

**ORDINANCE AMENDING
COUNTY CODE CHAPTER 7 – ANIMALS AND FOWL
ORDINANCE NO. 15-_____**

An ordinance of the County of Santa Barbara amending the existing Chapter 7, Animals and Fowl, to revise laws and regulations for animals and fowl in Santa Barbara County.

WHEREAS, pursuant to Health and Safety Code Section §121690 and California Code of Regulations §§2606 and 2606.4 the local county health department is responsible for rabies control activities within the County; and

WHEREAS, pursuant to Food and Agriculture Code §31105 state law requires that the County provide for the impounding of dogs found running at large; and

WHEREAS, pursuant to Food and Agriculture Code §30801 state law authorizes the County to license dogs; and

WHEREAS, pursuant to Food and Agriculture Code §31683 state law authorizes the County to establish its own ordinance to control potentially dangerous or vicious dogs; and

WHEREAS, Animal Services, as the Administrative Authority, is proposing changes to update Chapter 7 to reflect current regulations and practices for animal care and control; and

WHEREAS, the Board of Supervisors finds that the amendments set forth in this Ordinance are exempt from the California Environmental Quality Act (CEQA) review pursuant to 14 CCR 15061(b)(3).

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS.

CHAPTER 7 - ANIMALS AND FOWL

Article I. - In General

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Sec. 7-1. - Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal. Any live, vertebrate creature other than a human being.

Animal Control Officer. Any county employee designated by resolution of the board of supervisors as primarily responsible for animal control and regulation.

Animal Control Supervisor. The county employee designated by the board of supervisors as the county employee responsible for the direct supervision of animal control officers and/or animal shelter operations.

Animal Services. The County of Santa Barbara Animal Services program.

Animal Services Director. The county employee designated by the board of supervisors as the county employee responsible for the administration and operations of the Animal Services program.

Cattery. Any premises or area where four or more cats four months of age or older are kept and cared for; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

County. The county of Santa Barbara and if the context so indicates county employees designated to carry out the provisions of this chapter.

Domestic Animal. An animal that has been tamed and kept by humans as a work animal, food source, companion animal or a pet.

Grooming Shop. Any commercial establishment, including mobile grooming businesses, where animals are bathed, clipped, plucked or otherwise groomed; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

Impound. Under the control and in the possession of the county.

Quarantine. The confinement of any animal in such a manner so the animal may not expose to contagious disease or injure any person or other animal.

Kennel. Any premises or area where four or more dogs four months of age or older are kept and cared for; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

Optional Cat License. Voluntary license for an altered cat for up to 3 years or the term of the rabies vaccination.

Pet Store. Shall be defined as set forth in the State Health and Safety Code section 122350(i).

Protective Custody. Animals that are impounded under exigent circumstances when no animal control violation has occurred. Some examples include owner arrested, owner hospitalized, owner died, automobile accident, owner is at a shelter, vehicle impound, law enforcement activity, or disaster such as house fire or flood.

Relinquished. An animal whose owner has given up ownership to a County Animal Services shelter.

Restraint. Secured by an adequate leash or lead six feet in length or less and under the immediate control of a responsible person, or physically confined on or within the premises of the owner or custodian of the animal.

(Ord. No. 2580, § 2)

Stray. A domestic animal not kept under restraint.

Sec. 7-2. - Fees generally.

The amount of any charge, fee and penalty relating to county Animal Services shall be set by the board of supervisors of the county by ordinance.

(Ord. No. 2580, § 2)

Sec. 7-3. - Animal control officers generally.

- (a) It shall be unlawful for any person to interfere with, molest, hinder, resist or obstruct an animal control officer during the performance of his/her duties.
- (b) While performing his/her duty an animal control officer shall carry identification which indicates his/her status as an animal control officer.
- (c) Upon request of an animal control officer, all county employees including but not limited to peace officers shall assist animal control officers in the performance of their duties.
- (d) Animal control officers shall have the duty to enforce the provisions of this chapter and applicable state or local animal control laws.
- (e) An animal control officer may arrest without a warrant any person whom he/she has probable cause to believe has committed in his/her presence a misdemeanor or infraction which is in violation of the provisions of this chapter or of applicable state or local animal control laws.
- (f) An animal control officer may serve warrants as specified in California Penal Code Sections 1523 and 1530 during the course and within the scope of their employment.

(Ord. No. 2580, § 2; Ord. No. 3364, § 1)

- (g) Animal Control Officers will successfully complete training in Penal Code 832 within the first year of employment.

Sec. 7-4. - County employees on private property.

County employees may go in or upon private property to carry out the provisions of this chapter; provided, that except in cases of emergency, they shall not enter occupied living quarters without either first obtaining (1) the consent of an adult occupant, or (2) authorization from a court of law having jurisdiction to grant the same.

(Ord. No. 2580, § 2)

Sec. 7-5. - Adoption of standards, rules and regulations by Animal Services Director.

The Animal Services Director shall adopt standards for the proper care and comfort of animals kept in kennels or catteries and may adopt rules and regulations necessary to carry out the proper and orderly administration of county animal control and regulation laws.

(Ord. No. 2580, § 2)

Sec. 7-6. - Kennel, cattery, pet store and grooming shop permits generally.

- (a) It shall be unlawful to establish or maintain a kennel, cattery, pet shop or grooming shop without having obtained a county kennel, cattery, pet store or grooming shop permit.
- (b) A kennel or cattery permit shall be granted only after the Animal Services Director or designee has determined that: (1) the facilities of the kennel or cattery meet the standards adopted pursuant to Section 7-5 that are set forth for the proper care and comfort of the animals; (2) the location of the kennel or cattery is a permitted use under applicable county zoning ordinances; and (3) the current year's kennel or cattery permit fee has been paid. The permit fee for kennel or cattery shall be purchased annually and shall be due on the first day of January of each year.
- (c) A pet store or grooming shop permit shall be granted only after the Animal Services Director or designee has determined that: (1) the pet store or grooming shop meets the standards set forth in Penal Code, Section 597I; (2) the location of the pet store or grooming shop is a permitted use under applicable county zoning ordinances; and (3) the current year's pet store or grooming shop permit fee has been paid. The permit fee for a pet store or grooming shop shall be purchased annually and shall be due on the first day of January of each year.

(Ord. No. 2580, § 2)

Sec. 7-7. - Same—Revocation.

- (a) The kennel, cattery, pet store or grooming shop will be provided notice of a violation that could lead to revocation of the permit. The notice will include what is required to cure the violation and shall set forth a deadline for compliance.
- (b) The permit for the establishment or maintenance of a kennel or cattery may be revoked by the Animal Services Director or designee upon his/her determination that: (1) the facilities for the proper care and comfort of the animals no longer meet the established standards; or (2) that the location of the kennel or cattery is not a permitted use under the applicable county zoning ordinances; or (3) the annual permit fee for a kennel or cattery has not been paid within thirty days after it is due.
- (c) The permit for the establishment or maintenance of a pet store or grooming shop may be revoked by the Animal Services Director or designee upon his/her determination that: (1) the facilities for the proper care and comfort of the animals no longer meet the standards set forth in the Penal Code, Section 597I; or (2) that the location of the pet store or grooming shop is not a permitted use under the applicable zoning ordinances; or (3) the annual permit fee for a pet store or grooming shop has not been paid within thirty (30) days after it is due.

(Ord. No. 2580, § 2)

Sec. 7-8. - Certain animals on sidewalks.

It shall be unlawful for any person to ride or drive or cause to be ridden or driven any bovine, horse, mule, burro, sheep, goat or swine on any sidewalk. The term "sidewalk" shall not include any public riding or hiking trail.

(Ord. No. 2580, § 2)

Sec. 7-9. Removal of Animal Waste and Sanitation of Quarters Where Animals are Housed

No person owning or having custody or control of any animal shall knowingly or through failure to exercise due care or control permit such animal to defecate or commit any other nuisance, including but not limited to other bodily excretions, and allow such nuisance to thereafter remain on any beach, in any public park, or other public property, upon the sidewalk or parkway of any street, or upon any private property which is improved or occupied, without the consent of the owner or person in lawful occupation thereof. A person shall not be considered in violation of this Section if the person has the necessary equipment, i.e., shovel, bag, etc., readily available and does take immediate and necessary action to accomplish the removal of such nuisance.

It shall be unlawful for any person to own or maintain any cage, hutch, aviary, place, property or area in which any animal is kept in an unsanitary manner due to the accumulation of feces, urine, uneaten food or other matter that is harmful to the health, safety or welfare of the animal, other animals or any human being. Any feces, uneaten food, or other matter that emits an offensive odor or encourages the breeding of flies or other insects shall be collected daily, not be allowed to accumulate and shall be properly disposed of.

Sec. 7-10. - Violations.

Violation of any provisions contained in articles I, II and III of this chapter which are declared to be unlawful shall be an infraction. Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation, (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year, (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year. Such fine shall be in addition to any required fees or deposits.

(Ord. No. 3023, § 1)

Article II. - Restraint and Impoundment

Sec. 7-11. Generally

Sec. 7-12. Impoundment – Duties of county generally

Sec. 7-13. Same – Time limit; notification of owner; euthanasia of animals; use of animals for research or testing

Sec. 7-14. Claiming impounded animals

Sec. 7-15. Certain unclaimed animals

Sec. 7-16. Spay or neuter of unaltered animals released for adoption

Sec. 7-17. Procedure when a person takes custody of any non-restrained animal

Sec. 7-11. - Generally.

- (a) It shall be unlawful for any person owning or having custody and control of any animal to fail to keep such animal under restraint when such animal is in or upon any public or private property or area without the express permission of the owner or custodian of such property or area.
- (b) It shall be unlawful for any person owning or having custody and control of any animal to stake out or tether such animal in such a manner that would permit or allow such animal to go in or upon any public or private property or area without the express permission of the owner or person in possession and control of such property or area.
- (c) It shall be unlawful for the owner or person having custody and control of any female dog in heat to fail to confine or enclose such female dog so that she cannot come in contact with any male dog except for the purpose of planned breeding.
- (d) Any animal not kept under restraint or so confined or enclosed is hereby declared to be a menace and a nuisance to public health and safety.
- (e) The county may seize and impound any animal not kept under restraint or so confined or enclosed.

(Ord. No. 2580, § 3)

Sec. 7-12. - Impoundment—Duties of county generally.

County animal shelters shall keep accurate records on each animal taken up, medically treated, euthanized or impounded. The records shall include all of the following information and any other information required by the California Veterinary Medical Board:

- (a) The date the animal was taken up, medically treated, euthanized or impounded.
- (b) The circumstances under which the animal was taken up, medically treated, euthanized or impounded.
- (c) The names of the personnel who took up, medically treated, euthanized or impounded the animal.
- (d) A description of any medical treatment provided to the animal and the name of the veterinarian of record.
- (e) The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the owner reclaiming the animal, the name and address of the adopting party or the entity receiving the animal as a transfer. These records shall be maintained for three years after the date the animal's impoundment ended.

(Ord. No. 2580, § 3; Ord. No. 4375, § 2)

Sec. 7-13. - Same—Time limit; notification of owner; euthanasia of animals; use of animals for research or testing.

- (a) (1) Except as provided in subdivisions (c), (d), (e) and (g) of this section, any stray cat or dog impounded shall remain so for a period of six business days, not including the day of impoundment, except if the county animal shelter has made the animal available for owner redemption on one weekday evening until at least 7:00 P.M. or one weekend day, the holding period shall be four business days, not including the day of impoundment. The animal shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption the remainder of the holding period.
- (2) After the expiration of such four or six day stray holding period set forth in subdivision (a)(1) of this section, the county may continue to hold the animal for adoption or humanely euthanize any animal not reclaimed or adopted. Prior to the euthanasia of that animal for any reason other

than irremediable suffering, the county shall release the animal to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, if requested by the organization prior to the scheduled euthanasia of the animal. However, the County shall not release either of the following: (i) a dog that has been seized pursuant to Section 7-56 for which a Vicious Dog Hearing pursuant to Section 7-57 has not yet been held; or (ii) a dog that has been ordered to be euthanized pursuant to Section 7-59.

- (3) During any period in which an animal is available for both owner redemption and adoption, requests for owner redemption and adoption will be considered in the order in which they are received.
- (b) All other stray animals that are typically impounded by the shelter, and legally allowed as personal property, shall remain impounded for a period of six business days, not including the day of impoundment, except if the shelter has made the animal available for owner redemption on one weekday evening until at least 7:00 P.M. or one weekend day, the holding period shall be four business days, not including the day of impoundment. The animal shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption the remainder of the holding period. After the expiration of such four or six day holding period, the county may continue to hold the animal for adoption or humanely euthanize any animal not reclaimed or adopted. Prior to the euthanasia of that animal for any reason other than irremediable suffering, the county shall release the animal to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, if requested by the organization prior to the scheduled euthanasia of the animal.

The owner or custodian of any animal impounded may at any time before the adoption, transfer or other disposition of such impounded animal, reclaim such animal during the county business hours upon a payment to the county of any charge, fee or penalty due under the provisions of this chapter, except as otherwise provided in this chapter or by law.

- (c) If it is determined by a California licensed veterinarian or by the Animal Services Director or designee that any animal impounded is irremediably suffering from a serious illness or severe injury, such animal shall not be held for owner redemption or adoption and may be humanely euthanized. Newborn animals that need maternal care and have been impounded without their mothers may be euthanized without being held for owner redemption or adoption.
- (d) If an apparently feral cat has not been reclaimed by its owner or caretaker within the first three days of the required holding period, shelter personnel qualified to verify the temperament of the animal shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period specified in subdivision (a) of this section for owner redemption and adoption. If the cat is determined to be truly feral, the cat may be euthanized or relinquished to a nonprofit animal rescue or adoption organization as defined in Section 501(c)(3) of the Internal Revenue Code, that agrees to the spaying or neutering of the cat if it is not already spayed or neutered.
- (e) Except as provided in subdivision (c) of this section, any animal relinquished by the purported owner that is of a species impounded by the shelter, shall be held for two full business days, not including the day of impoundment. The animal shall be available for owner redemption or adoption for the holding period.. After the holding period, the animal may be held longer, adopted, euthanized or transferred to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, under the same conditions and circumstances provided for stray animals in subdivision (a) of this section. However, the County shall not be required to release any dog that has a history of vicious or dangerous behavior documented by the County. Such dogs may be made available for immediate euthanasia.
- (f) Except as provided in subdivisions (a), (b), (c), (d), (e) and (g), the Animal Services director may establish minimum holding periods and terms and conditions for release, adoption, transfer or euthanasia of other species of animals impounded by the shelter.
- (g) This section shall not apply to any of the following animals:

- (1) Animals impounded for biting pursuant to section 7-23
 - (2) Animals impounded for rabies control purposes;
 - (3) Wild animals subject to euthanasia, release, relocation or other disposition under applicable laws;
 - (4) Animals held in protective custody;
- (h) The county may not release or transfer title to any impounded live animal to anyone for the intended use of the animal for research or testing, or for use for fur or as food for humans or for other animals.
- (i) The county shall, prior to adoption, transfer or euthanizing any animal, attempt to notify the owner or person entitled to custody and control of such animal. The county shall also provide the owners of lost animals and those who find lost animals with all of the following:
- (1) Ability to list the animals they have lost or found on "Lost and Found" lists maintained by the shelter;
 - (2) Referrals to animals listed that may be the animals the owners or finders have lost or found;
 - (3) The telephone numbers and addresses of other pounds and shelters in the same vicinity;
 - (4) Advice as to means of publishing and disseminating information regarding lost animals;
 - (5) The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.
- (j) In addition to any required spay or neuter deposit, the board of supervisors may by ordinance establish fees, not to exceed the standard adoption fee, for animals released to nonprofit animal rescue or adoption organizations pursuant to this section.

(Ord. No. 2580, § 3; Ord. No. 4375, § 2)

Sec. 7-14. - Claiming impounded animals.

The owner or custodian of any animal impounded may at any time before the adoption, transfer or other disposition of such impounded animal, reclaim such animal during the county business hours upon a payment to the county of any charge, fee or penalty due under the provisions of this chapter,, except as otherwise provided in this chapter or by law.

(Ord. No. 2580, § 3)

Sec. 7-15. - Certain unclaimed animals.

Any horse, mule, burro, sheep, goat or swine impounded by the county, unless claimed by the person or owner entitled to custody thereof, may after seventy-two hours be released for adoption or transfer or other disposition as deemed appropriate.

(Ord. No. 2580, § 3)

Sec. 7-16. - Spay or neuter of unaltered animals released for adoption.

- (a) No dog or cat shall be released by the county for adoption unless such dog or cat is spayed or neutered. (b) If a veterinarian licensed to practice veterinary medicine in California certifies that the dog or cat is too sick or injured to be spayed or neutered, or that it would be otherwise detrimental to the health of the dog or cat, the adopter shall pay Animal Services a deposit consistent with the amount set for the in California Food and Agricultural Code Section 31761, as this section may be amended from time to time. (c) The deposit shall be temporary and shall be retained until the dog or cat is healthy enough to be spayed or neutered, as certified by a veterinarian licensed to practice veterinary medicine in California.

- (1) The dog or cat shall be spayed or neutered within 14 business days of that certification.

(2) The adopter shall obtain written proof of spaying or neutering from the veterinarian performing the surgery.

(3) If the adopter presents proof of spaying or neutering to Animal Services within 30 days of obtaining the surgery, the adopter shall receive a full refund of the deposit.

(4) If the dog or cat is spayed or neutered by Animal Services, the deposit will be converted to the fee for the service and retained by Animal Services.

(5) Unclaimed deposits will be forfeited and expended for programs to spay or neuter dogs or cats.

(d) Notwithstanding section 7-10. of article II of this chapter, a violation of this section may be filed as either an infraction or a misdemeanor at the discretion of the Santa Barbara County district attorney.

(Ord. No. 2580, § 3; Ord. No. 3936, § 1)

Sec. 7-17. - Procedure when person takes custody of any non-restrained animal.

(a) Any person may take temporary custody of any animal not under restraint as required by this article.

(b) It shall be unlawful for any person to fail within twenty-four hours after obtaining temporary custody of such animal to notify the owner or custodian of such animal or Animal Services of such temporary custody.

(c) The county shall, upon receiving notification under this section, seize and impound such animal.

(d) If an animal impounded under this section is not reclaimed after the expiration of the stray holding period of the impoundment period required by section 7-13 by the owner or person entitled to custody, the person taking temporary custody under this section shall have the first right to adopt such animal, subject to compliance with applicable adoption procedures and approval criteria.

(Ord. No. 2580, § 3; Ord. No. 4375, § 3)

Article III. – Licenses and Tags

Sec. 7-18. Licenses and tags – Required

Sec. 7-19. Same – Exceptions

Sec. 7-20 Same – Duplicates

Sec. 7-21. Same Unlawful acts

Sec. 7-21.1 Dogs used by sheriff's department

Sec. 7-18. - Licenses and tags—Required.

1. Unaltered Animal License for Responsible Owners.

(a) Owners of dogs and cats shall act responsibly when considering whether to breed their dog or cat.

(1) Spaying or neutering of dogs and cats is recommended.

(2) Owners of dogs and cats may purchase an Unaltered Animal License from animal services if a California licensed veterinarian issues a Veterinary Certificate stating in writing that:

the owner has discussed the objectives and purpose for owning the dog or cat with the veterinarian, and after considering the overall circumstances, including the age and health of the animal, the veterinarian either

- (i) concludes that the owner and dog or cat will best be served by authorizing the owner to purchase an Unaltered Animal License; or
 - (ii) otherwise authorizes the owner to purchase an Unaltered Animal License.
 - (3) A current Veterinary Certificate is required each time an Unaltered Animal License is purchased.
 - (4) A Veterinary Certificate is valid for either one year or the term of the license, whichever is longer.
 - (b) For every owner in the County who owns a dog or cat over 6 months of age and whose animal does not meet the requirements to purchase an Unaltered Animal License, the owner shall have the dog or cat spayed or neutered.
 - (c) These requirements do not apply to owners of dogs and cats temporarily visiting the county for 30 days or less.
 - (d) These requirements do not apply to owners of dogs and cats residing on parcels that are designated as AG-II and a minimum parcel size of 40 acres.
2. Does Not Qualify for an Unaltered Animal License. The following owners of dogs or cats do not qualify for an Unaltered Animal License:
- (1) Owners of dogs or cats impounded and/or cited at large three times within a year.
 - (2) Owners of dogs or cats convicted in California for crimes against animals and/or domestic violence.
 - (3) Dog owners who have been found guilty of an infraction or misdemeanor under Article VIII of this chapter after their dog has bitten, attacked, or caused injury to a human being or animal while the dog was running at large.
3. Dog Licenses.
- (a) It shall be unlawful to own or have custody of a dog four months of age or older unless a county altered or unaltered dog license has been procured.
 - (b) The county shall only issue a dog license after the dog to be licensed has been vaccinated against rabies by a method approved by a licensed veterinarian who shall issue to the owner or person entitled to custody of the dog to be licensed a rabies certificate which shall include information as prescribed by the State of California .
 - (c) Upon payment of the license fee and the presentation of a valid rabies vaccination certificate, the county shall issue a dog license and dog tag to the person paying the license fee. The dog tag shall be worn by the dog at all times.
 - (d) A county dog license shall be valid for a period not to exceed three years and the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.
4. Unaltered Cat Licenses.
- (a) It shall be unlawful to own or have custody of an unaltered cat six months of age or older unless an Unaltered Animal license has been procured.
 - (b) Upon payment of the license fee and the presentation of a current Veterinary Certificate, the county shall issue an Unaltered Animal License and cat license tag to the person paying the license fee. The cat tag shall be worn by the cat at all times.
 - (c) An Unaltered Animal License for a cat shall be valid for one year.
5. General.
- (a) An Unaltered Animal License constitutes a breeders license. The Unaltered Animal License number will be displayed in any advertisements to sell or give away offspring of the animal.

- (b) For each Unaltered Animal License sold, ten (\$10) dollars will be deposited into the Animal Services Spay/Neuter Agency Fund to be used for education and spay or neuter related activities.

The fees for License Penalties will be deposited into the Animal Services Spay/Neuter Agency Fund to be used for education and spay or neuter related activities.

The fees for licenses sold include the following amounts to be deposited into the Animal Services Capital Improvement Agency Fund:

\$1 for one-year altered, new adoptions duplicate tags and all 6 month licenses

\$2 for two year altered and one year unaltered licenses

\$3 for three year altered and optional cat licenses

\$4 for two year unaltered licenses

\$6 for three year unaltered licenses

- 6. Enforcement Responsibility. The Animal Services Director shall be responsible for the administration and enforcement of this chapter. Any request for review of a denial for an Unaltered Animal License shall be submitted in writing to the Animal Services Director who shall hold a hearing. The decision of the Animal Services Director shall be final.

(Ord. No. 2580, § 4; Ord. No. 3664, § 1; Ord. No. 4737, 12-1-2009)

Sec. 7-19. - Same—Exceptions.

A dog need not be licensed if: (1) such dog is owned or in the custody and control of nonresidents of the county who are traveling through or sojourning in the county for less than thirty days; or (2) such dog is used to assist a person with impaired vision; or (3) such dog is trained for official law enforcement duties and which are used for said purposes by the sheriff's department.

(Ord. No. 2580, § 4; Ord. No. 3397, § 1)

Sec. 7-20. - Same—Duplicates.

A duplicate dog tag shall be issued by the county upon presentation to the county of: (1) the dog license; (2) a declaration under penalty of perjury, on a form prescribed by the county, that the tag has been lost; and (3) upon the payment of a duplicate tag fee.

(Ord. No. 2580, § 4)

Sec. 7-21. - Same—Unlawful acts.

- (a) It shall be unlawful for any person to remove the dog tag from any dog of which a person is not the owner or entitled to custody.
- (b) It shall be unlawful for any person to place a dog tag on any dog for which the tag was not issued.
- (c) It shall be unlawful for any person to place any imitation or false dog tag on any dog.

(Ord. No. 2580, § 4)

Sec. 7-21.1. - Dogs used by sheriff's department.

- (a) Where a deputy sheriff has a right to enter or be present in or at any place, public or private, in the performance of official law enforcement duties, any dog, and the handler of any dog, used by the sheriff's department in the performance of official duties shall have the right to enter or be present in or at any such place.

- (b) It shall be unlawful for any person to willfully torture, tease, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the sheriff's department in the performance of its functions or duties or to interfere with or meddle with any such dog which is used or being used by the sheriff's department, or any officer or member thereof, in the performance of any of the functions or duties of the sheriff's department or of such officer or member.
- (c) The provisions of sections 7-11(a) through (e) shall not apply to dogs which have been trained for official law enforcement duties and which are used for said purposes by the sheriff's department.

(Ord. No. 3397, § 2)

Article IV. - Rabies Suspect Animals

Sec. 7-22. Rabies suspect animals generally

Sec. 7-23. Procedure when animal bites person or animal

Sec 7-24. Notification to county health officer of suspected rabies

Sec 7-25. Procedure when rabies suspected

Sec 7-26. Examination and destruction of rabid animals

Sec. 7-22. - Rabies suspect animals generally.

- (a) Dogs and cats, as well as other domestic mammals (excluding rodents and rabbits) involved in a bite to a human that breaks the skin are considered under state law to be rabies suspect.
- (b) Consistent with state law, animals considered to be rabies suspect are required to be placed in quarantine, defined as strict confinement upon the private premises of the owner, or at a veterinary facility or animal shelter facility, in a closed cage, or paddock, isolated for a specified time.
- (c) The rabies suspect animal will remain in quarantine until released by an Animal Services employee or a veterinarian licensed to practice veterinary medicine in the State of California.

(Ord. No. 2850, § 5)

Sec. 7-23. - Procedure when animal bites person or animal.

The county may direct the owner or custodian of any animal which is determined by the county to have bitten any person or other animal to comply with one of the following procedures if so required by the county:

- (a) Quarantine the biting animal on the premises of the owner or custodian of such animal for a period of time determined by the county.
- (b) Surrender the biting animal to the county for quarantine and impoundment for the period of time determined by the county.
- (c) Surrender the animal to a licensed veterinarian for quarantine for the period of time determined by the county.

It shall be unlawful for the owner or custodian of a biting animal to fail to comply with the county's requirements set forth in this section.

Except as otherwise provided in this Chapter or by state law, if the animal quarantined is determined not to be infected with rabies at the end of the period of isolation, it shall be released to the owner or

custodian of the animal upon the payment of any fee, charge or penalty including any fee for veterinary services. If such fee, charge or penalty is not paid within five days after notification by the county such animal may be adopted, transferred or humanely euthanized.

(Ord. No. 2580, § 5)

Sec. 7-24. - Notification to county health officer of suspected rabies.

It shall be unlawful for any person to fail to immediately notify the county health officer or designee of the observation or knowledge of any animal which shows symptoms of rabies or which acts in a manner which would lead a reasonable person to believe that the animal may have rabies.

(Ord. No. 2580, § 5)

Sec. 7-25. - Procedure when rabies suspected.

The county shall investigate any report of any animal which shows symptoms of rabies or acts in a manner which would lead a reasonable person to believe that the animal may have rabies. Upon determination by the county health officer or designee that an animal may be infected with rabies, the owner or custodian of such animal shall be required by the county to comply with one of the following procedures:

- (a) Surrender the animal to the county for quarantine and impoundment for the period of time determined by the county or
- (b) Surrender the animal to a licensed veterinarian for quarantine for the period of time determined by the county.

It shall be unlawful for the owner or custodian of an animal which may be infected with rabies to fail to comply with the county's requirements set forth in this section.

If the animal quarantined is determined not to be infected with rabies at the end of the period of quarantine, it shall be released to the owner or custodian of the animal upon the payment of any fee, charge or penalty including any fee for veterinary services. If such fee, charge or penalty is not paid within five days after notification by the county, such animal may be adopted, transferred or humanely euthanized.

(Ord. No. 2580, § 5)

Sec. 7-26. - Examination and destruction of rabid animals.

The county shall cause any animal quarantined to be examined by the county health officer or designee. If the animal is determined to be possibly infected with rabies, the county health officer shall order in writing that the animal be humanely euthanized and tested for rabies. A copy of this order shall be given to the owner or custodian of the animal.

(Ord. No. 2580, § 5)

Article V. - Beekeeping

Sec. 7-27. Beekeeping generally, construction of provisions

Sec. 7-28. Definitions

Sec. 7-29. Identification of apiary

Sec. 7-30. Right of commissioner and fire chief to enter premises; interference with commissioner or fire chief

Sec 7-31. Restrictions on location of apiary

Sec 7-32. Permission of landowner or tenant required for placement of apiary

Sec 7-33. Transportation of bees

Sec 7-34. Apiary water supply

Sec. 7-35. Fire prevention

Sec 7-36. Notice of violation of article

Sec. 7-27. - Generally, construction of provisions.

The unregulated and improper keeping of bees and apiaries in the county has become a nuisance and a hazard to the safety of landowners, road users and the public generally.

This article shall in all respects be construed to supplement and harmonize with the provisions of law of the state pertaining to bees and the beekeeping industry.

(Ord. No. 2580, § 6)

Sec. 7-28. - Definitions.

Any word or phrase hereinafter used in this article and not herein defined shall be given the meaning established for such word or phrase by the California Agricultural Code as it now is or may hereafter be amended. Whenever in this article the term "commissioner" is used, it shall mean the county agricultural commissioner or designee and regularly appointed employees of the county department of agriculture acting pursuant to his instructions.

Whenever in this article the term "fire chief" is used, it shall mean and include the county fire chief, the state forester, the district rangers and officers and foresters of the United States government or any of their deputies and employees, and the chief engineer or fire chief or chief executive officer of any fire district, or any of their deputies and employees.

(Ord. No. 2580, § 6)

Sec. 7-29. - Identification of apiary.

Every person owning an apiary located on premises other than where he resides shall identify such apiary as is now provided or hereafter may be provided by the laws of the state.

(Ord. No. 2580, § 6)

Sec. 7-30. - Right of commissioner and fire chief to enter premises; interference with commissioner or fire chief.

The commissioner and fire chief or designee are hereby empowered to enter upon any premises where bees are kept, or upon which they have reason to believe that bees are kept, in order to carry into effect the provisions of this article, respectively enforceable by each.

It shall be unlawful for any person to interfere with the official actions of the commissioner or fire chief.

(Ord. No. 2580, § 6)

Sec. 7-31. - Restrictions on location of apiary.

No person shall place or keep an apiary, or cause to allow an apiary to remain so close to a public or private road used by the public as to constitute a nuisance or hazard to persons using such road. Except when pollinating crops, no apiary shall be located within three hundred feet of a property line or road.

No person shall place or keep an apiary, or cause or allow an apiary, to remain closer than six hundred feet to any building used as a dwelling other than buildings owned by such person, without the permission of the occupant of such building.

(Ord. No. 2580, § 6)

Sec. 7-32. - Permission of landowner or tenant required for placement of apiary.

No person shall place or keep an apiary, or cause or allow an apiary to remain on land not owned or possessed by such person without first obtaining the written permission of the owner or person lawfully in possession of such land.

(Ord. No. 2580, § 6)

Sec. 7-33. - Transportation of bees.

Except in case of an emergency, hives of bees being transported on public roads or highways at a time when the bees are flying shall have the bees substantially confined by screens or other means to the vehicle by which the bees are being transported.

(Ord. No. 2580, § 6)

Sec. 7-34. - Apiary water supply.

Every apiary shall be provided with water by the apiary owner at the time that the set is made, and such water shall be maintained by the apiary owner so long as the apiary stays on such property, unless the landowner gives written permission for the apiary to use water situated on the land where the apiary is located.

(Ord. No. 2580, § 6)

Sec. 7-35. - Fire prevention.

Any person owning, leasing, controlling, operating or maintaining any apiary in, upon or adjoining any hazardous fire area, and any person owning, leasing or controlling any land adjacent to such apiary shall at all times:

- (a) Maintain around and adjacent to such apiary an effective firebreak made by removing and clearing away, for a distance therefrom of not less than thirty feet on each side thereof, all flammable vegetation or other combustible growth. This article shall not apply to single specimens of trees, ornamental shrubbery or similar plants used as ground covers; provided, that they do not form a means of rapidly transmitting fire from the native growth to any structure.
- (b) Maintain around and adjacent to any such apiary additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth located from thirty feet to one hundred feet from such apiary as may be required by the fire chief when he finds that because of extra hazardous conditions a firebreak of only thirty feet around such apiaries is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than thirty feet from such apiary and less than eighteen inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

No person shall use any lighted or smoldering material in connection with smoking bees except by the authority of a written permit from the fire chief.

(Ord. No. 2580, § 6)

Sec. 7-36. - Notice of violation of article.

Any person who violates any provisions of this article may be served with a written notice to cease or remedy such violation by the commissioner. Any person who violates the fire provisions of this article may be served with a written notice to cease or remedy such violation by the fire chief. Such notice shall require that such person cease or remedy the violation within forty-eight hours. Any person who fails to cease or remedy the violation within such forty-eight hour period is guilty of a misdemeanor. The notices required by this section shall be served personally on such person or, if he cannot be readily found, shall be served by mail, return receipt requested; or, if he cannot be served by mail, then service shall be accomplished by posting a notice in a conspicuous place on or near the apiary where the violation occurred. The forty-eight hour period for which such notices provide shall commence to run from the time on the day a notice is served pursuant to this section.

(Ord. No. 2580, § 6)

Article VI. - Dog Noise

Sec. 7-37. Dog noise nuisances

Sec 7-38. Administrative policies, procedures and guidelines

Sec 7-39. District attorney enforcement remedies

Sec. 7-37. - Dog noise nuisances.

- (a) It shall be unlawful and a public nuisance for any person to keep, maintain or permit any dog under his or her charge, care, custody or control to emit excessive noise.
- (b) For purposes of subdivision (a) this section, the term "excessive noise" shall mean the utterance of barks, cries or sounds which are loud, frequent and continued over a period of time so as to deprive persons residing in two or more dwelling units in the neighborhood, of the reasonable comfortable enjoyment of their homes or property.

A dwelling unit is defined as a county assessor's parcel unit, except that for the purposes of this article, condominiums and apartment units shall be deemed to be one assessor's parcel unit.

However, the provisions of this article shall not apply to any commercial animal establishment permitted by zoning law or any parcel having a comprehensive plan designation for agriculture and agricultural uses or zoned exclusively for agriculture.

- (c) A public nuisance proscribed by subdivision (a) of this section may be abated in the manner set forth in this ordinance and in the administrative policies, procedures and guidelines adopted by the Animal Services Division of the Santa Barbara County Public Health Department (hereinafter referred to as Animal Services Division). This ordinance and the administrative policies, procedures and guidelines adopted by the Animal Services Division are in addition to any other remedies, which may be available by law.

(Ord. No. 4397, § 1)

Sec. 7-38. - Administrative policies, procedures and guidelines.

- (a) The Animal Services Division shall adopt written administrative policies, procedures and guidelines to process complaints, which complaints are deemed to be public records open to public inspection, regarding dogs that emit noise. Said administrative policies, procedures and guidelines shall include, but not be limited to, the processing of complaints, notification to responsible persons of complaints, investigation of complaints, voluntary and informal meetings with concerned parties regarding complaints, voluntary community mediation regarding said complaints, voluntary dog obedience training, and/or referral to the district attorney for enforcement of this ordinance under Section 7-39

- (b) The board of supervisors may adopt fees by ordinance to recover the costs to implement the administrative policies, procedures and guidelines adopted by the Animal Services Division pursuant to this ordinance.

(Ord. No. 4397, § 1)

Sec. 7-39. - District attorney enforcement remedies.

(1) Civil Actions.

- (a) Injunctive Relief. Whenever the director of the Animal Services Division or his or her designee chooses to refer to the district attorney a complaint under this article, or on the district attorney's own initiative without a referral from the director of the Animal Services Division, the district attorney may make application to the Superior Court for an order enjoining the conduct that constituted the nuisance, and upon a showing by the district attorney that such person has engaged in or is about to engage in any conduct which would constitute a nuisance as described in Section 7-37, a permanent or temporary injunction, restraining order or other may be granted.

(b) Civil Remedies and Penalties.

- (i) Civil Penalties. Any person, who willfully violates any of the provisions of Section 7-37, shall be liable for a civil penalty not to exceed two thousand (\$2,000) dollars.
- (ii) Costs and Damages. Any person violating Section 7-37 shall be liable to the County of Santa Barbara for the cost incurred in prosecuting a civil action pursuant to subdivision (1) of this section 7-39, including the cost of litigation.

(2) Criminal Actions and Penalties. Any person who willfully violates any provision of Section 7-37 is guilty of a crime. The offense may be filed as either an infraction or a misdemeanor at the discretion of the district attorney.

(a) Infractions. If filed as an infraction and upon conviction thereof, the crime shall be punishable by:

- (i) A fine not exceeding one hundred (\$100) dollars for a first violation;
- (ii) A fine not exceeding two hundred (\$200) dollars for a second violation of this article in one year; and
- (iii) A fine not exceeding five hundred (\$500) dollars for each additional violation of this article within one year.

(b) Misdemeanors. If filed as a misdemeanor and upon conviction thereof, the punishment shall be a fine of not less than five hundred (\$500) dollars nor more than one thousand (\$1,000) dollars or imprisonment in the county jail for a period not exceeding six (6) months or by both a fine and imprisonment..

(Ord. No. 4397, § 1)

Article VII. - Use of Steel-Jawed Leg-Hold Traps

Sec 7-40. Legislative findings and declaration

Sec. 7-41. Use of steel-jawed leg-hold traps

Sec 7-42. Exception to prohibition

Sec 7-43. Violations – Penalty - Enforcement

Sec. 7-40. - Legislative findings and declaration.

The board of supervisors finds and declares that the use of steel-jawed leg-hold traps creates a hazard to the residents of Santa Barbara County and their pets.

It is necessary to regulate the use of steel-jawed leg-hold traps on certain public lands in the county to insure the safety and welfare of persons and pets using said lands for recreational purposes.

The impact on trapping in Santa Barbara County is minimal compared to the local safety and welfare concerns of the county's citizenry.

(Ord. No. 3775, § 1)

Sec. 7-41. - Use of steel-jawed leg-hold traps.

Except as provided in section 7-51, it shall be unlawful for any person to set, trigger, activate or otherwise use or cause to be set, triggered, or activated, any steel-jawed leg-hold traps for the capture of any animals in any of the following areas:

- (a) Within all public lands in the Los Padres National Forest which are located within the boundaries delineated on the map marked Exhibit "A" attached to the ordinance codified in this article and described as follows:

The eastern boundary begins at the Toro Canyon Road proceeding north to the end of the road and continuing due north to Divide Peak Road, continuing northwest to the junction of Camuesa Road.

The boundary line then proceeds east along Camuesa Road to Juncal Campground.

The northern boundary line begins at Juncal Campground and Camuesa Road (5N15) and proceeds northwest along Camuesa Road to the Big Caliente Hot Springs Road (5N16). The boundary proceeds north on Big Caliente Hot Springs Road to Big Caliente Hot Springs.

Forest Management boundary 63(a) is then followed west from Big Caliente Hot Springs to Little Caliente Hot Springs. The road from Little Caliente Springs is followed to the junction of Mono Creek Channel. Mono Creek Channel proceeds southward to confluence with the Santa Ynez River.

The boundary continues west along the Santa Ynez River Channel to the Red Rock day use parking area.

The boundary then continues along the road from Red Rock to the Upper Oso Road, proceeding north on Upper Oso Road to the junction of the Santa Cruz Trail (27W09). It continues due west to the forest boundary.

The western boundary of the regulated area is due north and south from the Winchester Gun Club.

- (b) The firearms closure area within the Figueroa Mountain Recreation area as depicted on the Los Padres Forest Service recreation map.
- (c) Within five hundred yards from the boundaries of the following high use developed campgrounds and day use areas:

Juncal Campground

Upper Oso Campground

Lower Oso Campground

Davy Brown Campground

Nira Campground

Cachuma Campground

Big Caliente Hot Springs

Little Caliente Hot Springs

(d) On all public lands in the unincorporated area of the county south of the southernmost boundary of the Los Padres National Forest.

(Ord. No. 3775, § 1)

Sec. 7-42. - Exception to prohibition.

Notwithstanding section 7-50, it shall be lawful to utilize a steel-jawed leg-hold trap in any regulated areas when:

- (a) Such traps are utilized for predator control programs by federal trappers.
- (b) Such traps are used by grazing permittees where active grazing allotments have been authorized.
- (c) Such traps are utilized for the control of disease outbreaks as authorized by State Fish and Game Code 4011.

(Ord. No. 3775, § 1)

Sec. 7-43. - Violations—Penalty—Enforcement.

Any person who violates the provisions of this article is guilty of an infraction, which shall be punishable by a fine not to exceed one hundred dollars for the first violation; not to exceed two hundred dollars for a second violation within one year; and not to exceed five hundred dollars for each additional violation of the same ordinance within one year. Further, when complaints are received, the animal control officers of the county shall have the duty to investigate and enforce the provisions of this article. The provisions of this article may also be enforced by any peace officer having the jurisdictional authority to do so.

(Ord. No. 3775, § 1)

Article VIII. -Vicious and Restricted Dogs

Sec. 7-53. - Purpose.

Public Menace. Within the County of Santa Barbara there are vicious dogs that the presence of which has become a serious and widespread threat to the safety and welfare of the residents and/or domestic animals of the county that should be abated. The provisions of this article set forth the procedures by which a dog determined to be a vicious dog, thereby becoming subject to appropriate controls and other actions.

(Ord. No. 3856, § 1; Ord. No. 4059 § 1)

Sec. 7-54. - Definitions.

“Restricted dog” means:

- (a) Any dog which when unprovoked, engages in any behavior that requires a defensive action by a person to prevent bodily injury to any person, domestic animal or livestock, off the property of the owner or custodian of the dog; or
- (b) Any dog which, when unprovoked, bites a person or otherwise engages in aggressive behavior , causing a less severe injury than as defined as “Severe injury” in Section 7-54; or

- (c) Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal or livestock off the property of the owner or custodian of the dog; and
- (d) Any dog for which an administrative hearing has been held and the dog has been determined to need to be closely controlled by the owner or custodian and restrictions have been designated by a hearing officer with jurisdiction in the County of Santa Barbara.

"Vicious dog" means:

- (a) Any dog that engages in or has been found to have been trained to engage in exhibitions of illegal fighting; or
- (b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury, as defined in Section 7-54, or kills a person; or
- (c) Any dog previously determined to be and currently designated as a restricted dog in Santa Barbara County, which, after its owner or custodian has been notified of this determination, continues the behavior that resulted in designating it a restricted dog, engages in other behavior described in the "Restricted Dog" definition in Section 7-54, or is maintained in violation of Section 7-60, an administrative decision, a court order or restrictions placed on it; or
- (d) Any dog designated to be dangerous or vicious in another jurisdiction which exhibits any of the behavior defined in (a) or (b) above. (Ord. No. 3856, § 1; Ord. No. 4059 § 1)

"Severe injury" means any physical harm to a human being that results in a serious illness or injury, including but not limited to a fracture, muscle tears or disfiguring lacerations requiring sutures or corrective or cosmetic surgery.

"Impounded" means under the control and in the possession of the county.

"Director" means the Animal Services Director, or designee.

"Owner" means the owner of the dog subject to the provisions of this article.

"Custodian" means the person responsible for caring for and looking after the dog on behalf of the owner of the dog subject to the provisions of this article.

The provisions of this section shall not apply to any dog assisting a peace officer engaged in law enforcement duties

Sec. 7-55. - Dog bites by dogs at large—Penalty.

- (a) An owner or custodian of a dog who permits, allows or causes the dog to run, stray or be uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon private property of another person without the consent of the property owner or person in lawful occupation or possession, is guilty of a public offense punishable as an infraction under section 7-64.
- (b) If said dog or other animal bites, attacks or causes injury to any human being or other domestic animal while stray or uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon private property of another person or person in lawful occupation or possession, the owner or custodian is guilty of a public offense punishable as a misdemeanor.
- (c) When a violation of this section is punishable as a misdemeanor, the misdemeanor is punishable by a fine not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-56. - Authority to seize and impound animal posing an immediate threat to public safety.

- (a) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists that a dog poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearing to be held pursuant to Section 7-57. The hearing will be held within 10 business days from the date the dog is seized or impounded or within 10 days of notification to the owner or custodian. The owner or custodian of the dog shall be liable for the costs and expenses of keeping the dog impounded if the dog is later adjudicated restricted or vicious. Such costs and expenses shall be paid prior to release of the dog. If the dog is not determined to be restricted or vicious, the owner or custodian is not liable for the costs and expenses of keeping the impounded dog. (b) Surrender of Dog. Any owner of a dog subject to the provisions of this section shall immediately surrender custody and control of such dog at the request of the animal control officer or law enforcement officer. A violation of the provisions of this subsection is a misdemeanor punishable by a fine not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.
- (c) When a dog has been impounded pursuant to subsection (a) and it is not contrary to public safety, the director may permit the dog to be confined at the owner's expense in a department-approved animal or veterinary facility or at the owner's residence if conditions of confinement can be met.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-57. – Vicious or Restricted Dog Hearing.

- (a) Hearing. If an animal control officer or a law enforcement officer has investigated and determined that there is probable cause that a dog is potentially vicious or restricted, the director shall set and administrative hearing, to determine whether or not the dog in question should be declared restricted or vicious. (b) Notice of Hearing and Petition.
- (1) Subsequent to the investigation showing probable cause that a dog is potentially vicious, the animal control supervisor, animal control officer or law enforcement officer shall prepare a petition, which is a document that lays out the allegation that the dog is potentially vicious and the supporting evidence. (2) Whenever possible, a complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. (3) The director shall notify the owner or custodian of the dog that an administrative hearing will be held, at which time he or she may present evidence as to why the dog should not be declared restricted or vicious.
- (4) The owner or custodian shall be served the notice of the hearing, the time, date and location of the hearing, a copy of Article VIII Vicious Dogs, and a copy of the petition, either personally, and/or by first class mail and certified mail 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 the service upon the owner or custodian of the dog. For the purposes of this article, service is complete either (i) when the documents are personally served or (ii) five days after the documents are deposited in the mail or when the return receipt is received back from the recipient, whichever is earlier.
- (c) Conduct of Hearing. The hearing shall be conducted as an administrative hearing or a limited civil case pursuant to Code of Civil Procedure Section 85, et seq., open to the public. The administrative hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The administrative hearing officer may find, upon a preponderance of the evidence, that the dog is restricted or vicious and shall make other orders or findings required or authorized by this article. The administrative hearing officer may decide all issues for or against the owner or custodian of the dog, even if the owner or custodian fails to appear at the hearing. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which

might make improper the admissions of such evidence over objection in civil actions. The rules of privilege shall be effective in to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant or unduly repetitious evidence shall be excluded.

- (d) Administrative Hearing Officer. If the dog owner or custodian is notified that an administrative hearing will be held, the hearing shall be conducted by a neutral hearing officer. The department may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who signed the petition or directed the seizure or impoundment of the dog, and is not junior in rank to that person(s). In the alternative, the department may utilize the services of a hearing officer from outside the department who is employed either by the County or by a city or other county with which the County has an agreement for such services.
- (e) Administration of Oaths. The administrative hearing officer shall have the power to administer oaths or affirmations when necessary in conjunction with the hearing.
- (f) Record. The administrative hearing officer shall record the hearing on a recording device and shall make such recording available to the parties upon request. Animal Services shall provide a copy of the recording or a transcript prepared therefrom to any party who requests it and pays the cost of making such copy or preparing such transcript.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-58. - Notice of decision

- (a) Following an administrative hearing conducted pursuant to Section 7-57, a written notice of the decision shall be served on the department and the owner or custodian of the dog either personally and/or by first class mail and certified mail return receipt requested within fourteen (14) calendar days after the date of the hearing.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-59. - Consequences of vicious dog determination

- (a) A dog determined to be a vicious dog shall be euthanized by the department when it is found, after proceedings conducted under Section 7-57, that the release of the dog would create a significant threat to the public health, safety and welfare. If the dog determined to be vicious is not in the County's possession, the owner or custodian shall surrender the dog to the County.
- (b) If it is determined that a dog found to be vicious shall not be destroyed, the administrative hearing officer shall impose conditions necessary to protect the public health, safety, and welfare. These conditions are limited to release to an approved animal rescue sanctuary for the remainder of the animal's life and no possibility of adoption. The owner or custodian is responsible for all fees, charges and associated costs related to this release. The owner or custodian will provide proof within fourteen (14) calendar days of the fully executed contract with the County approved animal sanctuary.. If the owner or custodian fails to pay all fees and/or fails to provide proof of a contract with a County approved animal sanctuary within fourteen (14) days of the owner's or custodian's receipt of the notice of the decision, the dog will be deemed abandoned and may be transferred, adopted or euthanized by the department at its discretion.
- (c) The owner or custodian of a dog determined to be a vicious dog may be prohibited from owning, keeping, possessing or having custody or any dog for a period of up to three (3) years, if it is found at the hearing conducted pursuant to the petition to declare the dog vicious, that ownership or possession of a dog by that person would create a significant threat to the public health, safety and welfare.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-60. - Consequences of restricted dog determination.

A dog determined to be a restricted dog may be released to the owner or other custodian with restrictions that must be met prior to release of the dog to the owner or other custodian if the dog was impounded.

- (a) The dog shall be properly licensed, microchipped, spayed or neutered, and vaccinated at the owner or custodian's expenses, prior to release to the owner or custodian if the dog was impounded. (b) If the dog was not impounded, the dog owner or custodian shall provide proof that the dog is licensed, microchipped, spayed or neutered, and vaccinated within fourteen (14) calendar days after the decision or court order declaring the dog to be a restricted dog is served on the dog owner or custodian. Animal Services may include the designation in the license registration records of the dog.
- (c) The administrative hearing officer may impose other restrictions as appropriate which may include, but will not be limited to:
 - (1) Fence or enclosure requirements;
 - (2) Yard inspections;
 - (3) Muzzling when in public;
 - (4) Notification to Animal Services of incidents involving the restricted dog;
 - (5) Training;
 - (6) Maintenance of general liability insurance;
 - (7) An administrative hearing officer may impose such other reasonable restrictions as are determined by the hearing officer to be necessary to protect the public health, safety and welfare
- (c) All charges for services performed by Animal Services pursuant to Section 7-56 through 7-60 and all fines shall be paid prior to the release of the dog to its owner or custodian within fourteen (14) calendar days after the services are performed or the charges and fines are ordered to be paid. If the charges and fines are not paid within fourteen (14) days after the services are performed or the fines are ordered to be paid, the dog shall be deemed to be abandoned and may be transferred, adopted or euthanized by the department at its discretion.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-61. - Compliance with conditions and consequences of violation of conditions

- (a) The hearing officer who heard the petition to determine if a dog is potentially dangerous or vicious or other administrative hearing officer may schedule follow-up hearing dates to ensure compliance with all conditions imposed.
- (b) Consequences that may result from the failure of an owner or custodian of a dog released after a hearing pursuant to Section 7-57 or Section 7-59 to comply with any of the conditions imposed under Section 7-59 or 7-60 include, but are not limited to the following:
 - (1) The failure to comply with any condition shall be a violation of this Article that is punishable as a misdemeanor punishable by a fine not exceeding one thousand (\$1,000) dollars or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment;
 - (2) A violation of any part of an 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 shall not limit the authority or ability of the County to take any other action permitted by law;

- (3) A violation of an administrative decision or court order following a determination that a dog is a restricted dog, may result in the filing of an action to determine if the dog is vicious under Section 7-57 (c).

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-62. - Exceptions.

- (a) No dog may be declared restricted 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 custodian of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared restricted 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 restricted or vicious if an injury or damage was sustained by a domestic animal or livestock which at the time of the injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog.
- (b) No dog may be declared restricted or vicious if the injury or damage to a domestic animal or livestock 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 custodian, and the damage or injury was to a species or type of domestic animal or livestock appropriate to the work of the dog.
- (c) No dog may be declared restricted or vicious if the injury or damage to a person or domestic animal was sustained while the dog was a law enforcement dog performing law enforcement duties.
- (d) This article does not apply to humane society shelters, municipal animal control facilities, or to veterinarians or veterinary clinics.

Sec. 7-63. - Violation—Penalty for infraction.

Unless otherwise designated as a misdemeanor, any violation of this Article shall constitute an infraction punishable by:

- (a) A fine not exceeding one hundred (\$100) dollars for a first violation;
- (b) A fine not exceeding two hundred (\$200) dollars for a second violation of this article within one year;
- (c) A fine not exceeding five hundred (\$500) dollars for each additional violation of this article within one year.

(Ord. No. 3856, § 1; Ord. No. 4059 § 1)

Sec. 7-64. - Severability.

The provisions of this article are severable; and if any provision, clause, sentence, section, word, or part herein is found to be invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the article or its applicability to other persons or circumstances.

(Ord. No. 3856, § 1; Ord. No. 4059 § 1)

Article IX. - Transfer of Dogs and Cats

Sec. 7-65. - Transfer of dogs and cats.

- (a) Definition. "Transfer" shall mean any transaction in which a dog, puppy, cat or kitten is delivered to a new owner, and shall include, but not be limited to, the sale, sale at auction, barter, exchange, gift or adoption of any dog, puppy, cat or kitten.
- (b) Health Records. Any individual who transfers a dog, cat, puppy or kitten to a new owner shall authorize access to the animal's health and vaccination records, including the name of the licensed veterinarian who examined the animal. The individual transferring the animal(s) shall also provide the new owner with a copy of this article if the new owner resides in Santa Barbara County; or the requirements of H&S Code sections 122045-122110 and 122125-22315 (Polanco-Lockyer Pet Breeder Warranty Act and the Lockyer-Polanco Farr Pet Protection Act, respectively) if the new owner resides in California.
- (c) Any person advertising the availability of a puppy or kitten for transfer must prominently display the unaltered animal license number of the mother dog or cat in the advertisement. Any person advertising the availability of an unaltered dog or cat for transfer must prominently display the unaltered animal license number in the advertisement.
- (d) No dog, puppy, cat or kitten shall be transferred as a prize.

(Ord. No. 4737, 12-1-2009)

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____ 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By: _____
Chair, Board of Supervisors

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
ROBERT W GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____
Deputy

APPROVED:
TAKASHI WADA, MD, MPH
DIRECTOR
PUBLIC HEALTH DEPARTMENT

By: _____
Director