



Staff Report

Date: August 28, 2018

To: City Council

From: Valerie J. Barone, City Manager

Reviewed by: Guy Swanger, Chief of Police

Prepared by: Renee Williams, Police Sergeant
Renee.williams@cityofconcord.org
(925) 671-5041

Subject: **Considering introduction of Ordinance No. 18-8 amending Concord Municipal Code Title 1 (General Provisions), Chapter 1.05 (General Provisions), Section 1.05.240 (Adoption of County Animal Control Ordinance) by reading of the title only and waiving further reading**

CEQA: Exempt/not a project per CEQA Guidelines Sections 15060(c), 15061(b)(2) and (3), 15273, 15321, 15378, and Public Resources Code Section 21065.

Report in Brief

Contra Costa County provides animal services to the City under a City-County Animal Services Agreement. The County recently updated its County Animal Control Ordinance. They have asked all cities they service to adopt the same animal control ordinance. By adopting these updates, the City is enabling the County to continue providing animal code enforcement services.

Recommended Action

Introduce Ordinance No.18-8 by reading of the title only and waiving further reading.

Background

The City of Concord ("City") and Contra Costa County ("County") entered into a City-County Animal Services Agreement dated July 1, 2006, ("Agreement") under which the City agreed to adopt, and the County agreed to enforce, Contra Costa County Code Division 416, Animals, addressing, among other things, animal services ("County

Animal Control Ordinance”). The County recently informed the City that it had updated the County Animal Control Ordinance, and advised the City to adopt the updated County Animal Control Ordinance in order to support related code enforcement efforts.

Analysis

The Agreement calls for the City to adopt updates to the County Animal Control Ordinance so that the County Animal Services Department can enforce a uniform set of laws throughout the County.

Changes to the County Animal Control Ordinance include the following updates:

- Exempts assistance dogs, including guide dogs, service dogs, and signal dogs from application of the prohibited dog ownership by convicted felons provision.
- Requires, after two impoundments, the spaying or neutering of an impounded dog before it can be returned to the pet owner.
- Requires the microchipping of all impounded dogs and cats.
- Adds a section regarding Administrative Penalties for Violations of Dog and Cat Licensing Requirements.
- Revises exemptions to dog/cat license fees, eliminating senior citizen exemption.
- Authorizes administrative penalties for barking dogs and noisy animals.

For ease of administration, the County has asked that the City simplify its own Municipal Code provisions to incorporate the County Animal Control Ordinance in its entirety by reference rather than restating all or some of its provisions. A redline of the simplified version is attached hereto as Exhibit A to City’s Ordinance (the City’s Ordinance is attached to this staff report as Attachment 1), and a clean version is attached to this staff report as Attachment 2. A copy of Contra Costa County Code Division 416, Animals, is attached hereto as Attachment 3.

Financial Impact

No new fiscal impact to the City. Under the existing Agreement, the County enforces the Ordinance and assesses related penalties and fines.

Environmental Determination

Per California Environmental Quality Act of 1970 as amended (CEQA) Guidelines Sections 15060(c), 15061(b)(2) and (3), 15273, 15321, 15378, and Public Resources Code Section 21065, adoption of this Ordinance is not subject to environmental review because the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. Even if this Ordinance does comprise a project for CEQA analysis, it falls within the “common sense” exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a

significant effect on the environment.” No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the City’s independent judgment and analysis.

Public Contact

The City Council Agenda was posted and the public hearing was duly noticed.

Attachments

1. Ordinance No. 18-8 (redlined Concord Municipal Code Section 1.05.240 (Adoption of County Animal Control Ordinance) attached as Exhibit A thereto)
2. Clean version of revised Concord Municipal Code Section 1.05.240 (Adoption of County Animal Control Ordinance)
3. Printout of Contra Costa County Code Division 416, Animals

ORDINANCE NO. 18-8

**AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE
TITLE 1 (GENERAL PROVISIONS), CHAPTER 1.05
(GENERAL PROVISIONS), SECTION 1.05.240 (ADOPTION
OF COUNTY ANIMAL CONTROL ORDINANCE)**

WHEREAS, the City of Concord (“City”) and Contra Costa County (“County”) entered into a City-County Animal Services Agreement dated July 1, 2006 (“Agreement”) under which the City agreed to adopt, and the County agreed to enforce, Contra Costa County Code Division 416 addressing, among other things, animal services (“County Animal Control Ordinance”); and

WHEREAS, the County recently informed the City that it had updated the County Animal Control Ordinance, and advised that the City should adopt the updated County Animal Control Ordinance; and

WHEREAS, the City Council, after giving all public notices required by State Law and the Concord Municipal Code, held a duly noticed public hearing on August 28, 2018 on amending the Concord Municipal Code to adopt of the County Animal Control Ordinance (“Ordinance”); and

WHEREAS, at such public hearing, the City Council considered this Ordinance, all oral and written information, testimony, and comments received during the public review process, including oral and written staff reports, materials, exhibits presented, pertinent reports, studies, memoranda, the Concord Municipal Code, applicable laws and regulations, and all other information that constitutes the record of proceedings upon which the City Council has based its decision and are maintained at the offices of the City Clerk (collectively, “Information”); and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
ORDAIN AS FOLLOWS:**

Section 1. The City Council finds that the above recitals (which are hereby incorporated by reference) are accurate and constitute findings in this matter and, together with the Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Ordinance and further makes the following findings:

Section 2. Pursuant to California Environmental Quality Act of 1970 as amended (CEQA) Guidelines Sections 15060(c), 15061(b)(2) and (3), 15273, 15321, 15378, and Public Resources Code

1 Section 21065, adoption of this Ordinance is not subject to environmental review under CEQA,
2 because the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect
3 physical change in the environment. Even if this Ordinance does comprise a project for CEQA
4 analysis, it falls within the “common sense” exemption set forth in CEQA Guidelines Section
5 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the
6 activity in question may have a significant effect on the environment.” No unusual circumstances
7 exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination
8 reflects the City’s independent judgment and analysis.

9 **Section 3.** Concord Municipal Code Title 1 (General Provisions), Chapter 1.05 (General
10 Provisions), Section 1.05.240 (Adoption of County Animal Control Ordinance) is hereby amended as
11 set forth in Exhibit A, attached hereto and made a part hereof.

12 **Section 4.** If any section, subsection, clause, or phrase of this Ordinance, or its application to
13 any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or
14 unenforceability shall not affect the validity or enforceability of the remaining sections, or its
15 application to any other person or circumstance. The City Council declares that it would have adopted
16 this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the
17 fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

18 **Section 5.** This Ordinance No. 18-8 shall become effective thirty (30) days following its
19 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
20 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
21 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
22 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney’s
23 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
24 once within fifteen (15) days after its passage and adoption, including the vote of the
25 Councilmembers, in the East Bay Times a newspaper of general circulation in the City of Concord.

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Edi E. Birsan,
28 Mayor

1 ATTEST:
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3 _____
4 Joelle Fockler, MMC
5 City Clerk

6 (Seal)
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8 Ordinance No. 18-8 was duly and regularly introduced at a regular meeting of the City Council
9 of the City of Concord held on August 28, 2018, and was thereafter duly and regularly passed and
10 adopted at a regular meeting of the City Council of the City of Concord on September 25, by the
11 following vote:

12 **AYES:** Councilmembers -

13 **NOES:** Councilmembers -

14 **ABSTAIN:** Councilmembers -

15 **ABSENT:** Councilmembers -
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17 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
18 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.
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20 _____
21 Joelle Fockler, MMC
22 City Clerk

23 Exhibits:
24 Exhibit A – Concord Municipal Code Title 1 (General Provisions), Chapter 1.05 (General Provisions),
25 Section 1.05.240 (Adoption of County Animal Control Ordinance)
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1 **1.05.240 Adoption of county animal control ordinance.**

2 (a) *Adoption.* Pursuant to the provisions of Government Code ~~Section~~§ 50022.42 and Food and
 3 Agricultural Code ~~Section~~§ 30501, there is hereby adopted, by reference as though set forth in full
 4 herein, certain provisions of the entirety of Contra Costa County Ordinance Code, ~~entitled~~ Division
 5 416, Animals, except for Contra Costa County Ordinance No. 2018-06 Urban Farm
 6 Animal ~~consisting of chapters 416-2 through 416-12, as amended through Contra Costa County~~
 7 ~~Ordinance No. 2005-24 repealing Article 416-12.4, Dangerous Animals, and replacing it with new~~
 8 ~~Article 416-12.4, Regulating the Ownership or Possession of Potentially Dangerous and Dangerous~~
 9 ~~Animals and as amended by Contra Costa County Ordinance No. 2006-05. Certified copies of~~
 10 ~~Division 416 are on file with the city clerk and are open to public inspection.~~

11 ~~(b) Penalties.~~

12 ~~(1) Pursuant to Food and Agriculture Code § 31401, and Concord Municipal Code section~~
 13 ~~1.05.200 notwithstanding, violations of any provisions of this section which include violations of~~
 14 ~~division 416 of the Contra Costa County Ordinance Code, including section 416-10-010(b), but~~
 15 ~~excepting therefrom the remaining provisions of chapter 416-10 and article 416-12.2, are~~
 16 ~~punishable by a fine of not more than \$50.00 for the first offense and not more than \$100.00 for~~
 17 ~~the second or subsequent offense.~~

18 ~~(2) Violation of Contra Costa County Ordinance Code, Chapter 416-10, Rabies Control, and~~
 19 ~~Chapter 416-12.434 is a misdemeanor. Except as otherwise provided by state law, every~~
 20 ~~misdemeanor is punishable, upon conviction thereof, by imprisonment in the county jail for not~~
 21 ~~over six (6) months and/or by a fine of not more than one thousand dollars (\$1,000).~~

22 ~~(3) Violation of Contra Costa County Ordinance Code article 416-12.2, Nuisance, is an infraction.~~
 23 ~~Except as otherwise provided by statute, every infraction violation is punishable upon conviction~~
 24 ~~thereof by:~~

25 ~~a. A fine not exceeding \$100.00 for a first violation;~~

26 ~~b. A fine not exceeding \$200.00 for a second violation of the same ordinance within one year;~~

27 ~~c. A fine not exceeding \$500.00 for each additional violation of the same ordinance within~~
 28 ~~one year.~~

~~(4) Violation of Contra Costa County Ordinance Code, article 416-4.404, Abandonment,~~
~~excluding abandonments under section 416-8.014, is a misdemeanor punishable upon conviction~~
~~thereof by imprisonment in the county jail for not over six months and/or by a fine of not more~~
~~than \$1,000.00.~~

(be) *Request for enforcement in city.* The Contra Costa County Ordinance Code referred to and hereby
 adopted by reference contains the provisions of those sections of the California Food and
 Agricultural Code referred to in ~~subsection (b) of this s~~Section 30501, and therefore this ~~section-city~~
ordinance constitutes the city's request that the provisions of this county ordinance be applicable
 within the city, and that they shall hereafter so apply, pursuant to Food and Agricultural Code
Section§ 30501.

(cd) *Conflict with other provisions of Municipal Code.* The adoption of this ordinance shall not be
 construed to repeal or in any way affect the provisions of ~~chapter 6.10 sections 6.10.010 through~~

~~6.10.190, inclusive, relating to livestock, animals, and fowl~~ Title 9 (Animals) of this Code. In the event of a conflict with any adopted provisions of the adopted portions of the Contra Costa County Ordinance Code and this Code, the provisions of this Code shall control.

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1 **1.05.240 Adoption of county animal control ordinance.**

2 (a) *Adoption.* Pursuant to the provisions of Government Code Section 50022.2 and Food and
3 Agricultural Code Section 30501, there is hereby adopted by reference as though set forth in full
4 herein, the entirety of Contra Costa County Ordinance Code Division 416, Animals, except for Contra
5 Costa County Ordinance No. 2018-06 Urban Farm Animals. Certified copies of Division 416 are on
6 file with the city clerk and are open to public inspection.

7 (b) *Request for enforcement in city.* The Contra Costa County Ordinance Code referred to and hereby
8 adopted by reference contains the provisions of those sections of the California Food and Agricultural
9 Code referred to in Section 30501, and therefore this city ordinance constitutes the city's request that
10 the provisions of this county ordinance be applicable within the city, and that they shall hereafter so
11 apply, pursuant to Food and Agricultural Code Section 30501.

12 (c) *Conflict with other provisions of Municipal Code.* The adoption of this ordinance shall not be
13 construed to repeal or in any way affect the provisions of Title 9 (Animals) of this Code. In the event
14 of a conflict with any adopted provisions of the adopted portions of the Contra Costa County
15 Ordinance Code and this Code, the provisions of this Code shall control.
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Division 416 - ANIMALS

Footnotes:

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Note— Prior ordinance history for Chapters 416-2, 416-4, 416-6, 416-8, 416-10 and 416-12: Ords. 79-31; 79-17 §§ 1, 3; 76-95 § 1; 76-66; 76-51; 75-43; 75-27; 73-97; 73-75; 71-99 § 2; 70-52 §§ 1, 2, 3; 69-79; 69-77; 69-16; 67-30; §§ 32-2.636, 51-2.441, 51-2.476, 416-2.004; prior code §§ 5101(g), 5102(a), 5103(g), 5107, 5108, 5109, 5110; Ords. 1749; 1698; 1653; 1521; 1340 §§ 2G, 3, 4C, 4G, 8, 10; 1186 §§ 2G, 3, 4A, 4C, 8, 9E, 10; 549 §§ 5, 7, 12; 317; 307; 246 §§ 4, 5, 8; 159 § 1; 111 § 5, 15; 59 § 3; 53; 39; 38; 35; 24; 23; 13; 8; 7; 6; 5; 4; 3; §§ 1, 3.

Chapter 416-2 - DEFINITIONS

416-2.002 - Generally.

As used in Division 416, the following terms have the meanings set forth in this chapter, unless the context clearly requires otherwise.

(Ord. 80-97 § 2).

416-2.004 - Animal services director.

"Animal services director" means the head of the animal services department and his or her designated subordinates.

(Ord. 80-97 § 2).

416-2.006 - City.

"City" means any city in this county which has adopted an ordinance under Agricultural Code § 30501, requesting the application of this division within the city.

(Ord. 80-97 § 2).

416-2.008 - Licensing authority.

"Licensing authority" means the authority designated by the board of supervisors by resolution.

(Ord. 80-97 § 2).

416-2.010 - Owner.

"Owner" includes the legal owner, equitable owner, and any person, association, partnership, or corporation harboring or having custody or control of an animal.

(Ord. 80-97 § 2).

416-2.012 - License tag.

"License tag" means a numbered tag, stamped with the name of the county, and issued by the licensing authority for the purpose of identifying the owner and the dog or cat described in the license application and worn by that dog or cat.

(Ord. 80-97 § 2).

416-2.014 - Veterinarian.

"Veterinarian" means a person authorized to practice veterinary medicine in California.

(Ord. 80-97 § 2).

416-2.016 - Wild or exotic animal.

"Wild animal" or "exotic animal" means any of the following:

- (1) Any animal described in California Fish and Game Code Sections 2116 and 2118;
- (2) Any animal described in any addition to Fish and Game Code Section 2118 by regulation of the Fish and Game Commission as provided in Section 2118(j);
- (3) Class Aves: (birds)
 - (a) Order Falconiformes (including, but not limited to, hawks, eagles, and vultures),
 - (b) Subdivision Ratitae (including but not limited to, ostriches, rheas, cassowaries, and emus);
- (4) Class Reptilia: (snakes, lizards, turtles, alligators)
 - (a) Order Ophidia (including, but not limited to; racers, boas, water snakes, and pythons) over six feet long,
 - (b) Order Loricata (including, but not limited to, alligators, caymans, and crocodiles) over twelve inches long;
- (5) Any class, order, family, genera, or species of wild animals which may be designated by the animal services director as a menace to public peace, health or safety, or to native wildlife or agricultural interests, by written designation filed with the clerk of the board of supervisors;
- (6) Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to create or constitute a nuisance or, in any event, a likelihood of danger to such animals, other animals, the environment or the persons or property of human beings;
- (7) Any species of animal which is venomous to human beings, whether by bite, sting, touch or otherwise, except honey-producing bees.

(Ord. 80-97 § 2).

Chapter 416-4 - GENERAL PROVISIONS

Article 416-4.2. - Control

416-4.202 - Animal services director.

- (a) The county's animal control activities are functions of the animal services department under the animal services director. The animal services director shall supervise, control and report concerning such activities as provided in this Ordinance Code and in Chapters 1 and 2 of Division 2 of the Food

and Agricultural Code (Sections 2001 ff); and he or she is the appointing authority for the other positions in the department.

- (b) The animal services director is authorized to adopt regulations to interpret and carry out the provisions of Division 416 of this code.
- (c) The animal services director may adopt regulations exempting:
 - (1) Handicapped people and animals being raised, trained or used to aid handicapped people;
 - (2) Police dogs on duty;
 - (3) Persons participating in animal rescue programs; from specific requirements of Division 416 of this code.

(Ord. 80-97 § 2).

416-4.204 - Officers' status, weapons and arrests.

The animal services director and the subordinate animal control officers, when acting in the course and scope of their employment, are as a class designated as entitled to carry weapons within the meaning of Penal Code Section 12031, and as public officers for the purposes of enforcing all laws on animal control, and they are authorized to arrest persons for violation of these laws pursuant to Section 14-2.203.

(Ord. 80-97 § 2).

416-4.206 - Statutory provisions incorporated by reference.

The provisions of Agricultural Code Sections 30801, 30802, 30803, 30804, 30805, 30952, 31107, 31108, 31251, 31252 and 31254 are incorporated in this division by reference, and by express adoption of the substance of some of them herein, pursuant to Agricultural Code Section 30501 (and this adoption includes subsequent amendments and successors thereto); but if it is held invalid to thus directly include the substance of these statutory provisions in Division 416, they are incorporated herein by reference.

(Ord. 80-97 § 2).

416-4.208 - Application to cities.

Division 416 applies to any city in this county which:

- (1) Contracts with Contra Costa County for animal services; and
- (2) Adopts an ordinance implementing Food and Agricultural Code Section 30501 and the provisions of Division 416 in the city.

(Ords. 85-23 § 2, 80-97 § 2).

416-4.210 - Animal services director decision final.

Whenever in this division the animal services director is authorized to make a determination or take administrative action, such determination or action shall be final and conclusive and shall not be subject to appeal under Chapter 14-4.

(Ord. 83-10 § 1).

Article 416-4.4. - Restraint

416-4.402 - Animals at large.

- (a) No person owning, possessing, harboring, or controlling any animal shall allow such animal to be at large.
- (b) As used in this section, "at large" means an animal which either:
 - (1) In the case of dogs, is not under effective restraint by a leash; or
 - (2) In the case of animals other than dogs or cats, is not in the immediate presence and under the effective control of such person; or
 - (3) Is tethered or leashed on any street, or other public place, not set aside for such tethering or leashing for a period of longer than fifteen minutes, or in such a way as to block a public walkway or thoroughfare; or
 - (4) Is pastured, tethered, tied, or otherwise present on private property or in any public building without the consent of the owner or occupant; or
 - (5) Is in any place or position with the capacity to injure persons or property; or
 - (6) Fights, bites, or causes harm to any other animal or person unless such animal or person has entered the private property owned by, or in the possession of the person owning or controlling the offending animal without permission when such property is properly fenced and posted as to the presence of the offending animal; or
 - (7) Is not on the private property owned by, or in the possession of, the person owning or controlling the animal and is not wearing a required license tag; or
 - (8) Is left at any place without provision for its care.

Provided, nevertheless, that a dog is not required to be under restraint by a leash when the dog has not strayed from and is upon private property owned by, or in the possession of, the person owning or controlling the dog.

- (c) Exemptions. A working dog, performing acts such as herding under the control and supervision of owner/handler shall not be considered at large while performing his duties. A hunting, obedience, tracking or show dog shall not be considered at large while performing in the above capacities. Dogs being exercised under the control of their owners in public areas designated for animal exercise shall not be considered at large.
- (d) Females in Heat. In the case of female dogs or cats in heat and for the purposes of Food and Agricultural Code Section 30954, "at large" means outside a house, vehicle, or other secure enclosure adequate to prevent unplanned male access.
- (e) Animals in Vehicles.
 - (1) A dog or any other animal in or upon a vehicle is deemed to be upon the property of the operator of such vehicle. No dog or any other animal shall be transported on any public thoroughfare in any vehicle unless such dog or animal is totally enclosed within such vehicle, within a secured container carried upon such vehicle, or securely cross-tethered to such vehicle in such a way as to prevent a falling out of or off such vehicle, and to prevent injury to the animal.
 - (2) No dog or any other animal shall be left completely enclosed in a parked vehicle without adequate ventilation, or in such a way as to subject the animal to temperatures sufficiently above ambient to affect the animal's health and welfare.

(Ord. 80-97 § 2).

416-4.404 - Abandonment.

No owner of an animal shall abandon it.

(Ord. 80-97 § 2).

416-4.406 - Prohibition.

No animal services officer shall act in violation of Government Code Section 53074.

(Ords. 83-10 § 2, 80-97 § 2).

Article 416-4.6. - Enforcement

416-4.604 - Penalties.

- (a) Notwithstanding Section 14-8.004, and pursuant to Food and Agriculture Code Section 31401, violations of Division 416 of this code, excepting Chapter 416-10 and Article 416-12.2, are punishable by a fine of not more than fifty dollars for the first offense, and not more than one hundred dollars for the second or subsequent offense.
- (b) Notwithstanding subsection (a) above, violation of section 416-4.404 Abandonment, excluding abandonments under Section 416-8.014, is a misdemeanor and punishable as such.

(Ords. 97-3 § 2; 80-97 § 2).

Article 416-4.8. - Administrative Penalties

416-4.802 - Applicability and Authorization.

- (a) This article provides for administrative fines that the animal services department may impose, enforce, and collect to address any violation of this division.
- (b) Remedies under this article are in addition to any other remedy allowed by this code or applicable law.
- (c) This article is authorized by California Government Code Section 53069.4.

(Ord. No. 2017-12, § II, 6-6-17)

416-4.804 - Definitions.

For purposes of this article, the following words and phrases have the following meanings:

- (a) "Complainant" means a person who reports a violation of any section of Division 416 to the department.
- (b) "Department" means the animal services department.
- (c) "Effective date" means the date by which a violation must be corrected, as specified in a notice of violation.
- (d) "Hearing examiner" means the animal services director, or the animal services director's designee.
- (e) "Responsible Person" means any of the following:

- (1) A person who possesses, has title to, has an interest in, or has control, custody or possession of an animal or the property on which an animal is kept.
 - (2) A person who allows, or whose agent, employee, or contractor allows, a barking dog or other noisy animal violation to exist, whether through action, failure to act, or failure to exercise control over a barking dog or other noisy animal.
 - (3) For purposes of this article, there may be more than one responsible person for a barking dog or other noisy animal violation.
- (f) "Service date" means the date a notice or decision is served in accordance with Section 416-4.816.

(Ord. No. 2017-12, § II, 6-6-17)

416-4.806 - Administrative Fines.

- (a) Notice of violation. If a violation is a continuing violation, such as the failure to obtain a dog or cat license, the department will first serve a notice of violation on the responsible person as specified in Section 416-4.816. The notice of violation will include all of the following information:
- (1) The date of the violation.
 - (2) The name of the responsible person.
 - (3) The address or location where the violation occurred.
 - (4) The code section(s) violated and a description of the violation.
 - (5) Whether the violation(s) were established by inspection or by complaint, if applicable.
 - (6) A description of how the violation can be corrected.
 - (7) A specified time period of at least ten calendar days, beginning on the service date, within which the violation must be corrected.
 - (8) An advisement that the owner may be subject to an administrative fine under this article if the violation is not corrected by the effective date, and the amount of that fine.
- (b) The department may impose an administrative fine on a responsible person if any of the following occur:
- (1) The violation is not a continuing violation, such as a violation of the animal noise ordinance.
 - (2) The continuing violation has not been corrected in the time period specified in the notice of violation.
 - (3) The continuing violation was corrected as specified in the notice of violation, but a violation of the same section continues, exists, or occurs within one year after the effective date.
- (c) Notice of fine. An administrative fine will be assessed by means of a notice of fine. The responsible party will be served with the notice of fine as specified in Section 416-4.816. The notice of fine will include all of the following information:
- (1) The date of the violation.
 - (2) The code section(s) violated and a description of the violation.
 - (3) The amount of the fine.
 - (4) An advisement of the right to request a hearing before the hearing examiner, contesting the imposition of the fine.
- (d) For a continuing violation, the amount of the fine is one hundred dollars for the first notice of fine. If the owner fails to correct the violation after the first notice of fine, and a second notice of fine is

issued in the same year, the amount of the fine in the second notice is two hundred dollars. If the owner still fails to correct the violation after the second notice of fine, the amount of the fine is five hundred dollars for each additional notice of fine that is sent within one year.

- (e) If the violation is not a continuing violation, the amount of the fine is one hundred dollars for a first violation, two hundred dollars for a second violation of the same section within one year, and five hundred dollars for each additional violation of the same ordinance within one year.

(Ord. No. 2017-12, § II, 6-6-17)

416-4.808 - Hearings.

- (a) Any person upon whom an administrative fine is imposed by the department may request a hearing pursuant to the procedures set forth in this section. The appellant must file a written appeal with the department within fifteen calendar days after the service date of the notice of fine. The written appeal must contain:
 - (1) A brief statement explaining who the appealing party is and what interest the appealing party has in challenging the imposition of the fine; and
 - (2) A brief statement of the material facts that the appellant claims supports his or her contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted.
- (b) Notice of the hearing will be served on the appellant and the complainant, if any, as specified in Section 416-4 .816. The department will set the hearing no sooner than twenty days and no later than forty-five days following the service date of the notice of hearing.
- (c) The hearing of an administrative fine imposed for violations of this division will be heard by the hearing examiner.
- (d) At the hearing, the appellant and complainant, if any, will be given the opportunity to testify, and present written and oral evidence.
- (e) An appellant's failure to appear at the hearing shall constitute an abandonment of any defense the appellant may have to the administrative fine.
- (f) Where applicable, a complainant's failure to appear at the hearing shall constitute an abandonment of the complaint and shall be grounds for a dismissal of the administrative fine.
- (g) After considering the testimony and evidence submitted at the hearing, or after the appellant or complainant has failed to appear at the hearing, the hearing examiner will issue a written decision to uphold, modify, or cancel the administrative fine and will list in the decision the reason or reasons for that decision. The decision will be served as specified in Section 416-4.816.

(Ord. No. 2017-12, § II, 6-6-17)

416-4.810 - Final Administrative Order.

The imposition of the administrative fine becomes a final administrative order at one of the following times:

- (a) On the date the notice of fine is served, if the responsible party fails to file a written appeal to the department within the time specified.
- (b) On the date the written decision by the hearing examiner is served, if the responsible party files a written appeal to the department within the time specified.

(Ord. No. 2017-12, § II, 6-6-17)

416-4.812 - Payment of the Fine.

The fine must be paid to the county within thirty days after the imposition of the administrative fine becomes a final administrative order. Payment of a fine under this article does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of fine. The payment of a fine does not bar the county from taking any other enforcement action regarding a violation that is not corrected.

(Ord. No. 2017-12, § II, 6-6-17)

416-4.814 - Collection.

If the fine is not paid within thirty days after the imposition of the fine becomes a final administrative order, the county may collect the fine, the county's collection costs, and interest. An administrative fine accrues interest at the same annual rate as any civil judgment, beginning on the twentieth day after the fine becomes a final administrative order. The county may collect by using any available legal means, including but not limited to the following:

- (a) The county may file a civil action. If a civil action is commenced, the county is entitled to recover all costs associated with the collection of the fine, including those costs set forth in Code of Civil Procedure Section 1033.5.
- (b) The county may take such other actions as are allowed for enforcement of a civil judgment as provided for pursuant to the Enforcement of Judgments Law, California Code of Civil Procedure Section 680.010 et seq.

(Ord. No. 2017-12, § II, 6-6-17)

416-4.816 - Service.

All notices or decisions required to be served by this article will be served by any of the methods specified below:

- (a) First class mail. First class mail will be addressed to the responsible person at the address shown on the last equalized assessment roll, at the address where the violation occurred, or as otherwise known. Service is deemed completed upon the deposit of the notice or decision, postage pre-paid, in the United States mail.
- (b) Personal service. Personal service is deemed complete on the date the notice or decision is personally served on the responsible person.

(Ord. No. 2017-12, § II, 6-6-17)

416-4.818 - Judicial Review.

A final administrative order may be appealed to the superior court of the county in accordance with the provisions set forth in Government Code Section 53069.4.

(Ord. No. 2017-12, § II, 6-6-17)

Chapter 416-6 - INDIVIDUAL LICENSES

Article 416-6.6. - Reserved

Article 416-6.0. Licenses

416-6.002 - Dog and cat licenses.

- (a) Every person owning, possessing, harboring, or having custody of any dog over four months old shall annually obtain a license and pay a license fee.
- (b) Every such person shall obtain a license within thirty days after a dog reaches the age of four months.
- (c) Every such person shall obtain a license within thirty days after acquiring a dog over four months old.
- (d) Any added late fee shall be charged for late licensing.
- (e) Any person may voluntarily license any domestic cat subject to proper application and payment of the required license fee.
- (f) Any person who transfers any licensed dog or cat to another person and any person who acquires a licensed dog or cat must give written notice of the name and address of the person to whom possession is transferred and of the person acquiring such animal, and the license tag number, to the animal services department within thirty days.
- (g) No person shall own, possess, harbor, or keep any dog over four months old without a license for which all fees have been paid; but this does not apply during the thirty-day grace period under subsections (b) and (c) of this section.

(Ord. 80-97 § 2).

416-6.004 - Exemptions.

- (a) Nonresidents. The provisions of this article shall not apply to dogs or cats whose owners are nonresidents temporarily within the county for thirty days or less, nor to dogs or cats brought into the county to participate in any dog or cat show or field trial.
- (b) Individuals With Disabilities. Dogs being raised, trained and used to aid individuals with disabilities shall be licensed without fee.
- (c) Government. Dogs owned or used by the county, municipal corporations, or other public agencies shall be licensed without fee.

(Ord. No. 2016-02, § II, 1-12-16; Ord. 80-97 § 2).

416-6.006 - Tags.

The licensing authority shall issue dog or cat license tags, stamped or imprinted with the name of the county of Contra Costa and an identification number.

(Ord. 80-97 § 2).

416-6.008 - Applications.

- (a) Application for dog or cat licenses shall be made in writing to the licensing agency on forms approved by the licensing agency, and shall include for each animal: name and address of owner; age, sex, color, breed, and description of the animal; and current rabies certificate issued by an authorized veterinarian. In addition, the applicant shall certify to receipt of a copy of Article 416-4.4 of this division.

- (b) Tag Numbers. The licensing authority shall enter on the application the number of the license tag issued. All applications shall be kept on file in an office of the licensing authority, open to public inspection during the term of the licenses applied for.

(Ord. 80-97 § 2).

416-6.010 - Lost tags.

Whenever a license tag has been lost or destroyed, a duplicate shall be issued by the licensing authority upon payment of the established fee.

(Ord. 80-97 § 2).

416-6.012 - Periods.

Licenses shall be valid for such periods, and license fees shall become due and payable at such times as shall be determined by the board of supervisors. Late fees shall accrue if a license fee is unpaid within sixty days after it is due and payable.

(Ord. 80-97 § 2).

416-6.014 - Fees.

License fees, late fees and replacement fees shall be established by resolution of the board of supervisors.

(Ord. 80-97 § 2).

416-6.016 - Prohibition.

No person may use any license for any animal other than the animal for which it was issued.

(Ord. 80-97 § 2).

Article 416-6.2. Multiple Pet Licenses

416-6.200 - License required.

- (a) No more than three dogs and no more than five cats over six months of age, may be kept, harbored, possessed or maintained for more than thirty days in a single dwelling or business unit without a multiple pet license in an area zoned for uses other than agriculture.
- (b) No more than twenty dogs and no more than twenty cats over six months of age, and no dogs or cats for commercial purposes may be kept, harbored, possessed or maintained in any single dwelling or business unit without a kennel license. Commercial purposes shall include but not be limited to: boarding, training, or wholesaling of animals; but, shall not be construed to mean the sale of individual animals to private owners.

(Ord. 80-97 § 2).

416-6.202 - Applications.

- (a) Application for a multiple pet license shall include an application fee and shall be made in writing to the animal services director, who shall issue the license when the application is approved.
- (b) Application for a kennel license shall include an application fee and shall be made in writing to the director of planning, who shall issue the license jointly with the animal services director if the application is approved.
- (c) The director of planning and the animal services director may jointly or severally promulgate regulations governing the application for, and issuance of, kennel licenses.
- (d) Applications for multiple pet licenses or kennel licenses shall show that the following conditions have been met:
 - (1) Facilities exist at the location to adequately secure, feed, house and maintain the animals;
 - (2) Possession and maintenance of the animals at the location has not resulted in, and is not likely to result in the animals being subjected to neglect, suffering, cruelty or abuse;
 - (3) Neither the applicant, the owner, nor the possessor of the animals has had a county license revoked, or been convicted for a violation of this division or any law regulating animals within one year;
 - (4) All dogs maintained under a multiple pet license shall be confined on the premises and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, exercised, tried, worked, hunted, or trained under the owner's control.

The required showing may be made by declaration under penalty of perjury.

- (e) Each application for a multiple pet license or kennel license must list every dog to be included. An updated list shall be submitted to the animal services director upon application for a renewal of a multiple pet license. Each application must also include a current rabies immunization certificate issued by an authorized veterinarian for every dog listed.

(Ord. 80-97 § 2).

416-6.204 - License approval.

- (a) At the receipt of a complete application for a multiple pet license, the animal services director may investigate the application including investigation of the premises at which the animals will be kept prior to the approval of the application.
- (b) In the case of kennels, after receipt of a complete application the animal services director or the director of planning may investigate the application including the premises on which the kennel will be operating, and shall ascertain that the kennel is authorized by a land use permit prior to approval of the application.
- (c) The animal services director or the director of planning may require such information pertinent to the keeping of the animals from an applicant as they deem necessary with respect to their action on a multiple pet or kennel license application or renewal application.
- (d) The animal services director or the director of planning may impose conditions on the approval or renewal of any multiple pet or kennel license. Such conditions must be in writing and must serve animals, or the public health, welfare, convenience or necessity.
- (e) Prior to the denial of any multiple pet license or renewal thereof, or any approval to which conditions are attached, the animal services director shall notify the applicant in writing of the intended action. Any conditions to be attached to an approval or renewal shall be specified in the notice. The applicant, in writing, may request a hearing before the animal services director within five days after receipt of such notice if he/she wishes to contest a decision of denial or approval with conditions. If the applicant requests a hearing, the animal services director shall give the applicant no less than five days' notice, in writing, of the time and place of such hearing, by mail. After hearing, the animal

services director shall determine whether the license should be issued, issued subject to conditions, or denied.

- (f) A multiple pet license shall be renewed without review upon the filing of a complete application and payment of the necessary fees unless renewal has been protested or the animal services department has received or lodged two or more complaints concerning the licensed location within the last year.

(Ord. 80-97 § 2).

416-6.206 - Periods.

Multiple pet licenses and kennel licenses shall be valid for such periods not less than one year, and the license fees shall become due and payable at such times, as shall be determined by resolution of the board of supervisors.

(Ord. 80-97 § 2).

416-6.208 - Fees.

Multiple pet license fees, kennel license fees, application fees, and late license fees shall be established by resolution of the board of supervisors. Separate fee schedules may be established for dog enthusiasts or cat fanciers.

(Ord. 80-97 § 2).

416-6.210 - Exemptions.

Multiple pet license fees and kennel license fees shall not be charged to veterinary hospitals, except when such hospitals offer boarding or breeding services separately from veterinary medical services.

(Ord. 80-97 § 2).

416-6.212 - Late fees.

Late fees shall be payable upon failure to obtain a multiple pet license or a kennel license within sixty days of keeping, harboring, possessing or maintaining animals in excess of those specified herein, or upon failure to pay a renewal license fee within sixty days after it is due and payable.

(Ord. 80-97 § 2).

416-6.214 - Dog tags.

Any dog for which a license is required and which is covered under a multiple pet or kennel license, which is removed for more than one day from the licensed premises, shall wear its current, valid license tag unless performing in the capacity of hunting, working, obedience, tracking or showing.

(Ord. 80-97 § 2).

416-6.216 - Breeding limitation.

- (a) No person, except as provided below, shall allow the parturition and rearing of more than one litter of dogs and one litter of cats in any one calendar year.
- (b) Persons holding multiple pet or kennel licenses may allow the parturition and rearing of no more than one litter per bitch registered by a nationally recognized dog registering body and one litter per queen registered by a nationally recognized cat registering body, in any one calendar year.

(Ord. 80-97 § 2).

416-6.218 - Existing licensees.

Persons holding dog fancier licenses or commercial kennel licenses on the effective date of Ordinance 80-97 are entitled to a multiple pet license, and persons holding a commercial kennel license on the effective date of Ordinance 80-97 are entitled to a kennel license, without prior approval, upon filing complete application documents and tendering the required fees.

(Ords. 83-10 § 3, 80-97 § 2).

Article 416-6.4. License Revocation

416-6.400 - License revocation.

- (a) A license may be revoked by the animal services director on one or more of the following grounds:
 - (1) Falsification of facts in the license application;
 - (2) Violation of any provisions of this division or any California state law, statute, rule, order or regulation governing the activity for which the license was issued;
 - (3) Conviction of cruelty to animals in this or any other state;
 - (4) Failure to meet and maintain the conditions of the license;
 - (5) Inhumane and/or cruel treatment of animals;
 - (6) Violations of health and sanitation codes.
- (b) Prior to revocation of a license, the animal services director shall hold a public hearing to determine whether the grounds described in subsection (a) of this section exist.
- (c) At least ten days prior to hearing the animal services director shall mail or otherwise deliver to the possessor of the animals a notice containing a statement of the charges supporting license revocation and/or impoundment and notice of the time and place of hearing before the animal services director as to the truth of the charges.
- (d) If the animal services director determines, after hearing, that charges supporting such action are true, he/she may revoke the license and may impound any animals covered under such license.
- (e) On revocation of license, if the cause is not inhumane treatment of animals or violation of health and sanitation codes, the owner of the license so revoked shall have a sixty-day grace period prior to the effective date of revocation to attempt to find new adoptive owners for the animals involved.
- (f) If a license has been denied or revoked for cause, the animal services director shall not accept a new application by the same person less than twelve months after such denial or revocation unless the applicant affirmatively shows, and has verified by the animal services director, that the grounds upon which the first license or application was denied or revoked no longer exist.
- (g) On revocation of license, no part of the license fee shall be refunded.
- (h) Evidence must be relevant, noncumulative, and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. Written statements by a county officer or

employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting in the course and scope of their official duties or employment, written records of the animal services department, and statements under penalty of perjury may be accepted as evidence that the fact(s) or condition(s) expressed therein do or do not exist.

(Ords. 83-10 § 4, 80-97 § 2).

416-6.402 - Inspection.

For the sole purposes of determining inhumane treatment of animals and/or violations of state and local health and sanitation laws, the animal services director, upon reasonable notice and having in his/her possession a search warrant, shall be permitted to inspect all animals, and the premises so specified in said search warrant at which any such animal(s) are kept, harbored, possessed or maintained.

(Ord. 80-97 § 2).

416-6.404 - Documents.

- (a) The animal services director may require any person owning, possessing, harboring, or controlling any animal for which a license or permit is required under Division 416 to produce any required license, permit, or certificate of rabies vaccination for inspection.
- (b) Any person subject to the provisions of subsection (a) of this section who fails to produce a required license, permit, or certificate of rabies vaccination for inspection by the animal services director after a demand for inspection, is in violation of this Ordinance Code.

(Ord. 80-97 § 2).

Article 416-6.6 Reserved

Editor's note— Ord. No. 2017-12, § II, adopted June 6, 2017, repealed art. 416-6.6, §§ 416-6.600—416-6.16, in its entirety. Former art. 416-6.6 pertained to "Administrative Penalties," and was derived from Ord. No. 2014-14, § II, adopted September 23, 2014.

Chapter 416-8 - IMPOUNDMENT

416-8.002 - Impoundment required.

- (a) All dogs found at large in violation of the provisions of Division 14 of the Agricultural Code, or any provisions of Division 416 of this Ordinance Code, shall be taken up and impounded, and are subject to destruction by humane injection.
- (b) All animals, including dogs and cats, that are abandoned, found at large, taken into custody by the animal services director, or otherwise found to be in violation of Division 416 of the Ordinance Code, shall be taken up and impounded, and are subject to destruction by humane injection.
- (c) Any person taking up and/or holding a stray animal the owner of which is unknown or cannot be immediately contacted, shall notify the animal services department within twenty- four hours and, upon request, shall immediately surrender it for impounding. Any person participating in a rescue program authorized for such purposes by the animal services director is exempt from the surrender requirement.

(Ord. 80-97 § 2).

416-8.004 - Exceptions.

The animal services director shall not impound any animal (including fowl) not otherwise in violation of Division 416, staked or tied for grazing on private property or any fowl at large on private property except on the complaint of the owner or occupant of the property, or of any other property if he claims injury.

(Ord. 80-97 § 2).

416-8.006 - Holding period—Notice.

- (a) Except for rabies control purposes, impounded animals shall be kept at a facility of or authorized by the animal services department for seventy-two hours, except:
 - (1) Stray dogs or cats with valid licenses shall be held ten days after written notice is mailed or otherwise given to the owner, if the owner is identified; and
 - (2) Stray bovine animals, horses, mules or burros shall be held for five days and if unclaimed after that period, shall be disposed of in such manner as the board of supervisors shall specify by resolution.
- (b) If the owner of an impounded animal, other than a dog or cat with a valid license, is identified, the animal services department shall notify the owner by telephone or mail within two days after such identification and hold the animal for at least five working days after notice is mailed or otherwise given.
- (c) The animal services director may dispose of animals unclaimed after expiration of the holding period by humanely destroying them by injection or by placing the animal in an adoptive home. No live animal shall be released for teaching or experimental purposes.

(Ord. 80-97 § 2).

416-8.008 - Summary destruction.

The animal services director may, without waiting for the holding periods to elapse, cause any impounded animal to be destroyed when such an animal is severely injured, or infected with a dangerous or communicable disease, and only after reasonable efforts under the circumstances have been made to apprise the owner of such animal, if such owner can be reasonably identified, of the condition of the animal.

(Ord. 80-97 § 2).

416-8.010 - Owner claims.

- (a) The owner of any impounded animal is liable for all accrued impoundment fees. The owner of any impounded animal may claim it from the animal services department before its destruction, sale, or other disposition, after obtaining all required licenses and permits and paying all accrued impoundment fees.
- (b) If the owner claims that an animal was unlawfully impounded, the owner may request a hearing which shall be provided by the animal services director within three working days of such request. The animal services director shall hear the evidence and argument of the owner and make such further investigation as is deemed appropriate. The animal shall be released to the owner without

payment of fees or penalties, except applicable to license or permit fees, if the animal services director concludes there is reasonable doubt as to the lawfulness of the impoundment. No fees shall be charged on account of continued impoundment after a hearing has been requested.

(Ord. 80-97 § 2).

416-8.012 - Impoundment fees.

Impoundment fees shall be established by resolution of the board of supervisors. The board of supervisors shall establish additional fees payable in the case of animals reclaimed for a second time within a twelve-month period and further additional fees payable in the case of animals reclaimed three or more times within a twenty- four month period. As to the additional fees, an owner is entitled upon request to a hearing as provided in Section 416-8.010(b).

(Ord. 80-97 § 2).

416-8.014 - Abandonment.

The refusal or failure of the owner of any animal to apply for all required licenses or permits, and to pay all applicable license, permit, and impoundment fees, within ten days after notice of impoundment is mailed to such owner's last known address or otherwise given to such owner, constitutes abandonment and relinquishment of the owner's rights to the county.

(Ord. 80-97 § 2).

416-8.016 - Adoption.

- (a) Animals subject to disposition by the county may be sold if the animal services director finds that the sale of any such animal is not contrary to law, to policy of the department, or to the public interest. Dogs or cats may not be sold for purposes other than keeping of pets, and may not be sold without first having been licensed, neutered or spayed, and vaccinated against rabies, or a fee therefor having been deposited.
- (b) Fees for the purchase of animals from the animal services department shall be established by resolution of the board of supervisors.

(Ord. 80-97 § 2).

416-8.018 - Spaying and neutering impounded dogs prior to release.

- (a) **Unlicensed Dogs.** Any unlicensed, unaltered dog impounded under Section 416-8.002 must be spayed or neutered prior to its release from the animal services department unless the dog is exempted from the license requirements under subsection (a) of Section 416-6.004 or has a medical exemption under subsection (d) of this section.
- (b) **Licensed Dogs—First Impoundment Within a Three-Year Period.** Any licensed, unaltered dog impounded under Section 416-8.002 will be released intact from the animal services department on the first occasion the dog is impounded within a three-year period.
- (c) **Licensed Dogs—Second Impoundment Within a Three-Year Period.** Any licensed, unaltered dog impounded under Section 416-8.002 a second time within a three-year period must be spayed or neutered prior to the dog's release from the animal services department unless the dog has a medical exemption under subsection (d) of this section.

- (d) Medical Exemption. The animal services department will release intact any unaltered dog impounded under Section 416-8.002 that cannot be spayed or neutered due to a medical condition that is confirmed by a veterinarian licensed to practice veterinary medicine in the state of California. Before releasing the dog, the animal services department will issue the dog's owner a written notice requiring the owner to spay or neuter the dog and provide proof of correction within two months of the date of the notice. The animal services department may extend the two-month correction period if, based on the opinion of a veterinarian licensed to practice veterinary medicine in the state of California, the medical condition continues to prevent the dog from being spayed or neutered. The dog's owner shall be responsible for paying the costs of any medical examinations rendered pursuant to this section.

(Ord. No. 2011-08, § II, 5-17-11)

416-8.020 - Impounded dogs and cats must be implanted with microchip identification at time of release.

- (a) Microchip Identification Required at Time of Release. All dogs and cats impounded under Section 416-8.002 must be implanted with microchip identification before being released from impoundment to their owners.
- (b) The animal services department will perform the microchip implantation procedure, at the owner's expense, on any dog or cat that does not already have microchip identification before the dog or cat is released from impoundment to its owner.
- (c) Microchip Implantation Fee. The fee for a microchip implantation procedure performed under subsection (b) will be the microchip fee amount listed in the animal services department's fee schedule.

(Ord. No. 2011-09, § II, 5-17-11)

Chapter 416-10 - RABIES CONTROL

416-10.002 - Rabies impoundment.

All dogs in violation of the Rabies Control Act (Division 3, Chapter 3, Article 1 [§§ 1900 — 1922] of the Health and Safety Code) and all animals subject to the provisions of this chapter shall be quarantined or impounded, and are subject to destruction in some humane manner or to other disposition as provided in this chapter.

(Ord. 80-97 § 2).

416-10.004 - Responsibility of health officer.

The county health officer shall supervise rabies control. If he/she finds that rabies exists in this county, he/she shall take the control measures that he/she finds necessary and proper to abate the condition; and he/she may quarantine any animal to protect the public health. All county officers and employees, including the animal services director, shall cooperate with and assist the health officer in carrying out any measures necessary for rabies control.

(Ord. 80-97 § 2).

416-10.006 - Suspected rabies.

- (a) Knowledge and Report. If the owner and/or keeper of any animal observes or learns (from any source whatsoever) that the animal shows symptoms of rabies, that person shall immediately confine the animal in a veterinary hospital, an animal services department facility, or other adequate facility; including the owner's premises if approved by the animal services director; notify the animal services director, and make the animal available to the animal services director for examination and/or confinement.
- (b) Examination. The animal services director shall cause the animal to be examined by a veterinarian.
- (c) Confinement. If the animal services director, on the advice of a veterinarian, deems it advisable for the protection of the public health, he/she shall have the animal confined in a veterinary hospital, an animal services department facility, or other adequate facility, and shall keep the health officer advised of the animal's condition.
- (d) Release. No person shall release any animal so confined until release is authorized by the animal services director.
- (e) Charge. The animal's owner shall be charged for all costs incurred or fees applicable with respect to examination or confinement of the animal.

(Ord. 80-97 § 2).

416-10.008 - Bites.

- (a) Knowledge and Report. If the owner and/or keeper of any animal knows or learns from any source whatsoever, that the animal has bitten any person, any other animal, or has been bitten by another animal having rabies or reasonably suspected of having rabies, such owner or keeper shall immediately confine the animal in a veterinary hospital, an animal services department facility, or other adequate facility; notify the animal services director, and shall make the animal available to the animal services director for examination and/or confinement. The victim of such biting shall report the incident to the animal services director where the owner or keeper of the animal is unknown, or where the owner or keeper is unable or refuses to make the required report.
- (b) Examination. The animal services director may cause the animal to be examined by a veterinarian.
- (c) Confinement. The animal services director shall confine or have the animal confined in a veterinary hospital, an animal services department facility, or other adequate facility for the period prescribed by state law, and shall keep the health officer advised of the animal's condition.
- (d) Release. No person shall release any animal so confined until release is authorized by the animal services director.
- (e) Charges. The animal's owner shall be charged for all costs incurred or fees applicable with respect to examination or confinement of the animal.

(Ord. 80-97 § 2).

416-10.010 - Rabies reports.

- (a) Rabies is declared to be a reportable disease. Every veterinarian practicing in this county 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 whenever rabies is suspected.
- (b) Every veterinarian practicing in this county shall provide the animal services director with a copy of every rabies immunization certificate which he/she issues.

(Ord. 80-97 § 2).

416-10.012 - Violation.

Violation of this chapter, except for the provisions of Section 416-10.010(b), is a misdemeanor. Violation of Section 416-10.010(b) is subject to Article 416-4.6 of this division.

(Ord. 80-97 § 3).

Chapter 416-11 - WILD OR EXOTIC ANIMALS

416-11.002 - Registration required.

All persons owning, maintaining, or possessing any wild or exotic animal must register such animal with the animal services director.

(Ord. 80-97 § 2).

416-11.004 - Registration form.

All persons registering a wild or exotic animal with the animal services director shall submit the following information on a form provided by the animal services department:

- (1) The true name and address of the owner or possessor of such animal(s), and the names and addresses of two persons who may be contacted in case of emergency;
- (2) The number and true scientific name(s) of the type(s) of wild or exotic animal(s) for which registration is requested;
- (3) The address or place where the animal(s) will be located;
- (4) The purpose for which the animal(s) will be possessed;
- (5) If the animal(s) are described in Fish and Game Code § 2118, a copy of a current, valid permit from the state of California for possession of such animal(s);
- (6) Any other information as the animal services director may require;
- (7) There shall be no fee for registration of wild or exotic animals.

(Ord. 80-97 § 2).

416-11.006 - Impoundment.

Any wild or exotic animal in this county which is at large, or for which the animal services director does not have a current registration, is subject to impoundment under the provisions of Chapter 416-8, at the discretion of the animal services director, or to summary destruction if the animal services director concludes that the animal poses a threat to public health and safety and cannot be immediately and safely impounded.

(Ord. 80-97 § 2).

416-11.008 - Sale of wild animals.

Any person who transfers or sells any wild or exotic animal to another person in this county must give written notice of the name and address of the person to whom possession is transferred and of the person acquiring such animal to the animal services director within thirty days.

(Ord. 80-97 § 2).

416-11.010 - Exemptions.

Any museum, educational institution or scientific research organization with a valid permit from the state or federal government for ownership, harboring or maintenance of wild or exotic animals is exempt from the provisions of this chapter.

(Ord. 80-97 § 2).

Chapter 416-12 - MISCELLANEOUS

Article 416-12.0. Disposal

416-12.002 - By owner.

Any person possessing a dead animal or fowl shall dispose of it in a safe and sanitary manner. Upon receipt of information that the body of any animal or fowl has not been properly disposed of in accordance with this section, the animal services director shall dispose of the body.

(Ord. 80-97 § 2).

416-12.004 - Requested disposal.

On request by any person, the animal services director may remove and dispose of any small animal such as dog, cat, fowl or rabbit lawfully in the possession of the person.

(Ord. 80-97 § 2).

416-12.006 - Fees.

Animal disposal services by the animal services director shall be subject to such fees as shall be established by resolution of the board of supervisors.

(Ord. 80-97 § 2).

Article 416-12.2. Nuisances

416-12.202 - Animal noise.

- (a) No person may own, possess, harbor, control, or keep on any premises, a barking dog or other noisy animal.
- (b) "Barking dog" means a dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. An "extended period of time" means incessant barking for thirty minutes or more in any twenty-four hour period, or intermittent barking for sixty minutes or more in any twenty-four hour period. A dog shall not be deemed a "barking dog" for purposes of this section if, at any time the dog is barking, a person is trespassing or threatening to trespass upon private property where the dog is situated, or when the dog is being teased or provoked.
- (c) "Noisy animal" means an animal that makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the animal is physically

situated in or upon private property. An "extended period of time" means incessant noise for thirty minutes or more in any twenty-four-hour period, or intermittent noise for sixty minutes or more in any twenty-four-hour period.

- (d) Enforcement. The department may issue an administrative penalty under Article 416-4 .8 to any responsible person for a violation of this section based on either or both of the following:
- (1) An observation of the violation by a department employee.
 - (2) A complaint, signed under penalty of perjury, lodged by a person who has been disturbed by the barking dog or noisy animal.

(Ord. No. 2017-12, § II, 6-6-17; Ord. 80-97 § 2).

416-12.204 - Animal wastes.

Any person having the ownership, custody, or control of any animal which defecates on public walks, in public recreation areas, in public buildings, or without the owner's consent on private property, shall immediately remove the excrement from any such place to a site not prohibited by law. This restriction shall not apply in areas identified as horse trails or areas specifically set aside for exercise of animals.

(Ord. 80-97 § 2).

Article 416-12.4. Dangerous Animals

416-12.402 - Potentially dangerous animal.

Any animal, except a dog assisting a peace officer engaged in law enforcement duties that demonstrates any of the following behavior is a "potentially dangerous animal":

- (a) Any animal that, on two separate occasions within a thirty-six-month period, engages in any unprovoked behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off the property of the owner or keeper of the animal.
- (b) Any animal that, when unprovoked, bites a person causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures, or corrective or cosmetic surgery.
- (c) Any animal that, when unprovoked, kills, seriously bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the owner or keeper of the attacking animal.
- (d) Any animal that, when unprovoked, has engaged in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety.

(Ords. 2005-24 § 2, 87-74 § 2).

416-12.404 - Dangerous animal.

- (a) Any animal, except a dog assisting a peace officer engaged in law enforcement duties that demonstrates any of the following behavior, is a "dangerous animal":
- (1) Any animal that, when unprovoked, inflicts severe injury on or kills a human being who is conducting himself or herself peacefully and lawfully. A "severe injury" within this chapter means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

- (2) Any animal designated as a potentially dangerous animal that, after its owner or keeper has been notified of this designation, exhibits any of the behaviors described in Section 416-12.402 of this article.
 - (3) Any animal that is associated with conduct that results in the animal's owner or keeper being convicted under Penal Code Section 597.5(a) or any animal used during or in the commission of a crime that constitutes a misdemeanor or a felony.
 - (4) Any animal that attacks livestock off the property of the owner of the attacking animal.
- (b) For the purposes of this section, a person is peaceably and lawfully upon the private property of an owner or possessor of the animal when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

(Ords. 2005-24 § 2, 87-74 § 3).

416-12.406 - Hearing procedures.

- (a) If an animal services officer determines there is probable cause to believe that an animal is potentially dangerous or dangerous, or that the owner or keeper of an animal previously determined to be potentially dangerous or dangerous has violated any animal permit conditions, the animal services director shall hold a public hearing to determine whether grounds exist to designate the animal potentially dangerous or dangerous, or to determine whether permit conditions have been violated, and if so, what orders and penalties should apply. If the owner or keeper of the animal does not dispute the charges alleged, he or she may waive the right to a hearing and, if eligible, immediately apply for an animal permit under this article.
- (b) At least five business days prior to the hearing, the animal services director shall serve the owner or keeper of the animal with a notice containing a statement of the charges, and the date, time and place of hearing. Service shall be by first-class mail or personal service.
- (c) Evidence received at the hearing must be relevant and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. Written statements by a county officer or employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting in the course and scope of their official duties or employment, written records of the animal services department, and statements under penalty of perjury may be accepted as evidence that the fact(s) or condition(s) expressed therein do or do not exist.
- (d) The animal services director will consider the following factors in determining whether an animal is potentially dangerous or dangerous:
 - (1) Whether any injury or damage to a person by the animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing, or assaulting the animal;
 - (2) Whether a person injured or damaged by the animal was committing a trespass or other tort upon premises occupied by the owner or keeper of the animal, or was committing or attempting to commit a crime;
 - (3) Whether any injury or damage to a domestic animal was caused or contributed to by the actions of the domestic animal, including acts of teasing, tormenting, abusing, or attacking the animal;
 - (4) Whether a person injured or damaged by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the animal's owner or keeper. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry;

- (5) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

(Ords. 2005-24 § 2, 83-10 § 4, 80-97 § 2).

416-12.408 - Findings after hearing.

- (a) After notice and hearing upon charges following the procedure described in Section 416-12.406 of this article, the owner or keeper of the animal will be provided with written notice, served by first-class mail, of the determination and order issued by the animal services director. If a determination is made after hearing that an animal is potentially dangerous or dangerous, the animal will be designated potentially dangerous or dangerous and may only be owned, kept or maintained by the current or any subsequent owner or keeper upon issuance of a potentially dangerous or dangerous animal permit as provided in Section 416-12.412 of this article. The animal services director retains discretion as to which animals are eligible for a potentially dangerous or dangerous animal permit. If an animal is eligible for the permit, notice of its eligibility will be provided with the notice of determination after hearing. If a determination is made after hearing that the owner or keeper of the animal has violated the conditions of a previously issued potentially dangerous dog or dangerous dog permit, the permit is immediately revoked and the animal is subject to humane destruction by injection at the discretion of the animal services director ten calendar days after mailing written notice of the determination.
- (b) If there are no additional instances of the behavior described in Section 416-12.402 of this article within a thirty-six-month period from the date of designation as a potentially dangerous animal, the animal's potentially dangerous designation shall be removed by the animal services director.

(Ords. 2005-24 § 2, 80-97 § 2).

416-12.410 - Destruction of dangerous animal.

Upon a determination that an animal is dangerous after the notice and hearing provided for in Section 416-12.406 of this article, the animal services director may further find, in writing with supporting reasons, that an animal is so dangerous, or that other special circumstances exist, such that maintaining the animal poses a substantial threat to public health and safety. Ten calendar days after mailing notice of a finding under this section, the animal services director may dispose of any such dangerous animal by humanely destroying it by injection.

(Ords. 2005-24 § 2, 87-74 § 5).

416-12.412 - Potentially dangerous or dangerous animal permit required.

If a determination is made after hearing that an animal is potentially dangerous or dangerous and is eligible to be owned, kept or maintained under a potentially dangerous or dangerous animal permit, the owner or keeper of the animal must submit a completed application, including payment of all required fees, that certifies compliance with all applicable permit conditions within fifteen calendar days after written notice of the determination is mailed, unless an extension of time is granted by the animal services director. An animal whose owner or keeper fails to comply with the permit conditions within this time frame may be impounded and humanely destroyed by injection at the discretion of the animal services director.

(Ords. 2005-24 § 2, 80-97 § 2).

416-12.414 - Contents of animal permit application.

An application for a potentially dangerous or dangerous animal permit shall include:

- (a) The true name and address of the applicant and of the owner or keeper of the animal, and the names and addresses of two persons who may be contacted in the case of emergency;
- (b) An accurate description of the animal for which the permit is requested;
- (c) The address or place where the animal will be located;
- (d) The purpose for which the animal will be possessed or kept;
- (e) An application fee for the animal;
- (f) Such other information as the animal services director may require.

(Ords. 2005-24 § 2, 80-97 § 2).

416-12.416 - Investigation.

- (a) Upon receipt of a completed permit application, the animal services director may investigate the application and may grant a potentially dangerous or dangerous animal permit if the director finds the following conditions satisfied:
 - (1) Facilities exist at the location to adequately secure, feed, house and maintain the animal;
 - (2) Possession and maintenance of the animal at the location is not likely to endanger the peace, quiet, health, safety or comfort of persons in the vicinity of the location;
 - (3) Possession and maintenance of the animal at the location is not likely to be detrimental to agriculture, native wildlife, or the public peace, health or safety;
 - (4) Possession and maintenance of the animal at the location has not resulted in, and is not likely to result in, the animal being subjected to neglect, suffering, cruelty, or abuse;
 - (5) Neither the applicant, owner, nor the keeper of the animal has had a potentially dangerous or dangerous animal permit or any other license required under this division revoked, or been convicted of a violation of this division or any law regulating animals within three years;
 - (6) Possession of the animal at the location specified will not violate any law, ordinance, or regulation.
- (b) An inspection fee for evaluating the facilities where an animal is maintained will be charged to the applicant, owner or keeper of the animal for each inspection deemed necessary following the initial investigation.

(Ords. 2005-24 § 2, 80-97 § 2).

416-12.418 - Review of permit denial.

Within seven calendar days after the mailing of written notice that a potentially dangerous or dangerous animal permit has been denied, the owner or applicant may file with the animal services director a written request for review of the denial decision. Only one request for review may be made. The request shall state all grounds for review and present in writing the evidence relied upon to support granting the permit. The animal services director may further investigate the application and shall reconsider the application. The permit denial is stayed pending reconsideration. The applicant for a potentially dangerous or dangerous animal permit bears the burden of proof to justify issuance of a permit. If no appeal of the denial of the permit application is filed, or if the animal services director upholds

a permit denial after reconsideration of a permit denial, the animal services director may impound the animal and humanely destroy it by injection ten calendar days after mailing written notice of the denial.

(Ords. 2005-24 § 2, 83-10 §§ 5, 7).

416-12.420 - Permit renewal and expiration.

A potentially dangerous or dangerous animal permit issued to the owner or keeper of the animal is valid for not more than one year from the date of its issuance. A permit may be renewed for subsequent years following the same procedures as are applicable to an original permit. No person holding a potentially dangerous or dangerous animal permit has the right to an automatic renewal of that permit. Failure to renew a permit prior to its expiration will result in a late fee and the animal may be impounded and humanely destroyed by injection.

(Ords. 2005-24 § 2, 80-97 § 2).

416-12.422 - Permit conditions.

All potentially dangerous and dangerous animal permits are subject to the following conditions:

- (a) Permittees must comply with all relevant state laws and ordinances;
- (b) The potentially dangerous animal must be properly licensed and vaccinated;
- (c) The permit is nontransferable;
- (d) The owner or keeper of the animal may not be a minor;
- (e) The animal shall not be possessed or maintained at any location other than that specified in the permit;
- (f) Permittees shall display on the property where the animal is kept a sign containing a warning that there is a potentially dangerous or dangerous dog on the premises. The dimensions, colors, lettering, and graphics of the sign must comply with standards established by the animal services director. The sign must be located where it will be visible to the general public;
- (g) The animal must be securely maintained at all times. Permittees shall immediately notify the animal services department if the animal is at large as defined in Section 416-4.402 of this article, or if the animal has attacked another animal, bitten a human being, or has died. If the animal is not securely confined indoors, it must be confined as provided below unless the animal services director modifies the conditions of confinement where warranted:
 - (1) Confined in an enclosure consisting of a fence or structure suitable to prevent the entry of young children, and suitable to confine a potentially dangerous or dangerous animal as determined by the animal services department. The enclosure shall be securely locked, have secure sides and bottom sufficient to prevent the animal from escaping, and shall be of sufficient size to provide the animal with adequate exercise area,
 - (2) Muzzled and leashed with a substantial leash not to exceed six feet in length and under the control of a responsible adult who is familiar with and in control of the animal when off the property of its owner or keeper, or
 - (3) Humanely confined in a vehicle so that it can neither escape nor inflict injury on passers by;
- (h) The animal shall not be loose or allowed to endanger the peace, health, or safety of people, domestic animals or native wildlife;
- (i) The animal shall not be subject to neglect, suffering, cruelty, or abuse;

- (j) The location where the animal is possessed or maintained must be kept clean and sanitary; and the animal must be provided with proper and adequate food, water, ventilation, shelter and care at all times;
- (k) The animal services director must be allowed at any reasonable time to inspect the animal and the place where the animal is located;
- (l) Payment of all required fees in accordance with a fee schedule adopted by resolution of the board of supervisors, under Section 416-12.426 of this article;
- (m) The animal's owner or keeper must allow and pay for the animal to be sterilized and have a microchip implanted by the animal services department for identification purposes;
- (n) For potentially dangerous animals only, the following additional conditions apply:
 - (1) The potentially dangerous animal must complete an obedience course approved by the animal services director, at the owner's expense, within sixty days after release of the animal to its owner or keeper, or within a reasonable time as agreed upon by the animal services director,
 - (2) Permittees shall notify the animal services department within forty-eight hours of the potentially dangerous animal being sold, transferred or permanently removed from the location designated on the permit, and provide the name, address, and phone number of the new owner or keeper of the animal and the new location of the animal;
- (o) For dangerous animals only, the following additional conditions apply:
 - (1) A dangerous animal securely confined in an enclosure shall not be tethered,
 - (2) Unless a dangerous animal is securely confined indoors or in an outdoor enclosure on the property where the animal is maintained as described in subsection (g)(1) of this section, the animal may only be removed for the purposes of obtaining veterinary care, being sold or given away, or to comply with any provision of law or with a directive of the animal services director,
 - (3) Within thirty days after the animal is designated dangerous, the owner or keeper of the animal must give written notice, with a copy to the animal services director, of the animal's dangerous designation to the local police and fire departments, and the local branch of the U.S. Post Office and all utility companies that provide services to the premises where the animal is kept,
 - (4) The owner or keeper of the dangerous animal must present to the animal services director proof that the owner or keeper has procured liability insurance from an insurer licensed to practice in the state of California, in a single incident amount of not less than one hundred thousand dollars for each animal, for injury to or death of any person or persons, or loss or damage to any property caused by or resulting from any act of such animal. Liability insurance shall not be canceled unless the owner or keeper ceases to own or keep the animal prior to expiration of that insurance. Coverage shall be evidenced by a certificate issued by the insurer. The owner shall also provide documentation from the insurer warranting that the insurer will provide the county at least thirty days advance notice of cancellation of insurance,
 - (5) Permittees shall give the animal services department at least forty-eight hours advance notice of the sale, transfer or permanent removal of the animal to a location not designated in the permit, and provide the name, address and phone number of the new owner or keeper of the animal and the new location of the animal.

(Ords. 2005-24 § 2, 87-74 § 6, 80-97 § 2).

416-12.424 - Animals from other jurisdictions.

No animal that has previously been determined to be potentially dangerous, dangerous or vicious after an administrative hearing by another jurisdiction shall be kept, owned or harbored in Contra Costa County unless the animal's owner or keeper complies with the county potentially dangerous or dangerous animal permit requirements under this article. Potentially dangerous or dangerous animal permits must be obtained prior to bringing the animal into the county. Animals in violation of this section are subject to impoundment and humane destruction by injection after notice and a hearing under Section 416-12.406 of this article, except that the only issues for hearing are whether the animal ever received a potentially dangerous, dangerous or vicious animal designation in another jurisdiction, and whether the animal's owner or keeper complied with the permit requirements under this article.

(Ord. 2005-24 § 2).

416-12.426 - Fees.

Animal permit application fees, permit fees, late fees, impound fees, inspection fees, microchip fees and sterilization fees shall be established by resolution of the board of supervisors.

(Ords. 2005-24 § 2, 80-97 § 2).

416-12.428 - Impoundment.

- (a) Any animal subject to potentially dangerous or dangerous animal proceedings may be impounded at the discretion of the animal services director pending hearings and determinations made under this article and until any required permit is obtained. The animal's owner shall be charged for all impoundment costs and fees unless a determination is made that the animal is not potentially dangerous or dangerous.
- (b) No impounded animal designated as potentially dangerous or dangerous shall be released to the custody of its owner or keeper unless all fees assessed pursuant to this division have been paid and all permit conditions under Section 416-12.422 of this article have been satisfied.
- (c) At the discretion of the animal services director, any animal impounded pursuant to this section may be returned to the custody of its owner or keeper pending hearing and decision if the director determines the return poses no threat to public health and safety. The owner, if authorized by the animal services director, may gain custody of the animal by posting a cash bond or other security in an amount to be determined by the animal services director as necessary to assure the return of the animal to the animal services department. The bond or security will be forfeited if the animal is not delivered into the custody of the animal services department upon a finding that the animal is potentially dangerous or dangerous.

(Ords. 2005-24 § 2, 80-97 § 2).

416-12.430 - Exception.

Nothing in this chapter shall limit the right of any person or officer to take any proceedings against a potentially dangerous or dangerous animal or its owner or keeper that are otherwise permitted or provided by law, and nothing in this chapter shall be construed to limit the access of any person in violation of state or federal laws.

(Ords. 2006-05 § 2, 2005-24 § 2, 80-97 § 2).

416-12.432 - Restriction on future ownership.

- (a) Any person who owns, possesses, keeps or harbors an animal determined to be potentially dangerous or dangerous pursuant to Section 416-12.408 of this article without a dangerous animal permit may, after opportunity for hearing and a finding of good cause, be subject to restrictions on his ownership of other animals of the same species for a period of five years after the original determination of danger.
- (b) At least fifteen calendar days prior to imposition of restrictions, the animal services director shall mail or otherwise deliver to the person on whom restrictions are proposed a notice containing a statement of the reasons supporting the imposition of restrictions and specifying the proposed restrictions and notice of the person's right to request, in writing within five calendar days of receipt of the notice, a hearing before the director as to the existence of good cause for imposition of restrictions. If a hearing is requested, the director shall mail to the requesting party notice of the date, time and place of the hearing. If, after hearing, the director determines that good cause for imposition of restrictions exists, the director shall impose the specified restrictions ten calendar days after mailing notice of the decision. If no hearing is requested, the director shall impose restrictions fifteen calendar days after mailing of the original notice.

(Ords. 2005-24 § 2, 87-74 § 4).

416-12.434 - Penalties for violation of dangerous animal permit.

It shall be a misdemeanor for any owner or keeper of an animal previously designated as dangerous to violate any of the conditions of the dangerous animal permit under Section 416-12.422 of this article, punishable as provided by law. If an owner or keeper is convicted of violating this section, the court may, upon good cause, order the dangerous animal seized, declared a nuisance and destroyed. Any person convicted in violation of this section shall be prohibited from owning, harboring or keeping any animal within Contra Costa County for a minimum of five years.

(Ord. 2005-24 § 2).

416-12.436 - Prohibited dog ownership by convicted felons.

- (a) Any person who has been convicted of a felony under the laws of the United States, of the state of California, or any other state, government, or country, who owns, purchases, receives, or has in his or her possession or under his or her custody or control a dog that poses a danger to the public's health, safety or welfare if misused by a convicted felon is guilty of a misdemeanor, unless the person possesses a current, valid prohibited dog permit for that dog as provided in Section 416-12.438 of this article. A convicted felon under this article shall not include felons whose convictions were set aside pursuant to Penal Code Section 1203.4. "Misuse" by a convicted felon means use of a dog in a threatening or aggressive manner, or in the commission of a crime.
- (b) Any dog whose owner or keeper is in violation of this section shall be impounded, or impounded subject to destruction, at the owner's expense.
- (c) A dog that poses a danger to the public's health, safety or welfare if misused by a convicted felon under this section means any of the following:
 - (1) A dog weighing more than twenty pounds;
 - (2) A dog who has been designated a potentially dangerous or dangerous animal under Sections 416-12.402 and 416-12.404 of this article;
 - (3) A dog designated by the animal services director as posing a danger to the public's health, safety or welfare if misused by a convicted felon based upon the following factors:
 - (i) The nature of any complaints regarding the dog,
 - (ii) The strength of the dog, including jaw strength,

- (iii) The dog's tolerance for pain,
- (iv) The dog's tendency to refuse to terminate an attack,
- (v) The dog's potential propensity to bite humans or other domestic animals,
- (vi) The dog's potential for unpredictable behavior,
- (vii) The dog's aggressiveness,
- (viii) The likelihood that a bite by the dog will result in serious injury.

This section shall not apply to any assistance dog, including guide dogs, signal dogs and service dogs, trained or in training to assist a qualified individual with a disability.

(Ords. 2006-05 § 3, 2005-24 § 2).

416-12.438 - Prohibited dog permit.

Any convicted felon who wishes to own, purchase, receive or have in his or her possession or under his or her custody or control a dog weighing more than twenty pounds under Section 416-12.436(c)(1) of this article, or a dog that the animal services director designates as posing a danger to the public's health, safety or welfare if misused by a convicted felon under Section 416-12.436(c)(3) of this article, may apply for a prohibited dog permit to own, keep or maintain that dog. If there is probable cause to believe that a dog poses a danger to the public's health, safety or welfare if misused by a convicted felon, the dog may be impounded pending a determination made under this article and until any required permit is obtained. If the animal services director designates a dog as posing a danger to the public's health, safety or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or keeper of the dog. The owner or keeper must pay an application fee and apply for the prohibited dog permit within fifteen calendar days after the mailing of the written notice of designation. The animal services director may deny a prohibited dog permit if he or she determines that the dog poses a danger to the public's health, safety or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by the animal services director. These conditions of ownership may include, but are not limited to, those found under Section 416-12.422 of this article. A prohibited dog permit may subsequently be revoked by the animal services director if there is probable cause to believe that the convicted felon's continued ownership of the dog poses a danger to the public's health, safety or welfare.

This section shall not apply to any assistance dog, including guide dogs, signal dogs and service dogs, trained or in training to assist a qualified individual with a disability.

(Ords. 2006-05 § 4, 2005-24 § 2).

Article 416-12.6. Performing Animals

416-12.602 - Restrictions.

No performing animal exhibition or circus shall induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering to the animal.

(Ord. 80-97 § 2).

416-12.604 - Equipment.

All equipment used on a performing animal shall fit properly and be in good working condition.

(Ord. 80-97 § 2).

Article 416-12.8. Sales or Gifts of Animals

416-12.802 - Public display prohibited.

No person under the age of eighteen shall place any dog, cat, puppy or kitten on public display for the purpose of sale, offer for sale, barter or giveaway upon any street, sidewalk, parking lot, shopping center walkway or other public place, and no transfer of any such animal shall be made to any person under the age of eighteen.

(Ord. 80-97 § 2).

416-12.804 - Sale of dogs or cats.

- (a) The seller of a dog or cat shall provide to the buyer at the time of sale a signed statement attesting to the seller's knowledge of the animal's health. Such statement shall also include the animal's immunization history, and the record of any known disease, sickness or internal parasites that the animal is afflicted with at the time of transfer of ownership, including treatment and medication.
- (b) Any person purchasing a dog or cat from a person or an establishment required to be licensed or registered pursuant to Chapter 416-6 of this code may, within five days of such purchase, cause such animal to be examined by a veterinarian licensed by the state of California. If such examination reveals clinical signs of contagious or infectious disease, or serious congenital defects, not otherwise disclosed to the purchaser as required by this article, the purchaser may, within one business day of the examination, return such animal to the seller. When returned, such animal must be accompanied with a certificate signed by the examining veterinarian stating examination findings. Upon return of such animal for the reasons stated in this section, seller shall reimburse the purchaser for the cost of the animal. If the seller refuses to reimburse the purchaser for the cost of the animal upon purchaser's offer to return it, the purchaser may file a civil complaint.

(Ord. 80-97 § 2).

Article 416-12.10 - Roosters

416-12.1002 - Definition.

For the purposes of this article, "rooster" means any male chicken that:

- (1) Is six months or older,
- (2) Has full adult plumage, or
- (3) Is capable of crowing.

(Ord. No. 2018-13, § II, 5-1-18)

416-12.1004 - Rooster keeping.

- (a) Notwithstanding any other provisions of law, no person may maintain any rooster by means of a tether attached to an object.
- (b) At all times, roosters must be provided all of the following:
 - (1) Access to water.

- (2) Shelter from the elements, including rain, wind, and direct sun.
- (3) Sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure.
- (4) Clean and sanitary premises that are maintained in good repair.

(Ord. No. 2018-13, § II, 5-1-18)

416-12.1006 - Enforcement.

In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article.

(Ord. No. 2018-13, § II, 5-1-18)

Chapter 416-14 - RAT CONTROL AND REFUSE DISPOSAL*

416-14.202 - Refuse—Defined.

As used in this chapter, "refuse" means all garbage, combustible and noncombustible waste, all putrescible solid or concentrated liquid waste, except sewage, originating from household, business, commercial, and industrial activity, and the admixture of sewage effluent or sewage sludge with any of the above.

(Ord. 88-20 § 2: prior code § 4300: Ord. 1444).

416-14.204 - Refuse—Accumulation prohibited.

- (a) Every owner, lessee and occupant of any premises shall keep the premises free of refuse, nauseous, foul or offensive odors, and/or accumulations of filth and/or decaying animal excrement, and upon notification by the health officer shall remove and abate such nuisance within twenty-four hours, except as provided in subsection (b).
- (b) Refuse may be stored on any premises in cans which shall:
 - (1) Be of watertight galvanized metal or other material of equivalent quality;
 - (2) Have not more than a thirty-gallon capacity;
 - (3) Have two handles adequate for lifting;
 - (4) Be covered continuously with a tight-fitting cover with handle except when being filled or emptied;
 - (5) Be kept clean by the users.

Refuse consisting of industrial, horticultural or construction waste, or other accumulations of a size larger than the containers herein specified, may be kept, collected and disposed of by any other means approved by the health officer.

(Ords. 88-20 § 2, 76-68 § 1: prior code § 4301: Ords. 1444, 565, 392, 310, 112).

416-14.206 - Refuse—Dumping prohibited.

No person shall place refuse on any land in this county except as permitted by county ordinance.

(Ord. 88-20 § 2: prior code § 4302: Ord. 1444).

416-14.208 - Exclusion of rats from structures.

Every building, dock, wharf and incinerator shall be so constructed and kept in repair as to prevent rats from entering and from being harbored within their walls or beneath their floors.

(Ord. 88-20 § 2: prior code § 4303: Ord. 1444).

416-14.210 - Right of entry by health officer.

The health officer and any agent or inspector appointed by him or by the board of supervisors, after announcing the purpose of his visit, shall be permitted to enter any building or premises in this county between nine a.m. and five p.m. of any day for the purpose of inspection to ascertain whether the provisions of this chapter have been complied with.

(Ord. 88-20 § 2: prior code § 4304: Ord. 1444).

416-14.212 - Nuisance—Abatement.

Any condition existing in violation of this chapter is a public nuisance, and in addition to any other remedy available under the law, may be abated in accordance with the procedures in Article 14-6.4.

(Ords. 88-88 § 4, 88-20 § 2).

416-14.214 - Emergency abatement.

If the health officer finds that a violation has created an emergency condition constituting an immediate threat to public health and safety, he may abate the condition summarily and without notice.

(Ord. 88-20 § 2).

Chapter 416-16 - MINK RAISING

Article 416-16.2. General

416-16.202 - Nuisance hazard.

It is declared to have been determined on the basis of evidence submitted in connection herewith that the raising, breeding, maintaining, keeping, boarding and pelting of mink, as defined herein, constitutes an exceptional nuisance hazard by reason of the diet and physiological characteristics of mink, including the consequent and resultant creation of odors and breeding of flies.

(Prior code § 4320: Ord. 1446).

416-16.204 - Definitions.

Unless otherwise specifically provided, or required by the context, the following terms have the following meanings in this chapter:

- (1) "Fly screening" means metal screen of at least "sixteen mesh" size.

- (2) "Health officer" includes any subordinate(s) he designates from time to time for any or all of his functions hereunder.
- (3) "Mink" means any fur-bearing animal commonly known as mink, including *Mustela Lutreola*, *Mustela Vison*, *Mustela Siberica*, and any hybrid, variant, strain or subspecies of such animals, and including cross-breeds thereof among the types listed or with other animals.
- (4) "Mink food" means anything intended for or used as sustenance for mink, and includes all organic material or parts of animals, birds or fish therein.
- (5) "Mink raising operation" means any operation or activity raising, breeding, maintaining, keeping, boarding or pelting ten or more mink.
- (6) "Underground waste disposal system" means any underground sewage disposal system complying with the laws of this state and county.

(Ord. 74-67 § 1: prior code § 4321: Ord. 1446).

Article 416-16.4. Permits

416-16.402 - Permit—Required—Revocation.

No person shall carry on any mink raising operation without possessing a valid, unrevoked and unsuspended permit issued by the health officer. Such permits shall be valid from date of issuance until revoked, and shall be granted or renewed by the health officer when his inspection discloses that the standards and requirements relating to the conduct of the mink raising operation are being met by the applicant or the assignees thereof of the operation or proposed operation.

Such permits may be suspended or revoked by the health officer upon his first determining that the mink raising operation covered by such permit is being operated in violation of any provision of this chapter. Written notice of suspension or revocation shall be given a permit holder by registered mail, return receipt requested, postage prepaid, or by personal service upon the permit holder of such written notice.

(Prior code § 4322: Ord. 1446).

416-16.404 - Permit—Premises inspection—Health officer right of entry.

The health officer shall have the right to visit and inspect the premises upon which any mink raising operation is being conducted, or with respect to which any permit has been requested as herein provided, in order to carry out and enforce the provisions of this chapter. Such visits and inspections may be made at reasonable times and places and at reasonable intervals. The health officer may withhold, suspend or revoke the permit of any mink raising operation where he or his duly authorized representative is refused admission to visit and inspect a mink raising operation as authorized herein.

(Prior code § 4323: Ord. 1446).

416-16.406 - Permit—Fees.

A fee of twenty-five dollars is required for permits hereunder, and is due and payable to the tax collector at the time of application for the permit.

(Prior code § 4324: Ord. 1446).

Article 416-16.6. Land Use

416-16.602 - Land use—Requirements.

Subsequent to the effective date of this chapter, no person shall commence, establish or assume the operation of any mink raising operation which does not meet the following requirements:

- (1) Area of Operation Site: No mink raising operation shall be carried on on any parcel of land which is less than twenty acres in area; and
- (2) Distance from Perimeter: No mink raising operation or any part thereof shall be carried on at a distance of less than two hundred feet from the nearest part of the perimeter of the parcel of land upon which the operation is located.

(Prior code § 4325: Ord. 1446).

416-16.604 - Land use—Nonconforming use.

The following terms and conditions shall govern uses of land for the purposes of this chapter:

- (1) Any lawful use of any land or building for or as part of a mink raising operation, existing at the time this chapter becomes effective, which does not conform to the provisions of Section 416-16.602, shall constitute a nonconforming use, and shall not be in violation of this chapter until such nonconforming use is discontinued, or ceases for any reason.
- (2) It is unlawful to extend or enlarge any mink raising operation which constitutes an existing nonconforming use except in a manner which causes it to conform, or tends to bring it into conformity with, this chapter; provided, however, that such mink raising operations constituting such nonconforming uses may hereafter increase their land, facilities, buildings, equipment and number of mink by not more than ten percent of the present breeding stock or a maximum of twelve hundred, whichever is the greater, on the effective date of this chapter without being in violation of this subdivision. Existing nonconforming uses may expand structures and operations within the area otherwise prohibited by Section 416-16.602(2), should the boundaries of the property upon which such use is conducted prohibit compliance; provided, however, that in such use such expansion shall conform as nearly as possible to such restriction.

(Prior code § 4326: Ord. 1446).

Article 416-16.8. Sanitary Regulations

416-16.802 - Sanitation requirements—Generally.

Every person engaged in or carrying on any mink raising operation shall comply with all of the following requirements with respect to such operations:

- (1) Cage Drainage: All mink cages used for the raising, keeping or breeding of mink shall be mounted and maintained in such positions or manner that no moisture can accumulate or remain standing under the cages.
- (2) Cage Sanitation: All accumulations of manure, mink food and waste matter shall be removed or maintained so as to prevent the breeding of flies.
- (3) Food Handling: All mink food, or organic materials used in the preparation of food, shall be completely enclosed, except when in transit, in fly-proof, watertight containers at all times during which such food or materials are not actually being processed, minced, chopped or ground by hand or machinery, or fed to mink. All such processing, chopping or grinding shall be conducted or carried on in food preparation houses which meet the standards and requirements set forth in this chapter.

- (4) Food Preparation Houses — Construction: Food preparation houses shall be entirely paved with a smooth floor of concrete or some equally durable and impervious substance, equipped with adequate and effective floor drains draining to an underground waste disposal system, and the doorways, windows, and all openings or apertures leading therein shall be completely covered with fly screening.
- (5) Food Preparation Houses and Equipment — Sanitation: All food preparation houses and all soiled machinery, equipment, utensils and implements used in the preparation of mink food shall be washed, cleaned, and dried daily immediately after use, and the waste water from such washing and cleaning shall be disposed of in an underground waste disposal system.
- (6) Garbage and Waste Disposal: All waste or spoiled organic matter whatsoever, including but not limited to garbage, spoiled or unused mink food, dead mink, and manure of any kind shall be completely disposed of by removal from the premises in a manner and to a site not prohibited by law, burial or chemical destruction at such times and intervals as may be necessary to prevent the odor thereof from being perceptible at any point on the perimeter by federal or state agencies nor to other similar establishments, for the packing, treatment, and processing of agricultural products and crops of all kinds (including, but not limited to establishments of the premises upon which the mink raising operation is conducted).

(Prior code § 4327: Ord. 1446).

416-2.002 - Generally.

As used in Division 416, the following terms have the meanings set forth in this chapter, unless the context clearly requires otherwise.

(Ord. 80-97 § 2).

416-2.004 - Animal services director.

"Animal services director" means the head of the animal services department and his or her designated subordinates.

(Ord. 80-97 § 2).

416-2.006 - City.

"City" means any city in this county which has adopted an ordinance under Agricultural Code § 30501, requesting the application of this division within the city.

(Ord. 80-97 § 2).

416-2.008 - Licensing authority.

"Licensing authority" means the authority designated by the board of supervisors by resolution.

(Ord. 80-97 § 2).

416-2.010 - Owner.

"Owner" includes the legal owner, equitable owner, and any person, association, partnership, or corporation harboring or having custody or control of an animal.

(Ord. 80-97 § 2).

416-2.012 - License tag.

"License tag" means a numbered tag, stamped with the name of the county, and issued by the licensing authority for the purpose of identifying the owner and the dog or cat described in the license application and worn by that dog or cat.

(Ord. 80-97 § 2).

416-2.014 - Veterinarian.

"Veterinarian" means a person authorized to practice veterinary medicine in California.

(Ord. 80-97 § 2).

416-2.016 - Wild or exotic animal.

"Wild animal" or "exotic animal" means any of the following:

- (1) Any animal described in California Fish and Game Code Sections 2116 and 2118;
- (2) Any animal described in any addition to Fish and Game Code Section 2118 by regulation of the Fish and Game Commission as provided in Section 2118(j);
- (3) Class Aves: (birds)
 - (a) Order Falconiformes (including, but not limited to, hawks, eagles, and vultures),
 - (b) Subdivision Ratitae (including but not limited to, ostriches, rheas, cassowaries, and emus);
- (4) Class Reptilia: (snakes, lizards, turtles, alligators)
 - (a) Order Ophidia (including, but not limited to; racers, boas, water snakes, and pythons) over six feet long,
 - (b) Order Loricata (including, but not limited to, alligators, caymans, and crocodiles) over twelve inches long;
- (5) Any class, order, family, genera, or species of wild animals which may be designated by the animal services director as a menace to public peace, health or safety, or to native wildlife or agricultural interests, by written designation filed with the clerk of the board of supervisors;
- (6) Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to create or constitute a nuisance or, in any event, a likelihood of danger to such animals, other animals, the environment or the persons or property of human beings;
- (7) Any species of animal which is venomous to human beings, whether by bite, sting, touch or otherwise, except honey-producing bees.

(Ord. 80-97 § 2).

Benched Correspondence
Agenda Item No. 8.b
August 28, 2018

From: Ron Glas [<mailto:micropup2010@gmail.com>]

Sent: Friday, August 24, 2018 9:04 PM

To: Williams, Renee

Subject: Ordinance No. 18-8 amending Concord Municipal Code Title 1 (General Provisions), Chapter 1.05 (General Provisions), Section 1.05.240 (Adoption of County Animal Control Ordinance)

Hi, I have two questions re your staff report on the above noted ordinance adoption:

1. Your staff report states that the senior citizen exemption for a dog license will be eliminated, but I do not see anything to that effect in the amended ordinance itself???. Is this true, and if so, why?
2. Is it true that only one neighbor complaint will be required to trigger enforcement of the barking dog provisions of the ordinance. As far as I remember, the County used to require separate complaints from at least two neighbors???

Thanks.

Ron Glas

939 Via Montanas



Adoption of County Animal Control Ordinance

City Council Presentation
August 28, 2018

Code Enforcement Unit:
Sgt. Renee Williams

Presentation Outline

- A. Recommended Action
- B. Background
 - 1. Agreement
 - 2. Update Requested
- C. Analysis
 - 1. Changes to County Animal Control Ordinance
 - 2. CMC - Chapter 6.10 – Keeping Noncommercial Animals Impact
- D. Financial Impact
- E. Attachments to Staff Report
- F. Closing Remarks

A. Recommended Action

Introduction Ordinance 18-8 by reading of the title only and waiving further reading.

Adoption of this Ordinance is not subject to environmental review because the adoption of this Ordinance will not result in a direct or reasonable foreseeable indirect physical change in the environment.

B. Background

1. Agreement

On July 1, 2006, the City of Concord (“City”) and Contra Costa County (“County”) entered into a City-County Animal Services Agreement dated July 1, 2006 (“Agreement”).

The City agreed to adopt and the County agreed to enforce the Contra Costa County Code Division 416, Animals, addressing among other things, animal services (“County Animal Control Ordinance”).

B. Background

2. Update Requested

On April 3, 2018, the County informed the City that it had updated the County Animal Control Ordinance and advised the City to adopt the updated County Animal Control Ordinance in order to support related code enforcement efforts.

C. Analysis

The agreement calls for the City to adopt updates to the County Animal Control Ordinance so that the County can enforce a uniform set of laws throughout the County.

1. Changes to the County Animal Control Ordinance include the following updates:

- Exempts assistance dogs, including guide dogs, service dogs and signal dogs from application of the prohibited dog ownership by convicted felons provisions.
- Requires, after two impoundments, the spaying or neutering of an impounded dog before it can be returned to the pet owner.

C. Analysis

Changes to the County Animal Control Ordinance continued:

- Requires the micro-chipping of all impounded dogs and cats
- Adds a section regarding Administrative Penalties for Violations of Dog and Cat Licensing Requirements.
- Revises exemptions to dog/cat license fees, eliminating senior citizen exemption.
- Authorizes administrative penalties for barking dogs and noisy animals.

C. Analysis

- The County has asked that the City simplify its own Municipal Code provisions to incorporate the County Animal Control Ordinance by reference rather than restating all or some of its provisions.
- 2. Concord Municipal Code – Chapter 6.10 - Keeping Noncommercial Animals Impact**
- The Adoption of this ordinance does not affect the provisions of Chapter 6.10, inclusive, relating to livestock, animals, fowl and roosters of this code.

D. Financial Impact

- No new fiscal impact to the City. Under the existing Agreement, the County enforces the Ordinance and assesses related penalties and fines.

E. Attachments to Staff Report

- Ordinance No. 18-8 – Redlined Concord Municipal Code Section 1.05.240 (Adoption of County Animal Control Ordinance) attached as Exhibit A thereto
- Clean version of revised Concord Municipal Code Section 1.05.240 (Adoption of County Animal Control Ordinance)
- Printout of Contra Costa County Code Division 416, Animals

F. Closing Remarks

- In closing, I have invited Mr. Steve Burdo, Community and Media Relations Coordinator from CCC Animal Services to answer specific questions regarding the Contra Costa County Code Division 416, Animals and the changes made therein.



QUESTIONS?

FINAL SLIDE