

ORDINANCE NO. 22-940
[DOCUMENT SHOWING EDITS INCORPORATED]

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FILLMORE, CALIFORNIA, UPDATING PORTIONS OF THE CITY'S
ANIMAL CONTROL REGULATIONS IN TITLE 9 OF THE FILLMORE
MUNICIPAL CODE**

Summary: This ordinance updates certain regulations for Animal Control to be consistent with Ventura County's updated codes.

WHEREAS, Ventura County provides animal control services for the City of Fillmore;
and

WHEREAS, Ventura County Animal Services recently updated and adopted Ventura County Ordinance No. 4587 to update its rules and regulations for animal control effective June 30, 2022; and

WHEREAS, Title 9 of the Fillmore Municipal Code, "Animals", contains the City's animal control regulations; and

WHEREAS, the City Council of the City of Fillmore desires to update its regulations to be consistent with the new Ventura County Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 9.04.030, "Definitions", of the Fillmore Municipal Code is amended to read as follows:

"For the purposes of this title, unless the context otherwise requires:

"Animal control department" and "department of animal control" mean the animal control section of the environmental health division of the environmental resource agency of the county of Ventura.

"Animal Control Officer" means any City or County officer or employee or agent who is authorized to issue citations for violations of the City's Code provisions pertaining to animal welfare and control.

"Animal shelter" means any dog pound or shelter, animal pound, temporary animal pound or shelter, or animal shelter services vehicle owned or operated by the county.

"Director of the animal control department" and "Animal Services Director" mean the principal sanitarian in charge of the animal control section of the environmental health division of the environmental resource agency of the county, and any duly appointed deputy of said principal sanitarian. Any references in this title to "poundmaster" shall mean the Animal Services Director.

"Division" means the Ventura County Animal Control Services division.

"Tax collector" means the Ventura County tax collector and any duly appointed deputy thereof.

"County Health officer" means the Ventura County Health Officer and any duly appointed deputy thereof including the Animal Services Director and his or her deputies.

A dog "runs at large" when it is upon private property without the permission of the person owning or occupying the property, or when it is upon public property, or a common area and is not upon a leash.

A person "harbors" an animal when he or she feeds or shelters the animal.

A person is the "owner" of an animal when he or she has legal title to the animal or has the legal right to possession and use of the animal within the meaning of Civil Code Section 654, or is deemed to be the owner in accordance with Section 4468-1, subdivision (c), because such person has been the finder and keeper of a stray domestic animal that has not been claimed within thirty (30) days.

"Livestock" includes animals, including but not limited to fowl, horses, mules, burros, asses, cattle, llamas, emu, ostriches, sheep, goats, swine, or other farm animals, excluding dogs or cats.

Livestock "runs at large" when upon private property without the permission of the person owning or occupying the property, or when upon public property and not under the immediate control of a responsible person capable of controlling such animal."

SECTION 2. Section 9.04.050, "Enforcement provisions" of the Fillmore Municipal Code is amended to read as follows:

"In addition to such other authority as may be provided by law, the Animal Services Director and Animal Control Officers and his or her deputies are hereby designated as public officers and employees and are authorized to make arrests according to Penal Code Section 836.5 for the purpose of enforcing and carrying out the provisions of this title. The Animal Services Director and such Animal Control Officers deputies that the Animal Services Director may designate are further authorized to carry and use weapons and tranquilizer equipment issued by the Division while actually engaged in the performance of their duties."

SECTION 3. Section 9.04.060, "Rates and charges" of the Fillmore Municipal Code is amended to read as follows:

“The council or County Board of Supervisors may, by resolution, establish rates and charges for services rendered by the Animal Services Director for which no rate or charge is designated in this title.”

SECTION 4. Section 9.08.010, “License tag requirements”, of the Fillmore Municipal Code, is amended to read as follows:

“Every person who owns, harbors or keeps any dog over the age of four (4) months for thirty (30) days or longer shall obtain a current license and license tag issued under the provisions of this chapter. The license tag shall be attached to a substantial collar or harness and shall be worn by the dog at all times except as provided in Section 9.08.020. Every person who violates any of the provisions of this Section is guilty of an infraction. An Animal Control Officer may also issue an administrative citation assessing a civil penalty to any person violating this Section and such person may be subject to administrative enforcement provisions set forth in Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code. Additionally, any dog found without a current license tag or for which there is no current license may be taken up and impounded by the Animal Services Director or any peace officer.”

SECTION 5. Section 9.08.020, “Exemption from wearing a license”, of the Fillmore Municipal Code is amended to read, in its entirety, as follows:

“The license tag need not be worn by the dog: (a) when the dog is within an enclosure sufficient to securely confine the dog to the premises of a county or city shelter, animal hospital, licensed dog kennel, an animal rescue entity organized and existing under Internal Revenue Code Section 501(c)(3), or of the person owning, harboring or controlling the dog; or (b) when the dog is participating in or training for sporting events, field trials, dog shows or herding livestock, provided such dog is not allowed to run at large; or (c) when the dog is used by a Law Enforcement agency to perform official law enforcement duties.”

SECTION 6. Section 9.08.030, “License application” of the Fillmore Municipal Code is amended to read as follows:

“The license and license tag required by this chapter may be obtained by displaying an acceptable rabies vaccination certificate, furnishing the information required by this chapter and paying the proper fee to the animal control department. Such information shall include the name, sex, breed, age and color of the dog for which application is made, and shall include the address and, when available, the telephone number of the person owning, harboring or keeping such dog. The official receiving such information shall record it on the receipt to be given for payment of the license fee. The expiration date of the rabies vaccination shall be recorded on the receipt and shall not extend past the vaccination expiration date. No license shall be issued to any person under the age of eighteen (18) years.”

SECTION 7. Section 9.08.040, “License period” of the Fillmore Municipal Code is amended to read as follows:

“The license period for any license issued pursuant to this chapter shall be the period of time specified on the license application pursuant to which such license is issued. The license period specified on any given license application shall be whatever period the Animal Services Director may select for that particular license application; provided, however, that such period shall not extend beyond the expiration date of the applicable rabies vaccination. A license shall expire, and such license and corresponding license tag shall cease to be "current," upon the expiration of the applicable license period.”

SECTION 8. Section 9.08.050, “License fee” of the Fillmore Municipal Code is amended to read as follows:

“The fee for the license required by this chapter shall be as prescribed by resolution of the council or County Board of Supervisors. The fee prescribed for a dog which has been spayed or neutered, as verified by a veterinarian's certificate, shall be not more than fifty (50) percent of the fee for a dog of the same sex which has not been spayed or neutered. In addition, if a letter from a licensed veterinarian certifies that arrangements have been made to spay or neuter the dog within sixty (60) days from the date that the dog reaches the age of four (4) months, and the dog is spayed or neutered within that sixty (60) day period, the owner shall qualify for the lower license fee for a dog that has been spayed or neutered.”

SECTION 9. Section 9.08.060, “Exemption from license fee” of the Fillmore Municipal Code is amended to read as follows:

“A dog license shall be issued free of charge in the following instances:

(1) When the license is for a dog which will be used as a guide dog for a blind person. An affidavit attesting to the fact that the dog will be used as a guide dog shall be given to the official issuing the same;

(2) When the license is for a dog which has been honorably discharged from the armed services of the United States. Such discharge shall be established by showing to the official issuing the license the discharge papers issued for such dog; or

(3) When the license is for a dog actively used by or retired from service from a governmental agency for law enforcement, search and rescue, or fire detection purposes.”

SECTION 10. Section 9.08.090, “Lost license tag” of the Fillmore Municipal Code is amended to read as follows:

“If a license tag issued under the provisions of this chapter is lost, a duplicate tag may be obtained from the Division upon paying a fee in the amount prescribed by resolution of the council or County Board of Supervisors.”

SECTION 11. Section 9.08.100, “Transfer of license” of the Fillmore Municipal Code is amended to read as follows:

“In the event that there is a change in ownership of a dog licensed pursuant to this chapter during the license period for which such license is issued, the new owner may have the current license transferred to his name upon the payment of a transfer fee in the amount prescribed by resolution of the council or County Board of Supervisors. A license for a dog that is not spayed or neutered is not transferable.”

SECTION 12. Section 9.08.110, “License inspectors” of the Fillmore Municipal Code is amended to read as follows :

“The Division may appoint animal license inspectors for the purpose of inspecting animals required to be licensed hereunder to ascertain if such animals are properly licensed, issuing the licenses required hereunder, and collecting the required license fees.”

SECTION 13. Section 9.08.120, “License violations” of the Fillmore Municipal Code is amended to read as follows:

“Every person who counterfeits a dog license tag, or who attaches a license tag issued under the provisions of this chapter to any dog other than the one for which such tag was issued, or who obtains a dog license tag or dog kennel license and, in doing so, states as true any material matter which he or she knows to be false, is guilty of an infraction. Additionally, an Animal Control Officer may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code.”

SECTION 14. Section 9.09.010, “Poundmaster” of the Fillmore Municipal Code is amended to read as follows:

“9.09.010 – Animal Services Director.

It shall be the duty of the Animal Services Director to enforce the provisions of this title and resolutions adopted pursuant thereto. An Animal Control Officer may also enforce the provisions of this title.

SECTION 15. Section 9.09.030, “Disposal of impounded animals other than livestock” of the Fillmore Municipal Code is amended to read as follows:

“The Animal Services Director shall feed and care for any animal impounded as provided in this title until it is disposed of as provided by law. If such animal is not a "diseased or injured animal" as defined in Section 9.09.060 and is not being isolated pursuant to Chapter 9.10, the person owning such impounded animal may redeem it at any time after it is taken up by describing it, proving ownership to the satisfaction of the Animal Services Director, paying all applicable fees and obtaining, when necessary, the dog license required by Section 9.08.010. If the impounded dog bears a license tag issued under the provisions of this title, such notice shall be mailed to the address shown on the copy of the receipt for such license tag on file in any county office. If any animal impounded is not so redeemed, or if the owner of such animal is unknown to the Animal

Services Director, or fails or refuses to comply with any of the requirements of redemption as provided herein, or if the owner has waived the redemption period in writing, such animal shall be deemed to be abandoned and the Animal Services Director shall dispose of such animal according to the provisions of applicable State law. In disposing of an impounded animal, the Animal Services Director may, in his or her discretion, euthanize the animal in a humane manner; or adopt such animal to any qualified and approved person who will provide the animal a legal, safe, humane home, may transfer such animal to a municipal shelter, or approved 501(c)(3) rescue organization, humane society, or society for the prevention of cruelty to animals. The price to be charged for any animal adopted as a pet or transferred shall be as prescribed by resolution of the council or County Board of Supervisors.”

SECTION 16. Section 9.09.060, “Diseased or injured animals” of the Fillmore Municipal Code is amended to read as follows:

“(a) A “diseased or injured animal” is any animal not suspected of rabies which is apparently either diseased, sick, injured, disabled, or infirm.

(b) Shelter Animals--The Animal Services Director shall, after impounding any animal, determine whether it is a "diseased or injured animal." If the animal is determined to be diseased or injured, the Animal Services Director is authorized to procure any necessary emergency medical treatment for such animal and shall, without undue delay, exercise reasonable diligence in locating and notifying the owner of the location and condition of the animal. When reasonable effort fails to locate the owner or when an owner, after having been located, refuses to accept responsibility for further medical treatment of a diseased or injured animal, the Animal Services Director may euthanize such animal in a humane manner.

(c) Private Practice Veterinary Animals--When a licensed community-based veterinarian determines that a stray or wildlife diseased or injured animal is in severe pain and not likely to survive even though provided medical treatment, it may be humanely euthanized, but the Animal Services Director shall first exercise reasonable diligence to notify the owner that the animal was injured and should be euthanized. If a diseased or injured animal is not euthanized and the owner was not identified, the veterinarian shall notify the Division, and the Animal Services Director shall dispose of such animal as otherwise provided in this title.”

SECTION 17. Section 9.09.070, “Temporary animal pound” of the Fillmore Municipal Code is amended to read as follows:

“9.09.070 Temporary animal shelter

The Animal Services Director is authorized, whenever he deems it necessary, to temporarily impound animals within an enclosure other than the county animal shelter and such an enclosure shall constitute a temporary animal shelter. Notice that a temporary enclosure is an animal shelter shall be given by placing a sign to that effect on the gate or other entrance thereto.”

SECTION 18. Section 9.09.080, “Livestock running at large” of the Fillmore Municipal Code is amended to read as follows:

“It is unlawful for any person owning, harboring or controlling any livestock to permit such livestock to run at large upon the private property of another without the permission of the person owning or occupying such private property, or upon the streets or public places within the city. The Animal Services Director is authorized whenever he deems it necessary to deputize individuals who are properly equipped, to capture and transport livestock which is running at large in violation of this section. Each animal captured or transported pursuant hereto shall be impounded at the risk of the owner and the owner or keeper of such animal is liable for all fees set forth in Section 9.09.110. Every person who violates any of the provisions of this section is guilty of an infraction, unless such violation is made a misdemeanor by operation of Chapters 2, 4, 5 and 6 of Part 1 of Division 9 of the Food and Agriculture Code. An Animal Control Officer, as defined in Section 9.04.030 of this Code, may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code.”

SECTION 19. Section 9.09.090, “Keeping of stallions” of the Fillmore Municipal Code is amended to read as follows:

“Upon approval of the county veterinarian a stallion may be kept, when authorized by land use regulations, in a substantial corral of wood or other construction, six **(6)** feet in height and under conditions to prevent escape and protect people or other animals. A minimum substantial corral is defined as being constructed of four (4) inch by four (4) inch posts, eight (8) feet on center, anchored twenty-four (24) inches in cement with two (2) inch by six (6) inch rails set two (2) feet apart. Every person who keeps a stallion without such approval or in a corral which does not meet such minimum standards is guilty of an infraction. An Animal Control Officer, as defined in Section 9.04.030 of this Code, may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Chapter 1.09 of this Code.”

SECTION 20. Section 9.09.100, “Disposal of impounded livestock” of the Fillmore Municipal Code is amended to read as follows:

“Upon the impounding of any livestock other than bovine animals, the Animal Services Director shall notify the owner thereof, if the name of such owner is known to him or her, of such impounding. If the name of the owner is not known, or the owner fails or refuses to comply with any of the requirements of redemption, or if the owner has waived the redemption period in writing, such animal shall be deemed to be abandoned and the Animal Services Director shall dispose of such animal as he or she sees fit. Any impounded bovine animal not redeemed by the owner shall be delivered to the State Director of Food and Agriculture pursuant to Food and Agricultural Code Section 17003. All impounded livestock, including bovine animals, may be redeemed by the owner thereof at any time prior to their sale, disposal or delivery to the Secretary of the California Department of Food and Agriculture by the Animal Services Director upon:

- (a) furnishing proof of ownership satisfactory to the Animal Services Director and
- (b) paying the fee set forth in Section 9.09.110.

The city, its officers, its agents and employees shall not be liable to any person for the delivery of any animal to any person claiming to be the owner thereof, or to be acting on the owner's behalf,

and the sale of any animal by the Animal Services Director in conformity with the provisions of this title shall vest title thereof in the purchaser.”

SECTION 21. Section 9.09.110, “Fees for redeeming livestock” of the Fillmore Municipal Code is amended to read as follows:

“If any impounded livestock is redeemed, the Animal Services Director shall collect all applicable fees before delivering the animal to the person redeeming it. Such fees shall be in such amounts as may be prescribed by resolution of the council or County Board of Supervisors.”

SECTION 22. Section 9.09.130, “Interfering with duties of poundmaster” of the Fillmore Municipal Code is amended to read as follows :

“9.09.130 Interfering with duties of Animal Services Director

Every person who breaks open an animal shelter, temporary animal shelter, or animal services vehicle, or who willfully resists, delays or obstructs the Animal Services Director, or his or her designee in the discharge of, or attempt to discharge, any duty of his or her office, is guilty of a misdemeanor/infracton. An Animal Control Officer, as defined in Section 9.04.030 of this Code, may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code.”

SECTION 23. Section 9.10.010, “Rabies vaccination and reporting required” of the Fillmore Municipal Code is amended to read as follows:

“A. Every person owning, harboring or keeping any dog shall, within thirty (30) days after such dog attains the age of four (4) months, cause it to be vaccinated by a licensed veterinarian with a vaccine of a type approved by the state department of health as being suitable for use. Every person who violates the provisions of this section is guilty of a misdemeanor/infracton. An Animal Control Officer may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Chapter 1.09 of this Code.”

B. Notwithstanding subdivision (A), a person owning, harboring or keeping a dog shall not be required to cause it to be vaccinated for rabies if the person obtains an exemption, on an annual basis, from the Ventura County health officer in compliance with Health and Safety Code section 121690, subdivision (B). Any dog that is not vaccinated pursuant to this subdivision must be vaccinated for rabies within ten (10) days after the disease or disability on which the exemption is based ends.

C. To ensure compliance with state law requiring rabies vaccination, all licensed veterinarians shall each month provide the Animal Services Division of Ventura County, on paper or in an electronic form approved for use by the Animal Services Director, the following information for each rabies vaccination that the veterinarian administers, or which is administered under the supervision of the veterinarian, to a dog that is required to be vaccinated under subdivision (A) of this section in the preceding month:

1. The name, residence address, telephone number and, if known, email address of the animal's owner;
2. The name, age, sex (including spay/neuter status), species, breed, color and, if known, microchip number of the animal;
3. The date on which the vaccination was administered, and the duration of the protection provided by the vaccination;
4. The type of vaccination used and its corresponding lot number; and
5. The name and license number of the veterinarian administering the vaccination and the name of the veterinary clinic/hospital at which the vaccination was administered.”

SECTION 24. Section 9.10.020, “Rabies vaccination” of the Fillmore Municipal Code is amended to read as follows:

“The Animal Services Director shall provide facilities for the rabies vaccination of dogs or shall arrange for such vaccination at clinics operated by private veterinary groups or associations. Failure to display a valid vaccination certificate upon reasonable demand by the Animal Services Director is prima facie evidence of nonvaccination. No charge in excess of the actual cost therefor shall be made for vaccination at such facilities or clinics. The vaccination required under this chapter may be obtained either at such facilities or clinics or from a licensed veterinarian of the owner's choice.”

SECTION 25. Section 9.10.030, “Isolation of suspected animals” of the Fillmore Municipal Code is amended to read as follows:

“The Animal Services Director shall take up and place in isolation any animal, licensed or not, which, in the opinion of a licensed veterinarian or the county health officer, displays symptoms suggestive of rabies. Such isolation shall be at an animal shelter unless the owner of such animal, with the approval of the county health officer, arranges with a licensed veterinarian for such isolation in a private animal hospital or clinic. Any animal placed in such isolation shall be kept strictly confined and under such observation as may be required by the county health officer. Except as otherwise provided in Section 9.10.100, such isolation shall continue for at least ten (10) days from the date the symptoms suggestive of rabies are first observed. Such isolation may be continued for a period longer than ten (10) days if, in the opinion of any licensed veterinarian or the county health officer, such longer period is necessary. At the expiration of such ten (10) days, or longer period, any animal confined at an animal shelter shall be released upon payment of all applicable fees and charges, if in the opinion of any licensed veterinarian or the county health officer, such dog does not have rabies.”

SECTION 26. Section 9.10.040, “Responsibilities of veterinarians” of the Fillmore Municipal Code is amended to read as follows:

“In addition to the reporting obligations set forth in subsection 9.10.010(B) above, it shall be the duty of every licensed veterinarian to report immediately to the Animal Services Director any animal observed by him or her which is diagnosed by the veterinarian as having rabies or which the veterinarian has reason to suspect has rabies, or which he or she has reason to believe has been exposed to a potentially rabid animal through intimate contact. Every person who violates the provisions of this section is guilty of an infraction.”

SECTION 27. Section 9.10.060, “Isolation of biting animals” of the Fillmore Municipal Code is amended to read as follows:

“Except as otherwise provided in this chapter, the Animal Services Director shall take up, impound and isolate any animal, licensed or not, of a species subject to rabies which animal is reported to have bitten or otherwise exposed any person, whether or not such animal has been vaccinated with rabies vaccine and whether or not such animal displays any symptoms suggestive of rabies. The animal shall be impounded and isolated in the manner provided in Section 9.10.030 for the isolation of animals suspected of having rabies. Except as otherwise provided in title 17 California Code of Regulations Section 2606, subdivision (b), such isolation shall continue for at least ten (10) days from the date of the bite if the animal is a dog or cat, or the period of time stated per species under California State Law. Any person who is eighteen (18) years of age or older may, however, make written request to the Animal Services Director for the isolation of such biting animal either in facilities provided by a licensed veterinarian or in a licensed boarding kennel or upon the private premises of the person making such request. If such request is approved by the Animal Services Director, such biting animal shall not be taken up and impounded but shall instead be kept strictly confined and isolated in such veterinarian's facilities or on such private premises for the isolation period. The Animal Services Director shall post such private premises with conspicuous notice that an animal is being confined thereon to be observed for rabies. Upon termination of the isolation period, animals isolated in an animal shelter shall be released upon payment of all applicable fees and charges if, in the opinion of any licensed veterinarian or the county health officer, the animal does not have rabies. Animals isolated upon private property shall be released from such isolation if, in the opinion of any licensed veterinarian or the health officer, the animal does not have rabies.”

SECTION 28. Section 9.10.070, “Isolation of animals contacting rabid animals” of the Fillmore Municipal Code is amended to read as follows:

“Except as otherwise provided herein, the Animal Services Director shall take up, impound and isolate for the isolation period set forth in this section any animal, licensed or not, of a species subject to rabies which animal has been bitten by or has been in contact with another animal that is rabid or suspected of having rabies. The animal shall be impounded and isolated in the manner provided in Section 9.10.030 for the isolation of animals suspected of having rabies. Except as otherwise provided in Section 9.10.100, such isolation shall be for a period of at least six (6) months, unless the animal is a dog or cat which has been vaccinated against rabies not less than thirty (30) days previously and such vaccination has not yet expired and such dog or cat is promptly revaccinated within forty-eight (48) hours of exposure, in which case the isolation shall be for a period of at least thirty (30) days. Any person who is eighteen (18) years of age or older may, however, make written request to the Animal Services Director for the isolation of such animal

either in facilities provided by a licensed veterinarian or in a licensed boarding kennel or upon the private premises of the person making such request. If such request is approved by the Animal Services Director, such animal shall not be taken up and impounded but shall instead be kept strictly confined and isolated in such veterinarian's facilities or in a licensed boarding kennel or on such private premises for the isolation period. The Animal Services Director shall post such private premises with conspicuous notice that an animal is being confined thereon to be observed for rabies. Upon termination of the isolation period, animals isolated in an animal shelter shall be released upon payment of all applicable fees and charges if, in the opinion of any licensed veterinarian or the health officer, the animal does not have rabies.”

SECTION 29. Section 9.10.080, “Violation of isolation requirements” of the Fillmore Municipal Code is amended to read as follows:

“Every person who, after requesting and obtaining approval for the keeping of a biting animal confined and isolated upon his private premises as provided in Section 9.10.060 or Section 9.10.070 fails for any reason whatsoever to keep such animal continuously confined and isolated upon his premises, either indoors or within an approved outdoor enclosure, for the entire applicable isolation period, is guilty of a misdemeanor/infraction. Any such animal, whether licensed or unlicensed, not continuously confined and isolated as required herein shall be taken up forthwith by the Animal Services Director and isolated at the shelter for the duration of the isolation period, subject to the provisions of Section 9.10.100. If a person fails for any reason whatsoever to keep such animal continuously confined and isolated upon such person’s premises, the person shall be given notice of violation, and an Animal Control Officer, as defined in Section 9.04.030 of this Code, may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, in Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code. The civil penalty for such a violation shall be assessed according to the schedule of rates and fees approved by resolution of the council or Board of Supervisors.”

SECTION 30. Section 9.10.100, “Isolation fees” of the Fillmore Municipal Code is amended to read as follows:

“The Animal Services Director shall collect from the owner of any animal isolated pursuant to this chapter the applicable isolation fee prescribed by resolution of the council or County Board of Supervisors.”

SECTION 31. Section 9.11.010, “Leash law” of the Fillmore Municipal Code is amended to read as follows:

“It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him or her to be on any public street, alley, lane, park or place of whatever nature open to and used by the public in the city unless such dog is securely leashed and the leash is held continuously in the hands of a responsible person capable of controlling such dog. It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him or her to be on any private property within the city without the permission of the person owning or occupying said private property. Every person who violates any of the provisions of this section is guilty of an infraction. An Animal

Control Officer may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Chapter 1.09 of this Code.”

SECTION 32. Section 9.11.020, “Animals at large” of the Fillmore Municipal Code is amended to read as follows:

“It is unlawful for any person owning or having possession of any animal to permit it to be at large without reasonable control or to be pastured or kept upon any street or other public place, or common area, or upon any private property against the wishes of the owner or occupant thereof or in any manner or place to the injury of the owner or occupant of any other property. Every person who violates any of the provisions of this section is guilty of a misdemeanor/infracton. An Animal Control Officer may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code.”

SECTION 33. A new section 9.11.025 shall be added to the Fillmore Municipal Code to read, in its entirety, as follows:

“9.11.025 - Permitting animals to go without care.

Every owner, driver or keeper of any animal who permits the animal to be in any building, enclosure, lane, street or lot without proper care and attention within the meaning of Penal Code Section 597.1 is guilty of a misdemeanor/infracton. Any person in violation of this Section shall be given a notice of violation. The notice of violation shall quote pertinent provisions of this Section. If the person receiving the notice of violation fails to comply with this Section within twenty-four (24) hours of receipt of the notice of violation (or such other specific time as specified by the Division), an Animal Control Officer may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Chapter 1.09 of this Code . The civil penalty for violation of Section 4462-1 shall be up to one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, and five hundred dollars (\$500.00) for the third and following violations, or such other sums approved by resolution of the council or County Board of Supervisors.”

SECTION 34. Section 9.11.030, “Impounding animals” of the Fillmore Municipal Code is amended to read as follows:

“Any animal found under conditions or in areas prohibited by Section 9.11.010 or 9.11.020 of this chapter shall be taken by the Division and impounded. Other than as provided in Division 4, Chapter 4, Article 9 of the Ventura County Code, no domestic fowl at large upon private property; shall be impounded except upon complaint of the owner, occupant or person in charge of the property who claims to be injured thereby.”

SECTION 35. Section 9.11.040, “Notice of impoundment” of the Fillmore Municipal Code is amended to read as follows:

“The Animal Services Director shall make reasonable effort by personal service or phone to give notice of the impoundment to owner or keeper and, if unsuccessful, shall mail written notice to the last known address of the owner or keeper advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release. Any unredeemed animal or fowl may be disposed of, as provided for in this Code.”

SECTION 36. Section 9.11.050, “Privileged entry” of the Fillmore Municipal Code is amended to read as follows:

“For the purpose of discharging the duties imposed by this title or other applicable law and to enforce the same, the Animal Services Director, an Animal Control Officer, or any peace officer may enter upon private property, except dwellings located thereon, as follows:

(1) During daylight:

(A) When in pursuit of any animal which he or she has reasonable or probable cause to believe is subject to impoundment pursuant hereto or other applicable law;

(B) To impound or place in isolation any animal thereon which he or she has any cause whatsoever to believe or suspect has rabies or is a biting animal;

(C) To inspect or examine animals for animal welfare purposes;

(D) To inspect or examine animals isolated for rabies control purposes;

(E) To impound an animal pursuant to state law or County or City code; or

(F) To seize an animal pursuant to state law or County or City code.

(2) At night:

(A) When in pursuit of any animal which he or she has reasonable or probable cause to believe is subject to impoundment pursuant state law or County ordinance;

(B) To impound or place in isolation any animal thereon which he or she has any cause whatsoever to believe or suspect has rabies or is a biting animal;

(C) To impound an animal pursuant to state law, County ordinance, or this Code and as a condition of the authority set forth in this Section, except where time does not permit in an emergency or when in fresh pursuit, before entering upon private property a reasonable effort shall be made to locate the owner or possessor hereof to request permission to enter upon such property and to explain the purpose for such entry.”

SECTION 37. Section 9.11.060, “Animal nuisances” of the Fillmore Municipal Code is amended to read as follows:

“A. Any animal, except an animal kept or controlled by a governmental agency, which has committed any one or more of any of the following acts is a public nuisance:

The utterance of barks, cries, or vocalizations which are shown to have occurred either as an episode of continuous noise lasting for a minimum of ten (10) minutes or repeated episodes of intermittent noise lasting for a minimum thirty (30) minutes and deprive persons residing in two (2) or more residences in the neighborhood of the comfortable enjoyment of their homes or deprive a person residing in one residence of the comfortable enjoyment of their residence if the following conditions are met: a) due to special physical circumstances such as topography, distance, between adjoining properties, placement of structures, general location of the animal being complained about, or other special circumstances that limit the effects of the barks, cries, or sounds as to other residences or the persons in such other residences, and b) the Animal Services Director has caused an investigation to be performed and such investigation confirms that sufficient evidence exists to support the special physical circumstances.”

B. Citation for public nuisance created by barking dog. Upon receiving complaint(s) regarding a barking dog nuisance described in this section, supported by both (i) a statement under penalty of perjury from the complainant describing the barking nuisance conduct, and (ii) audio-visual documentation of the barking nuisance conduct if such barking nuisance conduct has not been directly observed and documented by an Animal Control Officer or Peace Officer, the Division will review the circumstances presented giving rise to such complaint(s), and if the complaint(s) are found to be factually supported, an Animal Control Officer shall issue a citation to the owner or keeper of the barking dog identified in the complaint, assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, the administrative enforcement provisions set forth in Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code. The civil penalty shall be assessed according to the schedule of rates and fees approved by resolution of the council or County Board of Supervisors.

1. A citee who has been issued a citation assessing a civil penalty for a public nuisance under this section, may request an initial administrative review of the citation within twenty (20) calendar days of its issuance. A citee's request must set forth, with particularity, the reasons the citee believes the violation did not occur or that the citee was not responsible for the violation and must contain a copy of the citation and identify the address to which conclusion of the Division's administrative review should be mailed. The citee must include a deposit, in the amount approved by resolution of the council or County Board of Supervisors for the cost of such administrative review.

2. Upon receiving a citee's request for administrative review, the Division's Reviewing Official, who shall be a Division employee who played no role in the investigation or issuance of the citation, shall review the request, citation and other pertinent information, and provide the citee with written notification of one of the following determinations:

(a) The citation is vacated because there was no violation, or the citee was not responsible for the violation;

(b) The citation will not be vacated because no justification could be found and setting forth the basis for that conclusion. However, if the citee agrees to enter into a written six (6) month compliance agreement with the Division to implement specified measures to eliminate the barking nuisance within ten (10) days of the Division's notice, the Division will provisionally rescind the citation and associated penalty, so long as the citee abides by the terms of the signed compliance agreement and the Division receives no further complaints during the following six month period from residents in the citee's neighborhood regarding nuisance conduct in violation of this section. The citee will be notified that if the Division finds that a citee has subsequently violated the terms of a compliance agreement because the Division receives further complaints from neighbors regarding a barking nuisance during the following six-month period, the citation will no longer be deemed rescinded and the citation amount will be due paid in ten (10) days. The citee will also be notified that the Division may also issue an additional citation if the Division finds that there has been a violation of an existing compliance agreement and new barking nuisance conduct under this section. The decision to offer a compliance agreement to a dog owner is at the Division's sole discretion. The Division may consider whether there is a history of similar complaints of barking nuisance conduct under this section involving the same dog.

(c) The citation will not be vacated because no justification could be found and setting forth the basis for that conclusion.

3. The Reviewing Official will mail a copy of the notification to the citee at the address included in the request for administrative review along with, if applicable, a notice establishing the fine due date and the procedure for requesting an administrative hearing to challenge the citation under Chapter 1.09. If the Division vacates a citation upon further administrative review, the Division will refund the full amount deposited by the citee for the administrative review of the citation.

4. The Reviewing Official will complete the review within ten (10) business days of the Division's receipt of the citee's request.

5. A citee's request for an initial administrative review is not a mandatory prerequisite to a request for an administrative hearing under Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code.

C. Public nuisance declaration for barking dog and provisional rescission of part or all of order pertaining to barking dog nuisance upon demonstrated and sustained improvement in barking dog.

1. Any dog whose owner or keeper receives three (3) or more citations for being a public nuisance in violation of this section, will be found by the Division to be an animal nuisance and the owner of such an animal will be ordered by the Division to obtain a nuisance dog license and pay the additional annual license fee established by the council or County Board of Supervisors for an animal nuisance and to follow all findings and orders issued by the Division.

2. If no less than two (2) years have passed since the Division's latest citation for a barking dog nuisance under this section, and the citee has received no subsequent citation, and the Division has received no subsequent complaints from residents in the citee's neighborhood regarding that dog barking, the citee may submit a written request for the Division to conduct an administrative review regarding whether there is good cause to provisionally rescind a requirement that the dog to be licensed as an animal nuisance. If, in response to a citee's request, the Division determines after administrative review that there is good cause to provisionally rescind the nuisance animal designation, it will so notify the citee. If the Division thereafter receives two (2) or more complaints from residents in the citee's neighborhood regarding the same dog barking, the Division may, at its sole discretion, and without holding an additional hearing, reverse its provisional rescission of the requirement that the dog be licensed as an animal nuisance.”

SECTION 38. Section 9.11.070 of the Filmore Municipal Code shall be revised to read, in its entirety, as follows:

“9.11.070 – Inspection of animals.

Any person who has an animal in his or her possession, custody or control that willfully or maliciously fails or refuses to exhibit such animal or any license therefor for inspection upon demand by the Animal Services Director, his or her designee, or any peace officer is guilty of a misdemeanor/infraction. An Animal Control Officer may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Chapter 1.09 of this Code or Division 4, Chapter 4, Article 8 of the Ventura County Code.”

SECTION 39. Section 9.11.080 of the Filmore Municipal Code shall be revised to read, in its entirety, as follows:

“9.11.080 - Potentially dangerous and vicious dogs.

A. Other remedies. Nothing in this section shall prevent the Division or the City from pursuing action under any other provision of this Chapter or any court action under Food and Agriculture Code Section 31601, *et seq.* The Animal Services Director and City Manager, and their designees, shall have the discretion to directly petition the court, under state law, to seek a determination of whether a dog is potentially dangerous or vicious.

B. Exemptions. This section does not apply to licensed kennels, humane society shelters, public animal shelters, veterinarians or to dogs used by Peace Officers in the performance of their peace officer work.

C. Definitions. For the purposes of Section 9.11.080, unless the context otherwise requires,

1. The term "potentially dangerous dog" means any of the following:

(a) Any dog which, when unprovoked, on two (2) separate occasions within the prior thirty-six (36)-month period, engages in any behavior that requires a defensive action by any

person to prevent bodily injury when the person and dog are off the property of the owner or keeper of the dog.

(b) Any dog which, when unprovoked, bites a person causing less than a severe injury as defined herein.

(c) Any dog which, when unprovoked, on two (2) separate occasions within the prior thirty-six (36)-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

2. The term "vicious dog" means either of following:

(a) Any dog that, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

(b) Any dog previously determined to be and currently listed as a potentially dangerous dog that, after its owner or keeper has been notified of this determination, continues the behavior described in section 9.11.080(c)(1), or is maintained in violation of subsection H.

3. The term "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.

4. The term "enclosure" means a fence or structure suitable to prevent the entry of young children, and which is suitable to prevent the dog from escaping. The dog shall be housed pursuant to Penal Code Section 597t.

5. The term "impounded" means taken into the custody of the Division.

D. Authority to seize and impound animal posing immediate threat to public safety.

1. If upon investigation it is determined by the Animal Control Officer or Peace Officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Control Officer or peace officer may seize and impound the dog pending the hearings to be held pursuant to this section. The owner of the dog shall be liable to the Division for the costs and expenses of keeping the dog, according to the schedule of rates and fees approved by resolution of the council or County Board of Supervisors, if the dog is later adjudicated potentially dangerous or vicious.

2. When the dog has been impounded pursuant to subdivision (a) and it is not contrary to public safety, the Animal Services Director, or Animal Services Director's designee, shall permit the dog to be confined at the owner's expense in a Division approved kennel or veterinary facility.

E. Potentially dangerous dog or vicious dog hearing.

1. If an Animal Control Officer or Peace Officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Director, City Manager, or their designee may file, with a court having jurisdiction, or with a neutral and impartial administrative hearing officer, a verified complaint setting forth facts that establish probable cause to believe the dog in question is potentially dangerous or vicious, and shall petition for a court hearing, or an administrative hearing, for the purpose of determining whether the dog should be declared potentially dangerous or vicious. The Division may authorize its own employee to conduct the hearing if the hearing officer is not the same person who signed the petition or directed the impoundment or seizure of the dog and is not junior in rank to such person(s). In the alternative, the Division may use the services of a neutral and impartial hearing officer from outside the Division. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the Animal Control Officer or Peace Officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The Director, or his or her designee, shall notify the owner or keeper of the dog that a court or administrative hearing will be held, at which time the owner or keeper of the dog may present evidence as to why the dog should not be declared potentially dangerous or vicious. The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five (5) working days nor more than ten (10) working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public.

2. The hearing officer shall have the power to administer oaths or affirmations when necessary in conjunction with the hearing.

3. The court or administrative hearing officer may admit into evidence all relevant evidence, including the incidence report and the affidavits of witnesses. Any party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses on any matter relevant to the issues even if such matter was not covered on direct examination, and to impeach any witness regardless of which party first called the witness to testify. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence or objection in a civil action. Hearsay evidence shall be admissible for any purpose but shall not be sufficient itself to support a finding unless it would be admissible over objection in a civil action.

4. Before and after the hearing has commenced, any party may request the court or administrative hearing officer to issue subpoenas and subpoenas duces tecum for attendance and the production of documents at the hearing. Compliance with the provisions of section 1985 of the Code of Civil Procedure that be a condition precedent to the issuance of a subpoena duces tecum. Any person duly subpoenaed to appear and testify or to produce any documents and who wrongfully neglects or refuses to appear or testify or to produce such documents is guilty of a misdemeanor.

5. A jury shall not be available. The court or administrative hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and make such other necessary orders.

6. All court forms approved for optional use by the Judicial Council of California, pursuant to Food and Agriculture Code Sections 31601, et seq., may also be used for purposes of any administrative hearing.

F. Notice of determination and appear from hearing.

1. After the hearing conducted pursuant to subsection E., the owner or the keeper of that animal shall be notified in writing of the determination and orders issued, either personally or by first-class mail, return receipt requested, by the court or administrative hearing officer. If a determination is made that a dog is potentially dangerous or vicious the owner or keeper of the animal shall comply with subsection N. in accordance with a time schedule established by Division but in no case more than thirty (30) days after the date of the determination or thirty-five (35) days if the determination is mailed to the owner or keeper of the dog. If the petitioner or owner or keeper of the dog contests the determination, they may, within five (5) days of the receipt of the court order or notice of determination, appeal the decision of the hearing entity. The fee for filing an appeal, payable to the clerk of court, is as provided Government Code Section 70626, subdivision (b). The appeal of an administrative order shall be to the superior court. The appeal of a court order shall be to the appellate division of the superior court. The petitioner or the owner or keeper of the dog shall serve personally or by first-class mail, return receipt requested, notice of the appeal upon the other party.

2. The court hearing the appeal shall conduct a hearing de novo, without a jury, and make its own determination as to potential danger and viciousness and other relevant issues, based upon the evidence presented. The hearing shall be conducted in the same manner and within the time periods set forth in subsection E. The issue shall be decided by a preponderance of the evidence. The court may admit all relevant evidence including incidence reports and affidavits of witnesses. If the court rules the dog to be potentially dangerous or vicious, the court may establish a time schedule to ensure compliance with its order, but in no case more than thirty (30) days subsequent to the date of the court's determination or thirty-five (35) days if the service of the judgment is by first-class mail.

3. The hearing entity of original jurisdiction and the court hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper falls to appear at the hearing. The determination of the court hearing the appeal shall be final and conclusive upon all parties.

G. Exceptions.

1. No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of a dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by

a domestic animal which at the time the injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

2. No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

H. Consequences of potentially dangerous dog determination.

1. A potentially dangerous dog, while on the owner's property, shall at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escaped, and into which children cannot trespass. The Division must inspect and give written approval for the yard or enclosure within fourteen (14) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner. A potentially dangerous dog may be off the owner's premises only if it is restrained by a non-retractable leash no longer than four (4) feet, and if it is under the control of a responsible adult. At no time may the dog be left unattended while off the owner's premises.

2. The dog must be spayed or neutered at the expense of the owner before the release of the dog to its owner. If the dog was not impounded, the dog owner must provide proof to the Division that the dog has been spayed or neutered within thirty (30) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner.

3. The owner must post one (1) or more signs on the premises, at locations approved by the Division, stating that a potentially dangerous dog resides at the premises. The sign(s) must be posted within seven (7) calendar days after the administrative decision or court order declaring the dog to be potentially dangerous is served on the owner.

4. The administrative hearing officer or court may impose other reasonable conditions that are necessary to protect the public safety and welfare.

5. All charges for services performed by the Division and all penalties must be paid before release of the dog to its owner. If the owner does not take possession of the dog within seventy-two (72) hours from notification of determination to release the dog, the dog will be deemed abandoned and may be disposed of by the Division. If the dog is being held somewhere other than the animal shelter, all charges for services performed by the Division and all penalties must be paid within fourteen (14) calendar days after services are performed or the charges or fines are ordered to be paid.

6. A violation of an administrative decision or court order following a determination that a dog is potentially dangerous, may result in the filing of an action to determine whether the dog is vicious.

I. Notice of change of status regarding potentially dangerous dog.

1. If a dog determined to be potentially dangerous dies, or is sold, transferred or permanently removed from the city or county where the owner resides, the owner of a potentially dangerous dog shall notify the Division of the changed condition and new location of the dog in writing within two (2) working days. In addition, if the dog is moved to another jurisdiction, the dog's owner is required to provide the animal control authorities of the new jurisdiction with a copy of the administrative decision or court order during the effective period of the decision or court order.

2. The owner of a dog determined to be potentially dangerous must notify the Division immediately if the dog is at large or has committed an attack on any person, domestic animal or livestock.

J. Removal of potentially dangerous dog designation. If there are no additional instances of the behavior described in subsection (C)(1) of this section within a thirty-six (36)-month period from the date of designation of a potentially dangerous dog, upon written application by the dog's owner, the dog shall be removed from the Division's list of potentially dangerous dogs. The dog may, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the thirty-six (36)-month period if the owner of the dog demonstrates to the Division that changes in circumstances or measures taken by the owner, such as training of the dog, have mitigated the risk to public safety.

K. Conditions for dog found vicious.

1. A dog determined to be vicious may be destroyed by the Division when it is found under subsection F., that the release of the dog would create a significant threat to the public health, safety and welfare.

2. If it is determined that a dog found to be vicious shall not be destroyed, the administrative hearing officer shall impose conditions upon the ownership of the dog that protect the public health, safety and welfare.

3. If it is determined that a dog found to be vicious shall not be destroyed, the enclosure that is required shall meet the requirements of subsection (C)(4) of this section. The Division must inspect and give written approval for the yard or enclosure within fourteen (14) calendar days after the decision or court order declaring the dog to be vicious is served on the dog owner. A vicious dog may be off the owner's premises only if it is restrained by a non-retractable leash no longer than four (4) feet, is wearing a Division-approved basket muzzle, and if it is under the control of a responsible adult. At no time may the dog be left unattended while off the owner's premises.

4. If it is determined that a dog found to be vicious shall not be destroyed, the dog must be spayed or neutered at the expense of the owner before the release of the dog to its owner. If the dog was not impounded, the dog owner must provide proof to the Division that the dog has been spayed or neutered within thirty (30) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner.

5. If it is determined that a dog found to be vicious shall not be destroyed, the owner of a vicious dog must give written notice of the vicious dog determination to the United States Post Office (local branch) and to all utility companies providing services to the premises where the vicious dog is kept. The owner must provide a copy of the notices to the Division before the release of the dog from impound. If the dog was not impounded, the dog owner must provide a copy of the required notices to the Division within fourteen (14) days after the administrative hearing or court determination declaring the dog is vicious.

6. If it is determined that a dog found to be vicious shall not be destroyed, the owner must post one or more signs on the premises, at locations approved by the Division, stating that a vicious dog resides at the premises. The sign(s) must be posted within twenty-four (24) hours after the administrative decision or court order declaring the dog to be vicious is served on the owner.

7. The administrative hearing officer or court may impose other reasonable conditions that are necessary to protect the public safety and welfare.

L. Notice of change of status regarding vicious dog. If a dog determined to be vicious dies, or is sold, transferred or permanently removed from the city or county where the owner resides, the owner of vicious dog shall notify the Division of the changed condition and new location of the dog in writing within two (2) working days. In addition, if the dog is moved to another jurisdiction, the dog's owner is required to provide the animal control authorities of the new jurisdiction with a copy of the administrative decision or court order during the effective period of the decision or court order. The owner of a dog determined to be vicious must notify the Division immediately if the dog is at large or has committed an attack on any person, domestic animal or livestock.

M. Conditions for prohibiting ownership after dog found vicious. The owner of a dog determined to be a vicious dog in accordance with subsection F. of this section may be prohibited by the Division from owning, possessing, controlling, or having custody of any dog for a period of up to three (3) years, when it is found, after a hearing conducted under subsection E. of this section, that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

N. Payment of fee to Division if dog determined to be potentially dangerous dog or vicious dog.

1. The owner of a dog determined to be a potentially dangerous in accordance with subsection F. of this section shall pay a fee to the Division in the amount set by resolution of the council or County Board of Supervisors to reimburse the licensing authority for maintaining records of the dog's designation as a potentially dangerous dog, and for the Division's oversight and inspections subsequent to such designation.

2. The owner of a dog determined to be vicious in accordance with subsection F of this section shall pay a fee to the Division in the amount set by resolution of the council or County Board of Supervisors to reimburse the licensing authority for maintaining records of the dog's

designation as vicious and for the Division's oversight and inspections subsequent to such designation.

O. Follow-up hearing dates. The administrative hearing officer or judicial officer who heard the petition to determine if a dog is potentially dangerous or vicious may schedule follow-up hearing dates to ensure compliance with all conditions imposed.

P. Violation of conditions constitutes a misdemeanor. The failure to comply with any condition ordered by the administrative hearing officer or judicial officer is a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the County jail for a period not to exceed six (6) months, or by both the fine and imprisonment.

Q. Injunctive relief. A violation of any part of any administrative decision or court order may be the subject of a civil action for injunctive relief to enjoin the person who violated the decision or order. The filing and prosecution of an action for injunctive relief does not limit the authority or ability of the Division to take any other action permitted by law.”

SECTION 40. Section 9.11.090, “Notice” of the Filmore Municipal Code shall be amended to read, in its entirety, as follows:

“9.11.090 - Noisy animals.

Any person who keeps or permits to remain upon any property in the city under his ownership or control, other than in an appropriately zoned and licensed kennel or animal hospital, any dog, fowl or other animal which by continuous barking, whining or other noise unreasonably disturbs the peace, comfort or quiet of any resident of the neighborhood is guilty of an infraction.”

SECTION 41. Section 9.11.100, “Impoundment pending hearing” of the Filmore Municipal Code shall be rescinded.

SECTION 42. Section 9.11.110, “Hearing” of the Filmore Municipal Code shall be rescinded.

SECTION 43. Section 9.11.120, “Oaths” of the Filmore Municipal Code shall be rescinded.

SECTION 44. Section 9.11.130, “Evidence” of the Filmore Municipal Code shall be rescinded.

SECTION 45. Section 9.11.140, “Subpoena Power” of the Filmore Municipal Code shall be rescinded.

SECTION 46. Section 9.11.150, “Record” of the Filmore Municipal Code shall be rescinded.

SECTION 47. Section 9.11.160, “Findings and order” of the Fillmore Municipal Code shall be rescinded.

SECTION 48. Section 9.11.170, “Failure to comply with order” of the Fillmore Municipal Code shall be rescinded.

SECTION 49. Section 9.11.180, “Destruction of wild dogs” of the Fillmore Municipal Code shall be rescinded.

SECTION 50. Section 9.11.190, “Inspection of animals” of the Fillmore Municipal Code shall be rescinded.

SECTION 51. Section 9.11.200, “Noisy animals” of the Fillmore Municipal Code shall be rescinded.

SECTION 52. Section 9.12.030, “Confinement regulations” of the Fillmore Municipal Code is amended to read as follows:

“The Division may require adherence to rules and regulations for the United States Department of Agriculture and/or California Department of Fish and Wildlife or make rules regulating the size and type of cage or other means of confinement, the distance from the place of confinement to adjoining property, and any other regulations deemed reasonably necessary by the Division or the County Health Officer to carry out the purpose of this chapter and to ensure the maintenance of humane, sanitary conditions and safety of persons and property. A copy of any/all rules and regulations adopted by the Division shall be furnished upon request. In applying the regulations to a given situation, the department of animal control shall take into consideration the type, nature, disposition and training of the animal involved.”

SECTION 53. Section 9.12.040, “Penalty” of the Fillmore Municipal Code is amended to read as follows:

“Any person failing to comply with any provision of this chapter or any rule or regulation of the Division or the County Health Officer made pursuant to the provisions of this chapter within ten (10) days after notice of such rule or regulation shall be guilty of a misdemeanor/infracton. An Animal Control Officer, as defined in Section 9.04.030, may issue an administrative citation assessing a civil penalty to such person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Chapter 1.09 or Division 4, Chapter 4, Article 8 of the Ventura County Code.”

SECTION 54. Section 9.12.060, “Disposition” of the Fillmore Municipal Code is amended to read as follows:

“Wild animals found running loose may be impounded in accordance with the provisions of Section 9.09.080 of this title. However, neither the city nor its officers, agents or employees shall be liable for injury or disease to any animal incurred while said animal is being captured,

transported or impounded. Wild animals, when found to be at large and injuring, damaging or threatening to injure or damage any person or property, will be deemed to be a public nuisance and may be summarily destroyed without liability resulting to the city, its officers, agents or employees. Reclamation by an owner or keeper of any impounded wild animal will be permitted upon the payment to the Division of the actual cost to the department of the capture, impounding and care of such animal provided that all required County, State and Federal permits are also obtained.”

SECTION 55. Section 9.12.080, “License requirements” of the Fillmore Municipal Code is amended to read as follows:

“Every person who owns, harbors or keeps any wild animal shall obtain either a current wild animal license or wild animal facility license issued under the provisions of this chapter.”

SECTION 56. Section 9.12.090, “License application” of the Fillmore Municipal Code is amended to read as follows:

“The wild animal license and/or wild animal facility license required by this chapter may be obtained by making written application to the Animal Services Director, demonstrating to the satisfaction of the Animal Services Director that the applicant will comply with Section 9.12.010 and regulations adopted pursuant to Section 9.12.030 and paying the proper fees to the Division.”

SECTION 57. Section 9.12.100, “License fee” of the Fillmore Municipal Code is amended to read as follows:

“The fee for the wild animal license required by this chapter shall be as prescribed by resolution of the council or County Board of Supervisors.”

SECTION 58. Section 9.12.110, “License period” of the Fillmore Municipal Code is amended to read as follows:

“The license period for any wild animal license or wild animal facility license issued pursuant to this chapter shall be one (1) year. Renewal shall be made only upon application and payment of the fee provided for the issuance of a license.”

SECTION 59. Section 9.12.120, “Revocation of license” of the Fillmore Municipal Code is amended to read as follows:

“Any wild animal license or wild animal facility license issued under the provisions of this chapter may be revoked by the Animal Services Director or the county health officer whenever, in his or her opinion, any one of the following conditions pertains:

- (1) The animal is not kept or maintained in a sanitary or healthful condition;
- (2) The animal is not provided with adequate care and supervision;
- (3) The animal poses a threat to human life or safety;

- (4) The animal poses a threat to personal property;
- (5) The animal has in any way become a nuisance; or
- (6) There is a violation of the regulations adopted pursuant to Section 9.12.030.

The revocation shall become effective immediately upon either the receipt of actual notice by the applicant or the end of the tenth (10th) day after written notice addressed to the applicant at the address shown on his or her application is deposited in the first class mail, return receipt requested, whichever shall first occur.”

SECTION 60. Section 9.13.020, “Kennel defined” of the Fillmore Municipal Code is amended to read as follows:

““Kennel," within the meaning of this chapter, means any place or premises where at any given time five (5) or more dogs over the age of four (4) months are kept for commercial purposes. For the purposes of this section, "commercial purposes" includes boarding, grooming, breeding, training, sale, adoption and related purposes for which some valuable consideration is paid.”

SECTION 61. Section 9.13.030, “Application” of the Fillmore Municipal Code is amended to read as follows:

Every applicant for a license required by Section 9.13.010 shall personally appear before the Animal Services Director or his or her designee and make a written application for such license. Such application shall contain, in addition to (a) the nature of the business to be conducted; (b) the name of the licensee; (c) the place for which the license is issued; (d) the amount paid for the license; (e) the date upon which the license is issued; and (f) the date of expiration of the license, as well as the following information:

- (1) The name of the kennel;
- (2) The name or names of the person or persons owning, managing and/or operating the kennel;
- (3) The number and approximate ages of the animals kept therein as of the date of application;
- (4) The maximum number of animals over the age of four (4) months and the maximum number of animals under such age which will be kept at the kennel at any given time during the licensing period; and
- (5) The purpose or purposes for which the animals are kept. Such application shall be accompanied by a certificate from the community development director stating that the operation of the kennel is a permitted use or that a special or conditional use permit has been issued by the city for such operation within the zone in which the kennel is to be located.
- (6) Copy of Business License/Occupational Permit issued by the applicable jurisdiction.”

SECTION 62. Section 9.13.040, “Inspection and approval” of the Fillmore Municipal Code is amended to read as follows:

“Upon receipt of an application satisfactory on its face, the Animal Services Director shall cause the kennel to be inspected to determine whether it complies with the minimum standards for the operation of a kennel containing the number of animals of the various ages specified in the application as the maximum number which will be kept in the kennel at any given time during the licensing period. Such minimum standards shall be prepared by the Animal Services Director in writing and shall be made available for inspection during regular business hours. If the Animal Services Director determines that the kennel meets such minimum standards and that the application complies with all the requirements of this chapter, he or she shall approve the application. The Animal Services Director shall notify the applicant of temporary or permanent approval or disapproval of the application within thirty (30) days of the receipt thereof. The Animal Services Director shall keep the original of the application on file in the office of the animal control department throughout the term of the license issued pursuant to such application.”

SECTION 63. Section 9.13.060, “Annual license fee” of the Fillmore Municipal Code is amended to read as follows:

“The annual license fee shall be as prescribed by resolution of the council or County Board of Supervisors.”

SECTION 64. Section 9.13.080, “Revocation” of the Fillmore Municipal Code is amended to read as follows:

“Any license issued pursuant to this chapter may be revoked by the Animal Services Director whenever:

(1) The kennel contains a greater number of animals than the maximum number specified in the application;

(2) In the opinion of the Animal Services Director, the kennel fails to meet any of the minimum standards mentioned in Section 9.13.040;

(3) In the opinion of the Animal Services Director, the kennel is not being maintained in a sanitary and healthful condition; or

(4) In the opinion of the Animal Services Director, the animals confined in the kennel are not provided with adequate care and supervision.

No part of the animal license fee shall be refunded in the event of such revocation.”

SECTION 65. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every

section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 66. This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption, and within fifteen (15) days after its final passage and the City Clerk shall cause it to be posted and published in the *Fillmore Gazette*, a newspaper of general circulation, printed, published and circulated in the City in the manner required by law and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

PASSED AND ADOPTED this 24th day of May, 2022.

Diane McCall
Diane McCall, Mayor

ATTEST:

Olivia Carrera Lopez
Olivia Carrera Lopez, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel
Tiffany J. Israel, City Attorney

CITY OF FILLMORE)

COUNTY OF VENTURA)§

STATE OF CALIFORNIA)

I, Olivia Carrera Lopez, City Clerk of the City of Fillmore, California, do hereby certify that the foregoing Ordinance No. 22-940 was duly passed and adopted by the City Council of the City of Fillmore at the regular meeting thereof, held on the 24th the day of May, 2022, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES: McCall, Edmonds, Austin, Villaseñor

NOES: None

ABSENT: Alex





ABSTAIN: None

Olivia Carrera Lopez

Olivia Carrera Lopez, City Clerk

TITLE	Ordinance No. 22-940
FILE NAME	Ordinance No. 22-940.pdf
DOCUMENT ID	267301f89507e733ab25c03200119ad8cffb263f
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
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AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Signed

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