

ORDINANCE No. 3498

**AN ORDINANCE AMENDING TITLE 9 (ANIMALS) OF
THE SAN LUIS OBISPO COUNTY CODE**

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

9.01 GENERAL PROVISIONS

9.01.001 Division of Animal Services established.

There is hereby established a Division of Animal Services which shall function as a division of the County Health Agency.

9.01.002 Rules and regulations.

The Chief Animal Control Officer is hereby authorized to promulgate and enforce such rules or regulations consistent with the purposes, intent, and express terms of this title as he deems necessary to implement such purposes, intent and express terms.

9.01.003 Definitions

This section provides definitions of terms and phrases used in this Title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this section conflict with definitions in other provisions of this code, these definitions shall control for the purposes of this Title. If a word is not defined in this section, or in other provisions of this code, the Chief Animal Control Officer shall determine the correct definition. The Chief Animal Control Officer shall have the authority to render interpretation and discretion regarding the applicability of any definition set forth in this section.

- (a) "Aggressive" means the demonstration of behavior indicating that an Animal is likely or prone to unprovoked attack against a person or another animal.
- (b) "Altered" means having been spayed or neutered.
- (c) "Animal" means any member of the taxonomic kingdom *Animalia* other than a human being.
- (d) "Animal facility" means any lot, building, structure, enclosure, or premises wherein or whereon companion animals are kept or maintained for purposes related to the operation of any business or organization, including, but not limited to a pet shop, grooming facility, breeding facility, boarding facility, stable or non-profit humane organization.
- (e) "Animal operation" means any commercial or non-profit endeavor which is wholly or in part based upon the care, keeping, or utilization of companion animals in the conduct of its business or operation.
- (f) "At large" means being upon any private property while unrestrained by a leash and without permission of the person who owns or has a right to possess or use the property; or, being upon public property or private property which is open to the public while unrestrained by a leash.
- (g) "Board of Supervisors" means the San Luis Obispo County Board of Supervisors.
- (h) "Business day" means any day that the Division's animal shelter is open to the public.

- (i) "Cat" means a *Felis catus* of either sex, altered or unaltered; or any animal which is a hybrid of a *Felis catus*.
- (j) "Chief Animal Control Officer" means the Animal Services Manager of the County of San Luis Obispo or his designee.
- (k) "Commercial" means any transaction, relationship, business or endeavor which involves the exchange of money, or traded goods or services, in exchange for any material consideration or service.
- (l) "Commercial animal operation" means:
 - (1) Any commercial enterprise other than a duly licensed veterinary hospital which involves the direct care, keeping or maintenance of companion animals conducted from a non-residential location; or,
 - (2) Any commercial enterprise other than a duly licensed veterinary hospital conducted from a residential location which involves the direct care, keeping or maintenance of companion animals and at which the number of animals kept exceeds the maximum allowed under the provisions of this title or other applicable codes; or
 - (3) Any commercial enterprise other than a duly licensed veterinary hospital which involves the care, keeping, or maintenance of companion animals conducted from a residential location and with gross annual revenue exceeding \$10,000.
- (m) "Companion animal" means any animal of a species normally kept by people for the purposes of companionship, recreation, or sport. For the purposes of this title, this definition includes horses, donkeys, mules, and any other domesticated equine.
- (n) "County" means the County of San Luis Obispo.
- (o) "Division" means the Division of Animal Services, the Chief Animal Control Officer and/or his or her duly authorized representative(s).
- (p) "Dog" means a *Canis familiaris* of either sex, altered or unaltered; or any animal which is a hybrid of a *Canis familiaris*.
- (q) "Domestic animal" means any animal of a vertebrate species which:
 - (1) has been selectively bred to live in a tame condition for the purposes of being a household pet, food or fiber source, or work animal; and
 - (2) is generally dependent upon people for its survival; and
 - (3) is notably distinct in conformation and/or behavior from its wild ancestors.
- (r) "Health Agency" means the County of San Luis Obispo Health Agency as established in Chapter 2.26 of this code.
- (s) "Heel" means for a Dog to walk with its head or body remaining parallel and directly adjacent to the legs of its handler.
- (t) "Hobby breeder" means any private person who offers any dog, cat, or other animal normally kept as a household pet for sale or in exchange for any monetary or other non-monetary consideration, provided that:
 - (1) The sale of such animals is conducted as an accessory use from a private residence; and
 - (2) The number of animals kept at that location does not exceed the maximum allowed under the provisions of this title or other applicable codes; and,

- (3) The total gross revenue realized from the breeding or sale of animals does not exceed an annual revenue of \$ 10,000.
- (u) "Household pets" means any animal normally kept for purposes of companionship or amusement, including, but is not limited to, cats, dogs, canaries, parrots, fish, rodents, rabbits, turtles, lizards, and snakes.
- (v) "Identification" means any visible or readily discoverable tag, tattoo, microchip or other information bearing mark or device attached to, or implanted in, an animal giving indication that the animal is owned and providing, at a minimum, a current phone number or address at which the owner can be contacted.
- (w) "Impound" means to have been received into the custody of the Chief Animal Control Officer, any of his or her authorized agents or officers, or any public agency.
- (x) "Irremediable" means any injury or illness causing significant malaise, discomfort, or suffering to an animal and which is without treatment or which would not normally be treated by the average animal owner in the community.
- (y) "Livestock" means all domestic animals other than household pets including, but not limited to horses, ponies, mules, donkeys, cattle, sheep, goats, swine, and poultry.
- (z) "Menacing" means the demonstration of behavior indicating an intent to inflict harm or which otherwise places a person in reasonable fear for his or her safety, the safety of others, or the safety of animals kept by them.
- (aa) "Non-profit humane organization" means any animal operation conducted by a bona fide charity in good standing under the provisions of Section 501(c)3 of the Internal Revenue Code and in compliance with all state and local codes pertaining thereto.
- (bb) "Neuter" means to be rendered incapable of reproduction as a result of surgical removal of the testes.
- (cc) "Owner" means any person who exercises legal possession or custodianship of an animal, or who legally claims the right to possession or custodianship of an animal.
- (dd) "Person" means any individual, firm, partnership, corporation, company, society, or association and every officer, agent, or employee thereof.
- (ee) "Public Nuisance" means any condition or circumstance which:
- (1) effects a substantial portion of a neighborhood as determined by the Division, and
 - (2) is indecent or offensive to the senses, adversely impacts the health and safety of others, or otherwise impedes the reasonable use and enjoyment of property.
- (ff) "Quarantine" means the strict confinement of an animal in a location which prevents its interaction with other animals and limits interaction with people during the period in which it is under observation for signs indicative of an infectious disease.
- (gg) "Severe Bodily Injury" means any physical injury which results in deep lacerations with separation of subcutaneous tissues, muscle tears, lacerations, fractures or joint dislocations, or permanent impairment of locomotion or special senses.
- (hh) "Spay" means to be rendered incapable of reproduction as a result of the surgical removal of the ovaries.
- (ii) "Stable" means any lot, building, enclosure, or premises maintained for the purpose of lodging, feeding, boarding or rental of horses or other livestock.

- (jj) "Stray" means any animal subject to leash law or other confinement restrictions which is found roaming at large and without an owner or custodian in the immediate vicinity.
- (kk) "Veterinarian" means a professional licensed by the State of California to practice the science and art of disease and injury diagnosis, prevention, treatment and cure in animals.

9.01.004 Establishment of a public pound.

A public pound is authorized and established at such place(s) in San Luis Obispo County as shall be fixed from time to time by the Board of Supervisors.

9.01.005 Chief Animal Control Officer

- (a) The Animal Services Division shall be under the direction of the Chief Animal Control Officer subject to the supervisory control of the County Health Agency Director.
- (b) It shall be the duty of the Chief Animal Control Officer to:
 - (1) Enforce the provisions of this Title, any other sections of San Luis Obispo County Code pertaining to the care and keeping of animals, and all applicable statutes and regulations of the state.
 - (2) Designate and employ those individuals who shall perform the duties of Animal Control Officer.
 - (3) Have charge of and supervise the County animal shelter(s) under his or her jurisdiction.
 - (4) Keep records of all Animals Impounded in said shelter(s).
 - (5) Keep accounts of all moneys collected and received in the administration of the Title.
- (c) Nothing in this Section is intended to create a mandatory duty to perform the duties above for purposes of imposing liability under Government Code section 815.6.

9.01.006 Animal control officers – Citation authority. The Chief Animal Control Officer and his or her duly appointed staff shall have the power to issue citations pursuant to Sections 1.08 and 9.01.012 of this code.

9.01.007 Interference with performance of duties.

It is unlawful for any Person to hinder, resist or obstruct the Chief Animal Control Officer or any of his or her staff or employees in the exercise of their lawful duties. Any Person who violates this section is guilty of a misdemeanor.

9.01.008 Violation of order.

Except as provided in this Chapter, any person who, after written notice, violates, or who upon the demand of the Division, refuses or neglects to conform to any lawful rule, written order, or regulation prescribed by the Division is guilty of an infraction.

9.01.009 Impersonation of animal control officer – Prohibited

It is unlawful for any person who has not been designated to the position of animal control officer as provided in section 9.01.004, to represent himself or herself to be, or to attempt to act as an animal control officer. Any person who violates this section is guilty of a misdemeanor.

9.01.010 Record of Division.

The Division shall keep a record of the number, description and disposition of all Animals impounded, showing in detail in the case of each, the date of receipt, the date and manner of disposal, the name of the person reclaiming, redeeming or receiving such dogs, cats or household pets, the reason for destruction and such additional records as the Board of Supervisors may from time to time direct.

9.01.011 Fees.

- (a) Whenever fees are to be charged by the Division of Animal Services, these fees shall be set by ordinance or resolution of the Board of Supervisors.
- (b) A fee, including a penalty fee, may be waived if, in the discretion of the Chief Animal Control Officer, it is contrary to interests of justice, would adversely impact animal welfare, or would impose an undue financial hardship upon the payee.

9.01.012 Violation.

- (a) Except as otherwise provided, violation of a provision of this title is an infraction.
- (b) Each day upon which a violation occurs or continues to occur shall constitute a separate offence.

9.02 ANIMALS GENERALLY

9.02.001 Animals at large.

- (a) No person shall allow or permit any animal, other than household pets, to run at large upon any public street or place, or to trespass upon the property of another.
- (b) This provision shall not be construed as permitting the running at large of any household pets that are otherwise restricted by the provisions of this Title or by any law applicable thereto.

9.02.002 Unauthorized feeding or attraction of animals prohibited.

It is unlawful for any person to place, deposit, or maintain food, water, shelter, or other similar attractant for an animal in any public park, plaza, woodland, other public place, or upon the private property of another person without the express consent and authorization of the property owner or tenant.

9.02.003 Animal Wastes – Duty to Remove

Every person having custody or control of a dog or cat shall promptly remove and dispose of, in a sanitary manner, all feces and other solid waste left by such animal in any public area or on any private property other than that of the animal's owner or keeper.

9.02.004 Unsanitary conditions prohibited.

It is unlawful for any person to do any of the following:

- (a) Keep an animal confined upon any premises or in any enclosure which is befouled by animal waste, trash or debris, or any other foul, noxious, or unsanitary condition.

- (b) Allow the accumulation or deposit of animal wastes upon his or her property in such a quantity as to disturb the owners, occupants, or users of adjacent properties by way of offensive odor or the attraction of flies, insects, or other vermin.
- (c) Allow the accumulation or deposit of animal wastes in a location and quantity so as to befoul or pollute waters entering surface or storm drainage systems.

9.02.005 Unnecessary noise.

- (a) It is unlawful for any person to keep, harbor or maintain upon any lot, or in any residence, building, or structure owned, occupied, or controlled by them any animal which, by any frequent or prolonged noise, causes annoyance or discomfort to a reasonable person of normal sensitivities.
- (b) Prima facie evidence of a violation of this section shall be established if the noise from any such animal disturbs:
 - (1) two or more individuals residing in separate dwellings directly adjacent to the property whereat the animal is kept, or
 - (2) three or more individuals residing in separate dwellings in close proximity to the property whereat the animal is kept.
- (c) Frequent and repetitive violations of this section may be deemed a public nuisance.
- (d) This section shall not apply to sounds made by livestock kept upon property which is zoned to allow the keeping of agricultural animals nor shall it apply to any appropriately permitted commercial animal facility situated in a location zoned for such an operation, provided that such noise is consistent with normal and expected levels for that type of animal keeping.

9.02.006 Investigation and abatement of noise or nuisance.

- (a) Should the Division determine through investigation that any animal habitually causes or creates a public nuisance, the Chief Animal Control Officer may issue to the owner of the animal an order to abate the nuisance forthwith.
 - (1) The Division may initiate such an investigation independently upon reasonable suspicion or other good cause that a public nuisance exists; or
 - (2) The Division shall initiate such an investigation upon the written affirmation from three individuals alleging that any animal is causing or creating a public nuisance, provided that those individuals reside in, or occupy, separate dwellings or businesses in proximity to the alleged nuisance.
- (b) Upon issuance of an order to abate a nuisance, a fine may be levied by the Division against the owner of the animal.
- (c) If a Public Nuisance is not successfully abated upon the Order of the Chief Animal Control Officer, the Division may present the results of such investigation to the District Attorney for prosecution.

9.02.007 Menacing and aggressive animals

- (a) It is unlawful for any person to keep, harbor, or maintain any aggressive or menacing animal which threatens, harasses, or intimidates a person who is peaceably and lawfully upon public or private property, unless it is contained in an enclosure of a construction adequate to keep it securely confined and prevent its escape.
- (b) Upon notification of a violation of subsection (a), the animal owner(s) must immediately confine it to an enclosure or location that mitigates the aggressive and menacing behavior.

(c) It is unlawful for any person to permit any animal owned, harbored, or controlled by him or her to attack and cause severe bodily injury or death to another domestic or captive animal while off the property of its owner or keeper.

(d) Liability of Property Owners.

(1) Owners of properties upon which a tenant keeps, harbors, or maintains any Aggressive or Menacing Animal may, along with the Animal owner(s), be jointly and severally liable for penalties related to violations of subsection (a), provided that they have received at least fourteen days prior written notice of the existence of such violation and the violation has not been abated.

9.02.008 Animals Designated as Potentially Dangerous or Vicious

(a) Any animal designated under the provisions of another municipal, county, or state law as potentially dangerous, vicious, or their respective equivalent shall be considered so designated within the County of San Luis Obispo as well.

(b) Any and all terms or restrictions related to the keeping, confinement, and care of the animal issued in association with that designation shall be fully and equally in force within the County.

9.02.009 Possession of unsafe and wild animals prohibited

It is unlawful for any person to own, keep, maintain, or possess any animal which is wild by nature and which, because of its size, disposition, or other characteristics could constitute a danger to human life or property.

(a) Such Animals shall include, but are not necessarily limited to, the following:

(1) Mammals:

a) Any canine other than a member of the species *Canis familiaris* (domestic dog), including wolves, coyotes, foxes, jackal, or any hybrid thereof.

b) Any feline other than a member of the species *Felis catus* (domestic cat), including mountain lions, bobcats, tiger, or any hybrid thereof.

c) Hyenas, bears, elephants, and primates.

(2) Reptiles:

a) Any species of front fanged venomous snake, or hybrid thereof.

b) Any venomous species of *Heloderma*.

c) Reticulated pythons, rock pythons, Burmese pythons, anacondas, or any other snake which commonly exceeds 10 feet in length at adulthood.

d) Any crocodile or alligator.

(3) Any other terrestrial animal species, except for honey-producing bees, which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means.

(b) This prohibition shall not apply to:

(1) Livestock;

(2) Any member of the following taxonomic groups:

a) Aves (birds)

b) Equidae (horses, asses, and zebras)

c) Camelidae (camels, llamas, alpacas)

- d) Ruminantia (Oxen, bison, deer, antelope, chevron)
- (3) Any wild and dangerous animal being transported through the county provided that the possessor is in compliance with all state and federal laws related to the keeping, possession, and transport of such animals, and provided that the animal does not remain within the County for more than 24 hours;
- (4) Any zoo, circus, museum, educational or academic research institution, veterinary hospital, wildlife rehabilitation or breeding organization, animal rescue, or commercial film or video production company provided that the animals are kept and confined in a manner which precludes their escape and which fully protects the public from harm.

9.02.010 Injury to animals by motorists – duty to stop and assist.

- (a) The operator of a motor vehicle or self-propelled vehicle which strikes and injures or kills any domestic animal on any public roadway shall:
 - (1) Stop and give reasonable aid, assistance, and/or protection to said animal, provided that this can be done without the operator placing himself at unreasonable risk; and
 - (2) Contact the animal's owner, if known, or the Animal Services Division, Highway Patrol, or the Sheriff's or Police Department with jurisdiction, and report the location and facts of the incident, including their name and contact information; and
 - a) Remain at the scene until the owner, appropriate law enforcement or animal control authority arrives or until otherwise dismissed by that authority; or
 - b) In the case of an animal which is injured and not dead, the operator may immediately transport the animal to a veterinarian for treatment.
- (b) This section shall not apply to public safety officers or emergency response personnel if the vehicle they were operating was responding to an emergency situation at the time the animal was struck.

9.02.011 Owner's responsibility to dispose of dead dogs, cats and household pets.

- (a) The owner of any dog, cat, or household pet which has died shall dispose of the carcass in a sanitary manner within twenty-four (24) hours of becoming aware of its death.
- (b) It is unlawful for any person to place the carcass of an animal, or any portion thereof, in or upon any roadway, park, public place, or upon the private property of another without the express consent of the property owner or possessor.

9.02.012 Disposition of dead dogs, cats and household pets upon request.

It shall be the duty of the Division, upon the request of any owner of any dead dog, cat or household pet which was kept or maintained in the county immediately prior to its death, or upon the request of any person discovering a dead dog, cat or household pet upon his or her premises or upon any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot or premises, to forthwith bury or dispose of the animal in such manner as may be prescribed by law. The Division may charge and collect fees, which may be set by resolution of the Board of Supervisors, for the transportation and disposal of the dog, cat or household pet from the owner or person having had possession or control of the animal if same can be ascertained.

9.03 DOGS AND CATS

9.03.001 Microchipping required.

- (a) All dogs and cats over the age of four months must be implanted with an identifying microchip.
- (b) This provision shall not apply to:
 - (1) Dogs or cats for which a veterinarian licensed to practice within the state of California has issued a certificate indicating that such procedure would pose a serious risk to the health or life of the Animal. Such certificate shall be issued in a form as prescribed by the Division.
 - (2) Dogs or cats over eight years of age on January 1, 2022.
- (c) Any dog or cat without a microchip impounded by the Division shall be microchipped prior to redemption or adoption.

9.03.002 Animal keeping limitations – Dogs and cats

- (a) Except as provided by section 9.03.003, no person may keep, harbor, or maintain more than three dogs, nor more than three cats, over the age of four months on any single lot, premises, dwelling, or living accommodation located within the County, nor may any person allow to be kept, harbored, or maintained more than three dogs, or more than three cats, over the age of four months on any single lot, premises, dwelling, or living accommodation controlled by them and located within the County.
- (b) This section shall not apply to any duly permitted commercial animal operation

9.03.003 Animal keeping limitations - Variance to

- (a) The Division may issue a permit for a variance to the limitations on Animal keeping as established by 9.03.002. The issuance of such a permit shall be at the discretion of the Chief Animal Control Officer taking into consideration the following:
 - (1) the type and characteristics of the animals to be kept,
 - (2) the type and quality of housing or confinement provided for the animals,
 - (3) the ability of the Owner to maintain the animals in a manner which minimizes undue impact on adjacent neighbors,
 - (4) laws, ordinances, regulations and rules applicable to the keeping of animals at the subject location and
 - (5) documentation or awareness of prior animal welfare problems or adverse neighborhood impacts related to the keeping or management of animals by the permit applicant.
- (b) Permits for a variance to animal keeping limitations shall be issued for the calendar year, or any part thereof, for which the variance is sought. Each permit shall expire on December 31 of the current year, provided that such permit may be renewed without penalty on or before January 1 of the next year.
- (c) The Division may assess a fee for the issuance or the annual renewal of a permit for variance. No proration of the fee shall be made for new permit or renewal applications submitted after January 1, provided that permits issued for new applications submitted after October 1 shall be valid until December 31 of the following year.
- (d) A penalty fee may be assessed for permit renewal applications submitted after January 31.

9.03.004 Cats at large

- (a) No person shall permit any unaltered cat owned, harbored, or controlled by him to roam at large.
- (b) Any person finding a cat roaming at large may, at their own expense, have that animal spayed or neutered by a veterinarian.

9.03.005 Leash law.

- (a) No person shall permit any dog owned, harbored, or controlled by him to be in or upon any public roadway, walkway, park or other public area unless securely restrained by a leash and under the direct control of a person competent to exercise full care, custody, and charge over such dog, or unless the dog is at a "heel" beside a person and obedient to that person's command.
- (b) No person shall permit any dog owned, harbored, or controlled by him to trespass or be upon the private property of another without the express prior consent of the property owner or possessor.
- (c) The provisions of this section shall not be applicable:
 - (1) To any dog actively engaged in the herding of livestock or hunting provided it is obedient to the commands of the person controlling them during these activities;
 - (2) Within the boundaries of any park or other public area specifically designated and authorized by the controlling agency as an off-leash recreational area for dogs; or
 - (3) Any registered service dogs or dogs associated with search and rescue or law enforcement.

9.03.006 Duty of Division to seize and impound dogs roaming at large.

It shall be the duty of the Division to seize and impound, in a lawful manner and subject to the provisions of this Title, any dog found running at large.

9.03.007 Dogs upon private property.

The owner or possessor of any private property may take up and deliver to the Division, or detain for the Division to pick up, any dog found running at large upon that property.

9.04 IMPOUNDMENT OF ANIMALS

9.04.001 Private individuals finding lost animals.

- (a) Any person finding a lost, stray or stolen animal shall notify the Division by any means available within twenty-four (24) hours of the event and provide his or her name, address, phone number, a description of the animal, and the time and location at which it was found.
- (b) Any person having custody of a lost, stray, or stolen animal shall surrender such animal to the Division upon demand of the Chief Animal Control Officer. Failure to comply with this provision is a misdemeanor.

9.04.002 Notice of impoundment and holding period

- (a) Upon impounding any animal with identification, the Division shall make reasonable efforts to notify the owner or custodian of the impoundment within twenty-four (24) hours, excluding Sundays and holidays. The owner or custodian shall also be notified that the animal must be redeemed within three (3) business days and, that unless so redeemed, the animal may be disposed of in a manner as provided by this Title.
 - (1) Notification may be made by direct oral communication, telephone message, or posting of written notice at the address listed upon the animal's identification.
- (b) The Division shall maintain a listing which includes the description, date of impound, and location taken up for all animals impounded by the Division or reported as found by a private person. This information shall be made available to the public by means of a recorded phone message, website or any other reasonable means deemed appropriate by the Chief Animal Control Officer.

9.04.003 Authority to take up

- (a) The Division may take into custody:
 - (1) Any animal found running at large contrary to the provisions of this Title or other applicable statute.
 - (2) Any animal delivered to the Division by a peace officer as defined by California Penal Code Sections 830.1-830.9.
 - (3) Sick, injured, or abandoned animals for which the owner or custodian cannot be located or is unable or unwilling to provide appropriate care.
 - (4) Any animal which presents an active or immediate health or safety risk to the public or other animals.
 - (5) Any animal whose owner or custodian has failed to provide it with necessary sustenance, drink, shelter, and veterinary care.
 - (6) Any animal which is confined inhumanely or subject to needless suffering, torment, or otherwise cruel and unnecessary treatment.
 - (7) Any animal which by law the Division is authorized to impound.
- (b) Any owner or custodian of an animal who believes that the animal has been unlawfully impounded may request a hearing before the Chief Animal Control Officer to determine the issue of whether it was lawfully seized and impounded.
 - (1) The Chief Animal Control Officer or his or her designee shall conduct such hearing within seven (7) calendar days of the request.
 - (2) In the event the animal is determined to have been unlawfully impounded, the Division shall refund to the owner or custodian any and all fees associated with the impound other than those associated with the licensure of the animal as required by this Title or those due to any veterinary or special care fees necessary for the health and safety of the animal.

9.04.004 Redemption of impounded animals

- (a) The owner or custodian of any animal taken up and impounded under the provisions of this Title may, at any time before the adoption or disposal thereof, redeem such animal

by paying to the Division the fees and charges prescribed by this Title and any other applicable statutes which have accrued up to the time of such redemption.

- (b) Any person seeking to redeem an animal impounded under the terms of this provision shall demonstrate to the satisfaction of the Division that he or she is the owner or duly authorized custodian of the animal.
- (c) Any person who is denied the redemption of an animal shall be provided written notification of the basis of the denial and afforded the opportunity to make the corrections necessary to secure the redemption of the Animal during which time the Animal shall remain in the Division's custody.
- (d) Any Person who is denied the redemption of an Animal may request a hearing before the Chief Animal Control Officer into the validity of the denial. The Chief Animal Control Officer or his or her designee shall conduct such hearing within two (2) business days of the request.
- (e) Failure of a person denied the redemption of an animal to implement the necessary corrections or to request a hearing into the denial within seven (7) days shall be deemed abandonment of the animal which may then be disposed of by the Division in a manner provided by this Title.

9.04.005 Vaccination and medical treatment of impounded animals authorized.

The Division is hereby authorized to administer to any impounded animal such vaccinations, preventative medical treatment, or parasite controls as may be deemed necessary to promote the health and welfare of the animal or of other impounded animals. The cost for the administration of such medications or treatment may be included in the calculation and assessment of impound fees.

9.04.006 Holding period – Household pets

- (a) Unless otherwise specified within this Title or by California state code, any household pet impounded under the provisions of this Title shall be held by the Division and kept available for owner redemption for a period of no less than three (3) business days, not including the day of impoundment.
- (b) Calculation of the holding period for animals impounded with current identification as defined by 9.01.0143(u) shall commence upon notification to the owner or custodian of the impoundment. If such notification is not made, the holding period for such animals shall be no less than seven calendar days.
- (c) Any animal surrendered to the Division by its lawful owner may, at the Division's discretion, be made immediately available for adoption.

9.04.007 Holding period – Livestock

- (a) The Division shall immediately notify the office of the California State Secretary of Agriculture and provide a description of any impounded bovine, horse, mule, or burro having been found at large.

- (b) Any Livestock animal found at large shall be held by the Division and kept available for owner redemption for a period of no less than ten (10) business days, not including the day of impoundment.
- (c) The Division may authorize an individual finding any livestock animal other than a bovine roaming at large to maintain custody of the animal pending identification of the owner, provided they keep it adequately confined and provided with appropriate care. If the owner is not identified after thirty (30) days, the finder may establish ownership of the animal as provided in section 9.04.009. The individual finding the animal roaming at large may at any time turn such animal over to the Division.

9.04.008 Impound Fees

- (a) Before an impounded animal is released to the owner or custodian, he or she shall pay fees to the Division for the following:
 - (1) Any applicable license fee and late penalty for the animal;
 - (2) An impound fee which shall be set to increase sequentially for the second, third, and subsequent impounds of the same animal within a one-year period. The first impound fee shall be waived for any dog wearing a current license tag at the time of impound.
 - (3) A boarding fee for each day, or portion thereof, that the animal remains in the Division's custody beginning the day following the date of impound;
 - (4) Any veterinary or special care fees assessed to, or incurred by, the Division as a result of the impound of the animal. Payment of these fees does not constitute a guarantee against any future billing of the owner or custodian by a veterinarian or animal care provider for fees not yet assessed to the Division or for the value of any discounted service provided to the Division.
 - (5) Any other fee established within the provisions of this Title or by California state statute.
- (b) The above fees shall be set by the Board of Supervisors by ordinance or resolution and may be amended from time to time.
- (c) Any owner or custodian who refuses or fails to redeem an animal upon notification of its impoundment shall remain liable for all costs associated with its impoundment and incurred through the duration of its holding period.

9.04.009 Adoption of unredeemed animals

At any time after the expiration of the applicable holding period, the Division may, without further notice and without advertising in any manner, adopt out any animal not reclaimed or redeemed provided that:

- (a) No animal be adopted, given, or otherwise transferred to any individual, organization, or business for the purpose of being utilized in biomedical, pharmaceutical, or other laboratory testing or research.
- (b) No dog or cat shall be adopted, given, or otherwise transferred to any person, organization, or business, other than a non-profit humane organization, unless it has been previously spayed or neutered, or unless a veterinarian licensed to practice in the state of California certifies that it is too sick to undergo such a procedure, in which case the adopter shall pay to the Division a deposit of no less than fifty dollars (\$50).

- (1) The deposit shall be returned to the adopter upon provision of proof of alteration to the Division.
- (2) Failure to provide proof of alteration or a renewed veterinarian's certification that the animal remains too ill to undergo surgery to the Division within sixty (60) days of the date of the deposit shall result in forfeiture of the deposit.

9.04.010 Euthanasia of animals

- (a) Any impounded animal which, upon the conclusion of its holding period, has not been redeemed by its owner or which has not been adopted may be humanely euthanized by the Division in its discretion.
- (b) Any owner surrendered animal which has not been reclaimed by its owner within a period of time equivalent to the holding period for impounded stray animals as set forth in 9.04.006 may be humanely euthanized by the Division in its discretion.
- (c) Any impounded or owner surrendered animal, regardless of its holding period, may be euthanized by the Division upon diagnosis or recognition of an illness or injury causing irremediable suffering.
- (d) The Division may provide for the humane euthanasia of animals upon request and certification by the owner that the animal:
 - (1) Has an illness or injury causing substantial suffering, discomfort, or malaise; or
 - (2) Demonstrates unprovoked aggression towards people or domestic animals; or
 - (3) Demonstrates undesirable behavior which is unmanageable and incompatible with the keeping of the animal as a domestic pet.

9.05 ANIMAL BREEDING AND SALES

9.05.001 Animal breeding – Permit required.

- (a) No person, firm, corporation, or association shall breed with the intent to sell, nor offer for sale, any animal of a type normally kept as a household pet without having first obtained the appropriate permit from the Division.
 - (1) In the event that the breeding operation qualifies as a hobby breeder under the definitions of this Title, the permit type issued shall be that of a hobby breeder permit.
 - (2) All other breeding operations shall be permitted as a commercial animal operation.
- (b) Application, approval, and maintenance of this permit shall be independent of, and in addition to, any other permits required by this code.
- (c) Issuance of a permit under this section does not supersede, negate, or otherwise eliminate the requirement of an animal owner or keeper to comply with all other municipal, county and state regulations, ordinances, and laws related to the keeping, breeding and/or sale of animals.

9.05.002 Advertisement of animals for sale.

Any hobby breeder or commercial animal operation offering the sale of a household pet shall include the permit number issued for that operation in any print, electronic, or other form of advertisement.

9.05.003 Hobby breeder permit – Inspection required.

- (a) The Division shall conduct an inspection of the associated animal facility upon receipt of an application for a new hobby breeder permit and from time to time as may be deemed necessary by the Chief Animal Control Officer to ensure appropriate animal care and management.
- (b) Routine hobby breeder permit inspections may be conducted without prior notification to the permit holder or applicant during the normal business hours of the Division.
- (c) Inspections conducted in conjunction with an investigation of alleged or suspected animal welfare concerns or permit violations may be conducted as necessary for that purpose.
- (d) Refusal of an applicant or permit holder to allow an inspection shall be grounds for denial or revocation of the hobby breeder permit.

9.05.004 Hobby breeder permit – issuance and revocation.

- (a) An applicant shall be issued a hobby breeder permit by the Chief Animal Control Officer upon successful completion of an inspection of the associated animal facility and payment of any associated fees as may be established by the Board of Supervisors.
- (b) A hobby breeder permit may be immediately denied, suspended, or revoked by the Chief Animal Control Officer upon due investigation and determination that:
 - (1) The issuance of such permit creates, is likely to create, or promotes a public nuisance; or
 - (2) The permit holder or applicant has failed to maintain the premises in a clean, sanitary condition and poses an unreasonable risk to the health, safety and welfare of the animals residing at the premises; or
 - (3) The permit holder or applicant has failed to provide appropriate care, housing, or confinement for the animals in his or her keeping; or
 - (4) The permit holder, applicant, or other resident of the property for which the permit is sought has been convicted of any offence involving a violation of Section 597 of the California State Penal Code or any other equivalent municipal, county, or state law or code.
 - (5) The permit holder or applicant is maintaining or breeding animals in violation of municipal, county, or state law or code.
- (c) In the event a hobby breeder permit is suspended or revoked, the holder of the permit shall be given an opportunity for a hearing before an impartial hearing officer from outside of the Division, within forty eight (48) business hours of the time of suspension. Upon conclusion of the hearing, the hearing officer may decide to:
 - (1) Dismiss the suspension or revocation and reinstate the permit with or without conditions; or
 - (2) Suspend or revoke the permit.

This hearing shall be conducted in accordance with procedures adopted by the Division and the hearing officer's decision shall be final.

9.05.005 Hobby breeder permit – Term, fee, and delinquency.

- (a) Hobby breeder permits shall be issued for the calendar year, or any part thereof, during which the operation is maintained. Each permit shall expire on December 31 of the current year.
- (b) The Division may assess a fee for the issuance or the annual renewal of a hobby breeder permit. No proration of the fee shall be made for new permit or renewal applications submitted after January 1, provided that permits issued for new applications submitted after October 1 shall be valid until December 31 of the following year.
- (c) A renewal application may be submitted at any time during the calendar year without penalty, provided that such application is made prior to the breeding of the animals to be covered by the permit. In the event that a renewal application is not submitted prior to the breeding, the Division may assess a penalty fee.

9.05.006 Report of animal sales.

Any holder of a hobby breeder permit shall report in writing the sale of any dog or cat to the Division within thirty (30) days of the event. Such report shall include:

- (a) Date of sale;
- (b) Species, breed, age, sex, and color of the animal; and
- (c) Name and physical address of purchaser.

9.06 COMMERCIAL ANIMAL OPERATIONS

9.06.001 Commercial animal operation - Permit required.

- (a) No Person shall conduct any commercial breeding, kennel, stable, pet shop or other commercial animal operation as defined in this Title without first obtaining the appropriate permit from the Division.
- (b) Issuance of a permit to operate under this section does not supersede, negate, or otherwise eliminate the requirement of an animal owner or keeper to comply with all other municipal and or county regulations and ordinances related to the sale or keeping of animals.

9.06.002 Commercial animal operation permit - Operational standards.

- (a) The Division shall establish minimum standards of sanitation, animal care, and animal housing for the operation of a commercial animal facility. In the event that another law or regulation sets forth different standards regarding the sanitation, care and housing of animals at the facility, the more restrictive law or regulation shall control.
- (b) Failure of a permit holder to correct a deficiency in operational standards upon notification by the Division constitutes an infraction.

9.06.003 Commercial animal operation permit – Inspection required.

- (a) The Division shall conduct an inspection of the associated animal facility upon receipt of an application for a new commercial animal operation permit and from time to time as may be deemed necessary by the Chief Animal Control Officer to ensure appropriate animal care and management.

- (b) Routine commercial animal operation permit inspections may be conducted without prior notification during the normal business hours of the permitted animal facility.
- (c) Inspections conducted in conjunction with an investigation of alleged or suspected animal welfare concerns or permit violations may be conducted as necessary for that purpose.
- (d) Refusal of an applicant or permit holder to allow an inspection may be grounds for denial or revocation of the permit.

9.06.004 Business license required.

- (a) Unless exempted by County or municipal code, no person, firm, corporation, or association may erect, establish, or maintain any commercial animal operation without first obtaining a business license from the jurisdiction wherein the operation is located.
- (b) Such business license shall be issued in a form and for a duration prescribed by the issuing authority.

9.06.005 Emergency notification.

The owner or operator of a commercial animal operation shall post in a conspicuous location, where it may be seen outside the locked premises, a notice listing the names and telephone numbers of persons who may be contacted in the case of any emergency.

9.06.006 Commercial animal operation permit – Issuance, suspension and revocation

- (a) An applicant shall be granted a commercial animal operation permit by the Chief Animal Control Officer upon submittal of a complete application, successful completion of an inspection of the associated animal facility and payment of any associated fees as may be established by resolution or ordinance by the Board of Supervisors.
- (b) Any permit issued under this Title may be suspended or revoked by the Chief Animal Control Officer upon the determination that:
 - (1) The permitted operation creates, is likely to create, or promotes a public nuisance; or
 - (2) The permittee, their agents or employees have failed to maintain the premises in a clean, sanitary condition; or
 - (3) The permittee, their agents or employees have failed to provide appropriate care or housing for the animals in their keeping; or
 - (4) The permittee, their agent, or employee has been convicted of any offense involving a violation of Section 597 of the California State Penal Code; or
 - (5) The Division determines that the application included any materially false information; or
 - (6) The permittee, their agents or employees have failed to meet the operational standards established by the Division for a commercial animal operation or have otherwise violated any other rule or regulation related to the operation of a commercial animal operation.
- (c) Prior to the suspension or revocation of any permit issued under this title, the Division shall conduct a hearing into the basis for such suspension or revocation.
 - (1) Notice of the hearing shall be mailed to the permittee or posted at the location of the permitted operation at least five (5) days prior to the date of the hearing.
 - (2) Written notice of the hearing findings shall be mailed to the permittee or posted at the location of the permitted operation.

- (3) Any order to suspend or terminate a permitted operation shall become effective no sooner than seven (7), nor more than thirty (30), calendar days from the date of issuance.

9.06.007 Commercial animal operation permit - Appeal of denial, suspension, or revocation

- (a) The applicant or holder of a Commercial Animal Operation permit which has been denied, suspended, or revoked may appeal the decision to the Board of Supervisors by submitting a written request to the Clerk of the Board within seven (7) days of the issuance of such decision. The clerk shall set the matter for hearing at the earliest possible date and shall give reasonable notice of the time and place thereof to the applicant or permittee and to the Division.
- (b) The Board of Supervisors, or their designee, shall hear the evidence offered by the Division and by the applicant or permittee and shall forthwith decide the issue.
- (c) The decision of the Board of Supervisors, or their designee, shall be final.

9.06.008 Commercial animal operation permit – Term, fee, delinquency, fee exemption

- (a) Commercial Animal Operation permits shall be issued for the calendar year, or any part thereof during which the operation is maintained. Each permit shall expire on December 31 of the current year, provided that such permit may be renewed without penalty on or before January 1 of the next year.
- (b) The Division may assess a fee for the issuance or the annual renewal of a permit which shall be established by resolution or ordinance by the Board of Supervisors. No proration of the fee shall be made for new permit or renewal applications submitted after January 1, provided that permits issued for new applications submitted after October 1 shall be valid until December 31 of the following year.
- (c) A penalty fee may be assessed for permit renewal applications submitted after January 31. The penalty fee shall be established by resolution or ordinance by the Board of Supervisors.
- (d) Non-profit humane organization conducting a commercial animal operation are exempt from the assessment of permit fees provided that they submit documentation of their Internal Revenue Service designation as a 501(c)3 organization at the time of application and that they submit their renewal application prior to January 31.

9.07 LICENSING

9.07.001 Dog license - Required.

- (a) All dogs, including dog hybrids, over the age of four months and being kept or maintained in the county of San Luis Obispo for more than thirty (30) days in any one year period shall be licensed through the Division.
- (b) The owner, or the owner's agent, of any properties upon which a tenant keeps, harbors, or maintains a dog subject to the licensing requirements established by this section may, along with the animal owner, be jointly and severally liable for penalties related to violations of subsection (a).
- (c) It shall be the responsibility of the Division to administer those processes related to the issuance of such license, including but not limited to the:
 - (1) Receipt and processing of applications for licensure;

- (2) Distribution of license tags; and
- (3) Maintenance of all records related thereto.

9.07.002 Dog license – Exemptions.

The provisions of this title requiring the licensing of dogs shall not apply to:

- (a) Dogs on sale in a duly licensed and permitted pet shop or commercial animal operation.
- (b) Dogs owned by a duly licensed and permitted commercial animal operation, provided that the animal is housed or maintained at the permitted facility.
- (c) Every dog that is exempt from licensing requirements shall still be vaccinated against rabies infection with a vaccine approved by the California Department of Public Health for use in dogs, unless such animal would otherwise be exempt from the vaccination requirement as provided in section 9.08.003.

9.07.003 Dog license – Vaccination required.

The Division shall not license any dog which has not been vaccinated against rabies infection with a vaccine approved by the California Department of Public Health for use in dogs or which has not been issued an exemption to the requirement for rabies vaccination as provided for in section 9.08.003.

9.07.004 Dog license term.

Each dog license shall be valid for a period of up to three years from the date of issuance, provided that the term of validity may not extend beyond the expiration date of the animal's rabies vaccination. In the event that a dog has been exempted from rabies vaccination as provided for in section 9.08.003, the term of the license shall be for one year.

9.07.005 Rabies deposit fee required.

Any person procuring a dog license without a valid rabies vaccination for reason of redeeming an impounded animal or clearing a citation will pay a rabies deposit fee which shall be established by resolution or ordinance by the Board of Supervisors. This deposit is refundable upon proof of current vaccination through normal county refund procedures. Proof of rabies vaccination shall be made to the Division within thirty (30) days or the license will be void and the deposit forfeit.

9.07.006 Dog license tags.

Upon exhibition of the proper evidence of vaccination and payment of the license fee, the Division shall deliver to the person making such payment a metal tag with a unique identification number and the words "San Luis Obispo County, CA" stamped thereon. This tag shall be worn at all times by the dog for which it was issued. If the dog is exempted from vaccination as established by section 9.08.003, the dog tag shall have a distinguishing mark as evidence of such fact.

9.07.007 Assistance animal tags.

Any assistance animal identification tag issued by the Division in compliance with California Food and Agriculture Code Section 30850 shall also serve as the license tag for the dog to which it was issued.

9.07.008 License fees.

- (a) The Division shall assess a fee for each license issued. Such fee shall be established by resolution or ordinance by the Board of Supervisors.
- (b) A late penalty may be assessed in addition to the standard licensing fee for any license renewal which is more than thirty days delinquent or for any new license application which is submitted more than thirty days after the requirements established in 9.07.001(a). Such fee shall be established by resolution or ordinance by the Board of Supervisors.
- (c) A reduced fee shall be assessed to senior citizens providing proof of age, provided that the licensed animal has been altered. For the purposes of this section, "senior citizen" shall be interpreted to mean any person over the age of sixty-five.

9.07.009 License fee - Waived.

The licensing fee shall be waived for:

- (a) Dogs which have been issued an assistance animal identification tag as established by California Food and Agriculture Code Section 30850; and
- (b) Dogs owned, appropriately trained and utilized by a public agency for the purpose of assisting in law enforcement, search and rescue, or military activities; dogs being trained for such purpose; dogs kept as breeding stock for such purpose; or dogs previously utilized and retired from such purpose.

9.07.010 Counterfeiting prohibited.

It is a misdemeanor for any person to counterfeit a license tag, to remove a valid tag from a dog with the intent of affixing that tag to another dog or transferring that tag to another person, or to knowingly possess or place on a dog any such tag.

9.08 RABIES CONTROL

9.08.001 Rabies vaccination required – Dogs.

- (a) The owner or custodian of any dog or dog hybrid over the age of four months shall procure its vaccination against rabies virus infection.
- (b) Every dog so vaccinated shall be revaccinated at an interval consistent with the labeling directions for the specific vaccine and as approved by the California Department of Public Health.

9.08.002 Rabies vaccination required – Cats.

- (a) The owner or custodian of any cat or cat hybrid over the age of four months which is allowed to roam at large shall procure its vaccination against rabies virus.

- (b) Every cat so vaccinated shall be revaccinated at an interval consistent with the labeling directions for the specific vaccine and as approved by the California Department of Public Health for so long as it is allowed to roam at large.

9.08.003 Exemptions from rabies vaccination requirements.

- (a) The requirement for rabies vaccination for any dog or cat may, upon the approval of the Chief Animal Control Officer, be waived for a period of up to one year following the submission of a certification by a veterinarian listing a specific medical diagnosis or condition affecting the animal and stating that due to such condition the administration of a rabies vaccination poses a grave or life-threatening risk to the animal. The form of such certification is to be specified by the Chief Animal Control Officer.
- (b) Advanced age alone does not constitute a basis for the waiver of rabies vaccination requirements.
- (c) Any animal so exempted from rabies vaccination shall be restricted to the enclosed yard or premises of the owner or keeper unless it is securely constrained by a leash no more than six feet in length.

9.08.004 Rabies vaccination – Administration, certificates, and reporting.

- (a) Vaccination against rabies infections shall be performed by a duly qualified and licensed veterinarian using a vaccine of a type approved for use in that species of animal by the California Department of Public Health.
- (b) The veterinarian performing the vaccination shall issue to the owner or custodian of the animal a certificate of vaccination which shall include:
 - (1) The manufacturer and type of vaccine used;
 - (2) The date of the vaccination;
 - (3) The duration of vaccination;
 - (4) A true description of the animal to which the vaccination was administered, including species, age, breed, sex and color; and
 - (5) The name and address of the owner or custodian of the animal.
- (c) A copy of the vaccination certificate shall be sent by the veterinarian to the Division within thirty days of said vaccination.

9.08.005 Reporting of bites.

Any person bitten by a dog, cat, raccoon, skunk, bat, fox, coyote, bobcat, or other animal of a species subject to rabies infection, any parent or guardian of a minor child so bitten, any physician or healthcare provider treating a person so bitten, and any other person having knowledge of a person so bitten shall, within twenty-four (24) hours, notify the Division and report, if known:

- (a) The name, address, and phone number of the person bitten;
- (b) The type of animal inflicting the bite;
- (c) The name, address, and phone number of the owner of the animal; and
- (d) The time, date, and circumstances under which the bite occurred.

9.08.006 Biting Animals - Penalty.

It is a misdemeanor for any person to permit any animal owned, harbored or controlled by him or her, to inflict upon any human being a bite that penetrates the skin while the person bitten is on any public place, or lawfully upon any private property.

9.08.007 Isolation of biting and rabies exposed animals.

- (a) Any domestic animal of a species subject to infection by the rabies virus and which has bitten a person shall be quarantined for a period of time as established by Title 17 of the California Code of Regulations Section 2606. The location and manner of the quarantine shall be at the discretion of the Chief Animal Control Officer. In the event that no time period for the quarantine is established by the California Code of Regulations, the duration of quarantine shall be set by the Chief Animal Control Officer in his or her reasonable discretion.
- (b) Any domestic animal of a species subject to infection by the rabies virus and which has been exposed to a known or suspected rabid animal shall be quarantined for a period of time as established by Title 17 of the California Code of Regulations Section 2606. The location and manner of quarantine shall be at the discretion of the Chief Animal Control Officer. In the event that no time period for the quarantine is established by the California Code of Regulations, the duration of quarantine shall be set by the Chief Animal Control Officer in his or her reasonable discretion.
- (c) Any hybrid animal which has been vaccinated against rabies infection shall, for the purposes of administration of this section, be considered unvaccinated unless such vaccine was specifically labeled and approved by the California Department of Public Health for administration to hybrid animals.
- (d) Upon the request and consent of the owner or custodian, an animal subject to quarantine under the provisions of this section may be euthanized prior to the conclusion of the quarantine period provided that the animal's remains are submitted for diagnostic testing in a manner consistent with established medical practice for the assessment of rabies infection.
- (e) The Chief Animal Control Officer or his or her duly authorized agent is hereby empowered to enter upon any private property, including the home or residence where an animal is kept or has strayed, to inspect, and if necessary to seize and impound any animal for the purpose of enforcing this section.
- (f) Any person who fails to produce and relinquish upon demand of the Division any animal subject to isolation under the terms of this section, disobeys any isolation order issued by the Division, or removes from its place of confinement any animal under quarantine without the consent of the Division is guilty of a misdemeanor.

9.08.008 Suspicion of rabies

- (a) Any Person having ownership or custody of an animal demonstrating symptoms indicative and suggestive of rabies infection, or any veterinarian treating such an animal, shall immediately notify the Division.

(b) Upon certification by a veterinarian that an animal is demonstrating signs indicative and suggestive of rabies infection, the Division may cause the animal to be humanely euthanized and the remains submitted for diagnostic testing in a manner consistent with established medical practice for the assessment of rabies infection.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 26th day of September, 2023, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 7th day of November, 2023, by the following roll call vote, to wit:

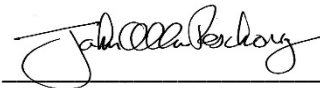
AYES: Supervisors Dawn Ortiz-Legg, Jimmy Paulding, Bruce Gibson, Debbie Arnold and Chairperson John Peschong

NOES: None

ABSENT: None

ABSTAINING: None

COUNTY OF SAN LUIS OBISPO,
A Public Entity in the State of California



John Peschong
Chair, Board of Supervisors

ATTEST:

JOHN NILON
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
Deputy Clerk