

ORDINANCE NO. 2022-10

AN ORDINANCE AMENDING TITLE 8 OF THE LASSEN COUNTY CODE RELATING TO
ANIMALS

The Board of Supervisors of the County of Lassen, State of California, ordains as follows:

This ordinance shall become effective thirty (30) days after its date of final adoption. It shall be published In the Modoc Record, a newspaper of general circulation, within fifteen (15) days of final adoption.

Introduced at a special meeting of the Board of Supervisors on the 13th day of September, 2022, and passed and adopted by the Board of Supervisors of the County of Lassen, State of California, on the 11th day of October, 2022, by the following vote:

AYES: Supervisors Gallagher, Bridges, Hemphill, Albaugh, and Hammond.

NOES: None.

ABSTAIN: None.

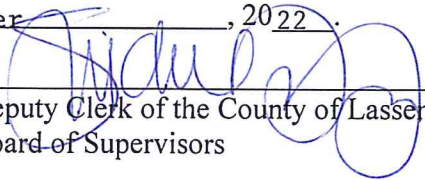
ABSENT: None.



CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a special meeting thereof held on the 11th day of October, 2022.



Deputy Clerk of the County of Lassen
Board of Supervisors



**THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN STATE OF CALIFORNIA, DOES ORDAIN AS
FOLLOWS:**

SECTION ONE: This ordinance shall take effect thirty (30) days after its adoption, and before the expiration of fifteen (15) days after its adoption, a copy shall be published with the names of the members voting for and against the same, once in the Modoc Record, a newspaper of general circulation, State of California.

SECTION TWO: Chapters 8.04.300, 8.06.020, 8.06.080, 8.06.100, 8.08.020 and 8.08.060 are to be amended as follows:

SECTION THREE: Chapter 8.06.085 is to be established as follows:

ANIMALS

Chapters:

- 8.04 General Provisions
- 8.06 Administration
- 8.08 General Animal Regulations
- 8.10 Impoundment
- 8.12 Dogs
- 8.14 Rabies & Disease Control
- 8.16 Foot and Mouth Disease
- 8.18 Sheep
- 8.20 Apiaries

Chapter 8.04

GENERAL PROVISIONS

Sections:

- 8.04.10 Title
- 8.04.200 Purpose
- 8.04.300 Definition

8.04.100 Title

This title shall be known and may be referred to as the County Animal Control Ordinance.

8.04.200 Purpose

The purpose of this title is to regulate the control and humane treatment of animals within the boundaries of Lassen County for the protection of the health, safety, and welfare of the public.

8.04.300 Definitions

For the purposes of this title, the following definitions apply:

- A. "Animal Control" means the Animal Control unit of the Lassen County Sheriff's Office.
- B. "Animal Control Officer" means a public employee of the Animal Control Unit.
- C. "Animal Shelter" means any premises designated by action of the Transportation/Public Works Director Lassen County Sheriff for the purpose of impounding and caring for all animals found which are neglected, abandoned, or running at large in violation of this title.
- D. "At large" means any animal when it is off the property of its owner or possessor and not under leash control of a competent person.
- E. "Certified Assistance Dog" means any guide, signal, or service dog as defined by Section 54.1 of the California Civil Code, or a certified therapy dog used in the treatment of emotionally ill and emotionally disturbed individuals.
- F. "Director" means the Director of the Animal Control Unit or the Lassen County Sheriff or his/her designee if there is no Director of the Animal Control Unit.
- G. "Feral Cats" are cats with temperaments that are completely unsocialized, although frightened or injured tame pet cats may appear to be feral.
- H. "Health Department" means the county department of public health.
- I. "Health officer" means the county public health officer or his/her designee.
- J. "Impoundment" means the taking and holding of an animal by the animal control supervisor or his/her designee.
- K. "Kennel" means any building, structure, enclosure or premises upon which six or more dogs over six months old are kept or maintained overnight for any purpose, except a veterinary hospital operated by a veterinarian or an animal shelter operated by a governmental agency.
- L. "Kennel operator" means any person, group of persons, or corporation who owns or operates a kennel.
- M. "Livestock" includes bovine animals, horses, mules, burros, sheep, and swine.
- N. "Officer" means Animal Control Officer.
- O. "Open range" means all unenclosed lands outside of cities, towns, and villages, upon which cattle are permitted to graze pursuant to Section 17123 of the California Food and Agriculture Code.
- P. "Owner" means any person, group of persons, or corporation owning, keeping, or harboring an animal or animals for more than thirty days.
- Q. "Person" means an individual, corporation, partnership, or association.
- R. "Possessor" means any person, group or persons, or corporation possessing an animal.
- S. "Rescue Service Shelter" means a person, persons, or corporation which provides temporary shelter, vaccinates, spays and neuters, and finds permanent homes for dogs of a specific breed.
- T. "Sentry dog" means a dog trained to work without supervision in a fenced facility to deter or detain unauthorized persons found within the facility.
- U. "Supervisor" means the public officer who is the supervisor of the Animal Control Unit.
- V. "Wild Animal" means any animal which is of a species listed pursuant to Section 2118 of the California Fish and Game Code.

Chapter 8.06

ADMINISTRATION

Sections:

8.06.010	Animal Control Unit and Animal Control Supervisor Established
8.06.020	Jurisdiction
8.06.030	Responsibility
8.06.040	Rules, Regulations, and Policy
8.06.050	Animal Control Officer Authority
8.06.060	Emergency Summary Action
8.06.070	Absence of Liability
8.06.080	Administrative Hearings
8.06.090	Record Keeping
8.06.100	Penalty for Violations

The Animal Control Unit is hereby created. It shall be considered a division of the Department of the Lassen County Sheriff's Department. The Animal Control Unit shall be administrated by a Supervisor of Animal Control, who shall be appointed by the Lassen County Sheriff. The position of Animal Control Supervisor shall be classified in the mid-management bargaining unit.

8.06.020 Jurisdiction

The Supervisor of Animal Control and related personnel shall be under the direction and supervision of the Director of the Lassen County Sheriff.

8.06.030 Responsibility

The Supervisor of Animal Control is responsible for the enforcement of this title, all laws of the state pertaining to the control of dogs and other animals, and the humane treatment of animals. The Supervisor's duties shall include, but are not limited to, the following:

- A. To administer the animal shelter and keep such records as may be required by the Board of Supervisors and the Director;
- B. To pick up and impound animals which are in violation of this chapter;
- C. To quarantine animals when necessary and to cooperate with the county health officer;
- D. To administer licensing programs as provided for in this title;
- E. To administer rabies clinics;
- F. To remove and dispose of the carcass of any animal found on any county-maintained road within the unincorporated area of the county.
- G. To cooperate with the employees of the California Department of Fish and Game regarding predatory animals and other problems related to animal control;
- H. To make referrals to the Sheriff or the Sheriff's designee regarding general law violations and major crimes involving animals.

8.06.040 Rules, Regulations, and Policy

The Board of Supervisors may establish, by resolution, rules, regulations and policy for the administration and implementation of this title, which may include a schedule of fees for licenses as well as for services provided in accordance with this title. Such regulations and fees, when adopted, shall become and thereafter be a part of this title. A copy of the regulations and fees established by resolution of the Board of Supervisors shall be filed with the clerk of the board and posted at the animal control shelter.

8.06.050 Animal Control Officer Authority

Each animal control officer shall have and is vested with the authority of a public officer as specified in Section 836.5 of the California Penal Code.

- A. Authority to Enter Upon Private Property. Each animal control officer may, in the performance of his/her duties, enter upon any property pursuant to law to ascertain if any of the provision of this title or any state laws relating to disease, care, treatment, impounding, or cruelty to animals are being violated.
- B. Authority to Issue Citations. Each animal control officer may issue citations for violation of the provisions of this title or any state laws in the manner prescribed by Section 836.5 of the Penal Code.
- C. Authority to Carry Firearms. In performance of duties, each animal control officer shall have the authority to employ the use of a tranquilizer gun, and all animal control devices in common use within the state. The supervisor of animal control and such animal control officers as he/she may specifically designate in writing are authorized to carry a long rifle when acting in the course and scope of their employment pursuant to Section 12031 of the California Penal Code.

The intent of this paragraph is to enable the animal control officer to tranquilize or destroy diseased or dangerous animals as may be made necessary by the performance of his/her duties.

- D. Arrest Authority. In the performance of duties, each animal control officer shall have the arrest authority and immunities of public officers and employees as set forth in Section 836.5 of the California Penal Code.
- E. Procedures for Seizure of Animals. Section 597.1 of the California Penal Code shall be operative in the County of Lassen and enforced by the Animal Control Division of Lassen County. California Penal Code Section 597f shall not be operative.

8.06.060 Emergency Summary Action

Notwithstanding any other provisions of this title, if, in the judgment of the supervisor of animal control, an animal is found to be dangerous, injured, or ill, and if ill with the concurrence of a licensed veterinarian, and should be destroyed, the director of animal control may at any time, in a humane manner destroy such animal.

8.06.070 Absence of Liability

No liability shall be incurred for the sale, death, or other disposition of any animal made pursuant to the provisions of this title.

8.06.080 Administrative Hearings

The Board of Supervisors of Lassen County reserves their right to an administrative hearing.

8.6.085 Limited Civil Action

If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Director of the Animal Control Department, Lassen County Sheriff, or his/her designee, shall petition the superior court of the county in which the dog is owned or kept for a hearing for the purpose of determining whether or not the dog should be declared potentially dangerous or vicious. A proceeding under this section is a limited civil case. Whenever possible, any 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. The Director of the Animal Control Department, Lassen County Sheriff, or his/her designee, shall notify the owner or keeper of the dog that a hearing will be held by the superior court or the hearing entity, as the case may be, at which time the owner or keeper of the dog may present evidence as to why the dog should not be declared potentially dangerous or vicious. The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five (5) working days nor more than ten (10) working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public.

The court 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. A jury shall not be available. The court may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and make other orders authorized by this chapter.

The County is entitled to seek all penalties, fees and costs, including attorney's fees, associated with the civil action to enforce this ordinance and state law, as permitted by law.

Whether the County proceeds administratively or by way of limited civil action is entirely within the discretion of the Lassen County Sheriff or his/her designee.

The failure to conduct a hearing required by this title or by state law shall have no bearing on any criminal prosecution for violation of any provision of this title.

8.06.090 Record keeping.

Animal Control shall keep a record of all animals taken into custody which shall show the date of impoundment and the date and manner of disposition. Records shall also be kept of the identity of owners of licensed dogs.

8.06.100 Penalty for Violations

A. Infractions. Unless otherwise specified, any person violating any provision of Chapters 8.04 through 8.12 or Chapters 8.18 through 8.20 is guilty of an infraction.

B. Misdemeanors.

1. Any person willfully violating his/her written promise to appear in court, or before a person authorized to receive a deposit of bail, may be subject to criminal penalties as provided for in the Penal Code of the State of California regardless of the disposition of the charge upon which he/she was originally arrested.
2. Any person willfully failing to pay a lawfully imposed fine pursuant to this chapter within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the fine is due may be subject to criminal penalties as provided for in the Penal Code of the State of California regardless of the full payment after such time.
3. Any person violating any provision of Chapter 8.14 is guilty of misdemeanor.
4. Any person violating any provision of this Title is subject to penalties, fees and costs associated with enforcing these provisions, as allowed by law.

C. Each Day a Separate Offense Each person violating any provision of this title, except Paragraph 1 or 2 of Section 8.06.100B, shall be deemed guilty of a separate offense for each day or portion thereof during which such violation continues.

Chapter 8.08

GENERAL ANIMAL REGULATIONS

Sections:

8.08.010	Cleanliness of premises
8.08.020	Dangerous Animals
8.08.030	Nuisances designated
8.08.040	Nuisance abatement
8.08.050	Wild Animals
8.08.060	Capture of animals at large
8.08.070	Injured or diseased animals
8.08.080	Destruction of aged or diseased animals
8.08.090	Disposal of Dead Animals

8.08.010 Cleanliness of Premises

Every person owning or occupying premises where any animal is kept shall keep the premises in a clean and sanitary condition, and free of excessive amounts of animal urine and fecal matter.

8.08.020 Dangerous Animals

- A. Presumption of Dangerousness. Any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behaviors, is rebuttably presumed dangerous.
1. An attack which requires a defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself/herself peacefully and lawfully;
 2. An attack that results in an injury to a person in a place where such person is conducting himself /herself peacefully and lawfully;
 3. Any behavior which occurs while the animal is off its owner's property that constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself/herself peacefully and lawfully;
 4. An attack on another animal or livestock which occurs off the property of the owner of the attacking animal.
 5. In addition, the provisions of Sections 31602 through 31605 and 31621 through 31626 of the California Food and Agriculture Code relating to potentially dangerous and vicious dogs are made a part of this title and are incorporated by reference herein.
- B. "Peacefully and Lawfully"-Definition. For the purposes of this section, a person is peacefully and lawfully upon the private property of an owner or possessor of the animal when he/she is on such property in the performance of any duty imposed upon him/her by the laws of the state or of any city or county, or by the laws or postal regulations of the United States, or when he/she is on such property upon invitation, expressed or implied.
- C. Finding of Dangerousness. After notice and hearing upon charges following the procedure expressed in Section 8.06.080 or Section 8.06.085, the Supervisor may declare that an animal is dangerous. The Supervisor shall then require the owner to obtain a dangerous animal license as specified in Section 8.12.040 (F), and may impose additional conditions as he/she deems necessary for the health and safety of the public.
- D. Dangerous Animal at Large. Any dangerous animal found at large shall be impounded. Any dangerous animal found at large two times within twelve months after having been declared a dangerous animal, or in any event a third time after such declaration, may be humanely destroyed after notice and hearing upon charges, following the procedure expressed in Section 8.06.080 or Section 8.06.085.
- E. Impoundment Pending Hearing. Any animal subject to dangerous animal proceedings may be impounded at the discretion of the Supervisor pending notice, a hearing conducted pursuant to Section 8.06.080 or Section 8.06.085, and until any required permit is obtained. The animal's owner shall be charged for all costs incurred or fees applicable with respect to such impoundment unless a finding is made that the animal is not dangerous.
- F. Other Proceedings. Nothing in this chapter limits the right of any person or officer to take any proceedings against a dangerous animal or the owner thereof as otherwise permitted or provided by law.

8.08.030 Nuisances Designated

- A. At Large. Strays. No owner or possessor of any animal shall permit it to stray from the premises where such animal is kept. While off such property, the animal shall be under leash control of a competent person. It is unlawful for the owner or possessor to permit such animal to enter upon the land of another without the permission of the owner or possessor of such land. Any such animal is a nuisance. This subsection does not apply to livestock on the open range or to domestic cats.
- B. Animals Which Disturb the Peace. The keeping of any animal which by habitually howling, barking, or other noise, disturbs the peace and quiet of the neighborhood is unlawful and any such animal is a nuisance. The written affirmation by three persons, not related and having separate residences, stating that their peace and quiet is unreasonably disturbed by the animal shall be prima facie evidence of a violation of this subsection. This subsection does not apply to reasonable noises emanating from legally operated hospitals, humane societies, kennels, farms, or agricultural facilities.
- C. Strays Which Damage Property. No owner or processor of any animal shall permit it to be at large on public or private property so as to damage or destroy any property or thing of value. Such an animal is declared a nuisance. This subsection extends to trespass on the open range if the public health or welfare is endangered.

8.08.040 Nuisance Abatement

If an Animal Control Officer finds a nuisance to exist, or determines that a dog is not vaccinated or licensed, he/she shall issue a citation to the owner or possessor of the animal.

8.08.050 Wild Animals

- A. No person shall possess any wild animal without first obtaining a license for the possession of the animal and any permit required by the California Department of Fish and Game.
- B. If the possession of the animal does not violate any federal or state law or zoning ordinance, a wild animal license may be issued. All licenses issued under this section shall be kept posted in a conspicuous place on the premises where the animal resides.
- C. Any license issued for a wild animal may be subject to such additional conditions as may be required by the animal control supervisor. Additional conditions may include, but are not limited to; requirements that the animal be kept within a substantial enclosure, securely leashed, or otherwise controlled.
- D. If the owner cannot provide restraint, or fails to comply with additional conditions as specified pursuant to Paragraph C of this section, the animal shall be temporarily impounded at the expense of the owner. At any time after seven days' impoundment for such purpose, the animal control supervisor may, in his/her discretion, apply the provisions of Chapter 8.08.

- E. If upon receiving written notification, the owner fails to restrain or control a dangerous animal as ordered, the owner is in violation of this title and the animal control supervisor is empowered to seize and impound or destroy the animal.
- F. A license shall not be issued or if issued, shall be revoked, where, in the opinion of the animal control supervisor, the possession of the wild animal will endanger the health and safety of one or more persons.
- G. In the event that a license is denied or revoked, the owner shall dispose of the unlicensed animal within the time designated and under the conditions required by the animal control supervisor.

8.08.060 Capture of animals at large

Animal Control Officers shall attempt to capture any animal found at large in violation of this code. The officer shall not seize or impound any stray animal that has strayed from but returned to the property of its owner or possessor, but in such a case a citation may be issued. However, if the owner or possessor of the animal is not present, and the animal cannot safely be secured upon the premises, the animal may be impounded. The officer shall post a notice of impoundment at the residence or place of business of the owner or possessor of the animal, if known. The notice shall instruct the owner or possessor of the animal how to retrieve the animal, shall indicate the intended ultimate disposition of the animal if no action to regain it is taken within a specified period of time, and shall advise the owner or possessor that he or she may, within twenty-four hours of receipt of notice, request a hearing pursuant to Section 8.06.080 or Section 8.06.085 for the purpose of showing lack of reasonable cause for the seizure.

Dogs which are being used for the movement of livestock or other farm-related duties and dogs which are being used lawfully in the pursuit of game animals or birds shall be considered under the control of the owner or other responsible person.

8.08.60.1 Unaltered Dogs at Large

- A. The owner of a non-spayed or unneutered dog that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals' shelter, or humane society shelter.
- B. An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals' shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by the public animal control agency or shelter, society for the prevention of cruelty to animal's shelter,

humane society shelter, or rescue group in the administration of the requirements of this division.

8.08.070 Injured or diseased animals

No person shall knowingly possess any animal that is seriously injured or afflicted with mange, ringworm, distemper, or any other contagious disease, unless in the opinion of the Animal Control Officer or a veterinarian, the animal is being given adequate treatment for such condition. Animal Control Officers may take immediate possession of any animal not being treated or which is not responding to treatment, and dispose of the animal unless the owner or possessor immediately places the animal under the control and treatment of a veterinarian.

8.08.080 Destruction of injured or diseased animals

All animals taken into custody of Animal control which by reason of injury, disease, or other Cause, are unfit for further use or are dangerous to keep impounded, shall be destroyed by arrangement of the supervisor seventy-two hours after impounding. Determination of an animal's lack of health or fitness for further use shall be made by a licensed veterinarian. Oral or written notice shall be given to the owner, if known, prior to destroying the animal. The owner may request a hearing pursuant to Section 8.06.080, prior to destruction of the animal. The request shall be in writing and applicant shall agree therein to pay the cost of care and maintenance of the animal pending the hearing. No animal shall be destroyed until the expiration of five calendar days after the decision of the Hearing Officer, not including the day of decision. Decisions of the hearing officer are final. Seriously ill or injured animals may be destroyed without regard to the prescribed holding period and without notice to the owner, to alleviate suffering or to protect other animals or persons from contagious diseases.

8.08.090 Removal of animal carcasses

- A. Animal Control shall remove or arrange for the removal and disposal of the carcass of any animal found in or on any county-maintained road. Where public health or safety is endangered, animal control may remove animal carcasses found anywhere within the unincorporated areas of the county. The cost of removal and disposal of the carcasses of sheep, cattle, horses, and other large animals shall be paid by the owner, if known. Animal Control shall charge a fee for the disposal of animal carcasses, which are brought into the county animal facility.
- B. The owner of a dead animal shall, within a reasonable time, provide for the burial, incineration in a manner approved by the animal control officer or other disposition of the carcass in a safe and sanitary manner. The owner may request an animal control officer to dispose of the animal at a fee fixed by resolution of the Board of Supervisors. The animal control officer shall be responsible for disposal of all dead animals whose ownership cannot be established.

IMPOUNDMENT

Sections:

8.10.010	Authorization for Impoundment
8.10.020	Notice Required
8.10.030	Notice Procedure
8.10.040	Duration Licensed Dogs
8.10.050	Duration Unlicensed Dogs
8.10.060	Duration-Cats
8.10.070	Duration-Livestock
8.10.080	Duration-Other Animal Species
8.10.090	Waiting Period-Defined
8.10.100	Voluntary Surrender
8.10.110	Abandonment
8.10.120	Owner Redemption
8.10.130	Liability for Costs
8.10.140	Transportation Costs
8.10.150	Adoption Procedures
8.10.160	Sale or Other Disposition of Impounded Livestock
8.10.170	Seizure of Inhumanely Treated Animals
8.10.180	Inoperative Sections

8.10.010 Authorization for Impoundment

Animal Control may impound all animals found to be kept in violation of the provisions of this Title or found to be public nuisances. Owners of dogs or cats may voluntarily impound their animals and shall pay a fee for such impounding. Any impounded animal may be redeemed pursuant to the provisions of this title.

8.10.020 Notice Required

Except as otherwise provided in this chapter, no animal impounded shall be disposed of until and after notice is given by Animal Control to the owner of the impounded animal, if he/she is known.

8.10.030 Notice Procedure

- A. The notice to the owner shall be in writing and shall contain a description of the animal impounded, the date and place of impoundment, the date of intended disposal of the animal, and the license tag number, if available.
- B. Notice to the owner may be served by delivering a copy to the owner of the animal personally, or by sending a copy by mail to the address provided on the application for

license, or if the animal is unlicensed, then to the owner's place of residence or last known address.

- C. Service of notice by mail is deemed complete on the day after such mailing.

8.10.040 Duration-Licensed Dog

All impounded dogs found wearing a current license tag or bearing an identification tattoo shall, unless sooner redeemed, be kept in the animal control shelter for a period of not less than seven business days after notification, not including the day of impoundment. Thereafter, such dogs will be deemed to be abandoned, pursuant to Section 8.10.110.

8.10.050 Duration-Unlicensed Dog

All impounded dogs found not wearing a current license tag, shall, unless sooner redeemed be kept in the animal control shelter not less than four business days, not including day of impoundment. Impounded stray dogs shall be held for owner redemption the first 3 days and available for adoption or owner redemption for the remainder of the holding period. The holding period may be extended to 6 business days depending on the criteria set forth in the California Food and Agriculture Code. If not redeemed or adopted within the 4- or 6-day period, as applicable, the dog shall be deemed to be abandoned pursuant to Section 8.10.110.

8.10.060 Duration-Cats

All impounded cats shall, unless sooner redeemed, be kept in the animal control shelter for a period of not less than four (4) business days, not including day of impoundment. Impounded stray cats shall be held for owner redemption for the first three (3) days and available for adoption or owner redemption for the remainder of the holding period. Feral cats may be euthanized after the third holding day. The holding period and disposition of stray cats may be modified as set forth in Section 8.10.050.

8.10.070 Duration-Livestock

Any impounded animal which is a kind referred to in Section 17003 of the California Food and Agriculture Code (bovine animal, horse, mule, or burro) shall be kept in the animal control center or designated facility for not less than five business days, unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, that office shall turn it over to the State Bureau of Livestock Inspection for disposition.

8.10.080 Duration-Other Animals Species

Any impounded animal belonging to a species other than those specified in Sections 8.10.040 through 8.10.070 shall, unless sooner redeemed, be kept in the animal control shelter or other

designated facility for the same period of time, under the same requirements of care, as cats and dogs.

8.10.100 Voluntary Surrender

Any animal which is voluntarily surrendered to or deposited with the animal control shelter or an animal control officer by the owner shall immediately thereafter become the property of the county but shall remain available for owner redemption for the first day, not including the day of impoundment, and shall be available for owner redemption or adoption the second day. After the second required day the animal may be held longer, euthanized, or relinquished to a non-profit, as defined in Section 501c(3) of the Internal Revenue Code, animal rescue/adoption organization under the same conditions and circumstances provided for stray dogs/cats.

8.10.110 Abandonment

Unless an impounded animal is redeemed by the owner or possessor within the periods of time stated above, the animal shall be deemed abandoned by its owner and Animal Control may sell, destroy, give away, or otherwise dispose of the animal, pursuant to State law and these ordinances.

8.10.120 Owner Redemption

The owner or possessor of an impounded animal may redeem the animal within the period of time specified above by payment of a redemption fee. A license shall also be purchased prior to redemption of any unlicensed impounded dog. The owner or possessor shall, within ten days of redemption, provide proof of current rabies vaccination to Animal Control. Higher impoundment fees may be set for dogs impounded two or more times within a twelve-month period.

8.10.130 Liability for Costs

The owner of an impounded animal is liable for all costs of impoundment, whether or not the owner redeems the animal.

8.10.140 Transportation Costs

Animal Control shall collect any special transportation costs for impounded animals in addition to the impoundment fee.

8.10.150 Adoption Procedures

- A. Any animal, which is voluntarily surrendered or abandoned by its owner, may be sold by the Animal Control Unit to a new owner upon payment of appropriate fees and deposits as specified in this chapter.
- B. Persons desiring to purchase an animal from the animal shelter must pay the adoption fee, if applicable, and the spay/neuter deposit. The purchaser of a dog shall comply with the licensing requirements of chapter 8.12 and comply with Section 8.14.060 of this Code.
- C. Spay/Neuter Deposit. Before any animal which is not spayed or neutered is sold or given away, the new owner shall pay a deposit of \$40.00 for spaying or neutering the animal. If a female cat/dog and her kittens/puppies or a female cat and her kittens are sold or given away to one individual, only a single deposit shall be required. The deposit shall be returned to the new owner upon presentation of a written statement or receipt from the veterinarian or clinic that the dog or cat has been spayed or neutered. (Any dog or cat over four months of age at the time it is sold or given away by the pound or shelter shall be spayed or neutered within sixty days or the deposit shall be deemed unclaimed. Any dog or cat four months of age or younger at the time it is sold or given away by the pound or shelter shall be spayed or neutered within six months or the deposit shall be deemed unclaimed). Any deposit not claimed shall be used for the purposes of a program to spay or neuter dogs and cats, a follow-up program to assure that animals sold or given away by the shelter are spayed or neutered, or to cover any additional costs incurred under this section.
- D. Return of Physically Unsuitable Animals. Any purchaser of an impounded animal may, within 30 days of such purchase, return the animal if it has been examined by a veterinarian and has been determined to be physically unsuitable for placement. No part of the license and adoption fee shall be refunded. The spay/neuter deposit maybe applied toward the purchase of another impounded animal within thirty calendar days of the original purchase or refunded, whichever is preferred by the purchaser.

8.10.160 Sale or other disposition of impounded livestock

- A. The Animal Control Officer shall take up and impound any strayed, lost, or neglected livestock within the unincorporated area of the county. If the owner is known, the Animal Control Officer shall notify the owner pursuant to the provisions of Section 8.10.030. If the owner or possessor is unknown, the notice shall be posted as prescribed in Sections 17065 and 17066 of the California Food and Agriculture Code. In the case of bovine animals, horses, mules, or burros, such notice shall also be sent to the Director of the California Department of Agriculture pursuant to Section 17003 of the Food and Agriculture Code. Impounded livestock may be redeemed by its owner at any time prior to the date of sale.
- B. Except for bovine animals, which shall be turned over to the Director of the California Department of Agriculture pursuant to Section 17003 of the Agriculture Code, at the time set for sale the supervisor shall sell all animals not redeemed, securing for each such animal the highest possible price. All sales shall be for cash. All proper fees and charges

for keeping such animals shall be deducted from the proceeds of the sale. Any balance remaining after the payment of such fees shall be paid into the county treasury for the use of the owner of such animal. If such funds are not claimed by such owner within thirty days thereafter, such funds shall be paid into the general fund of the county. Any sale may be postponed from time to time until all animals are sold. Should any animals so advertised not be sold within ten days after the date of the first notice of sale, the supervisor may sell such animal to any person, or if in the Supervisor's discretion, the supervisor believes such animal cannot be sold, may destroy such animal in any humane manner.

8.10.170 Seizure of inhumanely treated animals

- A. Whenever an animal is kept without proper care and attention so that it sustains or is likely to sustain serious injury or death, or causes or is likely to cause a serious risk of injury to persons or property, the Animal Control Officer may enter the building or premises and remove the animal in accordance with Section 597.1 of the California Penal Code.
- B. If the owner is found to be in violation of any provision of state law or this title regarding humane treatment and proper feeding and care of animals, such owner is liable for the costs incurred by the county for board and care of the seized animal.

Chapter 8.12

DOGS

Sections:

8.12.010	License Required
8.12.020	License-Proof of Rabies Required
8.12.030	License Tags
8.12.040	Individual Licenses-Fees
8.12.050	Kennel License
8.12.060	Rescue Service Shelter License
8.12.070	Suspension or Revocation of Kennel License or Rescue Service Shelter License
8.12.080	Sentry Dogs-Requirements

8.12.010 License Required

Every person who owns, possesses, harbors, or controls any dog over the age of four months shall obtain a license for such dog. Within thirty days after any unlicensed dog over the age of four months is acquired or brought into the county, its owner shall obtain a license.

However, subject to the provisions of Section 8.12.050, a kennel operator shall not be required to obtain an individual license for each dog in the kennel.

8.12.020 License-Proof of Rabies Vaccination Required

Each application for a dog license shall be on a form furnished by the animal control unit. An application for a license shall not be accepted unless a valid certificate of rabies vaccination by a licensed veterinarian covering the license period accompanies the application.

8.12.030 License Tags

- A. Upon proper application and payment of the license fee, a serially numbered license tag, stamped with the name of the county and the year of issue, shall be issued for a dog which has been properly vaccinated in accordance with Section 8.14.060. The owner shall provide a dog with a suitable collar or other device to which the license tag shall be attached. The tag shall be worn by the dog at all times.
- B. Whenever a license tag is lost or damaged, the owner or possessor shall obtain a replacement from animal control within thirty days.

8.12.040 Individual licenses-fees

- A. License Period. A license fee shall be paid for each dog four months of age or over which is not covered by a kennel license. The license period shall be for twenty-four months or less, commencing on the first day of July in any year. The license renewal fee shall be due and payable on the first day of July on the first day in the year the license expires. See fee schedule.
- B. License Fee-Delinquent. The license fee is delinquent thirty days after it becomes due and payable and an additional late payment penalty shall be imposed by the supervisor prior to the issuance of the license. The additional fee may be waived by the supervisor, but only on a showing of good cause and only if the dog is not being held as a stray.
- C. Exemption-Certified Assistance Dog. A certificate assistance dog shall be licensed without charge.
- D. Exemption-Dogs Used for Law Enforcement. Dogs owned by the county, a city, or other public agency and which are used for law enforcement purposes shall be licensed without charge.
- E. Spayed or Neutered Dogs-License Fee. The fee for dogs certified by a veterinarian as being spayed or neutered shall be one half or less of the regular fee.
- F. Dangerous Dogs. Dogs which have been declared dangerous pursuant to the provisions of Section 8.08.020, Paragraph C, shall be assessed an additional licensing fee. They shall be issued an extra tag stamped with the words "dangerous dog", which must be worn by the dog at all times. The annual fee for dangerous dog tags shall be \$50.00 and have the same requirements and expiration date as regular dog licenses.

8.12.050

Kennel licenses.

- A. Every person who owns or controls a kennel must obtain a kennel license. Licenses for the individual dogs need not be obtained if all dogs six months or older are covered by the kennel license. Dogs covered by the kennel license are exempt from the requirements in Section 8.12.030 requiring dogs to wear their tags at all times.
- B. Animal control may issue a kennel license upon the filing of an application and payment of the annual fee, or the Animal Control Supervisor may require a pre-licensing inspection of the premises prior to issuing the kennel license. The license period shall be for one year commencing the first day of July in each year. Licenses shall be renewed before July 1st of each year. A late payment penalty charge may be added to the renewal fee if the license is not renewed before September 1st. Licenses not renewed by October 1st of each year become invalid and a new application must be made. An original kennel license shall not be issued unless the location of the kennel complies with the county zoning plan and any required use permit or zoning amendment or both having first been obtained. Any kennel operator whose kennel existed before June 9, 1998 shall be entitled to obtain a kennel license upon compliance with this section.
- C. Kennels owned or operated by applicants and kennel license holders are subject to inspection by animal control during reasonable hours and without prior notice to the applicant or licensee.
- D. A kennel licensee shall keep available for inspection on the premises a record showing the name, current address, and telephone number of the owner of each animal at the kennel and the description of the animal, including its age, breed, sex and color. A current valid rabies certificate or a copy of it shall be maintained for every dog at the kennel over four months of age.
- E. No kennel license shall be issued unless the kennel is sanitary and provides adequate food, water, shelter, and space for each animal.
- F. It is unlawful for a kennel operator to own or possess a greater number of dogs than is designated on his/her kennel license. If a kennel operator is found to be in violation of this section, he/she will have ten days to bring his/her kennel into compliance. If the kennel operator is still not in compliance with this section after ten days, the Animal Control Supervisor has the authority to impound the excess number of dogs.
- G. Notwithstanding any zoning exemption ("grandfathering") applicable to a kennel operator who operated a kennel as a non-conforming zoning use pursuant to Lassen County Ordinance 467-V (June 9, 1998), such kennel operator shall be subject to all kennel licensing requirements and regulations as set forth in Title 8 of the Lassen County Code, and shall apply for a kennel license within 6 months of the operative date of this ordinance. Failure to secure a kennel license within the six-month period shall result in the non- conforming use being deemed to be an illegal non-conforming use and subject to all current zoning regulations, including abatement.

8.12.060 Rescue Service Shelter

- A. A rescue service shelter is intended for the temporary shelter of abandoned, abused, or homeless dogs of a specific breed.
- B. Rescue service shelters must be licensed by Animal Control to be recognized as such. There shall be no licensing fee imposed to license a rescue service shelter.
- C. A licensed rescue service shelter may harbor up to eight dogs referred to it by individuals, Animal Control, or the Humane Society. With good cause and the written permission of the Animal Control Supervisor, a licensed rescue service shelter may temporarily harbor more than eight dogs.
- D. Each dog being harbored under the rescue service shelter license shall be placed in a permanent home within sixty days. The sixty-day limit may be extended for good cause and with the written authorization of the Animal Control Supervisor.
- E. Each dog being harbored under the rescue service shelter license shall be spayed or neutered before it is placed in a permanent home. No dog being harbored under the rescue service shelter license may be allowed to be bred or to be used for stud service. Violation of this paragraph shall be cause for immediate revocation of the rescue service shelter license.
- F. Each dog being harbored under the rescue service shelter license shall be vaccinated for rabies within ten days of acquiring the animal.
- G. If a licensed kennel also obtains a rescue service shelter license, it may temporarily exceed the number of animals authorized under its kennel license for the purposes of acting as a rescue service shelter. In no case may the number of animals being owned and/or harbored exceed the number of animals authorized under the total of its kennel license and its rescue service shelter license.

8.12.070 Suspension of revocation of kennel license or rescue service shelter license.

- A. A kennel license or rescue service shelter license may be suspended or revoked if animal control finds either of the following:
 - 1. The license holder, his/her agent, or employee has been convicted of violating Section 597.1 of the California Penal Code relating to animal cruelty or is in violation of the zoning, health, safety, or building ordinances relating to the keeping of animals; or
 - 2. The licensee, his/her agent, or employee has violated any provision of this chapter or any rule or regulation adopted, or any condition of licensing imposed by the supervisor for the operation of kennels or rescue service shelters.
- B. If the supervisor determines that a license should be suspended or revoked, the supervisor shall notify the licensee at least fifteen days prior to the effective date of the action of his/her intention to do so and the specific reasons therefor.

Prior to the date of the proposed suspension or revocation, the licensee may present to the supervisor any relevant information or evidence. If the license is suspended or revoked, the former licensee may, within ten days, file a written request for a review hearing by the hearing officer may affirm, reverse, or modify the action of the supervisor.

8.12.080 Sentry dogs-requirements.

No person, shall place any sentry dog on a premise, unless the premises is posted to warn of the dog's presence and the sentry dog is securely fenced within the premises or confined within a secure building. Signs shall be placed at fifty-foot intervals around the perimeter of the area guarded by the sentry dog and at all entrances and exits to the area. The signs shall have minimum dimensions of ten inches by fourteen inches and shall contain black lettering on a white background stating "WARNING-SENTRY DOG ON DUTY" and shall also depict the head of a dog with bared fangs. The sign shall also set forth the name, address, and telephone number of the sentry dog company furnishing the dog for hire, if any, and the telephone number of the owner or caretaker of the premises. Each sentry dog shall be registered and tagged in accordance with Sections 25980, 25981, and 25984 of the California Health and Safety Code.

Chapter 8.14

RABIES CONTROL

Sections:

8.14.010	Responsibility of the Health Officer
8.14.020	Quarantine
8.14.030	Carcass Delivery
8.14.040	Epidemic-Declaration
8.14.050	Epidemic-Rules Enforcement
8.14.060	Vaccination-Required
8.14.070	Vaccination Clinics
8.14.080	Animal Bite-Victim Report
8.14.090	Animal Bite-Medical Report

8.14.010 Responsibility of the Health Officer

The County Health Officer shall supervise rabies control. If the health officer finds that rabies exists in this county, he/she shall take measures to abate the condition, which may include the quarantine of any animal. The Animal Control Supervisor shall cooperate with and assist the health officer in carrying out any measures necessary for rabies control, including but not limited to the holding of rabies clinics.

8.14.020

Quarantine

- A. The animal control officer shall assure that all animals falling into the following categories are isolated or quarantined at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations:
 - 1. Known rabid animals
 - 2. Suspected rabid animals
 - 3. Animals that have bitten or otherwise exposed a human to rabies.
 - 4. Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have come in close contact with a rabid or suspected rabid animal.
- B. It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the health officer. Violation of this section shall be deemed a misdemeanor.
- C. The owner or possessor of any animal which is confined, isolated, examined or destroyed, pursuant to Sections 2606 et seq. of Title 17 of the California Code of Regulations (regarding rabid and suspected rabid or biting animals) is liable for the costs of such confinement, isolation, examination, or destruction, whether or not the animal is returned to the owner or possessor.

8.14.030

Carcass delivery

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the animal control officer shall obtain and turn over to the health officer the carcass of such animal or an adequate specimen thereof.

8.14.040

Epidemic-Declaration

The health officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs or other animals in this county, or in any part thereof. Upon making such a declaration, the health officer shall prepare and promulgate, pursuant to Sections 1500 et seq of the California Health and Safety Code such rules and regulations as are necessary for the conduct of all persons within the area where the dangerous condition exists, and such rules and regulations as are necessary for the control of the dogs and other animals within the area. These rules and regulations of the health officer may include, but are not limited to, quarantine, vaccination, and destruction of diseased or suspected or stray animals by humane methods. It shall be the duty of the supervisor of animal control to comply with all directives of the health officer in the enforcement of the rules and regulations. A violation of any such rules and regulations shall be deemed a violation of this title.

8.14.050 Epidemic-Rules Enforcement

It shall be the duty of all animal control officers to comply with all directives of the health officer in the enforcement of the rules and regulations relating to the declaration of an epidemic. The rules and regulations, when adopted, shall become and thereafter be a part of this chapter.

8.14.060 Rabies Vaccination Required

- A. Duties of Owner or Possessor. An owner or possessor of any dog over four months old, or one who brings a dog more than four months old into the county, shall within four months of the dog's birth or ten days of its entry into the county, whichever is later, shall procure and maintain the dog's vaccination for rabies. The veterinarian who vaccinates the dog shall issue a vaccination certificate to its owner or possessor, in accordance with procedures established by the health officer.
- B. Exemption. A dog is exempt from vaccination if a veterinarian has examined the dog and certified in writing that at such time vaccination would endanger the dog's health due to illness or advanced age. The rabies must be obtained within ten days of the dog's recovery from the illness.

8.14.070 Vaccination Clinics

The health officer, in cooperation with the county clerk and the animal control supervisor, shall establish public dog vaccination clinics at least once each calendar year. The charge for vaccination at such clinics shall not exceed the actual cost involved.

8.14.080 Animal Bite-Victim Report

Any person or parent or guardian of such person, or an owner of an animal who is bitten or scratched by an animal of a species subject to rabies shall immediately report such incident to the health officer or an animal control officer.

8.14.090 Animal Bite-Medical Report

Every veterinarian and every person providing professional medical treatment for animal bite by an animal of a species subject to rabies shall immediately notify the health department. A "Report of animal bite" card shall be filled out and delivered to the Health Department within 24 hours of their examination.

IMPOUND, ADOPTION, SURRENDER & DISPOSAL FEES

	IMPOUND	ADOPTION	SURRENDER	DISPOSAL
Small Animals Up to 15 Lbs . Rabbits, Poultry, etc. Litters with Mother, FREE	\$10.00 + Truck Cost & Mileage	\$5.00	\$5.00	\$5.00
MEDIUM ANIMALS 15 Lbs. - 75 Lbs Young Pigs, Sheep, Goats, etc., Litters with Mother, FREE	\$20.00+ Truck Cost & Mileage	\$10.00	\$25.00+ Mileage	\$10.00 + Mileage
LARGE ANIMALS OVER 75 Lbs. Babies with Mother, FREE	\$20.00 + Truck Cost Mileage	\$25.00	\$45.00+ Truck Cost & Mileage	\$25.00+ Truck Cost, Backhoe, etc.

Adoption Fees For Dogs

Adult over 4 months •spay/neuter deposit	\$40.00	License \$15.00	<u>\$55.00 Total</u>
Puppy under 4 months •spay/neuter deposit	\$40.00		
Altered, w/o current license	\$ 5.00		<u>\$40.00 Total</u>
Altered with current license	\$1.00 transfer fee, replacement tag fee \$2.00		<u>\$ 5.00 Total</u>
			<u>\$1.00- \$3.00 Total</u>

Adoption Fees For Cats

Adult over 4 months •spay/neuter deposit	\$40.00	License \$10.00	<u>\$50.00 Total</u>
Kitten under 4 months •spay/neuter deposit			
Altered cat with current license	\$40.00		<u>\$40.00 Total</u>
Altered cat w/o current license	\$1.00 transfer fee, replacement tag fee \$2.00		<u>\$ 1.00 - \$3.00 Total</u>
	\$ 5.00 Total		<u>\$ 5.00 Total</u>

•spay/neuter deposit may be refundable

Surrender Fee for Dogs

Adult over 4 Months	\$11.00 ea.
Puppy Up to 4 Months	\$ 9.00 ea.
Female with 4 Puppies	\$20.00 total
Each Additional Puppy	\$ 3.00 ea.
Litters of puppies (3 or more)	\$20.00 total

Surrender Fee for Cats

Adult one 4 months	\$ 9.00
Kitten under 4 months	\$ 5.00
Female with 4 kittens	\$15.00
Each additional kitten	\$ 2.00 each
Litters of kittens (3 or more)	\$15.00 total

Owner Requested Euthanasia Fee:

Dogs over 4 months	\$11.00
Puppies under 4 months	\$ 9.00
Cats over 4 months	\$ 9.00
Kittens under 4 months	\$ 5.00

Surrender Fees may be waived at the discretion of the Animal Control Supervisor

KENNEL LICENSE FEES

6-10 Dogs	\$ 75.00 per year
11-15 Dogs	\$150.00 per year
16-20 Dogs	\$225.00 per year
21-25 Dogs	\$300.00 per year

Cat License Fees

*Male/Female Altered	\$ 5.00
*Male/Female Unaltered	\$10.00

*Licensing mandatory if impounded, to redeem.

IF ALL DOGS IN KENNEL ARE NEUTERED/SPAY, THEY MAY
BE LICENSED INDIVIDUALLY