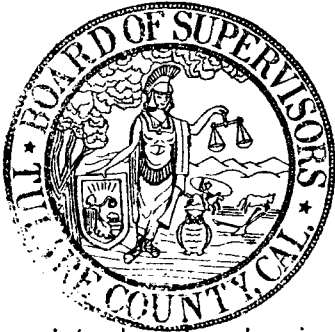


**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF:)
Introduction of proposed Ordinance) RESOLUTION NO. 2007-0674
that repeals Ordinance Code)
Section 1-21-1005 of Chapter 21 of)
Part 1 of the Ordinance Code and)
adds Section 1-21-1005 of Chapter)
21 of Part 1 of the Ordinance Code)
pertaining to Animal Control Officers;))
and repeals and adds various)
sections of Chapter 7 of Part IV of the)
Ordinance Code pertaining to the)
control of Animals.)

UPON MOTION OF SUPERVISOR WORTHLEY, SECONDED BY SUPERVISOR ENNIS, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD OCTOBER 9, 2007, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, CONWAY, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



ATTEST: JEAN ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY: Jean Rousseau
Deputy Clerk

Introduced and waived the first reading of an Ordinance that repeals Ordinance Code Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code and adds Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code pertaining Animal Control Officers; and repeals and adds various sections of Chapter 7 of Part IV of the Ordinance Code pertaining to the control of Animals.

RMA
Co. Counsel
Auditor

DAY
10/10/07



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

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

CONNIE CONWAY
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: October 9, 2007

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>						
CONTACT PERSON: Richard Matthews PHONE: 636-3647						

SUBJECT: Introduction of proposed Ordinance that repeals Ordinance Code Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code and adds Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code pertaining to Animal Control Officers; and repeals and adds various sections of Chapter 7 of Part IV of the Ordinance Code pertaining to the control of Animals.

REQUEST(S):
That the Board of Supervisors:

1. On October 9, 2007, introduce and waive the first reading of an Ordinance that repeals Ordinance Code Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code and adds Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code pertaining Animal Control Officers; and repeals and adds various sections of Chapter 7 of Part IV of the Ordinance Code pertaining to the control of Animals.
2. On October 30, 2007, waive the second reading and adopt an Ordinance that repeals Ordinance Code Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code and adds Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code pertaining Animal Control Officers; and repeals and adds various sections of Chapter 7 of Part IV of the Ordinance Code pertaining to the control of Animals, and direct the Clerk of the Board to publish the Ordinance.

SUBJECT: Introduction of proposed Ordinance that repeals Ordinance Code Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code and adds Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code pertaining to Animal Control Officers; and repeals and adds various sections of Chapter 7 of Part IV of the Ordinance Code pertaining to the control of Animals.

DATE: October 9, 2007

SUMMARY:

In 2000, Tulare County Health and Human Services Agency (HHSA), established the Tulare County Animal Control. In 2001 the Tulare County Animal Control Shelter was constructed. Previous to this, the services of the Lindsay Animal Control Shelter were utilized. The current Tulare County Ordinance Codes relating to the duties of animal control do not effectively allow the Administrative Staff or their designees and the Officers of the Tulare County Animal Control to carry out and enforce the duties previously undertaken by the Tulare County Humane Society staff and their officers. Adoption of the proposed attached Ordinance Code will enable the Tulare County Animal Control Administrative Staff, their designees, and the Officers to carry out and enforce the provisions of their duties.

FISCAL IMPACT/FINANCING:

There is no financial impact with this repeal and amendment of the Ordinance Code(s). No Net County Cost.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Safety and Security Initiative that provides for the safety and security of the public. The adoption of this Ordinance Code will promote this Initiative through enabling the Tulare County Animal Control to effectively perform their duties.

ALTERNATIVES:

The Board could choose not to approve this Agreement, but that is not recommended because the benefits of providing these services lie in accordance with the Strategic Plan of Tulare County.


INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

This Ordinance Code has been drafted and approved as to form by County Counsel and no changes have been made since this approval.

SUBJECT: Introduction of proposed Ordinance that repeals Ordinance Code Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code and adds Section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code pertaining to Animal Control Officers; and repeals and adds various sections of Chapter 7 of Part IV of the Ordinance Code pertaining to the control of Animals.

DATE: October 9, 2007

ADMINISTRATIVE SIGN-OFF:



Kevin Marks – Director Administration

Cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Ordinance Code

ORDINANCE NO.

PURSUANT TO GOVERNMENT CODE SECTION 25124(b)(1), THE FOLLOWING IS A SUMMARY OF AN ORDINANCE THAT REPEALS ORDINANCE CODE SECTION 1-21-1005 OF CHAPTER 21 OF PART I OF THE ORDINANCE CODE AND ADDS SECTION 1-21-1005 OF CHAPTER 21 OF PART I OF THE ORDINANCE CODE PERTAINING TO ANIMAL CONTROL OFFICERS; AND REPEALS AND ADDS VARIOUS SECTIONS OF CHAPTER 7 OF PART IV OF THE ORDINANCE CODE PERTAINING TO CONTROL OF ANIMALS.

SUMMARY OF PROPOSED ORDINANCE

The proposed ordinance repeals and adds pertinent sections of the Tulare County Ordinance Code giving enforcement authority to county animal control officers. The proposed ordinance changes all references to "Poundmaster" to the Division of Animal Control and designates the responsibilities and duties of the Administrative Services Division and the Division of Animal Control pertaining to the control of animals.

The ordinance herein summarized will be considered by the Tulare County Board of Supervisors on October 30, 2007, at a regular meeting of said Board. At least five (5) days prior to October 30, 2007, 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: Supervisor Allen Ishida
Chairman, Board of Supervisors

ATTEST: JEAN ROUSSEAU
County Administrative Officer/Clerk of the
Board of Supervisor of Tulare County

BY: Denise A. YBarra
Deputy Clerk

ORDINANCE NO.

AN ORDINANCE REPEALING ORDINANCE CODE SECTION 1-21-1005 OF CHAPTER 21 OF PART 1 OF THE ORDINANCE CODE OF TULARE COUNTY PERTAINING TO HUMANE OFFICERS; REPEALING ARTICLE 3 OF CHAPTER 7 OF PART IV OF THE TULARE COUNTY ORDINANCE CODE PERTAINING TO CONTROL OF ANIMALS; AND REPEALING SECTIONS 4-07-1135, 4-07-1145, 4-07-1155, 4-07-1160, 4-07-1180, 4-07-1190, 4-07-1195, 4-07-1210 THROUGH 4-07-1250, 4-07-1260, 4-07-1285, 4-07-1300, AND 4-07-1305 OF ARTICLE 5 OF CHAPTER 7 OF PART IV OF THE TULARE COUNTY ORDINANCE CODE PERTAINING TO DOGS; AND REPEALING ARTICLE 7 OF CHAPTER 7 OF PART IV OF THE TULARE COUNTY ORDINANCE CODE PERTAINING TO KENNELS; AN ORDINANCE ADDING ORDINANCE CODE SECTION 1-21-1005 OF CHAPTER 21 OF PART I OF THE TULARE COUNTY ORDINANCE CODE PERTAINING TO ANIMAL CONTROL OFFICERS; ADDING ARTICLE 3 OF CHAPTER 7 OF PART IV OF THE TULARE COUNTY ORDINANCE CODE PERTAINING TO CONTROL OF ANIMALS; ADDING SECTIONS 4-07-1135, 4-07-1145, 4-07-1155, 4-07-1160, 4-07-1180, 4-07-1190, 4-07-1195, 4-07-1210 THROUGH 4-07-1250, 4-07-1260, 4-07-1285, 4-07-1300, AND 4-07-1305 OF ARTICLE 5 OF CHAPTER 7 OF PART IV OF THE TULARE COUNTY ORDINANCE CODE PERTAINING TO DOGS; AND ADDING ARTICLE 7 OF CHAPTER 7 OF PART IV OF THE TULARE COUNTY ORDINANCE CODE PERTAINING TO KENNELS.

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

Section 1. Ordinance Code section 1-21-1005 of Chapter 21 or Part 1 of the Ordinance Code of Tulare County is hereby repealed.

Section 2. Section 4-07-1005 of Article 1 of Chapter 7 of Part IV of the Tulare County Ordinance Code is hereby repealed.

Section 3. Article 3 of Chapter 7 of Part IV of the Tulare County Ordinance Code is hereby repealed.

Section 4. Sections 4-07-1135, 4-07-1145, 4-07-1155, 4-07-1160, 4-07-1180, 4-07-1190, 4-07-1195, 4-07-1210 through 4-07-1250, 4-07-1260, 4-07-1285, 4-07-1300, and 4-07-1305 of Article 5 of Chapter 7 of Part IV of the Tulare County Ordinance Code are hereby repealed.

Section 5. Article 7 of Chapter 7 of Part IV of the Tulare County Ordinance Code is hereby repealed.

Section 6. Ordinance Code section 1-21-1005 of Chapter 21 of Part 1 of the Ordinance Code of Tulare County is hereby added to read as follows:

SECTION 1-21-1005. SAME: ANIMAL CONTROL OFFICERS:

- (a) Animal Control Officers are public officers as defined in Penal Code section 836.5 with the authority and immunity to enforce the provisions of this Chapter.
- (b) The Animal Control Officer may enter upon any property pursuant to law to ascertain if any of the provisions of this ordinance or any state law relating to the care, treatment or impound of animals is being violated.
- (c) The Animal Control Officer is authorized to issue citations whenever he or she has reasonable cause to believe that the person has committed a misdemeanor or infraction in his presence, which is a violation of State law and for violations of Chapter 7 (commencing with section 4-07-1000) of Part IV of this Ordinance Code.
- (d) Pursuant to the provisions of Penal Code section 836.5, any employee of the Animal Control Division who is qualified under section 830.9 of the Penal Code as an Animal Control Officer, is authorized to carry a tranquilizer gun and other animal control devices in common use within the state.
- (e) The authority of such Animal Control Officers is limited to the issuance within the boundaries of the County of Tulare of such citations and notices to appear.
- (f) Animal Control Officers are public officers and their authority under this Chapter does not include the powers of arrest.

Section 7. Section 4-07-1005 of Article 1 of Chapter 7 of Part IV of the Tulare County Ordinance Code is hereby added to read as follows:

SECTION 4-07-1005. APPLICATIONS SENT THROUGH MAIL:

- (a) If an application which is required by this Chapter to be filed with the Division of Animal Control on or before a specific date, in order to avoid a delinquent penalty, is placed in the United States mail, properly addressed with postage prepaid, and accompanied by all required fees and certificates, it shall be deemed to have been filed with the Division of Animal Control on the date shown by the post office cancellation mark.
- (b) If an application which is required by this Chapter to be filed with the Division of Animal Control on or before a specific date, in order to avoid a delinquent penalty, is placed in the United States mail, properly addressed with postage prepaid, and accompanied by all required fees and certificates, on a day prior to the delinquency date, it shall be deemed to have been filed with the Division on the date of mailing, if proof satisfactory to the Division is submitted that such mailing occurred prior to the delinquency date, regardless of the date shown on the post office cancellation mark.

- (c) This section shall have no application to the proration of license fees under sections 4-07-1165 and 4-07-1170 or other similar sections in this Chapter.

Section 8. Article 3 of Chapter 7 of Part IV of the Tulare County Ordinance Code is hereby added to read as follows:

ARTICLE 3. DIVISION OF ANIMAL CONTROL

SECTION 4-07-1055. DIVISION OF ANIMAL CONTROL, DUTIES:

There is in the Administrative Services Department of the Health and Human Services Agency, a Division of Animal Control that shall carry out the duties of under this Chapter. The Director of Administrative Services shall be ex officio Director of Animal Control. The Division of Animal Control shall perform all dog and kennel licensing duties of this Chapter. The Director of Administrative Services, or his designee, may enter into contracts with local veterinarians, humane societies or other responsible persons for the purpose of issuing dog licenses without cost to the County.

SECTION 4-07-1060. ANIMAL CONTROL OFFICERS:

Animal Control Officers qualified pursuant to section 830.9 of the Penal Code, shall enforce the provisions of this Chapter, including:

- (a) Take up and impound all animals found to be in violation of the provisions of this chapter;
- (b) Provide all impounded animals with sufficient shelter, food and water;
- (c) Keep such records as may be required by the board of supervisors or any other authority;
- (d) Carry out the provisions of this chapter and all applicable statutes of the state.

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.

SECTION 4-07-1065. SAME: RECORDS:

The Division of Animal Control shall keep a record of every animal impounded pursuant to this Chapter which shall include a description of the animal, the date of receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees, charges and proceeds of sales received on account of said animal, and such additional records as may be required by the Board of Supervisors from time to time.

SECTION 4-07-1070. TULARE COUNTY ANIMAL SHELTER:

There shall be provided by the Board of Supervisors, through the Division of Animal Control, a suitable building or enclosure to keep and safely hold all animals to be impounded pursuant to the provisions of this Chapter, and said building or enclosure shall be known and designated as the "Tulare County Animal Shelter."

SECTION 4-07-1075. IMPOUNDING ANIMALS:

Animal Control Officers shall take up, impound and safely keep any dog which is found running at large contrary to the provisions of this Chapter within the unincorporated territory of the County or within the boundaries of any incorporated city which has contracted with the Board of Supervisors for animal control services.

SECTION 4-07-1080. RIGHT TO ENTER PREMISES:

Animal Control Officers are authorized to enter upon any premises for the purpose of enforcing the provisions of this Chapter.

SECTION 4-07-1085. INTERFERENCE WITH DUTIES:

It shall be unlawful for any person to interfere with an Animal Control Officer in the performance of his or her official duties.

Section 9. Sections 4-07-1135, 4-07-1145, 4-07-1155, 4-07-1160, 4-07-1180, 4-07-1190, 4-07-1195, 4-07-1210 through 4-07-1250, 4-07-1260, 4-07-1285, and 4-07-1295 through 4-07-1305 of Article 5 Chapter 7 of Part IV of the Tulare County Ordinance Code are hereby added to read as follows:

SECTION 4-07-1135. LICENSE REQUIRED.

Every owner of a dog within the unincorporated area of the County shall secure a license from the Division of Animal Control for each such dog within the time limits set forth in this Chapter. It shall be unlawful for any owner to fail to secure said license in accordance with the provisions of this Chapter.

SECTION 4-07-1145. ISSUANCE OF LICENSE AND TAG:

Application for a license required by this Article shall be filed with the Division of Animal Control, on a form prescribed by the Division. Upon payment of the required fee and upon compliance with the other requirements of this Article, the Division shall issue a dog license. Either the application or the license shall contain a brief description of the dog including the age, sex, color and breed of the dog, and the name and address of the owner. The license shall contain a serial number, the expiration date of the license and such other information as the Division may determine. The Division shall keep a copy of the application and license on file in his office and the application and license shall be open to public inspection. With each license issued, the Division shall also issue a tag made of some durable material. Said tag shall bear the words "Tulare County Dog License," the licensing telephone number, animal control telephone number, the serial number on the dog license, the date of expiration of the license, and such other information as the Division may determine.

SECTION 4-07-1155. VACCINATION CERTIFICATE REQUIRED:

- (a) The Division of Animal Control shall not issue a license for a dog unless the owner of the dog presents for filing a certificate signed by a veterinarian showing that said dog has been vaccinated against rabies which indicates that the period of time elapsing from the date of the vaccination to the date of expiration of the license does not exceed three (3) years in the case of vaccination with live virus

rabies vaccine or one (1) year in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Title 17 of the California Code of Regulations. During any period when the County of Tulare is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of ovine nerve tissue origin.

(b) Every duly licensed veterinarian, after vaccinating any dog owned by a resident of Tulare County, shall sign a certificate in triplicate containing the following information:

- (1) The type of vaccination used.
- (2) The date of the vaccination.
- (3) The breed, age, color and sex of the vaccinated dog.
- (4) The serial number of the vaccination tag issued.
- (5) The name and address of the owner of the dog.

The veterinarian shall immediately present the original vaccination certificate to the owner of the dog, and shall deliver the duplicate copy to the Tulare County Division of Animal Control. The veterinarian shall keep the triplicate copy.

SECTION 4-07-1160. TERM OF LICENSE:

The owner of a dog shall secure a license for his dog after the expiration of the original license. Dog licenses can be purchased for one (1), two (2), and three (3) year terms and shall expire on the month of issue. There is a thirty (30) day grace period following the expiration of the license during which time an owner who has secured a license for his dog for the prior year shall not be in violation of section 4-07-1135 of this Article, and such dog shall not be impounded pursuant to section 4-07-1210 of this Article if the dog is wearing the tag issued for the prior year.

SECTION 4-07-1180. DELINQUENT PENALTIES:

The County Clerk/Recorder/Assessor shall collect a delinquent penalty in an amount of ten dollars (\$10.00) in addition to the regular license fee before issuing a license if the time limits for securing licenses which are set forth in this Chapter have expired at the time that the license is issued.

SECTION 4-07-1190. REPLACING LOST OR STOLEN TAGS:

Whenever a tag issued for the then current year has been stolen or lost, the owner of the dog for which the tag was issued may, upon the payment of a fee to the Division of Animal Control, receive a duplicate tag. The fee for a duplicate tag shall be set by Resolution of the Board of Supervisors as adopted from time to time.

SECTION 4-07-1195. LICENSE TRANSFERABLE:

The license and tag issued pursuant to this Article may be transferred when the ownership of the dog is transferred. The new owner or the previous owner of the dog shall notify the Division of Animal Control in writing of the change in ownership of the dog and the name and address of the new owner. If such written notice is not given, the Division of Animal Control shall send all required notices concerning said dog to the person whose name and address are on file with the Division.

SECTION 4-07-1210. IMPOUNDING DOGS WITHOUT TAGS:

Animal Control Officers, and any peace officer, may take up every dog which is not wearing the required tag and which is found running at large within the unincorporated area of the County of Tulare. When such a dog is taken up by a peace officer, he shall deliver the dog to the Division of Animal Control. All such dogs shall be impounded in the Tulare County Animal Shelter.

SECTION 4-07-1215. IMPOUNDING BITING OR ATTACKING ANIMALS:

- (a) An Animal Control Officer, and any peace officer, shall have the power to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten or injured any human being or other animal, pending any court proceeding or dog license or animal permit revocation proceeding arising from the attack, bite or injury; or pending a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article. An Animal Control Officer may enter and inspect private property to enforce the provisions of this section.

Failure to surrender to an Animal Control Officer upon demand a dog, or other animal, which is being impounded pursuant to this section is a misdemeanor.

A dog or other animal wearing a license tag, impounded pursuant to the authority of this section, shall be returned to the owner or custodian as provided by sections 4-07-1225 and 4-07-1230 of this Article or when it is no longer required as evidence, or if a notice that the Division of Animal Control has declared the dog or other animal dangerous has not been served on the owner or custodian within six days after the impoundment provided that, within those six days, the owner has made application to redeem the dog or other animal.

A dog or other animal not wearing a license tag, impounded pursuant to the authority of this section shall be euthanized in a humane manner if, within six days after being impounded, the owner has fail to make application to redeem the dog or other animal. If, within six days after being impounded, the owner has applied to redeem the dog or other animal, then the dog or other animal shall be returned to the owner as provided by sections 4-07-1225 and 4-07-1230 of this Article or when it is no longer required as evidence, or if a notice that the Division of Animal Control has declared the dog or other animal dangerous has not been served on the owner within six days of the filing of the application to redeem the dog or other animal.

- (b) In lieu of impound, the Division of Animal Control may permit the dog or other animal to be confined at the owner's or custodian's expense in a licensed dog kennel or veterinary facility approved by the Division of Animal Control, or at the owner's or custodian's residence provided that the owner or custodian:
- (1) Shall not remove the dog or other animal from the kennel, veterinary facility or residence without the prior written approval of the Division of Animal Control.

- (2) Shall make the dog or other animal available for observation and inspection by the Division of Animal Control or members of law enforcement or their authorized representatives.
- (c) The Division of Animal Control may have a dog or other animal impounded or confined as provided in (a) or (b) above, identified by means of photo identification prior to release from impound or confinement.

SECTION 4-07-1220. NOTICE TO OWNER OF LICENSED DOG OR OTHER ANIMAL:

Within two (2) days after a dog or other animal which is wearing a license tag is impounded, the Division of Animal Control shall mail a notice of the impounding to the owner at the address shown on the application for the license which is on file with the Director of Administrative Services, and advise the owner of the procedure whereby he or she may apply to regain custody of the dog or other animal.

SECTION 4-07-1225. REDEMPTION OF IMPOUNDED DOGS OR OTHER ANIMALS:

- (a) The owner of any dog or other animal impounded other than pursuant to section 4-07-1215 may redeem the dog or other animal at any time prior to its sale or euthanasia. A person desiring to redeem a dog or other animal shall deliver to the Division of Animal Control an application for redemption and a statement in a form prescribed by the Division of Animal Control which shall contain a description of the dog or other animal to be redeemed, the name and address of the claimant, and the statement that he or she is the owner of the dog or other animal. The Division of Animal Control shall issue to such person a written statement containing the name and address of the claimant, a description of the dog or other animal redeemed, the date on which the dog or other animal was impounded, and the accrued fees in accordance with section 4-07-1230, and said statement shall serve as a certificate of redemption and receipt for the fees paid.
- (b) The owner of any dog or other animal impounded pursuant to section 4-07-1215 may redeem the dog or other animal pursuant to (a) above only after six days from impoundment if he or she has not received notice that the dog or other animal has been declared a dangerous animal and of the right to a hearing pursuant to sections 4-07-1285 through 4-07-1310 or if, after a hearing, an order is made to return the dog or other animal to the owner.

SECTION 4-07-1230. FEES FOR IMPOUNDING AND KEEPING DOGS AND OTHER ANIMALS:

The owner of a dog which has been impounded shall pay to the Division of Animal Control an impounding fee and shall also pay a fee for keeping said dog for each day, or portion thereof, that said dog has been impounded. The owner of an animal other than a dog, which has been impounded, shall also pay an impoundment fee and a fee per day for keeping said animal unless the amount required to keep the animal is higher, in which

case the owner shall pay the actual cost of keeping the animal. Impoundment fees and the fees per day for keeping animals will be set by Resolution of the Board of Supervisors as adopted from time to time.

SECTION 4-07-1235. SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS WEARING TAGS:

- (a) Unless a dog or other animal wearing a license tag has been redeemed within six (6) days after being impounded or unless it is being held for evidence in a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article, it may be sold by the Division of Animal Control to the person other than the owner for an amount determined by the County fee schedule. But no dog or other animal which has been declared a dangerous animal pursuant to sections 4-07-1285 through 4-07-1310 shall be sold pursuant to this section nor shall any dog or other animal which has been impounded pursuant to section 4-07-1215 and subsequently found not dangerous but improperly trained, handled or maintained be sold except to a person who is willing to properly train, handle and maintain the dog or other animal, as determined by the Division of Animal Control.
- (b) Unless a dog or other animal wearing a license tag has been redeemed within six (6) days after being impounded or unless it is being held for evidence in a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article, and it has not been sold pursuant to (a) above, it may be euthanized by the Division of Animal Control in a humane manner.
- (c) If the owner of a dog or other animal gives permission in writing to do so, the dog or other animal may be sold or euthanized at any time after it is delivered to the pound, provided that no dog or other animal pursuant to sections 4-07-1285 through 4-07-1310 of this Article shall be sold even with the permission of the owner.

SECTION 4-07-1240. SALE AND DESTRUCTION OF IMPOUNDED DOGS AND OTHER ANIMALS NOT WEARING TAGS:

- (a) Unless a dog or other animal which is not wearing a license tag has been redeemed within six (6) days after being impounded or unless it is being held for evidence in a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article, it may be sold by the Division of Animal Control for an amount determined by the County fee schedule. But no dog or other animal not wearing a license tag impounded pursuant to section 4-07-1215, for which no application for redemption has been made by the owner, shall be sold pursuant to this section.
- (b) If any impounded dog or other animal which is not wearing a license tag has not been redeemed within six (6) days after being impounded or unless it is being held for evidence in a hearing pursuant to sections 4-07-1285 through 4-07-1310 of this Article, and it has not been sold pursuant to (a) above, it may be euthanized by the Division of Animal Control in a humane manner. A dog or other animal not wearing a license tag impounded pursuant to section 4-07-

1215 shall be euthanized by the Division of Animal Control in a humane manner if, within six days after it is impounded, the owner has failed to make application to redeem the dog or other animal.

- (c) If the owner of a dog or other animal gives permission in writing to do so, the dog or other animal may be sold or euthanized in accordance with subsections (a) and (b) above at any time after it is delivered to the pound.

SECTION 4-07-1245. SALE OF IMPOUNDED DOGS: RECEIPTS:

When a dog is sold by the Division of Animal Control pursuant to the provisions of this Article, the Division of Animal Control shall deliver to the purchaser of said dog a statement in writing containing a description of the dog, the date of sale, and the amount of the purchase price. All sales shall convey a good and valid title to the purchaser, and the previous owner of the dog shall thereafter be barred from all right to recover said dog.

SECTION 4-07-1250. LICENSING IMPOUNDED DOGS:

- (a) The Division of Animal Control shall not release an unlicensed dog to its owner or sell an unlicensed dog to any person who resides in the unincorporated area of the County, unless the owner or purchaser, respectively, signs an agreement that he or she will secure the required license within ten (10) days after he or she is given possession of the dog and it shall be unlawful to fail to secure said license within said ten (10) day period. If the owner or purchaser fails to secure said license within said ten (10) day period, he shall return the dog to the Division of Animal Control.
- (b) The Division of Animal Control shall not release to the owner or purchaser any dog whose license has been revoked after a hearing pursuant to sections 4-07-1285 to 4-07-1310 of this Article unless the owner or purchaser shows proof that he or she has enrolled the dog in a class to re-train the dog or proof that he or she is qualified to re-train the dog and the owner or purchaser signs an agreement that, until the dog is re-trained as evidenced by a certificate of successful completion of the training program, it will be securely confined when not under the immediate control of a responsible attendant and that he or she will secure the required license within ten (10) days after he or she is given possession of the dog. It shall be unlawful for the owner or purchaser to not keep the dog securely confined as agreed and to fail to secure said license with said ten (10) day period and any dog which is not so confined or for which said license is not secured within the required ten (10) day period shall be immediately impounded by the Division of Animal Control and, without further notice, humanely euthanized or sold to a person willing to comply with the above requirements for re-training and confinement of the dog.

SECTION 4-07-1260. DISPLAY OF TAG:

It shall be unlawful for any person to refuse to show an Animal Control Officer or any peace officer, on request, the license certificate and the tag for any dog kept or remaining within his home or upon any enclosed premises under his immediate control.

SECTION 4-07-1285. HEARING TO DETERMINE IF ANIMAL IS DANGEROUS:

- (a) The Division of Animal Control shall declare any dog or other animal to be a dangerous animal whenever it has attacked, bitten or caused injury to any human being or other animal. Within two (2) days after a dog or other animal which is wearing a license tag is impounded pursuant to section 4-07-1215 of this Article, the Division of Animal Control shall mail a notice of its finding that the dog or other animal is dangerous and of the owner's right to a hearing on the issue of whether or not the animal is dangerous.
- (b) The owner of an animal confined or impounded pursuant to section 4-07-1215 may, within the time period provided for application for redemption of the dog or other animal, request a hearing to determine whether or not the dog or other animal is a dangerous animal.
- (c) When a hearing is requested pursuant to subsection (b) above, the Division of Animal Control shall set a date and time for such a hearing and send a notice thereof by regular mail at least five (5) business days, including Saturday, before such date to the owner at the address set forth on his or her request and shall notify the victim and the Director of Administrative Services of such hearing.

SECTION 4-07-1295. HEARING: DECISION:

- (a) At the conclusion of the hearing the hearing officer may determine:
 - (1) That the dog or other animal is not a dangerous animal and should be returned to its owner; or
 - (2) That the dog or other animal is not dangerous but that the attack, bite or injury was the result of improper or negligent training, handling or maintenance and that the license or animal permit should be revoked; or
 - (3) That the dog or other animal is a dangerous animal and that it should be humanely euthanized no sooner than the fifth business day following the mailing of notice of the hearing officer's decision.
- (b) The decision of the hearing officer shall be in writing and shall be delivered personally to the owner or mailed to him or her by regular mail at the address appearing on the request for hearing. A copy of the decision shall be mailed to the Division of Animal Control and to the office of the Director of Administrative Services.

SECTION 4-07-1300. APPEAL:

- (a) The owner may appeal the hearing officer's decision to the Director of Administrative Services by filing a written appeal in the office of the Director of Administrative Services on or before the fifth business day following the day of mailing or personal delivery of the hearing officer's decision. The finding and decision of the hearing office shall be final unless such written notice of appeal is filed within said five-business-day period.
- (b) The Director of Administrative Services shall immediately send a copy of the notice of appeal to the Division of Animal Control.

- (c) The Director of Administrative Services shall give notice to the appellant, to the victim(s), and to the Division of Animal Control, of the date when the appeal will be heard by the Director of Administrative Services or his or her designee. The notice shall also specify the exact time and place for the hearing on appeal.
- (d) At the hearing on appeal, the Director of Administrative Services or his or her designee shall review the written decision of the hearing 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 owner may be represented by counsel. Oral evidence shall be taken on oath or affirmation. Each side shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues on appeal even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. If the owner does not testify on his or her own behalf, he or she may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but may be rejected by the Director of Administrative Services if deemed unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by Statute to be recognized at a hearing. Irrelevant and unduly repetitious evidence shall be excluded. At the conclusion of the hearing, the Director of Administrative Services may affirm, reverse or modify the finding or decision of the hearing officer, or may refer the matter back for further action.
- (e) Judicial review of a decision of the Director of Administrative Services made after a 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.

SECTION 4-07-1305. DISPOSITION OF DANGEROUS ANIMAL:

- (a) It shall be unlawful for any person to own, possess, harbor or keep any dog or other animal declared to be dangerous.
- (b) Any dog or other animal declared to be dangerous, if not already impounded, shall be immediately surrendered to the Division of Animal Control, and it is the duty of the Division of Animal Control to take up and impound any such dog or other animal.
- (c) Any dog or other animal declared to be a dangerous animal shall be humanely euthanized. The Division of Animal Control shall sign an order authorizing the destruction of the dog or other animal within two (2) days after the time

for appeal as provided by section 4-07-1300 of this Article has passed without an appeal being filed, or subject to section 4-07-1300 after the fifth day after the Director of Administrative Services' decision affirming that the dog or other animal is a dangerous animal has been served upon the Division of Animal Control and the appellant.

Section 9. Article 7 of Chapter 7 of Part IV of the Tulare County Ordinance Code is hereby added to read as follows:

ARTICLE 7. KENNELS

SECTION 4-07-1360. KENNEL: DEFINITION:

The term "kennel," as used in this Article, means a building or enclosure where five (5) or more dogs over four (4) months of age are kept.

SECTION 4-07-1365. KENNEL LICENSE: APPLICATION AND LICENSE FEE:

In lieu of securing the license required by Article 5 of this Chapter for each of the dogs in a kennel, a person owning or operating a kennel may obtain a kennel license covering all of the dogs maintained in the kennel. It shall be unlawful to fail to secure either the license required by Article 5 of this Chapter or the license authorized by this Article. The application for a kennel license shall be filed with the Division of Animal Control on a form prescribed by the Director. The fees for kennel licenses shall be set by Resolution of the Board of Supervisors as adopted from time to time.

SECTION 4-07-1370. VACCINATION CERTIFICATE REQUIRED:

The Division of Animal Control shall not issue a kennel license unless the person applying for the license files with him a certificate or certificates signed by a licensed veterinarian showing that all of the dogs in the kennel which are over four (4) months of age have been vaccinated against rabies and which indicates that the period of time elapsing from the dates of the vaccinations to the date of expiration of the kennel license does not exceed three (3) years in the case of vaccination with live virus rabies vaccine or one (1) year in the case of vaccination with killed virus rabies vaccine, as those types of vaccines are defined in section 2606 et seq. of Title 17 of the California Code of Regulations. During any period when the County of Tulare is designated as a rabies area pursuant to sections 1900-1921 of the Health and Safety Code of the State of California, no killed virus vaccine shall be used other than vaccine of bovine nerve tissue origin.

SECTION 4-07-1375. SAME: EXCEPTION: If one or more dogs in the kennel are too ill to be vaccinated against rabies at the time the application for the kennel license is filed with the Division of Animal Control, and the application for the kennel license is accompanied by a certificate signed by a veterinarian which so states, the Division shall process and issue the kennel license in compliance with this Article. The owner of the kennel shall thereafter have each such dog vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated and, within ten (10) days after such dog has been vaccinated, the owner of the kennel shall file the vaccination certificate with the Division of Animal Control. If satisfactory evidence is presented to

the Board of Supervisors that a person holding a kennel license has failed to have a dog vaccinated pursuant to this section, the Board of Supervisors shall direct the Director of Administrative Services to immediately revoke the kennel license and to give the holder of the kennel license written notice of such revocation.

SECTION 4-07-1380. PRELIMINARY INSPECTION:

The Division of Animal Control shall inspect the kennel and determine whether the kennel is constructed and operated in such a manner as to prevent the dogs confined therein from running at large.

SECTION 4-07-1385. LICENSE:

If the Division of Animal Control has determined that the kennel is constructed and operated in such a manner as to prevent dogs confined therein from running at large, and if the required vaccination certificates have been filed in compliance with the provisions of this Article, the Division shall issue a kennel license to the applicant. Otherwise, the Division shall refuse to issue the kennel license. The kennel license issued by the Division shall contain a kennel license number, the expiration date of the license, the address of the kennel, and such other information as the Division may require. The Division shall not issue individual license tags for the dogs in the kennel.

SECTION 4-07-1390. TERM OF LICENSE:

Kennel licenses shall be issued on a County fiscal year basis, commencing on July 1st and terminating on the next June 30th. During the period from July 1st through August 31st of each year, an owner who has secured a kennel license for his dogs for the prior fiscal year shall not be in violation of sections 4-07-1135 or 4-07-1365 of this Chapter.

SECTION 4-07-1395. DELINQUENT PENALTIES: SECURING INDIVIDUAL LICENSES IF KENNEL LICENSE DENIED: TIME LIMITS:

Commencing on the 1st day of September each year, the Division of Animal Control shall collect a delinquent penalty, in addition to the regular license fee, before issuing any kennel license if the time limits set forth in Article 5 of this Chapter have expired for any dog in the kennel at the time that the application for the license is filed. The delinquent penalty shall be ten dollars (\$10.00). If an application for a kennel license is filed before the time limits set forth in Article 5 of this Chapter have expired and if, after the expiration of such time limits, the Division of Animal Control determines that a kennel license shall not be issued, the Division shall send the owner of the kennel written notice that the kennel license shall not be issued. It shall be unlawful for the owner of the kennel to fail to secure individual licenses for each of the dogs in the kennel, pursuant to the provisions of Article 5 of this Chapter, within thirty (30) days after receipt of such written notice from the County Clerk/Recorder/ Assessor. During the period between the date on which the application for the kennel license is filed with the Division of Animal Control until thirty (30) days after receipt of said written notice, the owner of the kennel shall not be in violation of sections 4-07-1135 or 4-07-1365 of this Chapter.

SECTION 4-07-1400. PERMITTING DOGS TO RUN AT LARGE: REVOCATION OF LICENSE:

It shall be unlawful for any person who has secured a kennel license to allow or permit any dog in his kennel to run at large at any time. Every dog found running at large in violation of the provisions of this section shall be seized and impounded. If satisfactory evidence is presented to the Board of Supervisors that a person holding a kennel license has allowed or permitted a dog housed in said kennel to run at large, the Board of Supervisors shall direct the Director of Administrative Services to immediately revoke the kennel license and to give the holder of the kennel license written notice of such revocation.

SECTION 4-07-1405. INSPECTION OF KENNEL: REVOCATION OF LICENSE:

The Division of Animal Control may from time to time inspect any kennel for which a kennel license has been issued. If the Animal control Officer determines that the kennel is not constructed or operated in such a manner as to prevent the dogs confined therein from running at large, he shall immediately revoke the kennel license and give the holder of the kennel license written notice of such revocation.

SECTION 4-07-1410. VACCINATION OF ADDITIONAL DOGS: REVOCATION OF LICENSE:

After a kennel license has been issued, the owner of the kennel shall thereafter have each additional dog which is maintained in said kennel vaccinated against rabies by a licensed veterinarian within thirty (30) days after he acquires ownership of the dog. However, if the dog is less than four (4) months of age when it is acquired, it shall be vaccinated within thirty (30) days after the dog becomes four (4) months of age. If a dog is too ill to be vaccinated against rabies at the time that the time limits set forth above expire, then the owner of the kennel shall thereafter have each such dog vaccinated within thirty (30) days after the date on which it becomes well enough to be vaccinated. Within ten (10) days after a dog has been vaccinated in accordance with this section, the owner of the kennel shall file the vaccination certificate with the Division of Animal Control. If satisfactory evidence is presented to the Board of Supervisors that a person holding a kennel license has failed to comply with the provisions of this section, the Board of Supervisors shall direct the Director of Administrative Services to immediately revoke the kennel license and to give the holder of the kennel license written notice of such revocation.

SECTION 4-07-1415. DELIVERY OF VACCINATION CERTIFICATES TO PURCHASERS: REVOCATION OF LICENSE:

Whenever a person holding a kennel license sells any dog in the kennel, he shall deliver his copy of the vaccination certificate for the dog to the purchaser. If satisfactory evidence is presented to the Board of Supervisors that a person holding a kennel license has failed to comply with the provisions of this section, the Board of Supervisors shall direct the Director of Health Services to immediately revoke the kennel license and to give the holder of the kennel license written notice of such revocation.

SECTION 4-07-1420. EFFECT OF REVOCATION OF KENNEL LICENSE:

If the Director of Health Services revokes a kennel license pursuant to the provisions of this Article, it shall be unlawful for the owner of the kennel to fail to secure individual dog

licenses for each of the dogs in the kennel, pursuant to provisions of Article 5 of this Chapter, within thirty (30) days after receipt of written notice of such revocation from the Director. Any person whose kennel license has been revoked by the Director of Administrative Services shall not be entitled to apply for a kennel license until the next ensuing fiscal year.

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 _____, 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 _____, 200__, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Chairman, Board of Supervisors

ATTEST: JEAN ROUSSEAU
County Administrative Officer/
Clerk of the Board of Supervisors
of the County of Tulare

By: _____
Deputy