obtain animals from any breeder(s) or broker(s) for payment or other compensation.

"Animal Services Manager/Director" or "Manager" means the person, appointed by the Health and Human Services Agency Director, who is tasked with the management of the Animal Services Division.

"Animal Services Personnel" means any person working at the Animal Shelter and tasked with carrying out the activities and programs of Animal Services.

"Animal Shelter" means the County-owned and operated shelter for the purpose of Impounding, caring for, adopting out, and placing seized, stray, distressed, homeless, Abandoned, or unwanted Animals.

"At large" means an Animal off the Premises of its Owner or Custodian and:

- A. If Livestock, not properly fenced, or not under the control and in the immediate presence of the Owner or Custodian; or
- B. If a Dog, not under physical restraint.

"Biting Animal" means any Animal, other than a law enforcement service Dog, that bites a person or other Animal in the unincorporated areas of the Tulare County; provided however, that the person or Animal bitten was not at the time either provoking or teasing the Animal. The records of Animal bites kept by Animal Services shall be deemed official records and shall establish the number of bites recorded.

"Board" means the Board of Supervisors of Tulare County, California.

"Breed" or "Bred" means to mate animals to produce offspring. For the purposes of this Chapter, an Animal has been bred when its mating has resulted in pregnancy, whether or not pregnancy results in live birth.

"Breeding Permit" as used in this chapter means a permit issued by Animal Services to any person, organization, or entity breeding dogs for sale, profit, trade, or gifting; or advertising such animals for sale, profit, trade or gifting.

"Cat" means any Domestic Cat (*Felis catus*).

"Corrective Action Plan" means a directive from the Animal Services Manager, or similarly situated person, compliance with which will result in return of an Animal and/or cessation of any pending matters with Animal Services.

"Custodian" means any person or entity who is temporarily in possession and control of an Animal.

"Dam" means the female parent of an animal, especially a domestic mammal.

"Director" means the Agency Director of the County's Health and Human Services Agency (HHS) or his or her designee and acting within the scope of the Director's authority.

"Dog" means any Domestic Dog (*Canis familiaris*).

"Dog license" means a tag, which will be firmly affixed to the Animal's collar on which is imprinted the phone number and name of the issuing agency, and a serial number unique to the individual tag.

"Domestic Animal" means Dogs and Cats, except as limited in the definition of "Feral Animal" in this section, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, llamas, camels, rabbits and fowl commonly kept or raised in the county as farm or Livestock Animals or other animals kept as pets, including but not limited to birds, guinea pigs, and rats.

"Equine" means any horse, pony, mule, or donkey.

"Exotic Animal" includes but is not limited to those animals or species set forth in California's Fish and Game Code Section 2118.

"Feral Animal" means any Dog or Cat that is known to live in a wild or semi-wild state without benefit of an Owner, or any Dog or Cat that has escaped for a substantial period of time from the care of its Owner or Custodian and is existing in a wild state without benefit of domestication.

"Foster Animal" means an animal placed by a government operated shelter or a Rescue Organization with a temporary caregiver while awaiting adoption. Foster Animals will be evaluated by the entity retaining ownership of the Animal every 90 days for continued viability in foster placement.

"Guide Dog" means any Guide Dog or seeing eye Dog which has been trained by a Person licensed under Chapter 9.5 (commencing with Section 7200) of the Business and Professions Code.

"Health Officer" means the Health Officer of the County or his or her designee.

"Hearing", for the purposes of this chapter, means the process prescribed in Section 4.07.6100 for the redress of issues relating to or arising from the enforcement of this chapter including, but not limited to, Potentially Dangerous and Vicious Animals, permits, or such other administrative matters for which a person is entitled to an impartial third party making a determination.

"Hearing Officer" means the person designated by the Director, or his or her designee, to preside at and render judgments from Hearings transacted under the authority of this chapter. The person may be an employee of the County who is not assigned to Animal Services or otherwise subordinate to the Manager thereof, or a person who is not an employee but is retained to provide such services. Any such Hearing Officer shall be qualified by training or experience or shall be an attorney or an administrative law judge. The person shall be impartial and make a decision based on the evidence presented at the Hearing.

"Impound" or "Impoundment" means the physical restraint and taking into custody of an Animal by Animal Services Personnel, in accordance with the provisions of this chapter

or other applicable law or regulation, whether or not transported to the Animal Shelter, and whether or not initially restrained and transported by Animal Services personnel.

"Kennel – Boarding" or "Boarding Kennel" means any Lot or Premises on which five (5) or more Adult Dogs, which are not owned by the landowner, occupant, or the Kennel owner or operator, are kept on a temporary basis, for any length of time for the purposes of boarding or training.

"Kennel – Commercial" or "Commercial Kennel" means any Lot or Premises on which between five (5) and twenty-five (25) Adult Dogs are kept for any length of time by the Owner or occupant for commercial purposes, including, but not limited to, breeding, buying, selling, or renting.

"Kennel – Non-commercial" or "Non-commercial Kennel" means any Lot or Premises on which between five (5) and twenty-five (25), Adult Dogs are owned and kept by the Owner or occupant for personal, non-commercial purposes, and at which no Dogs are engaged in breeding.

"Kennel – Non-Profit" or "Rescue Kennel" means any Lot or Premises on which five (5) or more Dogs are kept by a person or organization operating as an Animal Rescue Organization that provides housing and care for domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted out, and at which no Dogs are engaged in breeding.

"Licensed Premises" means any Lot or Premises on which a Commercial Kennel, Non-commercial Kennel or Rescue Kennel is maintained by the Person owning or occupying such Lot or Premises.

"Livestock" means and includes any cattle, sheep, swine or goats, or any llamas or other camelidae, or any domestic fowl or rabbits.

"Microchip" means an identifying integrated circuit placed under the skin of an Animal.

"Nonlethal force" means and includes capture guns, counter-assault agents (pepper spray, citronella-based deterrents, etc.), blowguns, carbon dioxide operated rifles and pistols, air guns, and electronic control devices.

"Person" means and includes any individual, firm, association, organization, partnership, joint venture, business trust, corporation or company.

"Pets" means Dogs, Cats, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles and any other species of Animal which can be legally sold or retained for the purpose of being kept as a household pet.

"Potentially Dangerous Animal" means any of the following:

- A. Any Animal which behaves in such a manner that the Owner or Custodian thereof knows or should know that the Animal poses a threat to public safety;
- B. Any Animal which because of its size, training, behavior, physical nature, or vicious propensity would threaten public safety were it not controlled as prescribed in this chapter;
- C. Any Animal which threatens or attacks any Person in a manner which requires substantial defensive action by any Person to prevent bodily injury;
- D. Any Animal which threatens or attacks any other Animal belonging to another when such other Animal is confined upon private property or otherwise lawfully restrained and controlled.

"Premises" means any property owned, leased or rented by any Person.

"Retired Breeding Dog" means a dog that has been used for breeding but which is no longer going to be bred, for reasons of age, health, or selection.

"Secure Enclosure" means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a Potentially Dangerous or Vicious Animal in conjunction with other measures which may be taken by the Owner of the Animal. The enclosure shall be designed to prevent the Animal from escaping. The Animal shall be housed pursuant to Penal Code Section 597t.

"Service Dog" means any Dog that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

"Severe Injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

"Leash" means any chain, cord, rope, strap or other restraint of sufficient strength to restrain a particular Animal and which is held or otherwise controlled by a Person capable of actually controlling the Animal to which such restraint is attached.

"Swap Meet" means any building or open area where the display, exchange, barter or sale of new or used common household items or office equipment and furnishings is conducted, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged.

"Transfer" means to sell, barter, trade, gift, or otherwise remove an Animal from the custody and control of one person to another.

"Unaltered" means neither spayed nor neutered; with reproductive organs intact.

"Veterinarian" means any Person actively licensed to practice veterinary medicine in California.

"Veterinary Facility" means a clinic or hospital for the provision of inpatient or outpatient medical services to Domestic and Exotic Animals. Animals may be kenneled on site.

"Vicious Animal" means any of the following:

- A. Any Animal seized under Penal Code Section 599aa and upon the sustaining of a conviction of the Owner under subdivision (a) of Penal Code Section 597.5;
- B. Any Animal which, when unprovoked, acts in an aggressive manner and inflicts Severe Injury on or kills a human being or other Animal;
- C. Any Animal previously determined to be, and currently listed as, a Potentially Dangerous Animal which, after its Owner or Custodian has been notified of this determination, continues the behavior described in the definition of "Potentially Dangerous Animal" set out above, or is maintained in violation of Tulare County Ordinances.

"Wild Animal" is defined in California's Fish and Game Code Section 2116 and includes any Animal identified in Fish and Game Code Section 2118.

ARTICLE II – Administration and Authority

4-07-2000 – Jurisdiction

The Animal Services Manager shall supervise the Animal Shelter and all Animal Services Personnel.

- A. *Responsibility* - The Animal Services Manager is responsible for the regulation and the enforcement of this chapter and all other laws dealing with Animals existing within the unincorporated territory of the County and those incorporated areas thereof which may contract with the County for such services. The duties of the Animal Services Manager shall include, but not be limited to, the following:
 1. To administer the Animal Shelter and keep such records as may be required;
 2. To take up and Impound Animals which are in violation of this chapter;
 3. To quarantine Animals and to cooperate with the County Health Officer;
 4. To administer licensing programs as provided for in this chapter and in compliance with State and Federal laws; and
 5. To abate Animal Nuisances.

- B. *Rules and Regulations* - The Animal Services Manager may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of, this chapter. Such rules and regulations will be approved by the Tulare County Board of Supervisors by resolution. Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any license provided herein. Documents that one must submit in order to comply with this code will be readily available at Animal Services and/or the Tulare County Health and Human Services Agency.
- C. *Animal Control Officers* - An individual(s) qualified pursuant to section [830.9](#) of the Penal Code shall enforce the provisions of this Chapter, including:
1. Take up and Impound all Animals found to be in violation of the provisions of this Chapter;
 2. Provide all Impounded Animals with sufficient shelter, food and water;
 3. Keep such records as may be required by the Board of Supervisors or any other authority;
 4. Carry out the provisions of this Chapter and all applicable statutes of the State.
- D. Animal Control Officers shall have the power to issue citations pursuant to section [1-21-1005](#) of Chapter 21 of Part [1](#) of the Tulare County Ordinance Code.
- E. *Authority to Pursue on Foot* - In the performance of his or her duties, the Animal Services Manager and each Animal Control Officer shall have the authority, when in pursuit of an Animal, which is in violation of a provision of this code, to go upon the outdoor property of the Owner or a third person for the purpose of Impounding the Animal; provided, that in the course of such pursuit he or she shall exercise reasonable care to avoid causing damage to the property.
- F. *Authority to Use Specialized Equipment* - Upon satisfactory completion of a Peace Officer Standards and Training Course pursuant to Penal Code section 832, in the performance of his or her duties, the Animal Services Manager and Animal Control Officer(s) shall have the authority to employ the use of specialized equipment, as defined in these ordinances and California Penal Code Section 830.9, and all other Animal control devices commonly used by other Animal control agencies located within the state of California. The Animal Services Manager may authorize trained and certified Animal Services Personnel to use specialized self-protection equipment such as an expanding baton or other non-lethal device or chemical agent to prevent personal injury while on duty.
- G. *Authority to Humanely Euthanize*
1. In accordance with California Penal Code section 597.1(e), Food and Agricultural Code section 31152, and any other applicable law, the Animal

Services Manager or Animal Control Officer shall have the authority, if the Animal is irremediably ill, wounded or suffering, to direct the humane euthanasia of an Animal in the field.

2. In such cases of humane euthanasia, reasonable efforts will be made to notify the Owner or Custodian of the Animal, if one exists.
- H. *Obstruction* - Any person who prevents, resists, threatens, or obstructs an attempt by the Animal Services Manager or Animal Control Officer to perform his or her lawful duties pursuant to this chapter or any Person who conceals any Animal subject to inspection or Impoundment or any Owner who fails to relinquish upon lawful demand any Animal to be Impounded shall be guilty of a misdemeanor.
- I. *Misrepresentation* - No person shall willfully make a false or misleading statement or representation to the Animal Services Manager or Animal Control Officer acting in his or her official capacity regarding the Ownership or right to custody or control of an Animal for which a license is required, or regarding the Ownership of an Animal redeemed from, relinquished to, Impounded by, or taken up by the Animal Services Manager or Animal Control Officer pursuant to this chapter. Any Person who makes such a false or misleading statement shall be guilty of a misdemeanor.
- K. *Abuse of Services* - The Animal Services Manager is authorized to charge and collect a fee, as laid out in the Tulare County fee schedule, from any Person, including the Animal's Owner or Custodian, who calls Animal Services to his or her residence requesting emergency assistance more than twice in a six month period when no action is taken by the Animal Control Officer upon their arrival.
- L. *Relief from Fees* - Upon the recommendation of the Animal Services Manager to the Director and with the approval of the Board by resolution, the fees provided for by this chapter may be waived when Animals have been Impounded because of civic disorganization, disruption, or other conditions of civil emergency, or because of devastation due to fire, flood, earthquake, storm or other natural calamity.

4-07-2050 – Authority to Sign on Behalf of the County

The Director of Health and Human Services, or his/her designee, shall have the authority to sign on behalf of the County the following types of agreements for Animal Services:

- A. Agreements for Animal Adoption and Animal Foster, on a form approved by County Counsel;
- B. Agreements for the transfer of Animals to Rescue Organizations,
- C. Agreements to participate in or rent booth/vendor space for educational or animal adoption opportunities at festivals, fairs, or other special

- events;
- D. Fee and penalty Payment Plan Agreements;
- E. Pharmaceutical bulk pricing acknowledgements;
- F. Non-binding, non-monetary agreements to participate in coalitions.; and
- G. Agreements for volunteer services, on a form approved by County Counsel.

4-07-2100 - Corrective Action Plan

At the discretion of the Animal Services Manager, in lieu of a formal Hearing and in conjunction with the Animal's Owner, a corrective action plan may be put in place to abate Animal related issues. The Animal Owner will be served with the Corrective Action Plan signed by the Animal Services Manager or their designated agent outlining a plan of action, including but not limited to actions involving Animals running-at-large, minimum shelter requirements, veterinarian care, Animals worrying livestock or other Animals, Animal Nuisance complaints, or licensing, regarding the Animal or Animals in question. If the Owner or Custodian complies with the requirements of the Corrective Action Plan within the prescribed time period, no further action on the Animal or Animals will be taken and any pending action by Animal Services will cease. If the Owner or Custodian fails to comply with the requirements of the Corrective Action Plan within the prescribed period, Animal Services shall resume any pending action.

Should an Owner or Custodian dispute the action taken by Animal Services for the Owner or Custodian's failure to comply with the Corrective Action Plan, the Owner or Custodian may request a Hearing and pay the applicable Hearing fees. Animal Services shall schedule the Hearing and provide notice to the Owner or Custodian, via first class mail or personal service, of the date, time and place of the Hearing. Failure to appear at the Hearing at the designated time and place will be deemed a forfeiture of the Animal.

4-07-2200 - Administrative Citations and Penalties

In addition to the remedies and penalties contained in this Ordinance, and in accordance with Government Code Section 53069.4, an Administrative Citation may be issued for any violation of County Animal Ordinances. The following procedures shall govern the imposition, enforcement, collection and Administrative Review of Administrative Citations and penalties.

- A. Administrative Citation. If an Animal is owned, kept, maintained, or found to be in violation of a County Animal Ordinance, an Administrative Citation may be issued by the Animal Control Officer.
- B. Content of Citation. The Administrative Citation shall be issued on a form approved by County Counsel and shall contain the following information:
 - 1. Date, location and approximate time that the violation was observed;
 - 2. The Ordinance violated and a brief description of the violation;
 - 3. The amount of the administrative penalty imposed for the violation;

4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within this time period;
5. Instructions on how to appeal the citation;
6. The signature of the Animal Control Officer.

The failure of the Administrative Citation to set forth all required contents shall not affect the validity of the proceedings, so long as it substantially complies with the above requirements.

C. Service of Administrative Citation.

1. If the person who has violated the County Animal Ordinance is present at the scene of the violation, the Animal Control Officer shall attempt to obtain his or her signature on the Administrative Citation and shall deliver a copy of the Administrative Citation to him or her.
2. If the owner, occupant, or other person who has violated a County Animal Ordinance is a business, and the business owner is on the premises, the Animal Control Officer shall attempt to deliver the Administrative Citation to him or her. If the Animal Control Officer is unable to serve the business owner on the premises, the Administrative Citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the Administrative Citation shall also be mailed to the business owner by first class mail.
3. If no one can be located at the property where the violation occurred, then the Administrative Citation shall be posted in a conspicuous place on or near the property and a copy mailed by first class mail to the owner, occupant, or other person who has violated this chapter. The Administrative Citation shall be mailed to the property address.
4. The failure of any interested person to receive a properly mailed Administrative Citation shall not affect the validity of the proceedings.

D. Administrative Penalties.

1. Except as enumerated in Sections 4-07-4400, the monetary penalties assessed for each violation of a County Animal Ordinance shall not exceed the following amounts:
 - a) One hundred dollars (\$100.00) for a first violation;
 - b) Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;
 - c) Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one year.
2. If the violation is not corrected, additional Administrative Citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
3. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
4. The penalties assessed shall be payable to the County of Tulare, Animal Services Division.

5. Where the violation would otherwise be an infraction, the administrative penalty shall not exceed the maximum fine or infraction amount.

4-07-2300 - Administrative Review of Administrative Citation.

- A. Request for Administrative Review. The recipient of an Administrative Citation may appeal the citation through Administrative Review with Animal Services. The recipient wishing to appeal must appear at the next regularly scheduled Administrative Review or file a written request for extension. The schedule of Administrative Reviews is available on the citation itself or on the Animal Services website. Failure to appear at the next regularly scheduled review or file a request for extension within ten (10) calendar days of receiving the citation, whichever is later, shall constitute a waiver of the right to request a review the Administrative Citation and may be deemed a forfeiture of the Animal in question.
- B. Appellant shall bring to Review a written statement containing the following information:
 1. A brief statement setting forth the appellant's interest in the proceedings;
 2. A brief statement of the material facts which the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
 3. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
 4. The request for Administrative Review signed by the requesting party.
- C. Administrative Review. The Administrative Review shall be held as follows:
 1. Administrative Reviews shall be held on a schedule which is available on the Animal Services Website and printed on Animal Services citations.
 2. Administrative Review Officer. The Administrative Review regarding the Administrative Citation shall be held before the Administrative Review Officer. The Administrative Review Officer shall not be the investigating Animal Control Officer who issued the Administrative Citation or his or her immediate supervisor.
 3. Conduct of the Administrative Review. The investigating Animal Control Officer who issued the Administrative Citation shall not be required to participate in the Administrative Review regarding the Administrative Citation. The contents of the investigating Animal Control Officer's file shall be admitted as prima facie evidence of the facts stated therein. The Administrative Review Officer shall not be limited by the technical rules of evidence. If the person requesting the Administrative Review of the Administrative Citation fails to appear at the Administrative Review, the Administrative Review Officer shall make his or her determination based on the information contained in the written request for Administrative Review. The person requesting the Administrative Review may supply any additional evidence to assist the Administrative Review Officer in reaching his or her decision.

4. Authority to reduce fee and penalty amounts for sustained charges. If any or all charges on the Administrative citation are sustained by the Administrative Review Officer, he/she may provisionally dismiss any or all charges pending specified conditions, such as, but not limited to, no repeat offenses within a certain amount of time. If any conditions of the provisional dismissal are violated, the associated fees and penalties will become due. The Administrative Review Officer may alternatively reduce the fees and/or penalty amounts in the interest of justice, including where accrued fees and/or penalties would be a hardship or discourage return of an animal to its home.
 5. Administrative Review Officer's Decision. The Administrative Review Officer's decision regarding the Administrative Citation following the Administrative Review may be personally delivered to the person requesting the Administrative Review or sent by first class mail. The Administrative Review Officer may allow payment of any administrative penalty in installments, if the person provides evidence satisfactory to the Administrative Review Officer of an inability to pay the penalty in full at one time. The Administrative Review Officer's decision shall contain instructions for obtaining review of the decision by the Director.
- D. Appeal of Administrative Review Officer's Decision. If the recipient of an Administrative Citation disagrees with the Administrative Review Officer's decision upholding the issuance of the Administrative Citation and/or administrative penalty amount assessed, the recipient may appeal the issuance of the Administrative Citation to the Director as set forth in this section.
1. Notice of Appeal. Within five (5) business days following the mailing date of the Administrative Review Officer's decision regarding the Administrative Citation, the recipient of the Administrative Citation may contest that decision by submitting a written appeal to the Director. The failure to submit the written appeal within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon Animal Services by the contestant.
 2. Conduct of Hearing. An Administrative Review Appeals Officer shall hear the appeal. At the hearing on appeal, the Administrative Review Appeals Officer shall review the written decision of the Administrative Review Officer, any documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished, and will hear such testimony as is relevant to the issues raised in the Notice of Appeal. The Administrative Review Appeals Officer will limit new testimony only to that which is raised in the Notice of Appeal. The Administrative Review Appeals Officer will not be subject to the rules of evidence.
 3. Judgment. If the fine or penalty has not been deposited and the decision of the Administrative Review Appeals Officer is against the contestant, the issuing agency may proceed to collect the fees and penalties pursuant to the procedures set forth in this ordinance, or in any other manner provided by

law.

ARTICLE III – Licensing, Vaccinations, Animal Ownership & Responsibilities

4-07-3000 - Licensing of Dogs Required.

- A. Except as established in section 4-07-3010(B), every Dog meeting the minimum age requirements to receive a rabies vaccination shall be subject to a Dog license fee, due and payable by its Owner or Custodian within thirty (30) calendar days of the acquisition of the Dog, or entry into the County. Thereafter, such license fee shall become due and payable on the date of expiration on any license previously issued to the Owner or Custodian for the Dog. The amount of such fee shall be established in accordance with Section 4.07.1300 of this chapter. No license shall be issued without evidence of a valid rabies vaccination.
- B. Upon the written certification of a Veterinarian that a Dog has been surgically sterilized, the amount of the license fee shall be not more than one half the fee established for intact Dogs, in accordance with Food & Agriculture Code Section 30804.5.
- C. No Dog license shall be issued for any Dog vaccinated with a Rabies vaccine not approved by the State of California. Should a rabies vaccination not be valid for twelve (12) months from the date of application the Owner or Custodian may elect to do either of the following:
 - 1. Be issued a license at the regular one year rate as outlined in subsection A of this section that will expire upon expiration of the vaccination and be due again in full; or
 - 2. Re-vaccinate and be issued a license which would be valid for at least twelve (12) months.
- D. A Dog license fee shall become delinquent thirty (30) calendar days after it becomes due and payable, and upon delinquency, an additional delinquent fee, as established by the Board, shall be added to the regular fee. An unpaid delinquent fee shall be added to the succeeding year's license fee.
- E. Animal Services shall procure and issue serially numbered tags stamped with the name of the county. This tag is a lifetime tag, which should not be removed, and will be unique to the Animal to which it was issued. The license tag shall only be issued upon the application of Owners who have complied with the vaccination and fee provisions of this chapter.
- F. Every Dog shall be provided by the Owner or Custodian with a suitable collar, harness, or other device to which the Dog tag can be affixed. The Dog Owner or Custodian shall ensure that the Dog wears such license tag at all times except when the Dog is being prepared for an exhibit at a Dog show.

- G. A license tag issued for one Dog shall not be transferred or attached to any other Dog. Any change of ownership of the dog or any change in the Owner's contact information shall be noticed to Animal Services within 30 days of the change.
- H. Whenever a license tag is lost, stolen, or damaged the Owner or Custodian shall apply for and obtain a replacement tag from Animal Services upon payment of the prescribed replacement fee.
- I. Despite anything in this chapter to the contrary, when an Owner or Custodian brings into the County a Dog which has been licensed in another jurisdiction, the Dog shall be licensed within thirty (30) calendar days as outlined in this chapter. If the license from the other jurisdiction is valid for at least twelve (12) months, a one-year license may be obtained for replacement tag fees upon the surrender of the other jurisdiction's license and the proper completion of a license application.

4-07-3010 - Legal effect of license

- A. The issuance by Animal Services and the acceptance by the Owner of any license to keep an Animal as provided for herein is prima facie evidence that the Owner agrees to comply with the terms and conditions set forth in this chapter and that the Owner has satisfied the basic licensing requirements under this chapter. Such issuance shall be given no evidentiary weight to indicate that the Owner has conformed to zoning regulations, building regulations, health and safety regulations or to any other applicable rule, regulation or statute. For purposes of the administration of this chapter, if, pursuant to the issuance of official written notice, approval has been given by the office or agency responsible for the administration of the rule, regulation or statute in question, such approval shall be deemed prima facie evidence that the matter approved is in conformance with the rule, regulation or statute in question.
- B. Exemptions. The licensing regulations in this chapter are not applicable to the following:
 - 1. Animals kept as all or part of the stock of (a) nonprofit zoological gardens open to the public; (b) circuses; or (c) Animal exhibits when such enterprises are operated under business licenses granted by the County.
 - 2. Service Dogs as defined in Section 4.07.1400 of this Chapter.
 - 3. Public safety Animals such as police, rescue, and drug enforcement Dogs.
 - 4. Dogs in the care and custody of a Rescue Kennel.

4-07-3020 - Unlicensed Dogs.

Every Owner or Custodian of an unlicensed or untagged Dog shall be deemed to be in violation of this chapter and is guilty of an infraction.

4-07-3100 - Vaccination.

- A. Every Dog meeting the minimum age requirements to receive a rabies vaccination shall receive a rabies vaccine approved by the California State Department of Health Services.
Every person who owns or comes to own an unvaccinated Dog over four months of age shall have thirty (30) calendar days from the date the Animal was obtained to comply with the provisions of this section.
- C. Every Veterinarian, after vaccinating a Dog for rabies, shall issue a certificate to the Owner or Custodian. The certificate shall include, but not be limited to, the following information:
1. The Owner's full name, address, and telephone number;
 2. The breed, age, sex, and color or markings of the Animal;
 3. The date of immunization and expiration;
 4. The type of vaccine administered;
 5. The name of the vaccine manufacturer;
 6. The lot number of the vaccine used; and
 7. The signature of the Veterinarian administering the vaccination and their veterinary license number.
- D. A copy of the certificate must be kept on file with Animal Services if the vaccination was issued at the Animal Shelter or low-cost vaccination clinics held by Animal Services. A duplicate copy may be provided when requested by the Owner or Custodian of the Dog.
- E. The Owner or Custodian must maintain the certificate of vaccination, or a copy thereof, and must, upon demand of a public or peace Officer acting within the course and scope of his or her employment, display said certificate for examination.
- F. Upon written proof provided by a Veterinarian that a Dog has a medical condition which would cause it to be endangered by receiving a rabies vaccination, Animal Services may exempt the Dog from the vaccination requirements in this section so long as the Dog is kept in strict confinement and isolated at all times and so long as the medical condition is proven to exist. The written proof must also contain an estimated date when the Dog can be safely vaccinated. Although temporarily exempt from the vaccination requirements the Dog is still to be considered non-vaccinated and is not exempt from other provisions of Title 7.

4-07-3110 - Duty of Veterinarians to furnish rabies vaccination certificates.

Every Veterinarian practicing veterinary medicine within the County of Tulare shall furnish Animal Services with a copy of every rabies vaccination certificate prepared by them or their staff. Such certificates must be mailed, emailed, or faxed to Animal Services no later than the fifth day of each month. The certificates may also be picked up by designated Animal Services Personnel if prior arrangements are made by the Veterinarian.

4-07-3120 - Unlicensed vaccinated Dogs.

Whenever any Animal Services Personnel discovers through a vaccination certificate obtained from any Veterinarian that a Dog named thereon is unlicensed, the Owner or Custodian of such Dog will be notified by mail that such Dog is unlicensed and that such Dog must be licensed within thirty (30) days of the date of the notice. The Owner or Custodian of any such Dog which has been previously licensed in Tulare County shall be subject to a delinquent fee. The Owner or Custodian of any such Dog which has never been previously licensed in Tulare County who obtains a license within thirty (30) days of the date of the notice shall be subject to an administrative fee plus the license fee or any other applicable fee. The Owner or Custodian of such Dog which has never been previously licensed in Tulare County who does not obtain a license within thirty (30) days of the date of said notice shall be subject to a delinquent fee, plus the license fee or any other applicable fee.

4-07-3200- Animal Ownership.

Animal Owner shall be subject to the requirements of this chapter. This definition does not apply to government agencies, Animal Rescue organizations which have demonstrated to the Department of Animal Services that they have implemented an ongoing spay/neuter program as well as an adoption program, or humane societies or societies for the prevention of cruelty to Animals, or persons who provide licensed boarding, kennel, training, or Veterinarian services for the Owners of Dogs.

4-07-3210- Proper care.

The Owner or Custodian of any Domestic Animal shall provide proper and adequate food, water, shelter, qualified medical care or attention and required vaccinations, for such Domestic Animal at a level which insures the Domestic Animal's safety, good health, and wellbeing. The Owner or Custodian shall maintain any enclosures or surroundings where the Domestic Animal is kept in a sanitary condition.

4-07-3220 - Implantation of Microchip.

- A. All dogs shall be implanted with an identifying microchip. The Owner shall provide the microchip number to Animal Services at the time of implantation or licensing and shall register the microchip with the manufacturer of the microchip and/or designated registry. Any change of ownership of the Dog or any change in the

Owner's contact information shall be noticed to the manufacturer and/or designated registry, and Animal Services within 30 days of the change.

- B. All Dogs Impounded in the County's Animal Shelter shall be implanted with an identifying Microchip prior to adoption or Owner redemption, at the Owner's expense. The Owner is required to provide the Microchip number to Animal Services and the national registry who provided the chip. Any change of Ownership of the Dog or any change in the Owner's contact information shall be noticed to the national registry and Animal Services within 30 days of the change of Ownership.

4-07-3225 – Spaying and Neutering of Dogs

- A. All Dogs shall be spayed or neutered by the age of six (6) months, with the following exceptions:
 - 1. Dogs used by police agencies;
 - 2. Dogs that have a letter from a licensed Veterinarian stating spaying or neutering the Dog would be detrimental to the health of the Dog.
 - 3. Licensed Unaltered Dogs.
- B. Owners who have intact Dogs prior to the enacting of this Ordinance have six months to comply with subsection (A).
- C. Owners moving into the County of Tulare under the jurisdiction of these Ordinances in possession of intact Dogs have 90 days to comply with subsection (A).
- D. First-time offenders will be provided with information on subsidized sterilization services and be given an additional 60 days to comply with this Section. If they still fail to comply enforcement action will be taken in accordance with 4-07-2200.

4-07-3230 - Prohibited conduct.

- A. No Owner or Custodian of any Animal, wild or domestic, shall permit or suffer the Animal to do any of the following:
 - 1. Be at large;
 - 2. Be without proper care;
 - 3. Be willfully mistreated;
 - 4. Act or be kept in such a manner as to constitute an Animal Nuisance within the meaning of this chapter, as described in Section 4.07.3300 et seq.;
 - 5. Endanger the life or health of others;
 - 6. Damage the property of others; or
 - 7. Be afflicted with and not be receiving medically accepted treatment for zoonotic or other communicable disease.

- B. If found to be in violation of this section, the Owner or Custodian may be ordered by the Animal Services Manager, Hearing Officer, or Court to relocate or otherwise remove the Animal from the location where it is kept to prevent further violations. The Animal Services Manager, Administrative Review Officer, Hearing Officer, or Court may also prohibit the Owner or Custodian from owning Animals for a period of up to three years. These actions may be taken in addition to any other fine or punishment the Animal Services Manager, Administrative Review Officer, Hearing Officer, or Court deems necessary.

4-07-3240 - Animals in vehicles.

- A. No person other than individuals transporting working Dogs within agricultural or rural areas of the County shall transport or carry on any public highway or public roadway, any Animal, wild or domestic, in or by a motorized vehicle unless the Animal is as follows:
 - 1. Safely enclosed within the passenger compartment of the vehicle; or
 - 2. If carried in the area designated for load carrying, the area must be enclosed or have appropriate shade and side and tail racks at least forty-six (46) inches in height as measured from the floor of the vehicle and the Animal must be either
 - a) Protected within a secured container carried within, upon, or by such a vehicle; or
 - b) Securely cross-tethered or secured within that area of the vehicle by rope, chain, or other device in a fashion which prevents injury to the Animal from falling from, being ejected from, or jumping from the vehicle;
- B. No person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
 - 1. Nothing in this section shall prevent a peace officer, humane officer, or an Animal Services representative from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
 - 2. A peace officer, humane officer, or Animal Services representative who removes an Animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
 - 3. A peace officer, humane officer, or Animal Services representative is authorized to take all steps that are reasonably necessary for the removal of an Animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.

4. A peace officer, humane officer, or Animal Services representative who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the Animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or Impoundment of the Animal.
5. This section does not affect in any way existing liabilities or immunities in current law or create any new immunities or liabilities.

4-07-3250 – Tethering and chaining of dogs.

The tethering and/or chaining of dogs shall be pursuant to California Health and Safety Code section 122335.

4-07-3300 – Animal nuisances prohibited.

- A. No owner of any animal shall do any of the following:
 1. Permit such animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, barking, howling or making other noise;
 2. Permit such animal to damage or trespass on public or private property;
 3. Permit unsanitary conditions to exist on the premises where such animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or community or any considerable number of other persons;
 4. Maintain a dangerous animal in a manner that creates a significant threat to the public health, safety, and welfare.
- B. Any violation of this section is hereby declared to be a public nuisance.
- C. Whenever the Manager or any Animal Control Officer has reasonable cause to believe that a public nuisance as defined in this section exists, the Manager may conduct an investigation of the alleged nuisance. Whenever it is affirmed in writing by two (2) or more persons residing in separate residences or regularly employed in the neighborhood that a public nuisance as defined in this section exists, the Manager shall investigate the alleged nuisance. Provided, however, that where there is only one (1) person residing or regularly employed within three hundred feet (300') of the alleged public nuisance, written affirmation of only that one (1) person shall be required for the Manager to investigate the alleged nuisance. If, upon investigation, the Manager determines that a public nuisance exists, the Manager may issue an order to the owner of the offending animal directing that such nuisance be abated. In the event that the owner does not comply with the

abatement order, the Manager may immediately refer the matter to the district attorney for prosecution of the public nuisance.

- D. Any person may maintain an action under Civil Code section 3493 for compliance with the requirements of this section.
- E. Notwithstanding any of the preceding, no Animal which is part of an agricultural operation exempt from being or becoming a nuisance by Civil Code section 3482.5 shall be deemed to be a public nuisance under this section, provided such Animal is owned and kept in compliance with this chapter and state law.

ARTICLE IV – Kennel and Breeder Permits

4-07-4000 - Permitting.

- A. No person shall operate a Commercial, Non-commercial, Boarding, or Rescue Kennel without first obtaining the proper permit or registration in accordance with the provisions of this Chapter and paying such fees as established by Animal Services. These permits shall expire June 30 of every calendar year.
- B. All Kennels must also operate in accordance with applicable zoning laws. Commercial, Rescue, and Boarding Kennels require a special use permit. Any Kennel not operating within the proper zone and/or with a special use permit will be subject to the penalties of Code Enforcement.
- C. Any Commercial Kennel or person engaging in the breeding of Animals shall be required to obtain and maintain a Breeding Permit from Animal Services for each female Animal being bred.
- D. Any Kennel must comply with the Kennel Minimum Standards for that Kennel type, available from Animal Services.

4-07-4002 – Transitional Provisions

- A. Permits Granted Before Effective Date
Any Kennel or Breeding Permits granted before the passage of this Article remain valid until their expiration date.
- B. Application of certain Provisions to Existing Operations. For Kennels operating with a valid Kennel Permit at the time this Article is passed, the following extensions apply:
 - 1. Maximum number of Dogs.
The Maximum number of Dogs housed at the Kennel must be brought into compliance with this Article no later than June 30, 2020. Permit holders are eligible to renew their permits for the July 2019-June 2020 permit cycle without having reached compliance. If a Kennel exceeds

the maximum number of dogs at the time this Article is passed, the Kennel may apply for and receive special dispensation from Animal Services to continue to operate after the 2020 compliance date with the following conditions:

- a. No new Adult Dogs may be added to the Kennel's resident population until the Kennel is in compliance with the relevant Section of this Ordinance related to Maximum Number of Dogs for the permitted Kennel type;
 - b. All Dogs above ten (10) years of age must be spayed or neutered unless a Veterinarian certifies that such would be dangerous to the animal's health;
 - c. The Kennel and its operators comply with all other sections of this Article and the currently applicable Minimum Kennel Standards
2. The Commercial Kennel Minimum Standards which are in place at the time a Permit was granted will apply for that Permit cycle (July-June), with the exception of any Minimum Confinement Space requirements which will remain in effect until June 30, 2020.

C. Applications in Progress before Effective Date

Applications for Kennel or Breeding Permits that are pending approval at the effective date of this Ordinance will be reviewed wholly under the terms of this Ordinance.

- D. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application, with the exception(s) noted in Sections 4-07-4002(B).

4-07-4005 – Maximum Number of Adult Dogs; Licenses

- A. The maximum number of Adult Dogs allowed on any Lot or Premises for any length of time without a kennel permit is four (4).
- B. The maximum number of adult dogs allowed under a Commercial or non-Commercial, Kennel Permit shall be based on a combination of the number of animals allowed by the Special Use Permit issued by the County's Resource Management Agency and the minimum kennel standards requirements pertaining to the minimum care of animals, but in no case shall be more that twenty-five (25).
- C. The maximum number of adult dogs allowed under a Boarding or Rescue Kennel Permit shall be based on a combination of the number of animals allowed by the Special Use Permit issued by the County's Resource Management Agency and the Tulare County minimum kennel standards requirements pertaining to the minimum care of animals.
- D. The Kennel Permit fee for Commercial and Non-Commercial Kennels includes licenses for all Altered Dogs covered by the Kennel Permit.

- E. Every Unaltered Dog covered by the Kennel Permit requires an individual Unaltered License.
- F. Boarding Kennels must ensure that all dogs placed in their care are appropriately licensed and vaccinated.

4-07-4008 – Permit Application, Fees, and Term

- A. Supporting documents
 1. New permit applicants shall submit all required permits, a copy of their business permit, if required, and all applicable fees together with their completed application. Supporting documents must be issued under the same person or business name for which the permit is being sought.
 2. Kennels are identified by landowner, kennel owner/operator, parcel number, and address.
 3. New permit applicants shall also include a written document detailing the facility's animal care program and confinement facilities. The document should detail the animal feeding, watering, cleaning, exercise, medication and evaluation practices and/or procedures. It must also include a statement that it has been reviewed and approved by a licensed Veterinarian.
 4. Renewal applicants shall include all applicable fees. Land use permits and business permits only need to be submitted if there has been a change in their status since the last permit was issued.
- B. Payment of the application fee neither constitutes nor guarantees Animal Services' permit approval. Without permit approval, all activities requiring Animal Services' permit approval under this section are strictly prohibited. All fees are non-refundable.
- C. The effective period of all permits is one year, beginning on July 1st and ending June 30th, subject to suspension or revocation in accordance with the terms of this Article.
 1. Fees will not be prorated for applications submitted after July 1st.
 2. Obtaining and maintaining a permit is the sole responsibility of the applicant or permit holder. It is the responsibility of the permit holder to ensure that an application for renewal has been submitted to and received by Animal Services prior to the expiration of their current permit term
 3. In addition to any penalties incurred for operating a Kennel without a valid Permit, a late penalty equal to ten percent (10%) of the total fee for the Kennel Operation (the sum of the Kennel Permit fee, any Unaltered License fee(s), and any Breeder Permit fees) shall apply to all renewal applications submitted after August 31st.
- D. Permit holders operating multiple Kennels must obtain a separate permit for each facility.

- E. Permit holders with multiple types of operations at a single location must obtain a separate permit for each operation. A separate fee will be applied to each application.
- F. Denial of an Application: The following persons may have their application denied.
1. Any person applying for an original permit who has not received approval for the location from the appropriate planning/zoning department or agency or who has not obtained any necessary permit(s) and/or license(s) for its operation; or
 2. Any person whose permit 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 permitted establishment whose permit 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 a stay; or
 4. Any person whose permit has been revoked, or any partnership, firm, corporation, or legal entity in which any such person has 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 Title; or
 6. Any person who has been convicted of the crime of cruelty to Animals, whether in this State or any other State.
 7. Any person with a prior record of Animal abuse and/or defiance of existing Animal control codes.
 8. Any person who has failed to comply with the terms of a prior application or permit.
- G. Revocation of Permit. A Kennel or Breeder Permit may be immediately revoked, or suspended pending investigation, by the Director, at any time, for the following reasons:
1. Lapse of appropriate permits or licenses from the appropriate planning/zoning department for the site of the Kennel operation;
 2. Discovery of fraud or false statements in the Permit Application;
 3. Violation of any Penal Code section 597 by Permit Holder or Caretaker;
 4. Conviction of Permit Holder of the crime of cruelty to Animals, whether in this State or any other State.
 5. When the continued operation of the Kennel poses an immediate threat to the health and/or safety of the public or the resident animals.
 6. A pattern of unnecessary or inhumane euthanasia of retired breeding Dogs or other Dogs for space.
 7. Failure to comply with the terms of the application or permit.

- H. Right to Appeal Denial, Suspension, or Revocation of Kennel Permit. Should a Kennel Owner dispute the denial by Animal Services of their application for a Kennel Permit, or suspension or revocation by Animal Services of their existing Kennel Permit, Kennel Owner may request an Administrative Review. Animal Services shall schedule the Administrative Review and provide notice to the Kennel Owner, via first class mail or personal service, of the date, time and place of the Administrative Review. Failure to appear at the Administrative Review at the designated time and place will be deemed a forfeiture of the appeal and any fees.

Judicial review of a decision made after an appeal hearing pursuant to this section shall be made pursuant to Section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

4-07-4010 - Transfer of permit.

- A. Kennel and Breeding permits are non-transferable.

4-07-4020 – Kennel Standards.

- A. Acknowledgment of Standards. A copy of the applicable standards will be supplied to the applicant with each request for an application for a permit, 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 or her Premises and any facilities or equipment used in his or her kennel complies with the standards. In addition, each applicant or kennel operator shall correct any deficiencies noted within a reasonable time as specified by designee. Upon request by Animal Services, the applicant or kennel operator must make his or her Premises, facilities, and equipment available for the purpose of ascertaining compliance with said standards.
- C. Conditions and Restrictions. Animal Services may issue a permit under any conditions and restrictions which are deemed necessary for the protection of Animal and/or public health, safety, or welfare, and shall specify such conditions and restrictions on the permit.

4-07-4100 – Records.

Kennel operators shall keep available for inspection on the Premises records 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, color, and microchip number. As a part of such record, a current valid rabies certificate or other written proof of vaccination shall be maintained for each Dog required to be vaccinated by this Title, showing the Dog Owner's name, including breed, color, sex, microchip number, and 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 agency verifying vaccination. In addition, each kennel operator shall have someone in attendance at the kennel able to identify each Animal in the kennel, except that Animals under four months of age may be identified as a litter.

Kennel operators must keep and make available to Animal Services staff a record of all veterinary care each Animal has received, including examination notes.

Kennel operators engaged in breeding must keep an individual record for each Dam owned or housed by the Kennel, including its month and year of birth (if known) or approximate month and year of birth; breed; color; microchip number; any breeding permits received for that Dam; records of when the Dam was bred, and the outcome (live birth or otherwise); and for any Dams that have left the Kennel facility, information on their transfer or death, as required by the Tulare County Commercial Kennel Minimum Standards.

4-07-4110 - Records of Dogs sold.

All kennel operators shall maintain records of all Dogs sold of any age. Records shall include the source of the Animal, the new Owner's name and address, and a description of the Animal including breed, color, sex, month and year of birth, and veterinary records. These records may be accessed by an Animal Services representative as deemed necessary.

4-07-4200 - Kennel inspections.

Animal Services shall have the right to inspect kennels at reasonable times, though this may be done at unannounced times. As a condition of the issuance of a kennel permit, each Kennel operator shall agree to allow such inspections; such acknowledgment shall be made as part of the application and file.

4-07-4300 - Breeder Permits.

- A. It is unlawful for any person to breed Dogs for sale or other transfer, or to advertise for the sale or other transfer of such Animals without first obtaining a Tulare County breeder permit for the litter's Dam. The fees for a breeder permit shall be set by the Board of Supervisors and shall be paid to Animal Services.

- B. To obtain a permit, the applicant must fill out the appropriate application for each breeding female and be approved by Animal Services. The applicant must agree that they may not sell or adopt any Dogs until eight weeks of age and each has been vaccinated against common diseases; that each female dog will be bred based on the advice of their California licensed veterinarian ensuring that she is managed with excellent husbandry and has good reproductive health. A record of this advice and an annual veterinary examination supporting it shall be provided annually; that they commit to care for their retired/aged-out breeding Dogs or to make all reasonable effort to rehome the Dogs; and that any euthanasia of Dogs will be performed by a licensed Veterinarian. The breeder must list the permit number when advertising Dogs for sale or other transfer, must list the permit number as part of the sale or other transfer paperwork, and must disclose the permit number to all parties acquiring animals.
- C. A Commercial Kennel may obtain no more than five (5) breeding permits per calendar year. Permits are non-transferable and in the event that a Dog covered by a breeding permit dies or otherwise becomes unbreedable for that year, no replacement permits will be issued.
- D. No breeding permits will be issued for Non-commercial Kennels.
- E. An individual without a Kennel Permit may obtain no more than one (1) breeding permit per calendar year. Permits are non-transferable and in the event that the Dog covered by a breeding permit dies or otherwise becomes unbreedable for that year, no replacement permit will be issued.
- F. A breeder permit shall be in addition to any other requirements and conditions set forth in the County ordinances or by state law, including Health and Safety Code Section 122045 et seq.

4-07-4300 - Same; Advertising.

It is unlawful for any person to advertise for the sale or other transfer of any Dogs without including in the advertisement a valid Tulare County breeder permit number.

4-07-4400 –Violations

- A. Individual without Kennel Permit; Violation of Breeding Permit Requirements.
 - 1. First Violation: A correctable Administrative Citation will be issued.
 - a) Any individual, non-Kennel Permit holder, found by Animal Services to be in first-time violation of Section 4-07-4400 may correct the violation by either of the following:
 - i. Retroactively obtaining a breeding permit(s), or;
 - ii. Providing proof of surrendering the puppies, after 8 weeks of age, to an Animal Rescue Organization, and proof of spaying the mother after 10 weeks, but before 14 weeks, after giving birth, and neutering

the father if in the owner's possession.

2. Second Violation: A non-correctable Administrative Citation will be issued. The penalty for a second violation will be one thousand dollars (\$1,000), unless the dog owner provides proof of surrendering the puppies, after 8 weeks of age, to an Animal Rescue Organization, and proof of spaying the mother after 10 weeks, but before 14 weeks, after giving birth, and neutering the father if in the owner's possession, in which case the fine will be fifty dollars (\$50).
3. Third Violation: Animal owner will be required to have their female dog spayed to protect the animal from further breeding activities. The animal owner will not be allowed to obtain any further Unaltered Dog License or Breeding Permit for a minimum of 36 months from the date of the third violation.

B. Kennel Operators.

1. The following penalties will be imposed for violation of a Kennel Permit, including but not limited to minimum care standards, breeding permit requirement, number of animals:
 - a. First Violation: A penalty not to exceed one hundred dollars (\$100.00) per animal covered under the current permit. Example - 25 animals x \$100 = \$2,500 penalty for first violation.
 - b. Second Violation: A penalty not to exceed three hundred dollars (\$300.00) per animal covered under the current permit. Example - 25 animals x \$300 = \$7,500 penalty for second violation.
 - c. Third Violation: Kennel permit will be revoked. Permit holder will be banned from holding a kennel permit for a minimum period of 36 months from the expiration date of current permit. Example - if third violation occurs in December of current permit period the 36 months would commence at on the date permit was scheduled to expire June 30. Revocation of a Kennel Permit will entitle the permit holder to request a Hearing by a Hearing Officer.

4-07-4500 – Swap Meets within Tulare County.

Live animals shall not be sold, bartered, gifted, or otherwise transferred at Swap Meets within Tulare County.

ARTICLE V – At Large, Impoundment, Rabies Quarantine

4-07-5000 - Dogs at large.

No person shall permit a Dog to stray from private property owned or legally possessed by the Dog Owner or Custodian unless the Dog is restrained by a leash or lead not exceeding eight feet in length, except in the following situations:

- A. When the Dog is assisting a peace Officer who is engaged in law enforcement duties or when the Dog is participating in a search and rescue effort at the specific request of a law enforcement authority;
- B. When the Dog is enrolled in and actually participating in a Dog training or obedience course, exhibition, or competition conducted by an organization on private or public property with the permission of the Owner or operator of the grounds of facilities;
- C. When the Dog is assisting the Owner or person in charge of Livestock in the herding or control of such Livestock;
- D. When the Dog is accompanying and under the direction of a person engaged in hunting on property where such activities are allowed, or on private property with written permission of the Owner; or
- E. When the Dog is contained within a legally designated Leash-free park or enclosure.

4-07-5010 - Dog at Large Causing Injury.

Any Owner or Custodian of any Dog, which is running at large, that causes injury through indirect, or direct action, is guilty of a misdemeanor. Nothing in this section precludes prosecution for any additional or more severe applicable state or federal criminal liability that may apply as a result of injuries, property damage, or death that resulted from the Animal running at large.

4-07-5100 - Livestock or Equine at large.

- A. No person shall permit Livestock or Equine to stray from private property owned by the Owner or Custodian of such Livestock or Equine, or from private property to which such Owner or Custodian has a right of possession, except in the following situations:
 - 1. When the Livestock or Equine is being led, driven, or conducted along a public road or street during daylight hours under the supervision and control of its Owner or Custodian;
 - 2. When the Livestock or Equine is on public property with the consent of the Owner or operator of the grounds or facilities, or on private property with the consent of the Owner, lessee, or other person in control thereof, and such property is lawfully fenced;
 - 3. When the Livestock or Equine is on designated open range areas.

- B. The Owner or Custodian of any Livestock or Equine that are found at large on any public or private property other than the Owners, without permission of the property Owner shall be guilty of an infraction.
- C. Nothing in this section precludes prosecution for any additional or more severe applicable state or federal criminal liability which may apply as a result of injuries, property damage, or death which resulted from the Livestock or Equine running at large.
- D. In addition to any other penalties imposed, the Owner or Custodian of the Livestock or Equine shall be liable for the salaries, costs, and other expenses incurred by Animal Services in restraining, capturing, or rescuing such Livestock or Equine.

4-07-5200 - Animals subject to Impoundment.

- A. Any Animal shall be taken up and Impounded at the Animal Shelter (or at such other place as may be approved by the Manager) if, to the knowledge of Animal Services, any of the following conditions exist, including but not limited to:
 - 1. The Animal is engaged in an activity or existing in a condition prohibited by this chapter;
 - 2. The Animal is, or will be, without proper care due to the injury, illness, death, incarceration, or other involuntary absence of the Owner or person responsible for the care of such Animal;
 - 3. The Animal is being neglected or mistreated as described in Penal Code sections 597, 597f, 597t, 597.1, or other state or federal law prohibiting the mistreatment of animals.
 - 4. The Animal poses an immediate threat to public safety and/or health; or
 - 5. The Animal is required to be quarantined.
- B. Notice of Impoundment.
When an Animal implanted with a Microchip or wearing a current Tulare County license is Impounded, Animal Services shall make a reasonable attempt to notify the Owner or Custodian of record of the date and place of Impoundment or removal, and the procedure whereby the Owner or Custodian may apply to regain custody of the Animal.
- C. Duration.
 - 1. All Impounded Animals shall be kept in the Animal Shelter or other authorized place of Impoundment for the period as described in Sections 31108, 31752 and 31753 of the Food and Agricultural Code.
 - 2. During this holding period and prior to adoption or euthanasia, the Animal will be scanned for a Microchip, license tag, tattoo or other form of identification. If one is found and the Owner can be determined, a reasonable effort must be made to contact the Owner of the Animal.
 - 3. Except for stray Animals experiencing irremediable suffering, any stray

Animal Impounded shall, prior to the scheduled euthanasia of that Animal, be released to any willing Animal Rescue.

D. Redemption.

1. Except in case of abuse, neglect, quarantine, or potentially dangerous or vicious dogs, the Owner or Custodian of any Animal Impounded may, at any time before the expiration of the period of Impoundment, redeem the Animal by paying all civil penalties, fees and charges accrued. If the Animal is subject to the licensing or license provisions of this chapter, the licensing requirements must be satisfied before the Animal is released.
2. Pursuant to Section 31254 of the Food and Agricultural Code, the refusal or failure of the Owner or Custodian of any Impounded Animal to pay the fees and charges after due notification shall be held to be an abandonment of the Animal by the Owner or Custodian.
3. All Animals that have been Impounded must be implanted with a Microchip at the Owner's or Custodian's expense prior to redemption.
4. Upon the second Impoundment within a twenty-four (24) month period, any Animal so Impounded must be spayed or neutered at the Owner's or Custodian's expense prior to redemption, and any applicable breeding permit issued for the Animal revoked.

E. Owner Surrendered Animals.

1. Upon surrender of the Animal to Animal Services, the Owner or Custodian must present sufficient identification such as driver's license or California identification card and the bill of sale for the Animal, adoption contract, or Dog license, to establish his or her Ownership of the Animal and shall sign a statement that he or she is the lawful Owner of the Animal. The Owner or Custodian of the surrendered Animal must pay all required fees.
2. If the Animal surrendered has a history of Potentially Dangerous or Vicious behavior, it may be immediately euthanized in accordance with Section 31108.5 of the Food and Agriculture Code.
3. All Animals will be held for the length of time outlined in Section 31754 of the Food and Agricultural Code.

F. Animal Impounded for Abuse or Neglect.

1. In addition to any other civil or criminal penalties, Animals impounded or seized for violations of 4-07-3210, 4-07-3230, any of the statutes listed in 4-07-5200(A)(3), or any other state or federal law prohibiting the mistreatment of animals will not be returned until the owner demonstrates to the satisfaction of the seizing agency or the hearing officer that the owner can and will provide proper and necessary care for the animal, and all costs for the seizure and care of the animal are paid. The animal's return may be conditioned.
2. If the seizing agency believes that return of the Animal would endanger the Animal, the agency shall provide notice to the Owner that the Animal will not be returned to the Owner. This decision may be appealed to

Administrative Hearing in the same manner as a post-seizure hearing. The decision of the Administrative Hearing Officer may be appealed to a Hearing Officer in the same manner as a Potentially Dangerous or Vicious Dog, 4-07-6100, except that evidence presented shall relate to the allegations of abuse or neglect.

G. Disposition of Impounded and Surrendered Animals.

1. Except as otherwise provided in this chapter, an Impounded Animal which is not redeemed within the applicable holding period specified in this chapter or an Animal voluntarily surrendered to Animal Services for adoption, except an Animal that has been Impounded for quarantine or is known to have bitten a human or to have demonstrated potentially dangerous or vicious propensities, may be offered for adoption as determined by Animal Services and in accordance with the laws of the State of California.
2. When an Animal is adopted, the receipt issued by Animal Services shall be valid proof of Ownership to the adopter. All adoptions shall convey a good and valid title to the adopter, and the previous Animal Owner or Custodian shall thereafter be barred from recovering said Animal.

4-07-5300 – Rabies Quarantine.

- A. 1. Animal Services shall ensure that all Animals falling into the following categories shall be isolated or quarantined or destroyed and a rabies specimen taken at Animal Services or at such other place and under such conditions as are prescribed by the health Officer or authorized according to other applicable California State laws and regulations, including but not limited to:
- a. Known rabid Animals;
 - b. Suspected rabid Animals;
 - c. Animals that have bitten or otherwise exposed a human to rabies; and
 - d. Animals of a species subject to rabies, which have been bitten by a known rabid or suspected rabid Animal or have been in intimate contact with a known rabid or suspected rabid Animal.
2. In circumstances where the bite or exposure to rabies occurred while the victim was on the property of the Owner or Custodian of the Animal or when the victim is a member of the family or household of the Owner or Custodian, and when the Animal is not currently vaccinated against rabies and, as applicable, licensed as required by the provisions of this chapter, the Animal may, at the discretion of Animal Services, be quarantined on the property of the Owner provided the following:
- a. The Owner of said Animal can and does agree to ensure its confinement and isolation for the period of quarantine;
 - b. The Owner agrees, upon demand of the Health Officer or Animal Services during the period of quarantine, to surrender the Animal to Animal Services;

- c. The Owner agrees to immediately notify Animal Services if the Animal escapes, becomes ill, or dies.
 3. It is unlawful for the Owner or Custodian of an Animal to violate any of the conditions of isolation or quarantine prescribed by the Health Officer or Animal Services. Any violation of this section is a misdemeanor.
- B. Non-vaccinated Biting Animals Fee. Notwithstanding any other provision of this chapter, the Owner of any Animal which is required by law to be vaccinated for rabies and which has not been so vaccinated and which bites or wounds any person or other Animal shall be subject to a penalty fee.

ARTICLE VI – Potentially Dangerous and Vicious Animals, Hearings and Appeals

4-07-6000 – Potentially Dangerous and Vicious Animals.

- A. Purpose.
 1. The purpose of this section is to regulate the keeping of Animals which are Potentially Dangerous or Vicious or involve a threat to the safety of people and other Animals on streets, sidewalks, and private property where the Animals are not properly maintained as such Animals constitute a serious hazard within the unincorporated area of the County. The increasing tendency to maintain Animals which, by virtue of breeding or training, have a propensity to attack others compounds the hazard.
 2. Every Owner or Custodian of an Animal is held strictly accountable for the exercise of such control over the Animal as necessary to ensure that the Animal does not injure innocent human beings or other Animals that are not on the Premises where the Animal is maintained. Such strict accountability is imposed whether or not the injury results from the negligence or fault of the Owner or Custodian, and regardless of the degree of precaution or control exercised by the Owner or Custodian.
- B. Owner Responsible.
 1. Any Owner or Custodian of any Animal is deemed responsible for the acts committed by that Animal when the Owner or Custodian has failed to comply with the legal requirements for the keeping of that Animal as defined in this chapter. No person shall permit an Animal to act in such a manner as constitutes Potentially Dangerous or Vicious behavior as defined in Section 4.07.1400 of this chapter.
 2. A violation of any of the provisions of this section is punishable as follows:
 - a. On a first offence, any Animal Owner who maintains an Animal in such a manner as to permit it to exhibit Potentially Dangerous behavior shall be guilty of an infraction.
 - b. On the second and subsequent offence, any Animal Owner who maintains any Animal in such a manner as to permit it to exhibit Vicious behavior shall be guilty of a misdemeanor.

3. Nothing in this section shall prevent prosecution for violations of other statutes or codes which may deal with other or more specific offenses, including but not limited to, penal and civil statutes.
- C. Quarantine or Impound. No Animal which has been declared Potentially Dangerous or Vicious or against which a Potentially Dangerous or Vicious Animal Report has been filed may be Impounded or quarantined at any place other than Animal Services, unless authorized by the Animal Services Manager.
- D. Notice of escape. Any person keeping, harboring, maintaining, or owning a Potentially Dangerous Animal, Vicious Animal, or Wild Animal that escapes from its confinement shall immediately notify Animal Services. Notification shall first be by phone and shall be followed with written notification within one business day, via email to Animal Services, which includes the following information, as known:
1. The date, place, and time of the Animal's escape;
 2. A description of the Animal, including a photo, and its condition at the time of escape; and
 3. The name, address, and residential and occupational telephone numbers of the Owner of the Animal.
- E. Filing of a Complaint. Any person, including employees of Animal Services, possessing personal knowledge of facts that there exists a Potentially Dangerous or Vicious Animal within the unincorporated area of the County or those incorporated areas served by Animal Services may file with Animal Services a written report, signed under the penalty of perjury, which contains the following facts:
1. A description of the offending Animal including, to the extent known, the color, size, sex, breed and name of the Animal, and the name and address of the Animal Owner or Custodian;
 2. An assertion that the Animal described is a Potentially Dangerous or Vicious Animal within the meaning of Section 4.07.1400, together with a statement of the facts upon which the assertion was based, including the name and address of any person who has been victimized or injured, including a description of the extent of the injuries, the names and addresses of the witnesses thereto, the time, date, and location of the incident related to the assertion, and an explanation of how the personal knowledge of the affiant was acquired; and
 3. The name, residential and occupational addresses and telephone numbers of the affiant.
- F. Timely Filing. Unless otherwise provided, the filing of a Potentially Dangerous or Vicious Animal Report must be made within six (6) business days, including Saturday, of the most recent event or circumstances occasioning the report. Upon evidence that good cause exists that a report could not be filed within the

six (6) business days, including Saturday, the Animal Services Manager may extend the deadline for filing the report.

- G. Impoundment of Animal. Upon receipt by Animal Services of a Potentially Dangerous or Vicious Animal Report, Animal Services shall initiate an investigation of the incident or incidents described in the report for the purpose of verifying the facts stated and obtaining other information. If, after an investigation, the identified facts show the existence of a Potentially Dangerous or Vicious Animal, Animal Services shall immediately locate and Impound the Animal which is the subject of the charges and the Owner or Custodian shall have to request a Hearing within six (6) business days, including Saturday, from date of impoundment and pay any applicable hearing fees.

4-07-6100 – Potentially Dangerous and Vicious Animal Hearings and Appeals

A. Notice of Hearing.

1. When a Hearing is requested by the Animal Owner or Custodian, Animal Services shall set a date and time for the hearing and send a notice thereof by first class mail at least five (5) business days, including Saturday, before the scheduled hearing date to the Owner or Custodian at the address set forth on his or her request for a hearing and shall notify the victim and the Director of such hearing.
2. Conversely, if, or after an investigation, the identified facts show that cause to conduct a Potentially Dangerous or Vicious Animal Hearing has not been shown, Animal Services shall notify the Animal Owner or Custodian to reclaim their Animal from Animal Services.

B. Conduct of Hearing.

1. The Hearing shall be conducted before a person appointed as a Hearing Officer.
2. The Hearing shall be open to the public.
3. The Owner or Custodian may be represented by counsel at their own discretion and cost. If Animal Services plans to be represented by counsel, such fact will be made clear to the Owner or Custodian upon writing regarding the time and place of the Hearing. Animal Services representation by counsel does not in any way entitle the Owner or Custodian to be represented by counsel.
4. The burden is on the Animal Owner or Custodian to present evidence that the Animal is not Potentially Dangerous or Vicious.
5. The technical rules of evidence shall not be applicable to the Hearing, except that the Hearing Officer's decision may not be based wholly on hearsay evidence.
6. The Hearing Officer may find, based upon the preponderance of the evidence, that:
 - a. The Animal is not Potentially Dangerous or Vicious and should be returned to its Owner or Custodian;

- b. The Animal is not Potentially Dangerous or Vicious but that the attack, bite, or injury was the result of improper or negligent training, handling, or maintenance and that the License should be revoked and the Animal relinquished to Animal Services;
 - c. The Animal is Potentially Dangerous or Vicious but may be returned to the Owner or Custodian with stipulations and/or restrictions; or
 - d. The Animal is Potentially Dangerous or Vicious and that it should be humanely euthanized no sooner than the fifth business day, including Saturday, following the mailing of notice of determination.
7. The Hearing Officer shall make other orders required or authorized by this chapter.
 8. The Hearing Officer may decide all issues for or against the Owner or Custodian of the Animal even if the Owner or Custodian fails to appear at the Hearing. Failure to appear at the Hearing will be deemed a forfeiture of the Animal.
- C. Consideration of Evidence. In considering whether an Animal is Potentially Dangerous and/or Vicious, the Hearing Officer shall consider evidence including, but not limited to, the following:
1. Any previous history of the Animal attacking, biting or causing injury to a human being or other Animal.
 2. The nature and extent of injuries inflicted and the number of victims involved.
 3. The location where the bite, attack or injury occurred.
 4. The presence or absence of any provocation for the bite, attack, or injury.
 5. The extent to which property has been damaged or destroyed.
 6. Whether the Animal exhibits any characteristics of being trained for fighting or attacking, or other evidence to show such training or fighting.
 7. Whether the Animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of Persons or other Animals.
 8. Whether the Animal can be effectively trained or re-trained to change its temperament or behavior.
 9. The manner in which the Animal had been maintained by its Owner or Custodian.
 10. Any other relevant evidence concerning the maintenance of the Animal.
 11. Any other relevant evidence regarding the ability of the Owner or Custodian to protect the public safety in the future if the Animal is permitted to remain in the County.
- D. Mitigating Circumstances. In considering whether an Animal is Potentially Dangerous and/or Vicious the Hearing Officer may hear and consider evidence of any of the following mitigating circumstances:
1. That the injury or damage complained of was sustained by a person who was committing a willful trespass or other tort upon the Premises occupied by the Owner or Custodian of the Animal, or was teasing, tormenting,

abusing, or assaulting the Animal, or was committing or attempting to commit a crime.

2. That the Animal was protecting or defending a person within the immediate vicinity of the Animal from an unjustified attack or assault.
 3. That the injury or damage complained of was sustained by a Domestic Animal which at the time of the injury or damage was teasing, tormenting, abusing, or assaulting the Animal which is the subject of the Hearing.
 4. The injury or damage complained of was to a Domestic Animal and was sustained while the Animal in question was working as a hunting Animal, herding Animal, or predator control Animal on the property of, or under the control of, its Owner or Custodian and the damage or injury complained of was to a species or type of Domestic Animal appropriate to the work of the Animal.
- E. Determinations and Orders—Notice—Compliance—Appeal—Finality of Appeal.
1. Within ten (10) calendar days after the Hearing is conducted, the Hearing Officer shall notify in writing Animal Services and the Owner or Custodian of the determination and orders issued, by first class mail or personal service at the address appearing on the request for hearing.
 2. If a determination is made by the Hearing Officer that the Animal is Potentially Dangerous or Vicious, and is returning the Animal to the Owner or Custodian, the Owner or Custodian shall comply with subsection F and G of this section within fifteen (15) calendar days after the date of determination or twenty (20) calendar days if notice of the determination is mailed to the Owner or Custodian by first class mail.
 3. If a determination is made by the Hearing Officer that the Animal is not Potentially Dangerous or Vicious, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance, the following may apply:
 - a. The License may be revoked and reissued with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the Animal to protect the public health safety and welfare, only if it is determined that the Owner or Custodian is able and willing to properly train, handle or maintain the Animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance; or
 - b. The Owner or Custodian is unable or unwilling to properly train, handle or maintain the Animal and that a similar incident is not likely to occur in the future with proper training, handling or maintenance, the Animal shall be relinquished to Animal Services.
 4. If Animal Services or the Owner or Custodian of the Animal contests the determination, he or she may, within five (5) business days of the receipt of the notice of determination, appeal the decision of the Hearing Officer to the Director.

5. The appeal shall be heard by a second impartial Hearing Officer appointed by the Director, other than the Hearing Officer who originally heard the petition.
 6. The Director shall give notice by first class mail to Animal Services, to the appellant or Animal Owner or Custodian if Animal Services is the appellant, and to the victim(s), of the date, time and location of when the appeal will be heard.
 7. The Hearing Officer hearing the appeal shall conduct a Hearing de novo, but upon submission of all relevant evidence, including but not limited to Animal Control reports, transcripts, and other testimony, from the first hearing, and make its own determination as to potential danger and viciousness of the Animal and make other orders authorized by this chapter, based upon evidence presented.
 8. The Hearing shall be conducted in the same manner set forth in subsection B above.
 9. Judicial review of a decision made after an appeal hearing pursuant to this section shall be made pursuant to Section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.
- F. Registration. Any Animal which has been declared by the Hearing Officer to be Potentially Dangerous or Vicious within the meaning of Section 4.07.1400, and is being returned to the Owner or Custodian, shall be subject to special registration requirements as follows:

An Owner or Custodian of a Potentially Dangerous or Vicious Animal is required to pay, in addition to any Licensing or License Fee, an annual special registration fee (as applicable) which shall be valid and renewable concurrent with the effective dates of the Licensing of the Animal. Late registration is subject to a penalty fee equal to two times the annual registration fee.

- G. Keeping of a Potentially Dangerous or Vicious Animal. In addition to any other provisions provided in the decision rendered by the Hearing Officer, the keeping of an Animal which has been declared Potentially Dangerous or Vicious and returned to the Animal Owner or Custodian by the Hearing Officer shall, at the minimum, be subject to the following provisions:
1. The Animal must at all times, when not under restraint by leash on public property, be securely confined in an enclosure under lock within a lawful fence.
 2. The Animal must, at all times when kept in any part of a house or structure, be confined in such a manner that the Animal cannot exit such building on its own volition.
 3. The Animal must, at all times, be licensed and registered as required by this chapter and must be kept in compliance with all the regulatory provisions of this chapter in its entirety
 4. The Animal Owner or Custodian must notify Animal Services in writing within three calendar days if the location of the Animal is to be permanently

changed. An administration fee will be charged to modify the issued license.

5. The Owner or Custodian must allow Animal Services to inspect the property at such time as reasonable to insure the provisions ordered by the Hearing Officer are being complied with. All costs associated with these provisions or any other or additional provisions ordered by the Hearing Officer shall be borne by the Owner or Custodian of the Animal which has been declared to be Potentially Dangerous or Vicious.

H. Right to Destroy. Nothing in this section shall be construed to prevent Animal Services from destroying an Animal which is in the act of dangerous or vicious behavior towards any person or other Animal as set forth in Section 4.07.1400, if such immediate destruction is reasonably necessary to protect public safety.

Section 3. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the Visalia Times-Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 20__, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/

Clerk of the Board of Supervisors

By: _____
Deputy Clerk

MCE/2013785/6/18/2015/795302

Attachment 5

Commercial Kennel Minimum Standards

TULARE COUNTY ANIMAL SERVICES DIVISION

COMMERCIAL KENNEL MINIMUM STANDARDS

I. INTRODUCTION

Part IV, Chapter 7, Article IV section 4-07-4000 et seq., of the Tulare County Animal Ordinance Code, provides that the Animal Services Division may approve an application for a Commercial Kennel Permit, or a renewal of said Permit upon demonstration that certain conditions have been met by the applicant/permit holder. Commercial Kennels engaged in breeding activities must also obtain a Breeding Permit for each female animal being used to breed; a maximum of five (5) breeding permits will be issued during any kennel permit period. Among those conditions are the following minimum standards:

II. DEFINITIONS

- A. Adult Dogs – A domestic canine nine (9) months and older.
- B. Breeding Operation – Any business or establishment which keeps dogs for the purpose of their reproductive pairing and/or production of offspring.
- C. Caretaker – Any person responsible for or tasked with any or all part(s) of a Kennel operation relating to dog care or meeting these minimum standards.
- D. Compatible animals - Animals which are of like species, size, age, physical condition, reproductive status, and whose temperaments do not promote or contribute to competition, aggression, or other adverse interactions.
- E. Dog – a domestic canine.
- F. Exercise area – Any indoor or outdoor enclosure in which animals are confined for the purpose of exercise, play, socialization, training, or other similar function provided that animals are not kept in this enclosure during nighttime hours.
- G. Facility - The total physical area occupied by a commercial kennel or breeding operation. Includes, but is not limited to, all open spaces, storage areas, structures, fencing, and transport vehicles utilized by the operation. Operations occupying multiple, non-consecutive addresses constitute separate facilities.
- H. Indoor Housing Area – Any building used as a housing area with four walls and a roof.
- I. Housing Area - Any enclosure, structure, or area of confinement in which dogs are kept more than 4 hours per 24-hour period.
- J. Outdoor Housing Area – Any housing area lacking four solid walls and a roof.
- K. Puppy – a domestic canine under the age of nine (9) months.

III. GENERAL REQUIREMENTS

- A. Construction and maintenance**
 - 1. Facilities must be designed to be structurally sound and stable, and must be constructed in a manner consistent with commercial industrial standards.
 - 2. Facilities must be kept in good repair.
 - 3. Animal enclosures must be constructed and maintained so that they:
 - a) Are not stacked above or below any other animal enclosure.
 - b) Are structurally sound and stable.
 - c) Securely confine the dogs and prevent contact with other roaming or stray animals and wildlife.
 - d) Have no exposed sharp points or edges.
 - e) Allow the dogs to remain clean and dry.
 - f) Are kept clear of standing water.
 - f) Animal housing areas must be kept neat and free of excessive feces, clutter, trash, junk, overgrown vegetation, and other discarded materials.
- B. Housing Area Surfaces**
 - 1. Floors in housing areas must be at ground level and not suspended, constructed of solid, non-porous materials which may be easily cleaned and sanitized.
 - 2. Walls in housing areas must be constructed of non-porous materials which may be easily cleaned and sanitized.
 - 3. Surfaces must be free of rust, jagged edges, and sharp points or protrusions.
 - 4. Wire flooring, including, but not limited to, wire mesh (coated or uncoated), gridded or welded wire, is not permitted

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Commercial Kennel Minimum Standards**

C. Cleaning and Housekeeping of Premises

1. Housing areas must be cleaned daily with additional spot cleaning performed as needed.
 - a) All housing areas must have a minimum of sixty (60) vertical inches of space to allow easy entry and access for cleaning, care, and animal inspection.
 - b) All animal and food waste must be removed from housing areas at least once daily.
 - c) Surfaces must be cleaned and sanitized daily so as to remove all debris and organic material or waste, using cleaning products that provide disinfectant, viricidal, and antibacterial properties in order to minimize the spread of common canine diseases
 - d) Dogs must be removed from enclosures before cleaning. Dogs and nearby enclosures must be protected from being contaminated with water and other wastes during cleaning.
 - e) Animal housing areas must be kept free from accumulations of dirt, dust, hair/fur, trash, and similar debris.
2. Facility must be kept clean and in good repair to protect the dogs from injury, promote health, and control rodent and pest populations.
 - a) Facility must be kept free of excessive trash, junk, waste products, and other discarded materials.
 - b) Weeds, grass and bushes must be controlled in a manner which facilitates cleaning of premises, controls pests and rodents, and protects the health and well-being of the animals.

D. Water and electric

1. Adequate running potable water must be available for cleaning, drinking, washing, and other requirements.
2. All electrical devices must be placed and utilized in a safe and secure manner. Electrical wires, cords and devices will be placed in such a way that they are not accessible to the animals.

E. Storage

1. Food and bedding must be kept in a manner which prevents spoilage, contamination, and vermin infestation.
2. Food that will spoil without refrigeration must be kept refrigerated at 41°F or less.
3. Toxic or poisonous substances may not be kept in the same area as food storage or preparation.
4. Unused equipment, trash, junk, waste products, and similar materials must be stored in a manner and location which prevents animal access.

F. Drainage and waste disposal

1. Animal and food wastes, fluid wastes, soiled bedding, debris, garbage, and other waste must be collected a minimum of once daily, removed, and disposed of in a manner which minimizes contamination and disease risks.
2. Housing areas must be equipped with waste collection, drainage and disposal mechanisms to quickly remove animal waste and other fluids to ensure dogs remain dry and clean.
3. Trash containers must have tightly fitting lids which are kept closed when not in use.
4. Dead animals, animal waste, or animal parts may not be kept in animal housing or food preparation and storage areas.

G. Laundry areas and sinks

1. General hygiene and anti-bacterial disinfecting washing facilities with hot and cold running water must be available and readily accessible for dog caretakers.

H. Nuisance operations prohibited

1. Facilities must be operated in accordance with all applicable zoning and business licensing codes.
2. Facilities must be operated in a manner which does not unduly impact, disrupt, pollute or interfere with other nearby businesses.
3. Facilities must be operated in a manner which does not unduly impact, disrupt, pollute or interfere with the free and full use of nearby residential properties.

I. Emergency information

1. Emergency Information must be clearly and conspicuously posted at the main entry and access points throughout the kennel area. This information must contain the primary point of contact in the event of an emergency, including the Permit Holder's contact information, the Permit Holder's Veterinarian's contact, and the Emergency Veterinary Services contact information.

IV. INDOOR HOUSING AREAS

A. Heating, cooling, and temperature

1. Housing areas must be climate controlled to protect dogs from temperature and humidity extremes.
2. Ambient temperature may not be below 50°F or rise above 90°F.
3. All heating devices must be located in such a manner as to ensure that no animal may come in direct contact with the device or its cords or wires.

**Tulare County Animal Services Division
Commercial Kennel Minimum Standards**

4. All heating devices must be located in such a manner as to ensure that they are not in direct contact or proximity to flammable or combustible materials.
5. Auxiliary cooling and/or ventilation must be provided if ambient temperatures exceed 80°F.

B. Ventilation

1. Housing areas must be sufficiently ventilated at all times to provide for health and well-being of dogs, minimize odors, drafts, ammonia levels, humidity and condensation and prevent the spread of airborne viruses.
2. Isolation areas must be separately ventilated from other housing areas.

C. Lighting

1. Housing area must be adequately lighted to permit routine inspection and cleaning of facility and for observation of the dogs. Lighting must be uniformly diffused and adequate.
2. Housing areas must be provided with normal day/night light cycles, with a minimum of eight hours of light equivalent to daylight each day.

D. Quarantine/Isolation area

1. Kennel must have an appropriate quarantine area that has separate ventilation and drainage from other kennels to house dogs with infectious disease during treatment and recovery.

E. Safety

1. All indoor areas housing animals must be equipped with carbon monoxide and smoke detectors. All indoor areas housing animals will meet the minimum safety requirements pertaining to fire extinguishers and fire suppression equipment as set forth by the local fire departments, and/or County building codes.

V. OUTDOOR HOUSING AREAS

A. Protection from the elements

1. Outdoor housing areas must provide sufficient shelter to protect dogs from extreme temperatures and weather conditions which may be uncomfortable or hazardous to their health.
2. Within the outdoor housing area as described in one (1) above, one or more, smaller shelters, or doghouses, must also be available and accessible to each adult dog.
 - a) Doghouses must provide enough area to allow each adult dog in the housing area to sit, stand, lie in a normal manner, and turn-about freely.
 - b) The doghouse must be constructed of a solid roof and three or more solid sides, which adequately protects animals from cold, heat, wind, and rain.
 - c) The doghouse must contain clean, dry, bedding material at all times.
3. In addition to the above, outdoor housing areas must provide areas of shade large enough to encompass and shield all animals from direct sunlight
4. Outdoor housing areas containing puppies less than nine (9) months of age must have the top completely covered, so as to offer complete coverage to the entire kennel from the elements, in addition to side covers, as needed, to provide shelter from the sun, rain, and strong wind at all times of the day.

VI. CONFINEMENT

A. Space

Each dog housed in a housing area must each be provided a minimum amount of floor space and headroom, according to the following formulas (see Figure 1):

1. Each dog must have floor space equal to at least the product of the following formula: Dog length (nose to base of tail) plus ten (10) inches, squared $[(\text{Dog length} + 10'')^2]$, multiplied by three (3). Divide by 144 to convert to square feet. If multiple dogs are housed in one enclosure, that enclosure must have at least as much floor space as the sum of square footages for each dog in the enclosure. Square footage must be allocated to width and depth of the enclosure so that Dogs may turn around comfortably in the enclosure, and pass one another if housed together.
2. Enclosures must have a minimum interior height of sixty (60) inches.
3. Each female with nursing puppies over three weeks of age must be provided with a minimum of an additional 5% of floor space for each puppy. More may be required based on the breed and behavioral characteristics of the female or based on the age/size of the puppies.
4. Dogs will be housed with other compatible dogs to fulfill their social and behavioral needs, unless a health or

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temperament issue requires the dog to be housed in isolation. In the latter case, a letter from a California-licensed veterinarian should be kept on file documenting condition and specifying the amount of time that the animal must be isolated from other dogs.

**Figure 1. Minimum space requirements for
Adult Dogs (nine months or older)**

	Individual Dog	Multiple Dogs in Shared Enclosure
Floor Space	$3 (\text{Dog length in inches} + 10)^2 = \text{minimum square inches.}$ Divide by 144 to convert to square feet.	Dog 1 minimum square feet + Dog 2 minimum square feet + Dog 3, etc.
Vertical Space	Minimum height of enclosure = 60 inches.	
Floor Space – Nursing Dam	Dam’s min. space + Litter space = Nursing Enclosure Min. (Dam’s min. space x 0.05= space per puppy; Space per puppy x # of puppies = Litter space)	

- B. **Tethering of dogs as a means of confinement is prohibited.**
- C. **Exercise and socialization**
 - 1. An exercise program must be established to promote positive physical contact with people or other dogs through play groups, “fetch” activities, or other similar activities such as walking.
 - 2. Dogs kept in indoor housing areas must be provided a minimum of four hours each week of time outside, either in a designated exercise yard or in an exercise activity, which must be documented for each dog at the time it occurs.
- D. Environmental enrichment measures such as the provision of chew toys, calming music, furniture, etc. are encouraged, provided that such items are adequately maintained, cleaned and disinfected.

VII. EXERCISE AREA

- A. **Protection from the elements**
 - 1. Exercise yards must meet the following provisions
 - a) Allow the dogs to remain clean and dry
 - b) Enclosure must be kept clear of all standing water. If the flooring is composed of compacted earth, decomposed granite, or similar material, adequate measures must be taken to ensure that it does not become muddy during cleaning or at times of precipitation
- B. **Construction**
 - 1. Floors of exercise areas may be composed of porous or particulate substrates such as compacted earth, decomposed granite, grass, concrete, tile, or other similar material
 - a) Where loose particulates such as sand, gravel, composting bark and other similar materials are used, any substrate contaminated or soiled by animal waste must be removed.
 - b) Outdoor housing areas with a compacted earth, grass or similar substrate must be kept mowed and free of overgrown vegetation.
 - 2. Materials must be repaired or replaced if odors, insects, pest, vermin or health and safety hazards are present.
 - 3. Surfaces which cannot be readily cleaned and sanitized, including, but not limited to, wood, plywood, or carpet, must be replaced when worn or soiled.
 - 4. Water features may be included, provided that the enclosure also include dry areas adequate to accommodate the dog’s activity and exercise should they choose to avoid the water.

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VIII. GENERAL CARE

1. All dogs must be examined on a daily basis with a level of attention sufficient to evaluate their general condition, demeanor, and activity, and each examination must be documented daily
 2. Dogs must be kept appropriately groomed and in good hygiene.
 3. Dogs in need of medical attention must be afforded with timely veterinary care.
 4. A record must be kept of any dog with special needs requirements, of those dogs receiving medications and of the administration of those medications.
- B. Feeding**
1. Dogs must be fed at least twice daily, except as otherwise directed in writing by a California-licensed veterinarian.
 2. Food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the healthy condition and weight of the animal. The diet must be appropriate to the dog's species, age and condition.
 3. Food dishes must be readily accessible to all dogs and must be located so as to minimize competition between dogs, contamination by animal waste, pests, and precipitation.
 4. Feeding dishes must be made of durable material that can be easily cleaned and sanitized or must otherwise be discarded after each feeding.
 5. Self-feeders must be kept clean, sanitized, and free of mold, deterioration, or caking of food.
- C. Watering**
1. Unfrozen water shall be continually available to all dogs and shall be generally free of debris, feces, algae, and other contaminants.
 2. Water dishes must be kept clean and sanitized on a daily basis.

IX. BREEDING

A. General

A female dog will be bred based on the advice of their California licensed veterinarian ensuring that she is managed with excellent husbandry and has good reproductive health. A record of this advice and an annual veterinary examination supporting it shall be provided annually.

X. TRANSPORTING

A. Transportation enclosures

1. All transportation enclosures must be constructed of materials which may be easily cleaned and sanitized or removed and replaced when worn or soiled
 2. Surfaces must be free of rust, jagged edges, and sharp points or protrusions
 3. Each enclosure must provide adequate ventilation and air exchange.
 - a) Enclosures must be constructed and positioned in such a manner to prevent the ingress of vehicle exhaust
 4. The opening of each enclosure must be accessible at all times
 5. Transportation enclosures will be afforded protection from the elements
 6. The areas of the vehicle in which dogs are transported must be heated or cooled as necessary to prevent exposure of the dogs to excessive heat, cold, or humidity.
 7. Transport enclosures must be large enough to allow each dog sufficient space to turn around, stand, and lie down in a normal manner.
 8. Enclosures of one dog may not be placed on top of another unless it is fitted with a floor which prevents solid and liquid excreta from entering the lower enclosure
 9. Transportation enclosures must be cleaned and sanitized between trips or more frequently if needed.
- B.** Dogs which are not conditioned to one another may not be transported in the same enclosure.
- C.** Food and water do not have to be continually available during transportation but must be provided at intervals adequate to prevent dogs from becoming dehydrated or excessively thirsty or hungry. If not continually provided, water must be offered at least once every six hours and food at least once every 12 hours for adult dogs, and more frequently for puppies. A record shall be kept of each time each dog or puppy was offered food and water during transport.
- D.** All vehicles in which dogs are transported must have a current California registration and must be driven by an individual licensed to operate that class of vehicle in the State of California. Vehicles must be operated in accordance with all applicable laws and regulations.

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XI. INSPECTIONS

- A. All permitted commercial operations are subject to inspection by Animal Services personnel without prior notification.**
 - 1. Inspections may be initiated by Animal Services upon application for a new or renewed permit, in response to a complaint filed against the permit holder, as part of the Division's routine monitoring and evaluation of permitted operations, or as otherwise deemed necessary by the Division to ensure animal welfare and compliance with permitting standards.
 - 2. Routine inspections will be conducted during Animal Services' normal operating hours.
 - 3. Upon reasonable notification to the permit holder, permitted operations must be made available for inspection outside of Animal Services' normal operating hours.
- B. Access**
 - 1. All areas and structures of a permitted operation are subject to inspection.
 - 2. Failure to allow inspection of a permitted operation or to make a permitted operation available for unannounced inspection may result in permit denial or revocation.
- C. Permit holders will comply with all federal, state, county and municipal codes related to the care, handling, keeping, and management of animals and animal use operations.**

XII. RECORDS

- A. Purchase records**

A record of all dogs purchased or otherwise obtained by the permitted operation must be kept at the address specified in the permit application for a period of three years. Such records shall specify the date of acquisition, breed of animal, description of the animal including date of birth and sex, specific identification markers such as tattoos or microchip numbers, and the name, address, and phone number of the seller or dealer from which the animal was obtained.
- B. Outcome records**

A record of all puppy and dog sales, other transfers, and deaths must be kept at the address specified in the permit application for a minimum of three years from the date of the transaction or death. Such records shall specify the date of transaction or death, breed of dog, description of the dog including date of birth and sex, specific identification markers such as tattoos or microchip numbers, and the name, address, and phone number of the purchaser or transferee, or, if applicable, the cause of death.
- C. Medical Records**

Written medical records for each dog, including the veterinarian's exam notes from yearly veterinary examinations, evaluations and treatment, routine medical care (such as vaccinations or deworming), euthanasia, or treatment for a medical condition must be maintained by the permit holder for a period of three (3) years after the death or transfer of the animal and must be available for inspection upon request.
- D. Breeding Records**

Records of breeding for all dogs must be maintained and retained for a period of three (3) years after the death or transfer of the animal. Records must include the dog's microchip number; description of the dog; specific identification markers such as tattoos or markings; breeding permit number; dates of breeding; and outcome of breeding, indicating live birth or otherwise, number of puppies, and date of birth or other outcome.
- E. Availability**
 - 1. All such written records must be made available for immediate inspection upon request.

XIII. EMPLOYEES

- A. Facility must maintain a level of staffing and/or volunteers to adequately provide for the basic humane care of the dogs kept there.**
- B. The staff handling dogs or providing care must be supervised by an individual who has the knowledge, background, and experience in proper dog care to monitor and direct their activities.**

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- C. Permit holders are jointly and equally responsible for the actions of any dog caretakers employed or otherwise utilized at the kennel operation.

XIV. VETERINARY CARE

- A. All permit holders must have an established relationship with a local, California-licensed veterinarian who shall serve as the primary medical provider for the operation.
- B. All dogs must have a hands-on examination by a California-licensed veterinarian at least once a year.
- C. Euthanasia shall only be performed by a California-licensed veterinarian.
- D. Surgical births and other surgical procedures shall only be performed by a California-licensed veterinarian.
- E. Each dog shall be properly identified. Dogs 4 months and older shall be microchipped and those dogs less than four (4) months of age and more than 6 weeks shall be identified by a cage card so that it can be matched with the appropriate individualized veterinary records.
- F. Core vaccinations to prevent common canine diseases such as Parvovirus and canine distemper shall be administered by a California-licensed veterinarian or by the kennel owner to dogs and puppies in accordance with AVMA recommendations. Rabies vaccinations shall be administered by a California-licensed veterinarian for all dogs and puppies in accordance with Tulare County Animal Ordinance section 4-07-3100. Parasite control must be provided.

XV. EXCEPTIONS

- A. Requests for exemptions to any of the provisions of these requirements shall be submitted to Animal Services in writing at the time of application. Written exemptions must include an explanation and justification of the reason for the request.
- B. No exemption to any of the provisions of these requirements shall be assumed to have been granted unless indicated in writing by Animal Services.
- C. Issuance of a waiver or exemption does not guarantee or indicate approval of future waivers for the same condition.

XVI. PENALTIES

- A. Violation of any provision of these requirements will result in penalties as set forth in Tulare County Animal Ordinance, and/or state, and/or federal law.

Attachment 6

Commercial Kennel Minimum Standards – Quick Guide



TULARE COUNTY ANIMAL SERVICES DIVISION COMMERCIAL KENNEL MINIMUM STANDARDS QUICK GUIDE

- A. Definitions
- B. General Requirements
 - 1. Requires sound enclosures conducive to overall animal health and are easy to sanitize.
- C. Indoor Housing Areas
 - 1. Addresses temperature, animal safety, ventilation, lighting, and quarantine standards.
- D. Outdoor Housing Areas
 - 1. Protection from the elements
 - 2. Puppies must have covered runs for protection from the elements
- E. Confinement
 - 1. Details minimum space requirements allowing for the humane treatment of commercially kept dogs and prevents the stacking of housing enclosures.
- F. Exercise Yards
 - 1. Lists requirements for protection from the elements and safe construction.
- G. General Care
 - 1. Requires daily animal assessments, grooming, medical attention, regular feeding and water.
- H. Breeding

A female dog will be bred based on advice of California licensed veterinarian ensuring she is managed with excellent husbandry and has good reproductive health with supporting documentation annually.
- I. Transporting
 - 1. Regulates transport structures, space, and general animal well-being; transports must be completed in a vehicle with current CA registration and driver must hold a valid CA license.
- J. Inspections
 - 1. All permitted operations are subject to inspection without notice during Animal Services' normal operating hours. Inspections after those hours can be performed upon reasonable notice. Failure to allow inspection may result in permit denial or revocation.
- K. Records
 - 1. Records of all dogs obtained must be kept at the facility, including animal description, microchip numbers, and any other details as established by Animal Services.
 - 2. A record of all puppy and dog sales, other transfers, or deaths must be kept for a minimum of three years from the date of the transaction.
 - 3. All records must be made available for immediate inspection upon request.
- L. Employees
 - 1. Facility must maintain a level of experienced staffing and/or volunteers to provide for humane care of the dogs kept there.
- M. Veterinary Care
 - 1. All permit holders must have a designated veterinarian, and all dogs examined annually.
 - 2. Euthanasia, surgical births, and other surgeries, must be performed by a licensed veterinarian.
 - 3. All dogs shall be properly identified and receive core vaccinations in accordance with AVMA recommendations.
 - 4. Written records for each dog must be kept for a minimum of three years and must be made available for inspection upon request.
- N. Exceptions
 - 1. Exception requests must be made in writing at time of application.
- O. Penalties
 - 1. Violation of any provisions of these standards, ordinances, and/or state, and/or federal law will result in penalties as set forth in Tulare County's Animal Ordinances.

Attachment 7

Animal Rescue Kennel Minimum Standards

TULARE COUNTY ANIMAL SERVICES DIVISION ANIMAL RESCUE KENNEL MINIMUM STANDARDS

I. INTRODUCTION

Part IV, Chapter 7, Article IV section 4-07-4000 et. seq., of the Tulare County Animal Ordinance Code, provides that the Animal Services Division may approve an application for an Animal Rescue Kennel Permit, or a renewal of said Permit upon demonstration that certain conditions have been met by the applicant/permit holder. Among those conditions are the following minimum standards:

II. DEFINITIONS

- A. Adult Dogs – A domestic canine nine (9) months and older.
- B. Animal Rescue Organization – "Animal Rescue Organization" means any person or organization registered with the California Attorney General's Registry of Charitable Trusts as a charitable organization dedicated to the housing and care of domestic Animals with the purpose of placing those Animals with a new and permanent guardian, providing hospice (end-of-life care) to terminally ill Animals or sanctuary to Animals which cannot be adopted.
- C. Compatible animals - Animals which are of like species, size, age, physical condition, , and whose temperaments do not promote or contribute to competition, aggression, or other adverse interactions.
- D. Dog – a domestic canine.
- E. Exercise yard – Any indoor or outdoor enclosure in which animals are confined for the purpose of exercise, play, socialization, training, or other similar function provided that animals are not kept in this enclosure during nighttime hours. In such situations where animals are kept in the enclosure during nighttime hours the definition shall be that of a primary enclosure.
- F. Facility - The total physical area occupied by a commercial kennel or breeding operation. Includes, but is not limited to, all open spaces, storage areas, structures, fencing, and transport vehicles utilized by the operation. Operations occupying multiple, non-consecutive addresses constitute separate facilities.
- G. Foster Home – A private residence associated with an Animal Rescue Organization, which is not a part of the permitted facility and at which animals are provided either temporary or long term housing and care.
- H. Indoor Housing Area – Any building used as a housing area with four walls and a roof.
- I. Housing Area - Any enclosure, structure, or area of confinement in which dogs are kept more than 4 hours per 24 hour period.
- J. Outdoor Housing Area – Any housing area lacking four solid walls and a roof.
- K. Puppy – a domestic canine under the age of nine (9) months.

III. GENERAL REQUIREMENTS

- A. **Construction and maintenance**
 - 1. Facilities must be designed to be structurally sound and stable, and must be constructed in a manner consistent with commercial industrial standards.
 - 2. Facilities must be kept in good repair.
 - 3. Animal enclosures must be constructed and maintained so that they:
 - a) Are not stacked above or below any other animal enclosure.
 - b) Are structurally sound and stable.
 - c) Securely confine the dogs and prevent contact with other roaming or stray animals and wildlife.
 - d) Have no exposed sharp points or edges.
 - e) Allow the dogs to remain clean and dry.
 - f) Are kept clear of standing water.
 - 4. Animal housing areas must be kept neat and free of excessive feces, clutter, trash, junk, overgrown vegetation, and other discarded materials.
- B. **Housing Area Surfaces**
 - 1. Floors in housing areas must be at ground level and not suspended, constructed of solid, non-porous materials which may be easily cleaned and sanitized.
 - 2. Walls in housing areas must be constructed of non-porous materials which may be easily cleaned and sanitized.
 - 3. Surfaces must be free of rust, jagged edges, and sharp points or protrusions.
 - 4. Wire flooring, including, but not limited to, wire mesh (coated or uncoated), gridded or welded wire, is not permitted.

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C. Cleaning and Housekeeping of Premises

1. Housing areas must be cleaned daily with additional spot cleaning performed as needed.
 - a) All housing areas must have a minimum of 60 vertical inches of space to allow easy entry and access for cleaning, care, and animal inspection.
 - b) All animal and food waste must be removed from housing areas at least once daily.
 - c) Surfaces must be cleaned and sanitized daily so as to remove all debris and organic material or waste, using cleaning products that provide disinfectant, viricidal and antibacterial properties in order to minimize the spread of common canine diseases
 - d) Dogs must be removed from enclosures before cleaning. Dogs and nearby enclosures must be protected from being contaminated with water and other wastes during cleaning.
 - e) Animal housing areas must be kept free from accumulations of dirt, dust, hair/fur, trash, and similar debris.
2. Facility must be kept clean and in good repair to protect the dogs from injury, promote health, and control rodent and pest populations.
 - a) Facility must be kept free of excessive trash, junk, waste products, and other discarded materials.
 - b) Weeds, grass and bushes must be controlled in a manner which facilitates cleaning of premises, control pests and rodents, and protects the health and well-being of the animals.

D. Water and electric

1. Adequate running potable water must be available for cleaning, drinking, washing, and other requirements.
2. All electrical devices must be placed and utilized in a safe and secure manner. Electrical wires, cords and devices will be placed in such a way that they are not accessible to the animals.

E. Storage

1. Food and bedding must be kept in a manner which prevents spoilage, contamination, and vermin infestation.
2. Food that will spoil without refrigeration must be kept refrigerated at 41°F or less.
3. Toxic or poisonous substances may not be kept in the same area as food storage or preparation.
4. Unused equipment, trash, junk, waste products, and similar materials must be stored in a manner and location which prevents animal access.

F. Drainage and waste disposal

1. Animal and food wastes, fluid wastes, soiled bedding, debris, garbage, and other waste must be collected a minimum of once daily, removed, and disposed of in a manner which minimizes contamination and disease risks.
2. Housing areas must be equipped with waste collection, drainage and disposal mechanisms to quickly remove animal waste and other fluids to ensure dogs remain dry and clean.
3. Trash containers must have tightly fitting lids which are kept closed when not in use.
4. Dead animals, animal waste, animal parts may not be kept in animal housing or food preparation and storage areas.

G. Laundry areas and sinks

1. General hygiene and anti-bacterial disinfecting washing facilities with hot and cold running water must be available and readily accessible for dog caretakers.

H. Nuisance operations prohibited

1. Facilities must be operated in accordance with all applicable zoning and business licensing codes.
2. Facilities must be operated in a manner which does not unduly impact, disrupt, pollute or interfere with other nearby businesses.
3. Facilities must be operated in a manner which does not unduly impact, disrupt, pollute or interfere with the free and full use of nearby residential properties.

I. Emergency information

1. Emergency Information must be clearly and conspicuously posted at the main entry and access points throughout the kennel area. This information must contain the primary point of contact in the event of an emergency, including the Permit Holder's contact information, the Permit Holder's Veterinarian's contact, and the Emergency Veterinary Services contact information.

IV. INDOOR HOUSING AREAS

A. Heating, cooling, and temperature

1. Housing areas must be climate controlled to protect dogs from temperature and humidity extremes.
2. Ambient temperature may not be below 50°F or rise above 90°F.
3. All heating devices must be located in such a manner as to ensure that no animal may come in direct contact

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with the device or its cords or wires.

4. All heating devices must be located in such a manner as to ensure that they are not in direct contact or proximity to flammable or combustible materials.
5. Auxiliary cooling and/or ventilation must be provided if ambient temperatures exceed 80°F.

B. Ventilation

1. Housing areas must be sufficiently ventilated at all times to provide for health and well-being of dogs, minimize odors, drafts, ammonia levels, humidity and condensation.
2. Isolation areas must be separately ventilated from other housing areas.

C. Lighting

1. Housing area must be adequately lighted to permit routine inspection and cleaning of facility and for observation of the dogs. Lighting must be uniformly diffused and adequate.
2. Housing areas must be provided with normal day/night light cycles, with a minimum of eight hours of light equivalent to daylight each day.

D. Quarantine/Isolation area

1. Kennel must have an appropriate quarantine area that has separate ventilation and drainage from other kennels to house dogs with infectious disease during treatment and recovery.

E. Safety

1. All indoor areas housing animals must be equipped with carbon monoxide and smoke detectors. All indoor areas housing animals will meet the minimum safety requirements pertaining to fire extinguishers and fire suppression equipment as set forth by the local fire departments, and/or County building codes.

V. OUTDOOR HOUSING AREAS

A. Protection from the elements

1. Outdoor housing areas must provide sufficient shelter to protect dogs from extreme temperatures and weather conditions which may be uncomfortable or hazardous to their health.
2. Within the outdoor housing area as described in one (1) above, one or more smaller shelters, or doghouses, must also be available and accessible to each adult dog.
 - a) Doghouses must provide enough area to allow each adult dog in the housing area to sit, stand, lie in a normal manner, and turn-about freely.
 - b) The doghouse must be constructed of a roof and three or more sides.
 - c) The doghouse must adequately protect animals from cold, heat, wind, and rain.
 - d) The doghouse must contain clean, dry, bedding material at all times
3. In addition to the above, outdoor housing areas must provide areas of shade large enough to encompass and shield all animals from direct sunlight
4. Outdoor housing areas containing puppies less than nine (9) months of age must have the top completely covered, so as to offer complete coverage to the entire kennel from the elements, in addition to side covers, as needed, to provide shelter from the sun, rain, and strong wind at all times of the day.

VI. CONFINEMENT

A. Space

Each dog housed in a housing area must each be provided a minimum amount of floor space and headroom, according to the following formulas (see Figure 1):

1. Each dog must have floor space equal to at least the product of the following formula: Dog length (nose to base of tail) plus ten (10) inches, squared $[(\text{Dog length} + 10'')^2]$, multiplied by three (3). Divide by 144 to convert to square feet. If multiple dogs are housed in one enclosure, that enclosure must have at least as much floor space as the sum of square footages for each dog in the enclosure. Square footage must be allocated to width and depth of the enclosure so that Dogs may turn around comfortably in the enclosure, and pass one another if housed together.
2. Enclosures must have a minimum interior height of sixty (60) inches.
3. Each female with nursing puppies over three weeks of age must be provided with a minimum of an additional 5% of floor space for each puppy. More may be required based on the breed and behavioral characteristics of the female or based on the age/size of the puppies.
4. Dogs will be housed with other compatible dogs to fulfill their social and behavioral needs, unless a health or temperament issue requires the dog to be housed in isolation. In the latter case, a letter from a California-licensed veterinarian should be kept on file documenting condition and specifying the amount of time that the

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animal must be isolated from other dogs.

**Figure 1. Minimum space requirements for
Adult Dogs (nine months or older)**

	Individual Dog	Multiple Dogs in Shared Enclosure
Floor Space	$3 (\text{Dog length in inches} + 10)^2 = \text{minimum square inches.}$ Divide by 144 to convert to square feet.	Dog 1 minimum square feet + Dog 2 minimum square feet + Dog 3, etc.
Vertical Space	Minimum height of enclosure = 60 inches.	
Floor Space – Nursing Dam	Dam’s min. space + Litter space = Nursing Enclosure Min. (Dam’s min. space x 0.05= space per puppy; Space per puppy x # of puppies = Litter space)	

- B. Tethering of dogs as a means of confinement is prohibited.**
- C. Exercise and socialization**
 - 1. An exercise program must be established to promote positive physical contact with people or other dogs through play groups, “fetch” activities, or other similar activities such as walking.
 - 2. Dogs kept in indoor housing areas must be provided a minimum of four hours each week of time outside, either in a designated exercise yard or in an exercise activity, which must be documented for each dog at the time it occurs.
- D. Environmental enrichment measures such as the provision of chew toys, calming music, furniture, etc. are encouraged, provided that such items are adequately maintained, cleaned and disinfected.**

VII. EXERCISE AREA

- A. Protection from the elements**
 - 1. Exercise yards must meet the following provisions
 - a) Allow the dogs to remain clean and dry
 - b) Enclosure must be kept clear of all standing water. If the flooring is composed of compacted earth, decomposed granite, or similar material, adequate measures must be taken to ensure that it does not become muddy during cleaning or at times of precipitation
- B. Construction**
 - 1. Floors of exercise areas may be composed of porous or particulate substrates such as compacted earth, decomposed granite, grass, concrete, tile, or other similar material
 - a) Where loose particulates such as sand, gravel, composting bark and other similar materials are used, any substrate contaminated or soiled by animal waste must be removed.
 - b) Outdoor housing areas with a compacted earth, grass or similar substrate must be kept mowed and free of overgrown vegetation.
 - 2. Materials must be repaired or replaced if odors, insects, pest, vermin or health and safety hazards are present.
 - 3. Surfaces which cannot be readily cleaned and sanitized, including, but not limited to, wood, plywood, or carpet, must be replaced when worn or soiled.
 - 4. Water features may be included, provided that the enclosure also include dry areas adequate to accommodate the dog’s activity and exercise should they choose to avoid the water.

VIII. GENERAL CARE

- A. General**
 - 1. All dogs must be examined on a daily basis with a level of attention sufficient to evaluate their general condition, demeanor, and activity, and each examination must be documented daily
 - 2. Dogs must be kept appropriately groomed and in good hygiene.
 - 3. Dogs in need of medical attention must be afforded with timely veterinary care.
 - 4. A record must be kept of any dog with special needs requirements, of those dogs receiving

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medications and of the administration of those medications.

B. Feeding

1. Dogs must be fed at least twice daily, except as otherwise directed in writing by a California licensed veterinarian.
2. Food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the healthy condition and weight of the animal. The diet must be appropriate to the dog's species, age and condition.
3. Food dishes must be readily accessible to all dogs and must be located so as to minimize competition between dogs, contamination by animal waste, pests, and precipitation.
4. Feeding dishes must be made of durable material that can be easily cleaned and sanitized or must otherwise be discarded after each feeding.
5. If self-feeders are used, they must be kept clean, sanitized, and free of mold, deterioration, or caking of food.

C. Watering

1. Unfrozen water shall be continually available to all dogs and shall be generally free of debris, feces, algae, and other contaminants.
2. Water dishes must be kept clean and sanitized on a daily basis.

IX. TRANSPORTING

A. Transportation enclosures

1. All transportation enclosures must be constructed of materials which may be easily cleaned and sanitized or removed and replaced when worn or soiled
2. Surfaces must be free of rust, jagged edges, and sharp points or protrusions
3. Each enclosure must provide adequate ventilation and air exchange.
 - a) Enclosures must be constructed and positioned in such a manner to prevent the ingress of vehicle exhaust
4. The opening of each enclosure must be accessible at all times
5. Transportation enclosures will be afforded protection from the elements
6. The areas of the vehicle in which dogs are transported must be heated or cooled as necessary to prevent exposure of the dogs to excessive heat, cold, or humidity.
7. Transport enclosures must be large enough to allow each dog sufficient space to turn around, stand, and lie down in a normal manner.
8. Enclosures of one dog may not be placed on top of another unless it is fitted with a floor which prevents solid and liquid excreta from entering the lower enclosure
9. Transportation enclosures must be cleaned and sanitized between trips or more frequently if needed.

B. Dogs which are not conditioned to one another may not be transported in the same enclosure.

C. Food and water do not have to be continually available during transportation but must be provided at intervals adequate to prevent dogs from becoming dehydrated or excessively thirsty or hungry. If not continually provided, water must be offered at least once every six hours and food at least once every 12 hours for adult dogs, and more frequently for puppies. A record shall be kept of each time each dog or puppy was offered food and water during transport.

D. All vehicles in which dogs are transported must have a current California registration and must be driven by an individual licensed to operate that class of vehicle in the State of California. Vehicles must be operated in accordance with all applicable laws and regulations.

X. INSPECTIONS

A. All permitted operations are subject to inspection by Animal Services personnel without prior notification.

1. Inspections may be initiated by Animal Services upon application for a new or renewed permit, in response to a complaint filed against the permit holder, as part of the Division's routine monitoring and evaluation of permitted operations, or as otherwise deemed necessary by the Division to ensure animal welfare and compliance with permitting standards.
2. Routine inspections will be conducted during Animal Services' normal operating hours.
3. Upon reasonable notification to the permit holder, permitted operations must be made available for inspection outside of Animal Services' normal operating hours.

B. Access

1. All areas and structures of a permitted operation are subject to inspection.
2. Failure to allow inspection of a permitted operation or to make a permitted operation available for unannounced inspection may result in permit denial or revocation.

**Tulare County Animal Services Division
Animal Rescue Kennel Minimum Standards**

- C. Permit holders will comply with all federal, state, county and municipal codes related to the care, handling, keeping, and management of animals and animal use operations.

XI. RECORDS

A. Individual Dogs

- 1. A record of all dogs obtained by the permitted operation must be kept at the address specified in the permit application for a period of three years. Such records shall specify the date of acquisition, breed of animal, description of the animal including date of birth and sex, specific identification markers such as tattoos or microchip numbers, and the name, address, and phone number of the source from which the animal was obtained.

B. Adoption records

- 1. A record of all dog dispositions must be kept at the address specified in the permit application for a minimum of three years from the date of the transaction. Such records shall specify the date of adoption or rehoming, breed of dog, description of the dog including date of birth and sex, specific identification markers such as tattoos or microchip numbers, and the name, address, and phone number of the adopter or placement.

C. Availability

- 1. All such records must be made available for immediate inspection upon request.

XII. EMPLOYEES

- A. Facility must maintain a level of staffing, volunteer or otherwise, to adequately provide for the care of the dogs kept there.
- B. The personnel handling dogs or providing care must be supervised by an individual who has the knowledge, background, and experience in proper dog care to monitor and direct their activities.
- C. Permit holders are jointly and equally responsible for the actions of any dog caretakers employed or otherwise utilized at the kennel operation.

XIII. VETERINARY CARE

- A. All permit holders must have an established relationship with a local, California-licensed veterinarian who shall serve as the primary medical provider for the operation.
- B. All dogs must have a hands-on examination by a California-licensed veterinarian at least once a year.
- C. Euthanasia shall only be performed by a California-licensed veterinarian.
- D. Surgical births and other surgical procedures shall only be performed by a California-licensed veterinarian.
- E. Each dog shall be properly identified. Dogs 4 months and older shall be microchipped and those dogs less than four (4) months of age and more than 6 weeks shall be identified by a cage card so that it can be matched with the appropriate individualized veterinary records.
- F. Core vaccinations to prevent common canine diseases such as Parvovirus and canine distemper shall be administered by a California-licensed veterinarian or by the kennel owner to dogs and puppies in accordance with AVMA recommendations. Rabies vaccinations shall be administered by a California-licensed veterinarian for all dogs and puppies in accordance with Tulare County Animal Ordinance section 4-07-3100. Parasite control must be provided.

XIV. ANIMAL RESCUE ORGANIZATIONS

A. Foster Homes

- 1. Animal rescue organizations utilizing foster homes must maintain the following records:
 - a) Name, address, and contact phone numbers for each foster.
 - b) List and location of all animals currently in foster placement.
 - c) These records must be made available for immediate inspection upon request
- 2. Foster homes established by an Animal Rescue Organization shall operate under the permit of the Animal Rescue Organization.
- 3. Foster homes with 5 or more adult dogs must meet the care and housing standards established herein and, upon request, must be made available for inspection.

**Tulare County Animal Services Division
Animal Rescue Kennel Minimum Standards**

XV. EXCEPTIONS

- A. Requests for exemptions to any of the provisions of these requirements shall be submitted to Animal Services in writing at the time of application. Written exemptions must include an explanation and justification of the reason for the request.
- B. No exemption to any of the provisions of these requirements shall be assumed to have been granted unless indicated in writing by Animal Services.
- C. Issuance of a waiver or exemption does not guarantee or indicate approval of future waivers for the same condition.

XVI. PENALTIES

- A. Violation of any provision of these requirements will result in penalties as set forth in Tulare County Animal Ordinance, and/or state, and/or federal law.

Attachment 8

Animal Rescue Kennel Minimum Standards – Quick Guide



TULARE COUNTY ANIMAL SERVICES DIVISION RESCUE KENNEL MINIMUM STANDARDS QUICK GUIDE

- A. Definitions
- B. General Requirements
 - 1. Requires sound enclosures conducive to overall animal health and are easy to sanitize.
- C. Indoor Housing Areas
 - 1. Addresses temperature, animal safety, ventilation, lighting, and quarantine standards.
- D. Outdoor Housing Areas
 - 1. Protection from the elements
 - 2. Puppies must have covered runs for protection from the elements
- E. Confinement
 - 1. Details minimum space requirements allowing for the humane treatment of commercially kept dogs and prevents the stacking of housing enclosures.
- F. Exercise Yards
 - 1. Lists requirements for protection from the elements and safe construction.
- G. General Care
 - 1. Requires daily animal assessments, grooming, medical attention, regular feeding and water.
- H. Transporting
 - 1. Regulates transport structures, space, and general animal well-being; transports must be completed in a vehicle with current CA registration and driver must hold a valid CA license.
- I. Inspections
 - 1. All permitted operations are subject to inspection without notice during Animal Services' normal operating hours. Inspections after those hours can be performed upon reasonable notice. Failure to allow inspection may result in permit denial or revocation.
- J. Records
 - 1. Records of all dogs obtained must be kept at the facility, including animal description, microchip numbers, and any other details as established by Animal Services.
 - 2. All records must be made available for immediate inspection upon request.
- K. Employees
 - 1. Facility must maintain a level of experienced staffing and/or volunteers to provide for humane care of the dogs kept there.
- L. Veterinary Care
 - 1. All permit holders must have a designated veterinarian, and all dogs examined annually.
 - 2. Euthanasia, surgical births, and other surgeries, must be performed by a licensed veterinarian.
 - 3. All dogs shall be properly identified and receive core vaccinations in accordance with AVMA recommendations.
 - 4. Written records for each dog must be kept for a minimum of three years and must be made available for inspection upon request.
- M. Exceptions
 - 1. Exception requests must be made in writing at time of application.
- N. Penalties
 - 1. Violation of any provisions of these standards, ordinances, and/or state, and/or federal law will result in penalties as set forth in Tulare County's Animal Ordinances.

Attachment 9

Proposed Amendments and Added Section 15.10 of the Zoning Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2, 4, 4.5, 5, 6, 7, 8, 18.7 AND AMENDING PART II B OF SECTION 16, AMENDING PART II G OF SECTION 16, AND ADDING NEW SECTION 15.10 TO ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, ALL PERTAINING TO THE PERMITTING OF DOG KENNELS ON LAND IN UNINCORPORATED TULARE COUNTY.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. Section 2, pertaining to “DEFINITIONS,” is hereby amended to replace the definition of “KENNEL” with the following:

KENNEL Any combination of building(s), structure(s), and/or land area(s) on an individual parcel where five (5) or more Adult Dogs, as defined in Section 15.10, are kept. Refer to Section 15.10 of this Ordinance and to Chapter 7 of the Ordinance Code of Tulare County for additional definitions regarding kennel terminology.

Section 2. Section 4 A.5, 4.5 A.19, 5 A.5, Section 6 A.5, Section 7 A.7, Section 8 A. 12, Section 18.7.B.1.(i) shall be replaced with the following text: “The keeping of household pets, such as dogs and cats. Personal Use Kennels require no Special Use Permit, subject to appropriate Kennel License and approval from Tulare County Animal Services.”

Section 3. Part II B of Section 16, pertaining to “SPECIAL USES AND ZONES IN WHICH ALLOWABLE,” is amended so that the section pertaining to Kennels reads as follows:

Kennels – Commercial Kennels, Boarding Kennels, and Rescue Kennels. AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, CO, C-1, C-2, C-3, M-1, M-2, AP

Kennels – Personal Use Kennels. AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, F, CO, C-1, C-2, C-3, M-1, M-2, AP. Personal Use Kennels require no Special Use Permit, subject to appropriate Kennel License and approval from Tulare County Animal Services.

Section 4. Part II G of Section 16, pertaining to “ADMINISTRATIVE SPECIAL USE PERMITS,” is amended to delete “Kennels for private, non-commercial use.”

Section 5. Section 15.10 pertaining to “Dog Kennels” is hereby added to Ordinance No. 352, the Zoning Ordinance of the County of Tulare, to read as follows:

SECTION 15.10: DOG KENNELS

A. FINDINGS

The Board of Supervisors makes the following findings in support of the enactment of this Section:

A Kennel Use Permit shall be granted only if it is found that the establishment, maintenance, and operation of the use kennel applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. Kennel Use Permits may be granted subject to such conditions as will insure compliance with the aforementioned standards and the standards of the Animal Ordinance Tulare Ordinance Code Part IV, Chapter 7. This permit is intended to regulate, control, and protect Domestic Animals within the unincorporated area of Tulare County. Because of the importance of agricultural production in and to the county, the provisions of this chapter shall be construed and given effect in a manner that is consistent with and in furtherance of conserving, protecting, enhancing and encouraging Agricultural Operations within the county and in accordance with the Tulare County General Plan. (See Section Tulare Ordinance Code Part IV, Chapter 7, and the adopted Tulare County Animal Services Minimum Kennel Standards).

B. PURPOSE AND INTENT

It is the intent of this Section 15.10 to update the Tulare County Zoning Ordinance to address dog overpopulation, dog mistreatment, and associated burdens on County resources by reasonably regulating the location and intensity of kennels in the County; to promote the health, safety, and general welfare of the residents of the County of Tulare; to protect the environment; and to promote animal welfare within Tulare County.

It is, therefore, the purpose of this Section 15.10 to clarify and provide reasonable and uniform regulations regarding both non-commercial and commercial kennel activities. This Section is intended to work in concert with the kennel licensing requirements of the Tulare County Ordinance Code, including compliance with kennel minimum standards.

This Section is not intended to conflict with Federal or State law. Nothing in this section is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building, or use which violates any state or federal laws, regulations, or local ordinances, including County ordinances and regulations, including those relating to public nuisances.

C. DEFINITIONS

For the purposes of this Section 15.10, the following terms have the following meanings:

“Adult Dog” means a domestic canine over the age of nine (9) months.

"Animal Rescue Organization" or **“Rescue Organization”** means any person or group registered within their state of operation as a charitable organization, or registered as a tax exempt organization under 501(c)(3) of Title 26 of the United States Code, dedicated to the housing and care of domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted, and which does not in the normal course of its operations obtain animals from any breeder(s) or broker(s) for payment or other compensation. Further defined by **Tulare County Ordinance 4-07-1400**.

“Kennel – Boarding” or **“Boarding Kennel”** means a Kennel at which Dogs, which are not owned by the landowner, occupant, or the Kennel owner or operator, are kept on a temporary basis, for any length of time, for the purposes of boarding or training. A Boarding Kennel operator who retains a private residence on the same parcel may maintain four (4) or fewer dogs as personal pets provided they are licensed as such pursuant to the Tulare County Ordinance Code. Further defined by **Tulare County Ordinance 4-07-1400**.

"Kennel – Commercial" or **"Commercial Kennel"** means a Kennel where Dogs are kept for any length of time by the Owner or occupant for commercial purposes, including, but not limited to, breeding, buying, selling, or renting, or for a mix of commercial and non-commercial purposes. Further defined by **Tulare County Ordinance 4-07-1400**.

"Kennel – Personal Use" or **"Personal Use Kennel"** means a Kennel where Dogs are owned and kept by the Owner or occupant exclusively for personal, non-commercial purposes, and at which no Dogs are engaged in breeding. Further defined by the term “Non-commercial Kennel” in **Tulare County Ordinance 4-07-1400**.

"Kennel – Non-Profit" or **"Rescue Kennel"** means a Kennel owned by a person or organization operating as an Animal Rescue Organization that provides housing and care for domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted out, and at which no Dogs are engaged in breeding. A Rescue Kennel operator who retains a private residence on the same parcel may maintain four (4) or fewer dogs as personal pets provided they are licensed as such pursuant to the Tulare County Ordinance Code. Further defined by **Tulare County Ordinance 4-07-1400**.

“Owner” or **“Animal Owner”** or **“Custodian”** means any Person who owns an Animal or who has charge, care, custody or control of, or has a right to control an Animal for fourteen (14) or more consecutive days, except a Veterinarian caring for an Animal in the regular practice of veterinary medicine.

“Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Private Residence” means a house, apartment unit, a mobile home, or other similar dwelling, that complies with all applicable building codes. A Private Residence does not include a building owned, leased, or occupied by the County of Tulare.

D. PERMIT REQUIREMENTS; LICENSING AND OPERATIONS

A Special Use Permit for a Kennel conveys only the permission to use the subject land for kennel purposes, and does not convey a right to operate a kennel of any kind for any purpose in Tulare County. Personal Use Kennels do not require a Special Use Permit. Operation of a Kennel of any kind requires a license from Tulare County Animal Services, pursuant to Tulare County Ordinance Code Part IV, Chapter 7.

Kennel Special Use Permits shall at a minimum be subject to the following conditions:

1. No more than one (1) Kennel shall be allowed per parcel.
2. Kennels shall comply with all federal, California, and Tulare County licensing requirements.
3. The maximum number of dogs allowed at a Kennel of any kind shall be set by the Special Use Permit, Tulare County Ordinance Code Part IV, Chapter 7, and the Tulare County Animal Services Minimum Kennel Standards.
4. Operational Standards for Kennels shall be set by Tulare Ordinance Code Part IV, Chapter 7, and any adopted Tulare County Animal Services Minimum Kennel Standards.

E. AMORTIZATION; ABANDONMENT

1. Amortization: Any use of real property existing on the effective date of this section Chapter 3, Section 15.10, which does not conform to the provisions of subsection D, but which was constructed, operated, and maintained in compliance with all County of Tulare, state, and federal regulations, rules, and ordinances shall be regarded as a nonconforming use which may be continued for up to five (5) years after the effective date of this ordinance. On or after such date, all such nonconforming uses shall be public nuisances.
2. Abandonment: Notwithstanding the above, any discontinuance or abandonment of the legal nonconforming use of any real property, lot, parcel, or structure as Kennel for a period of six (6) months or more shall result in a loss of legal nonconforming status of such use and shall be a public nuisance if resumed without compliance with this section.

F. DEVELOPMENT REGULATIONS AND STANDARDS

Any Kennel located in the County of Tulare is subject to the laws and regulations as established by the United States Government, the State of California, and the County of Tulare, including the Minimum Kennel Standards adopted by Animal Services.

G. IN ADDITION TO OTHER REMEDIES; CONTROL AND PRIORITY

The provisions and regulations of this Section are not to be the exclusive regulation of Kennel Activities in Tulare County but shall be in addition thereto. The provisions of this Section, including but not limited to the provisions and regulations pertaining to definitions and use, control and have priority over any conflicting or less stringent provisions of Tulare County Zoning Ordinance No. 352, as amended from time to time, or the Tulare County Ordinance Code, as amended from time to time.

H. NO VESTED OR NON-CONFORMING RIGHTS

Neither this Section 15.10 nor any other provision of this Zoning Ordinance, nor any action, failure to act, letter, statement, or any other representation issued by the County or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any kennel activities.

I. SEVERABILITY; SEPARATE AND DISTINCT PROVISIONS

The provisions of this Section 15.10 are hereby declared to be severable. If any section, subsection, subdivision, sentence, clause, phrase, portion, or application of this Section 15.10 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portions of this Section. The Board of Supervisors hereby declares that it would have enacted this Section 15.10, each section, subsection, subdivision, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions be declared invalid.

Section 5. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the Exeter Sun Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 2019, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Approved as to Form:
County Counsel

By _____
Deputy
Matter # 2018515

Attachment 10

Notice of Exemption for Project

Notice of Exemption

Fee Exempt per Government Code Section 6103

- To: Office of Planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814
- Tulare County Clerk
 Room 105, Courthouse
 221 South Mooney Boulevard
 Visalia, California 93291

<i>Dated received for filing at the County Clerk</i>

Lead Agency: County of Tulare Resource Management Agency
 5961 South Mooney Blvd.
 Visalia, CA 93277
 Ph: (559) 624-7000
 Attn: hguerra@co.tulare.ca.us

Applicant: County of Tulare Resource Management Agency
 2800 W Burrell Ave.
 Visalia, CA 93277
 Ph: (559) 624-7000

Project Title: Ordinance update amending Chapter 7 of Part IV of the Ordinance Code of Tulare County pertaining to Animal Services Regulation

Project Location - Specific: N/A, throughout all the unincorporated areas of the County of Tulare, CA

Project Location – General: Throughout all the unincorporated areas of the County of Tulare, CA

Project Location City: N/A

Project Location County: Tulare

Description of Nature, Purpose, and Beneficiaries of Project: The Health and Human Services Agency, Animal Services Branch, is requesting that the County of Tulare amend Chapter 7 of Part IV of the Ordinance Code of Tulare County pertaining to Animal Services Regulation. The recommended ordinance amendment/addition includes minor and clarifying changes in definitions, limitation, and procedures regarding dog kennels throughout unincorporated areas in Tulare County. Specifically, Section 1, amending Part II B of Section 16, and adding new Section 15.10 to Ordinance No. 352, the Zoning Ordinance of Tulare County all pertaining to the permitting of dog kennels on land in unincorporated Tulare County.

In Section 1 Definitions, the definition of “Kennel” was replaced.

Section 2 Part II b of Section 16 pertaining to “Special Uses and Zones In Which Allowable” was amended pertaining to Kennels.

Section 3 Part II G of Section 16 pertaining to “Administrative Special Use Permits was amended to delete “Kennels for private, non-commercial use.”

Section 4 Section 15.10 pertaining to “Dog Kennels” was added to Ordinance No. 352 of the Zoning Ordinance of the County of Tulare.

The proposed changes are intended to address dog overpopulation, dog mistreatment, and associated burdens on County resources by reasonable regulating the location and intensity of kennels in the County to promote the health, safety, and general welfare of the residents of the Tulare County. Further, the purpose of Section 15.10 is to clarify and provide reasonable and uniform regulations regarding both non-commercial and commercial kennel activities. This section is intended to work in concert with the kennel licensing requirements of the Tulare County Ordinance Code, including compliance with kennel minimum standards.

Excluded / Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268)
- General Rule: **CEQA guidelines 15061(b)(3)**
- Categorical Exemption: **CEQA Guidelines 14 Cal. Code Regs. § 15308 (Class 8) Actions by Regulatory Agency for Protection of the Environment**
- Statutory Exemptions:

Reasons why project is excluded/exempt: The proposed project is exempt from CEQA under both the General Rule exemption and under the Class 8 – Actions by Regulatory Agency for Protection of the Environment exemption.

CEQA Guidelines Section 15061(b)(3) sets forth the general rule exemption, which provides that CEQA only applies to projects which “have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” With respect to the General Exemption, it can be seen with certainty that there is no possibility that the activity in question (i.e., adoption of the ordinance amendments) may have a significant effect on the environment. These ordinance amendments and additions are intended to address dog overpopulation, dog mistreatment, and associated burdens on County resources by reasonable regulating the location and intensity of kennels in the County. Thus, the adoption of the ordinance amendments does not permit any new physical construction or other physical activity that was not previously permitted under the County’s ordinances. The action therefore will not have the potential to result in individual or cumulative significant effects on the environment. Furthermore, no special circumstances exist that would create a reasonable possibility that approving the ordinance amendments would have a significant effect on the environment. Thus, adoption of the proposed ordinance amendments is exempt from review under CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

The Class 8 CEQA Exemption also applies to the proposed ordinance amendments. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Currently, Kennels are approved through Section 16’s “Use Permit Process” This Zoning Text Amendment reflects the County’s “Use Permit Policies” based on proposed changes to the updated Animal Services Regulations, under Part IV, Chapter 7 (the “Animal Ordinance”), thus, these changes are addressing concerns about non-commercial breeders and rescue facilities. Following approval by the Tulare County Board of Supervisors, the proposed “Kennel Ordinance,” Section 15.10, will limit Use Permits based on the standards of Animal Services Regulations and amortized over a 5-year period. Therefore, the use of Sections 15061(b)(3) and 15308 are applicable and appropriate for this project.

Name of Public Agency Approving Project: County of Tulare Board of Supervisors

Project Planner/Representative: Aaron Bock, Interim Asst. Dir, Economic Dev. & Planning Branch Telephone: 559-624-7050

Signature: _____ Date: _____ Title: Chief Environmental Planner
Hector Guerra (559) 624-7121

Signature: _____ Date: _____ Title: Director and Environmental Assessment Officer
Reed Schenke P.E. (559) 624-7000

X Signed by Lead Agency

Attachment 11

Planning Commission Resolution No. 9593

BEFORE THE PLANNING COMMISSION

COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF TULARE COUNTY KENNEL)
ORDINANCE ZONING TEXT AMENDMENT, PZC 19-002) RESOLUTION NO. 9593
ADDING SECTION 15.10 AND AMENDING SECTIONS 2,))
4, 4.5, 5, 6, 7, 8 AND 16 OF ORDINANCE 352)

Resolution of the Planning Commission of the County of Tulare recommending the Board of Supervisors adopt the CEQA exemption pursuant to State CEQA Guidelines, 14 Cal. Code Regs. § 15061(b)(3), 15308, and 15378 related to: (1) a “Non-Project” Exemption; (2) the General Rule Exemption; and (3) the Class 8 Categorical Exemption and approve.

WHEREAS, Health and Human Services, Animal Services Branch is requesting a change to the Zoning Ordinance to reflect the Animal Ordinance, Part IV, Chapter 7; and

WHEREAS, Dog Kennels are currently regulated by Use Permit and Administrative Use Permits under Section 16 Part II B and G of Ordinance 352, the Zoning Code; and

WHEREAS, the Proposed Kennel Ordinance will add Section 15.10 and amend Sections 2, 4, 4.5, 5, 6, 7, 8, and 16 of Ordinance 352 to ensure consistency with the definitions and requirements found in Section 4-07-1400, et seq., of the proposed Animal Ordinance; and

WHEREAS, Animal Services, County Counsel and staff have performed necessary investigations, prepared the written report, and recommended modifications and approval of this proposed Zoning Ordinance Amendment; and

WHEREAS, staff has produced the document pending further review by the Planning Commission and the public, and will make all necessary administrative changes subject to this review and prior to the final submittal to the Board of Supervisors; and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on February 27, 2018.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recommend that the Board of Supervisors find that the Tulare County Kennel Ordinance is exempt from CEQA.
2. Recommend that the Board of Supervisors approve the Kennel Ordinance.

The foregoing resolution was adopted upon motion of Commissioner Dias, seconded by Commissioner Aguilar, at a regular meeting of the Planning Commission on the 27th day of February 2019, by the following roll call vote:

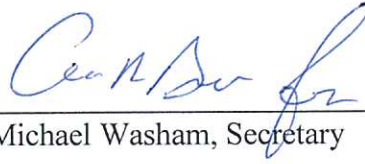
AYES: McElroy, Millies, Elliott, Dias, Whitlatch, Aguilar

NOES:

ABSTAIN:

ABSENT: Pitigliano

TULARE COUNTY PLANNING COMMISSION



A handwritten signature in blue ink, appearing to read 'Michael Washam', is written over a horizontal line.

Michael Washam, Secretary

Attachment 12

Notice of Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, April 9, 2019, at 9:30 am., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing will pertain to the proposed Zoning Ordinance No. 352 text amendment, PZC 19-002, for dog kennels in the unincorporated areas of the county, including changing the definition of kennels; limiting the maximum number of dogs allowed in commercial and noncommercial kennels; requiring that kennels comply with the Tulare County Ordinance Code regarding licensing and standards; and amortization for non-conforming uses.

At this hearing, the Board of Supervisors will also consider proposed amendments to the Tulare County Animal Ordinance, Chapter 7 of Part IV of the Tulare County Ordinance Code, including but not limited to updated definitions; kennel and breeding regulations and standards; licensing and microchipping; elimination of sale of live animals at swap meets; and changes to hearings and penalties for animal abuse or neglect.

All interested persons may appear and be heard at said time and place.

If you challenge the decision of the Board of Supervisors on the foregoing matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors of the County of Tulare at, or prior to, the public hearing.

Jason T. Britt, County Administrator/Clerk, Board of Supervisors

TO BE PUBLISHED ONLY ONCE

BY: March 27, 2019

SEND BILL AND TEAR SHEET TO:

Tulare County HHSA
Animal Services Division
5957 South Mooney Blvd.
Visalia, CA 93277-9394

Send to: Sun Gazette

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tulare County Board of Supervisors will hold a public hearing on Tuesday, April 9, 2019, at 9:30 am., or as soon thereafter as it can be heard, in the Chambers of the Board of Supervisors, Administration Building, County Civic Center, 2800 West Burrel, Visalia, California.

The hearing will pertain to the proposed Zoning Ordinance No. 352 text amendment, PZC 19-002, for dog kennels in the unincorporated areas of the county, including changing the definition of kennels; limiting the maximum number of dogs allowed in commercial and noncommercial kennels; requiring that kennels comply with the Tulare County Ordinance Code regarding licensing and standards; and amortization for non-conforming uses.

At this hearing, the Board of Supervisors will also consider proposed amendments to the Tulare County Animal Ordinance, Chapter 7 of Part IV of the Tulare County Ordinance Code, including but not limited to updated definitions; kennel and breeding regulations and standards; licensing and microchipping; elimination of sale of live animals at swap meets; and changes to hearings and penalties for animal abuse or neglect.

All interested persons may appear and be heard at said time and place.

If you challenge the decision of the Board of Supervisors on the foregoing matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors of the County of Tulare at, or prior to, the public hearing.

Jason T. Britt, County Administrator/Clerk, Board of Supervisors

TO BE PUBLISHED ONLY ONCE

BY: March 29, 2019

SEND BILL AND TEAR SHEET TO:

Tulare County HHSA
Animal Services Division
5957 South Mooney Blvd.
Visalia, CA 93277-9394

Send to: VTD

Attachment 13

Summary of Proposed Chapter 7 Part IV Amendments for Publication

ORDINANCE NO. _____

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF AN ORDINANCE AMENDING CHAPTER 7 OF PART IV OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO THE CONTROL OF ANIMALS.

SUMMARY OF PROPOSED ORDINANCE

Repeals all existing articles of Chapter 7 of Part IV of the Ordinance Code and adds new Articles 1 through 6. New articles include an expanded set of definitions, clarify and expand upon current regulations, codify certain procedures, and make County law consistent with State law. Topics covered include, but are not limited to: the administration and authority of Animal Control, its officers and facilities; animal licensing requirements and ownership responsibilities; spay, neuter, and microchipping requirements; kennel and breeder permits, standards, and limitations; animals at large; potentially dangerous or vicious animals; impoundment of animals; and enforcement, penalties, hearings, and appeals related to the foregoing.

The ordinance herein summarized will be considered by the Board of Supervisors of the County of Tulare, State of California, on April 30, 2019, at a regular public meeting of said Board. At least five (5) days prior to April 30, 2019, a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

COUNTY OF TULARE

By: _____
Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Attachment 14

Summary of Proposed Zoning Amendments and Addition for Publication

ORDINANCE NO. _____

PURSUANT TO GOVERNMENT CODE SECTION 25124(b) (1), THE FOLLOWING IS A SUMMARY OF AN ORDINANCE AMENDING TULARE COUNTY ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY, PERTAINING TO ADDING TEXT AMENDING SECTION 2, 4, 4.5, 5, 6, 7, 8, 18.7 AND AMENDING PART II B OF SECTION 16, AMENDING PART II G OF SECTION 16, AND ADDING NEW SECTION 15.10, ALL PERTAINING TO THE PERMITTING OF DOG KENNELS ON LAND IN UNINCORPORATED TULARE COUNTY.

SUMMARY OF PROPOSED ORDINANCE

This amendment is intended to update the zoning ordinance to be consistent with provisions of the Tulare County Ordinance Code in regards to Commercial Kennels and Non-Commercial (Personal Use Kennels) to ensure the health, safety and property rights of the public.

Section 1. Section 2, pertaining to “DEFINITIONS,” is hereby amended to replace the definition of “KENNEL” with the following:

KENNEL: Any combination of building(s), structure(s), and/or land area(s) on an individual parcel where five (5) or more Adult Dogs, as defined in Section 15.10, are kept. Refer to Section 15.10 of this Ordinance and to Chapter 7 of the Ordinance Code of Tulare County for additional definitions regarding kennel terminology.

Section 2. Section 4 A.5, 4.5 A.19, 5 A.5, Section 6 A.5, Section 7 A.7, Section 8 A. 12, Section 18.7 B.1.(i) shall be replaced with the following text: “The keeping of household pets, such as dogs and cats. Personal Use Kennels require no Special Use Permit, subject to appropriate Kennel License and approval from Tulare County Animal Services.”

Section 3. Part II B of Section 16, pertaining to “SPECIAL USES AND ZONES IN WHICH ALLOWABLE,” is amended so that the section pertaining to Kennels reads as follows:

Kennels – Commercial Kennels, Boarding Kennels, and Rescue Kennels. AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, CO, C-1, C-2, C-3, M-1, M-2, AP

Kennels – Personal Use Kennels. AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, F, CO, C-1, C-2, C-3, M-1, M-2, AP. Personal Use Kennels require no Special Use Permit, subject to appropriate Kennel License and approval from Tulare County Animal Services.

Section 4. Part II G of Section 16, pertaining to “ADMINISTRATIVE SPECIAL USE PERMITS,” is amended to delete “Kennels for private, non-commercial use.”

Section 5. Section 15.10 pertaining to “Dog Kennels” is hereby added to Ordinance No. 352, the Zoning Ordinance of the County of Tulare. A summary of Section 15.10 is as detailed: Findings, Purpose and intent, Definitions, Permit requirements; Licensing and operations, Amortization; abandonment, Development regulations, In addition to other remedies; control and priority, No vested or non-conforming rights, Severability; Separate and distinct provisions.

The ordinance herein summarized will be considered by the Tulare County Board of Supervisors on March 26, 2019, at a regular meeting of said Board. At least five (5) days prior to March 26, 2019, a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk of the Board of Supervisors and shall be available for public inspection at that location.

COUNTY OF TULARE

By _____
Chairman, Board of Supervisors

ATTEST: Jason T. Britt
County Administrative Officer/
Clerk of the Board of Supervisor of
Tulare County

By _____
Deputy