

# Legislative Version

## Ventura County Ordinance Division 4 Public Health, Chapter 4. – Animals

### Article 1. - License Tag

#### **4411 - License tag requirements.**

Every person who resides in the unincorporated areas of ~~the Ventura~~ County ~~of Ventura~~ and who owns, harbors, or keeps any dog over the age of four (4) months for thirty (30) days or longer shall obtain a current license and license tag issued under the provisions of this ~~Code and stamped with the year in which such license was issued.~~ Article. The license tag obtained shall be attached to a substantial collar or harness which shall be worn by the dog at all times except as provided in Section 4411-1. Every person who violates any of the provisions of this Section is guilty of an infraction. ~~Any~~ An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to any person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in Article 8. Additionally, ~~any~~ dog found without a current license tag or for which there is no current license may be ~~taken up and~~ impounded by the ~~Poundmaster~~ Director or any peace officer.

#### **4411-1 - Exemption from wearing of license.**

The license tag need not be worn by the dog:

- (a) When the dog is within an enclosure sufficient to securely confine the dog to the premises of ~~ana county or city animal shelter,~~ animal hospital, ~~or a licensed dog kennel, or of a State chartered benevolent organization for the care of animals,~~ an animal rescue entity organized and existing under Internal Revenue Code Section 501(c)(3), or of the person owning, harboring or controlling the dog; ~~or~~
- (b) When the dog is participating in or training for sporting events, field trials, dog shows or herding livestock, provided such dog is not allowed to run at large; ~~or~~
- (c) When

#### ~~4411-2 - Exemption from wearing license.~~

~~A license tag need not be worn when the dog is used by the Sheriffs Department~~ a Law Enforcement agency to perform official law enforcement duties.

#### ~~4411-2. Repealed.~~

#### **4412 - License application.**

The license and license tag required by this Article may be obtained by displaying an acceptable rabies vaccination certificate, furnishing the information required herein, and paying the proper fee to the Division. Such information shall include the name, sex, breed, age and color of the dog for which the application is made, ~~and~~ gives shall include the address and telephone number of the person owning, harboring, or keeping such dog. The official receiving such information shall record it on the receipt to be given for payment of the license fee. ~~A rabies vaccination certificate, to be acceptable, must show that the vaccination has at least one (1) year to run before its expiration date.~~ The expiration date of the rabies vaccination shall be recorded on the receipt and shall not extend pass the vaccination expiration date. No license shall be issued to any person under the age of eighteen (18) years.

#### **4412-1 - Additional information for license application for unaltered dog.**

In addition to meeting one (1) of the exemptions in Section 4421, the dog license application for a dog that is not spayed or neutered shall contain the information requested by the Division, including the identification number of the implanted animal's identification device, the name and address of the

owner and the location at which the dog will be maintained. A dog that is not spayed or neutered that has a valid existing dog license from the Division shall not be subject to Sections 4421 through 4423 until the dog license expires.

#### **4413 - License period.**

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

#### **4414 - License fee.**

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

#### **4414-1 - Exemption from license fee.**

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

- (a) \_\_\_ When the license is for a dog which will be used as a guide dog for a blind person. An affidavit attesting to the fact that the dog will be used as a guide dog shall be given to the official issuing the license;
- (b) \_\_\_ When the license is for a dog which has been honorably discharged from the armed services of the United States. Such discharge shall be established by showing the official issuing the license the discharge papers issued for such dog; or
- (c) \_\_\_ When the license is for a dog ~~belonging to and~~ actively used by or retired from service from a governmental agency for law enforcement, search and rescue or fire detection purposes.

#### **4415 - Due date and penalties.**

The information and fee required by this Article are due on the thirtieth (30th) day after the day on which:

- (a) \_\_\_ The previous license, if any, expires;
- (b) \_\_\_ The dog is acquired by the person owning, harboring or keeping it;
- (c) \_\_\_ The dog is brought into ~~the~~unincorporated Ventura County; or
- (d) \_\_\_ The dog attains the age of four (4) months; whichever shall last occur.

Any person purchasing a license after the due date shall pay, in addition to the license fee, a late license penalty in an amount equal to one hundred (100) percent of the license fee which would be applicable if the license period were one (1) year, regardless of the actual license period for which such license is issued. Such penalty shall be in addition to any other penalty or sanction which may be imposed pursuant to this Code for failure to have a license.

#### **4416 - Issuance of license tag.**

Upon receipt of the required information, accompanied by payment of the proper fee and display of an acceptable rabies vaccination certificate, the dog shall be licensed, ~~a.~~ A written receipt shall be issued to the applicant, and a ~~metal~~ license tag shall be ~~mailed~~provided to the ~~applicant's address~~applicant. Each tag shall be serially numbered and stamped with the words "Ventura County" ~~and shall be stamped with the year in which it is issued."~~. The Division shall maintain a record of the licenses so issued, which record shall be kept on file in the office of the Division, ~~open to reasonable public inspection,~~ until the expiration of the license period for which such licenses are issued.

#### **4417 - Lost license tag.**

If a license tag issued under the provisions of this Article is lost, a duplicate tag may be obtained from the Division upon paying a fee in the amount prescribed by resolution of the Board of Supervisors ~~and by either surrendering the receipt obtained for the lost license tag or certifying under penalty of perjury that a tag was obtained and that the receipt cannot be found.~~

#### **4418 - Transfer of license.**

In the event that there is a change in ownership of a dog licensed pursuant hereto during the license period for which such license is issued, the new owner may have the current license transferred to his or her name upon the payment of a transfer fee in the amount prescribed by resolution of the Board of Supervisors ~~and the surrender of the license receipt.~~ A license for a dog that is not spayed or neutered shall not be transferable ~~and shall not be issued to any person under the age of eighteen (18) years.~~

#### **4419 - License inspectors.**

The Division may appoint animal license inspectors for the purpose of inspecting animals required to be licensed hereunder to ascertain if such animals are properly licensed, issuing the licenses required hereunder, and collecting the required license fees. Inspectors shall be compensated at the rate established by resolution of the Board of Supervisors for each license issued. Each inspector shall promptly account to the Division for all funds collected pursuant hereto and shall pay over such funds.

#### **4420 - License violations.**

Every person who counterfeits a dog license tag, or who attaches a license tag issued under the provisions of this Article to any dog other than the dog one (1) for which such tag was issued, or who obtains a dog license tag or dog kennel license and, in doing so, states as true any material matter which he or she knows to be false, is guilty of an infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

#### **4421 - Spay/neuter requirements.**

##### **4421-1 - Intent.**

The intent of the spay/neuter provisions of this Article is to create a culture and common practice of spaying and neutering dogs and cats. Education and voluntary compliance ~~is~~are the preferred ~~method~~methods of achieving spaying and neutering, with enforcement measures as a last resort.

##### **4421- 2-~~Intent.~~ Repealed.**

~~The intent of this Article is not to require spay/neuter to take place at four (4) months, but to take advantage of the ability to provide sixty (60) day notification at four (4) months.~~

#### **4421-3 - Prohibition against unaltered dog or cat.**

Every person who owns a dog or cat over the age of ~~four~~ four (4) six (6) months that is kept in the unincorporated areas of ~~the Ventura County of Ventura~~ is required to have such dog or cat spayed or neutered unless an exception applies under Section 4421-4. Nothing in this Section shall make veterinarians mandatory reporters of animals that have not been spayed or neutered.

#### **4421-4 - Prohibition against unaltered dog or cat; exceptions.**

No person shall own a dog or cat over the age of ~~four~~ four (4) six (6) months that is kept in the unincorporated areas of ~~the Ventura County of Ventura~~ that has not been spayed or neutered, unless valid written documentation is provided to show proof that the animal is exempt from the requirement to be spayed or neutered by reason of one of the following:

- (a) \_\_\_ The dog or cat is a breed approved by and is registered with ~~the American Kennel Club a~~ domestic or ~~a similar~~ foreign registry recognized by the Division, as indicated on the Division website, whose program and practices are consistent with the humane treatment of animals, and the dog or cat has attained the Championship title or the dog or cat is actively used to exhibit or compete ~~and has~~. The dog or cat must have competed in at least one (1) legitimate exhibition or sporting competition hosted by, or under the approval of, the ~~American Kennel Club or a similar~~ recognized domestic or foreign registry, within the last two (2) years, or is being trained or groomed to exhibit or compete and is too young to have yet competed.
- (b) \_\_\_ The dog has earned, or if under three (3) years old, is actively being trained and in the process of earning, an agility, carting, herding, protection, rally, hunting, working, or other title from a registry or association approved by the Division.
- (c) \_\_\_ The dog is being, or has been, appropriately trained and is actively used in a manner that meets the definition of a guide, signal or service dog as set forth in Penal Code Section 365.5, subdivisions (d), (e) and (f), or the dog is enrolled in a guide dog program administered by a person licensed under Business and Professions Code Section 7200 et seq.
- (d) \_\_\_ The dog is being, or has been, appropriately trained and is actively used by law enforcement agencies, the military, or search and rescue organizations, for law enforcement, military, or search and rescue activities.
- (e) \_\_\_ The owner of the dog or cat provides a letter to the Division from a licensed veterinarian certifying that the animal's health would be best served by spaying or neutering after a specified date; or that due to age, poor health, or illness of the animal, it is detrimental to the health of the animal to spay or neuter the animal; or that arrangements have been made to spay or neuter the dog or cat within sixty (60) days after the compliance deadline and the dog or cat is spayed or neutered within that sixty (60) day period. This letter shall include the veterinarian's license number and the date by which the animal may be safely spayed or neutered. The letter shall be updated periodically as necessary in the event the condition of the animal changes.
- ~~(f) — The owner of the dog or cat is an American Kennel Club "Breeder of Merit."~~
- ~~(g) —~~ (f) \_\_\_ The dog or cat has a valid breeding permit issued to the owner by the Division.

#### **4421-5 - Compliance.**

It shall be the owner's responsibility to comply with the spay/neuter provisions of this Article, including paying the applicable license fee.

#### **4422 - Implant.**

A dog that has not been spayed or neutered shall be implanted with an animal identification device, at the owner's expense, identifying the owner of the animal.

4423 - (Reserved).

**4424 - Notice of violation and penalties re spay/neuter requirements.**

Any person owning a cat or dog in violation of Section 4421 shall be given a notice of violation. The notice of violation shall quote pertinent provisions of Section 4421 and provide information regarding low cost spay/neuter services offered in Ventura County. If the person fails to comply with Section 4421 within sixty (60) days of receipt of the notice of violation, an Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8. ~~The daily civil penalties for failure to comply with spay/neuter requirements shall be up to twenty five dollars (\$25.00) per day, or such other sum approved by resolution of the Board of Supervisors, and the daily civil penalties shall commence sixty-one (61) days after the owner's receipt of the notice of violation. Every person who fails to comply with Section 4421 with sixty (60) days receipt of such notice of violation shall also be guilty of an infraction.~~

**4425 - Breeding permit.**

(a) ~~\_\_\_~~ No person shall cause or allow any dog or cat owned, harbored, or kept within the unincorporated areas of the County to breed without first obtaining a breeding permit, as described below. The term breeding permit means a written authorization, issued annually by the Director, giving the animal's lawful holder permission to breed a dog or cat.

~~\_(b) \_\_\_~~ Each breeder's permit shall be valid for one (1) year from the date of issuance and may be renewed annually before its expiration date. Each applicant for such a permit shall pay an annual fee of ~~one hundred dollars (\$100.00), or the then established annual fee~~ approved by the Board of Supervisors of the County of Ventura. A separate permit must be obtained for each dog or cat which is allowed to breed. No person is eligible for a breeding permit unless that person can present documentary evidence to the Division from a veterinarian that the parent dogs and/or cats have received all recommended vaccinations and have had proper veterinary care.

(c) ~~\_\_\_~~ The Division shall administer an animal breeding permit program consistent with the following criteria:

~~(1)\_\_\_(1)~~ The owner of the dog or cat shall present documentary evidence that they are currently registered and in good standing with a domestic or foreign breeding registry recognized by the Division, as indicated on the Division website.

~~(2)\_\_\_~~ The breeding dog or cat is a breed approved by and is registered with a domestic or foreign registry recognized by the Division, as indicated on the Division website.

~~(3)\_\_\_~~ Under no circumstances shall a breeding permit be issued to a person who has been convicted of animal cruelty or neglect.

~~(2)\_\_\_4)~~ The owner of the unaltered female dog or cat shall not allow the whelping of more than one (1) litter in any household within the permit year, unless prior written permission has been obtained from the Director for good cause shown (including, but not limited to, where breeding is required to protect the health of the animal or where the permittee was forced to euthanize a litter of dogs or cats through no fault of the permittee).

~~(3)—(5)~~ Issuance of a breeding permit shall be conditioned upon the animal owner's consent to such inspections, as may be required, by the Division to verify that a breeding permit is not used to whelp more than one (1) litter in any household.

~~(4)—(6)~~ No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight (8) weeks, and has been immunized against common diseases according to current veterinary practice in Ventura County; and the sale or adoption of the dog or cat shall include a statement signed by the seller or person providing the offspring for adoption attesting to the signatory's knowledge of the animal's health and the animal's immunization history.

~~(5)—(7)~~ Any holder of a breeding permit in the unincorporated areas of the County who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the permit number in any such advertisement. Further, the breeding permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document.

~~(6)—(8)~~ Any holder of a breeding permit in the unincorporated areas of the County who sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall submit to the Division the name, address, and telephone number of the animal's new owner within five (5) days from the sale or other transfer, on a form approved by the Division.

~~(7)—(9)~~ Any holder of a breeding permit ~~or commercial establishment~~ in the unincorporated areas of the County which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner information in order to comply with County of Ventura ~~applications for a license and permit~~licensing requirements.

(d) \_\_\_ The following animals are exempt from breeding permit requirements:

(1) \_\_\_ Dogs documented as having been appropriately trained ~~and actively used~~ by law enforcement agencies, the military or search and rescue organizations for law enforcement, military or search and rescue activities.

(2) \_\_\_ Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Section 365.5, subdivisions (d), (e) and (f).

(3) \_\_\_ Dogs and cats certified by a licensed veterinarian as not being suitable subjects for spaying and neutering due to health reasons; ;

(4) \_\_\_ Dogs and cats under the care of governmental animal control agencies; or animal rescue organizations which have demonstrated to the Division that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, if such societies are incorporated under the provisions of the California Corporations Code and the Nonprofit Public Benefit Corporation Law.

(5) \_\_\_ Dogs documented as enrolled in a guide dog breeding program administered by a person licensed under Business and Professions Code Section 7200 et seq.

~~(6)—Dogs and cats owned by any person who is able to present documentary evidence that the person is an American Kennel Club "Breeder of Merit."~~

#### **4426 - Notice of violation and penalties ~~re~~regarding breeding permit requirements.**

Any person in violation of the breeding permit provisions of Section 4425, shall be given a notice of violation. The notice of violation shall quote pertinent provisions of Section 4425. The person may correct the violation(s) by providing conclusive proof to the Division that the dog(s) or cat(s) have been spayed or neutered, or by obtaining the necessary breeding permit(s) within sixty (60) days from receipt of the notice of violation. If the person fails to correct the violation(s) within sixty (60) days of receipt of



a notice of violation, an Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8. The civil penalties for failure to comply with the breeding permit provisions of Section 4425 shall be up to five hundred dollars (\$500.00) per dog or cat, or such other sum approved by resolution of the Board of Supervisors. Every person who fails to comply with Section 4425 as set forth herein within sixty (60) days of receipt of such notice of violation shall also be guilty of an infraction.

#### **4427 - Revocation of breeding permit.**

The Division may revoke any breeding permit issued upon finding that the permit holder has violated its terms and conditions. Such a finding shall be made only after a noticed hearing conducted by the ~~Poundmaster~~Director, or the ~~Poundmaster's~~his or her designee, ~~acting as~~.

(a) The hearing officer, shall be a neutral and impartial person who has not previously inspected the premises of the breeding permit holder.

(b) The hearing shall be public and held at the time and place noticed or at such other time or place agreed to by the Director or his or her designee and the permit holder. Notwithstanding the foregoing, the Director or his or her designee may continue the hearing to such time and place as may be reasonably necessary for the convenience of the witnesses or other parties. Failure of the permit holder to appear at the hearing or any continuance thereof shall constitute a default.

(c) The Director or his or her designee shall have the power to administer oaths or affirmations when necessary in accordance conjunction with the hearing.

(d) Oral evidence need not be taken under oath or affirmation unless either the permit holder or the hearing officer so requires and it appears that the witness has a motive for being untruthful. Testimony may be given in an informal narrative style. The permit holder, the testifying Animal Control Officer, and the Director or his or her designee shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses on any matter relevant to the issues even though such matter was not covered on direct examination, and to impeach any witness regardless of which party first called the witness to testify. Any relevant evidence shall be admitted if it is the sort of evidence which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence or objection in a civil action. Hearsay evidence shall be admissible for any purpose but shall not be sufficient itself to support a finding unless it would be admissible over objection in a civil action.

(e) Before the hearing has commenced, the Director or his or her designee shall, at the request of the permit holder, issue subpoenas and subpoenas duces tecum for attendance or production of documents at the hearing. Compliance with the provisions of Sections 4467-4 through 4467-7. Section 1985 of the Code of Civil Procedure shall be a condition precedent to the issuance of a subpoena duces tecum. After the hearing has commenced, the Director or his or her designee may issue such subpoenas and subpoenas duces tecum as he or she deems proper. Any person duly subpoenaed to appear and testify or to produce any documents and who wrongfully neglects or refuses to appear or testify or to produce such documents is guilty of a misdemeanor.

(f) If the hearing officer finds that a violation has occurred, the hearing officer will issue written findings and an order, revoking the applicable breeding permit(s). The permit holder shall have the right to petition in the Ventura County Superior Court for review of the hearing officer's decision as set forth in California Code of Civil Procedure Sections 1094.5 and 1094.6. Such petition must be filed within ninety (90) days of the date notice of the decision is served upon the permit holder.

#### **4428 - Sale of commercially bred dogs, cats and rabbits in pet stores-prohibition.**

(a) \_\_\_ It shall be unlawful for any person to sell any dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the unincorporated areas of the County, unless the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the County of Ventura or a non-profit rescue and humane organization registered with the Division. For purposes of this Section, a rescue and humane organization is defined as a California non-profit public benefit corporation exempt from taxation under Internal Revenue Code Section 501(c)(3) that participates in the early spay/neuter of animals, complies with State and local laws regarding the humane treatment of animals, and whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats and/or rabbits.

(b) \_\_\_ Any person selling a dog, cat or rabbit in violation of Section 4428 shall be given a notice of violation which shall quote pertinent provisions of Section 4428. If the person fails to comply with Section 4428 by ceasing to sell animals in violation of Section 4428(a) within sixty (60) days of receipt of the notice of violation, an Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8. The civil penalty ~~for violation of Section 4428 shall will~~ be assessed according to one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, schedule of rates and five hundred dollars (\$500.00) for the third and following violations, or such other sums fees approved by resolution of the Board of Supervisors. ~~Every person who violates Section 4428 is guilty of a misdemeanor.~~

~~(c) — Every person who violates Section 4428 will become operative one (1) year after its effective date. is guilty of a misdemeanor.~~

(c) \_\_\_\_\_ Repealed.

#### **Article 2. - Animal ~~Pound~~Shelter**

##### **4431 - ~~Poundmaster~~Animal Services Director.**

It shall be the duty of the Director to ~~discharge the duties of Poundmaster and to~~ enforce the provisions of this Article and ~~the any~~ resolution of the Board of Supervisors adopted pursuant hereto.

##### **4431-1—~~Definition—~~. Repealed.**

~~As used in this Chapter, the word "owner" shall also include any person who has legal right to custody of an animal.~~

##### **4431-2 - ~~Poundmaster~~Animal Services Director as ~~health officer~~.Health Officer.**

The ~~Poundmaster~~Director, and any deputies he or she so designates, shall be vested with the powers and duties of a deputy health officer of the County and shall have the power and it shall be his or her duty to enforce all laws and regulations of the County and the State relating to the capture, isolation, quarantine or destruction of animals.

##### **4432 - Disposal of ~~impounded animals other~~Impounded Animals Other than ~~livestock~~Livestock.**

The ~~Poundmaster~~Director shall feed and care for any animal impounded as provided in this Chapter until it is disposed of as provided by law. If such animal is not a "diseased or injured animal" as defined in this Chapter and is not being isolated pursuant to Article 4, the person owning such impounded animal may redeem it at any time after it is taken up by describing it, proving ownership to the satisfaction of the ~~Poundmaster~~Director, paying all applicable fees and obtaining, when necessary, the dog license required by Section 4411. If an impounded dog bears a license tag issued under the provisions of this Chapter,



notice of impoundment shall be mailed to the address shown on the copy of the receipt for such license tag on file in any County office. If any animal impounded as provided in this Chapter is not so redeemed, or if the owner of such animal is unknown to the PoundmasterDirector, or fails, or refuses to comply with any of the requirements of redemption as provided herein, or if the owner has waived the redemption period in writing, such animal shall be deemed to be abandoned and the PoundmasterDirector shall dispose of such animal according to the provisions of applicable State law. In disposing of an impounded animal, the Poundmaster Director may, in his or her discretion, ~~destroy the animal in a humane manner or may~~ adopt such animal to any qualified and approved person who will provide the animal a legal, safe, humane ~~and loving~~ home, ~~or the Poundmaster~~ may transfer such animal to a State chartered municipal shelter, approved 501(c)(3) rescue organization, humane society, or society for the prevention of cruelty to animals, or euthanize the animal in a humane manner. The pricefee to be charged for any animal adopted as a pet or transferred ~~to any State chartered humane society~~ shall be as prescribed by resolution of the Board of Supervisors.

4432-1-~~2~~ Repealed by Ordinance 4403—10/20/09.

4432-2-~~3~~ Repealed by Ordinance 4403—10/20/09.

#### **4433 - Diseased or injured animals.**

~~The Poundmaster shall, after impounding any animal, determine whether it is a "diseased or injured animal" as defined herein.~~ (a) A "diseased or injured animal" is any animal not suspected of rabies which is apparently either diseased, sick, injured, disabled, or infirm ~~or crippled.~~ ~~When~~

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

(c) Private Practice Veterinary Animals--When a licensed community-based veterinarian advisesdetermines that a stray or wildlife diseased or injured animal is in severe pain and not likely to survive even though provided medical treatment, it may be ~~destroyed in a humane manner by the Poundmaster, but the Poundmaster~~humanely euthanized. The veterinarian shall first exercise reasonable diligence to identify and notify the owner that the animal was injured and should be ~~destroyed~~euthanized. If a diseased or injured animal is not ~~destroyed pursuant to this Section, then euthanized and the owner was not identified, the veterinarian shall notify~~ the PoundmasterDivision, and the Director shall dispose of such animal, as otherwise provided in this Code.

#### **4434 - Temporary animal poundshelter.**

The PoundmasterDirector is authorized, whenever he or she deems it necessary, to temporarily impound animals within an enclosure other than the County Animal Shelter and such an enclosure shall constitute a temporary animal pound. Notice that ~~ana temporary~~ enclosure is an animal poundshelter shall be given by placing a sign to that effect on the gate or other entrance thereto.

#### **4435 - Livestock running at large.**

It is unlawful for any person owning, harboring, or controlling any livestock to permit such livestock to run at large upon the private property of another without the permission of the person owning or occupying said private property, or upon the streets or public places of the unincorporated areas of Ventura County. The PoundmasterDirector is authorized whenever he or she deems it necessary to deputize individuals, who are properly equipped, to capture and transport livestock which is running at large in violation of this Article. Each animal captured or transported pursuant hereto shall be impounded at the risk of the owner, and the owner or keeper of such animal is liable for all fees set forth in Section 4437. Every person who violates any of the provisions of this Section is guilty of a misdemeanor/infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

#### **4435-1 - Keeping of stallions.**

Upon approval of the County Veterinarian, a stallion may be kept, when authorized by land use regulations, in a substantial corral of wood or other construction six (6) feet in height and under conditions to prevent escape and protect people or other animals. A minimum substantial corral is defined as being constructed of four (4) inch by four (4) inch posts, eight (8) feet on center, anchored twenty-four (24) inches in ~~Portland~~-cement with two (2) inch by six (6) inch rails set two (2) feet apart. Every person who keeps a stallion without such approval or in a corral which does not meet such minimum standards is guilty of an infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8

#### **4436 - Disposal of impounded livestock.**

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

- (a) \_\_\_ Furnishing proof of ownership satisfactory to the PoundmasterDirector, and
- (b) \_\_\_ Paying the fee set forth in Section 4437.

The County, its officers, its agents, and employees shall not be liable to any person for the delivery of any animal to any person claiming to be the owner thereof, or to be acting on the owner's behalf, and the sale of any animal by the PoundmasterDirector in conformity with the provisions of this Code shall vest title thereof in the purchaser.

#### **4437 - Fees for redeeming livestock.**

If any impounded livestock is redeemed, the PoundmasterDirector shall collect all applicable fees before delivering the animal to the person redeeming it. Such fees shall be in such amounts as may be prescribed by resolution of the Board of Supervisors.

#### **4438 - Liability.**

All animals specified in this Article which may be impounded shall be kept at the risk of the owner, and neither the County nor its officers, agents, or employees shall be liable to the owner for the delivery in good faith of any such animal to a person claiming to be, but not in fact being, entitled to reclaim the same. Neither the County, nor its officers, agents, or employees shall be liable for injury or disease to any animal incurred while said animal is being captured, transported, or impounded.

**4439 - Interfering with duties of ~~Poundmaster~~Animal Services Director.**

Every person who breaks open ~~a dog pound,~~an animal shelter, temporary ~~pound~~animal shelter, or ~~pound~~animal services vehicle, or who willfully resists, delays, or obstructs the ~~Poundmaster~~Director, or his or her designee, in the discharge of, or attempt to discharge, any duty of his or her office, is guilty of a misdemeanor/infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

**4440 – Confidentiality of Name and Contact Information for Adopting Parties.**

The name and contact information for any person who adopts an animal from a County of Ventura animal shelter shall be held confidential by the Division. If the Division receives a request from a former animal owner or other entity to contact a person who has adopted an animal from an animal shelter after expiration of the applicable animal holding period prescribed by state law, the Division will make such a request known to the adopting party; however, the Division will only reveal the adopting party's name and contact information to the person or entity requesting such information if the adopting party provides prior written consent for such disclosure.

**Article 3. - Dogs Used by ~~Sheriff's Department~~Peace Officers**

**4441 - Use of dogs by ~~sheriff~~.Peace Officer.**

Where a ~~Deputy Sheriff~~peace officer has a right to enter or be present in or at any place, public or private, in the performance of official duties, any dog used by ~~the Sheriffs Department~~a peace officer in the performance of official duties and its handler shall have the right to enter or be present in or at any such place.

**4442 - Prohibited conduct.**

It shall be unlawful for any person to willfully torture, tease, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by ~~the Sheriffs Department~~a peace officer in the performance of ~~its~~the peace officer's functions or duties or to interfere with or meddle with any such dog or its handler in the performance of any of the functions or duties of the ~~Sheriffs Department~~peace officer.

**4443 - Exemptions.**

The provisions of Sections 4466 and 6306-6 shall not apply to dogs used by ~~the Sheriffs Department~~any peace officer to perform official ~~law enforcement~~peace officer duties.

**Article 4. - Rabies Control**

**4451 - Rabies vaccination required.**

(a) (1) Every person owning, harboring, or keeping a dog, shall within thirty (30) days after such dog obtains the age of four (4) months, cause it to be vaccinated for rabies by a licensed veterinarian with a vaccine of a type approved by the State Department of Health as being suitable for use. Every person who violates the provisions of this Section is guilty of a misdemeanor/infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

(2) \_\_\_\_\_ Notwithstanding subdivision (1), a person owning, harboring or keeping a dog shall not be required to cause it to be vaccinated for rabies if the person obtains an exemption, on an annual \_\_\_\_\_ basis, from the Ventura County health officer in compliance with Health and Safety Code Section 121690, subdivision (b). Any dog that is not vaccinated pursuant to this subdivision must be vaccinated for rabies within ten (10) days after the disease or disability on which the exemption \_\_\_\_\_ is based ends.

(b) In order to ensure compliance with state law requiring rabies vaccination, all licensed veterinarians shall each month provide the Division, on paper or in an electronic form approved for use by the PoundmasterDirector, the following information for each rabies vaccination that the veterinarian administers, or which is administered under the supervision of the veterinarian, to a dog that is required to be vaccinated under subdivision (a) of this Section in the preceding month:

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

~~(c) \_\_\_\_\_ Every person who violates the provisions of this Section is guilty of a misdemeanor/infraction.~~

#### **4452 - Rabies vaccination certificate.**

The PoundmasterDirector shall provide facilities or clinics for the rabies vaccination of dogs or shall arrange for such vaccination at clinics operated by private veterinary groups or associations. ~~The Poundmaster shall provide blank forms for the vaccination certificates required by this Article. Failure to display a valid vaccination certificate upon reasonable demand by the Poundmaster is prima facie evidence of nonvaccination.~~ No charge in excess of the actual cost therefor shall be made for vaccination at such facilities or clinics. The vaccination required hereunder may be obtained either at such facilities or clinics or from a licensed veterinarian of the owner's choice. Failure to display a valid vaccination certificate upon reasonable demand by the Director is prima facie evidence of non-vaccination.

#### **4453 - Isolation of suspected animals.**

The PoundmasterDirector shall take up and place in isolation any animal, licensed or not, which, in the opinion of a licensed veterinarian or the County Health Officer, displays symptoms suggestive of rabies. Such isolation shall be at an animal poundshelter unless the owner of such animal, with the approval of the County Health Officer, arranges with a licensed veterinarian for such isolation in a private animal hospital or clinic. Any animal placed in such isolation shall be kept strictly confined and under such observation as may be required by the County Health Officer. Except as otherwise provided in Section 4460, such isolation shall continue for at least ten (10) days from the date the symptoms suggestive of

rabies are first observed. Such isolation may be continued for a period longer than ten (10) days if, in the opinion of any licensed veterinarian or the County Health Officer, such longer period is necessary. At the expiration of such ten (10) days, or longer period, any animal confined at an animal ~~poundshelter~~ shall be released upon payment of the fee set forth in Section 4459 if, in the opinion of any licensed veterinarian or the County Health Officer, such animal does not have rabies.

#### **4454 - Responsibilities of veterinarians.**

It shall be the duty of every licensed veterinarian to report immediately to the ~~Poundmaster~~Director any animal observed or diagnosed by the veterinarian as having rabies, or which the veterinarian has reason to suspect has rabies, or which he or she has reason to believe has been exposed to a potentially rabid animal through intimate contact.

Every person who violates the provisions of this Section is guilty of an infraction.

#### **4455 - Reporting of bite cases.**

It shall be the duty of every physician or other person who treats any person for a bite inflicted by any animal to report immediately to the County Health Officer or the ~~Poundmaster~~Director the name and address of each person receiving such treatment, and, upon request of the County Health Officer, to report to such officer such additional information relating to the bite or treatment as such officer may deem to be helpful in rabies control. Every person who violates the provisions of this Section is guilty of an infraction.

#### **4456 - Isolation of biting animals.**

Except as otherwise provided herein, the ~~Poundmaster~~ Director shall take up, impound and isolate any animal, licensed or not, of a species subject to rabies which animal is reported to have bitten or otherwise exposed any person, whether or not such animal has been vaccinated with rabies vaccine and whether or not such animal displays any symptom suggestive of rabies. The animal shall be impounded and isolated in the manner provided in Section 4453 for the isolation of animals suspected of having rabies. Except as otherwise provided in title 17 California Code of Regulations Section 4460,2606, subdivision (b), such isolation shall continue for at least ten (10) days from the date of the bite if the animal is a dog or cat or the period of time stated per species under California State Law. Any person who is ~~twenty-one (21)~~eighteen (18) years of age or older may, however, make written request to the ~~Poundmaster~~Director for the isolation of such biting animal either in facilities provided by a licensed veterinarian or in a licensed boarding kennel or upon the private premises of the person making such request. If such request is approved by the ~~Poundmaster~~Director, such biting animal shall not be taken up and impounded but shall instead be kept strictly confined and isolated in such veterinarian's facilities or in a licensed boarding kennel or on such private premises for the isolation period. The ~~Poundmaster~~Director shall post such private premises with conspicuous notice that an animal is being confined thereon to be observed for rabies. Upon termination of the isolation period, animals isolated in an animal pound shall be released upon payment of the fees set forth in Section 4459 if, in the opinion of any licensed veterinarian or the County Health Officer, the animal does not have rabies, and animals isolated upon private property shall be released from such isolation if, in the opinion of any licensed veterinarian or the County Health Officer, the animal does not have rabies.

#### **4457 - Isolation of animals contacting rabid animals.**

Except as otherwise provided herein, the ~~Poundmaster~~ Director shall take up, impound, and isolate for the isolation period set forth in this Section any animal, licensed or not, of a species subject to rabies which animal has been bitten by or has been in contact with another animal that is rabid or suspected of having rabies. The animal shall be impounded and isolated in the manner provided in Section 4453 for

the isolation of animals suspected of having rabies. Except as otherwise provided in Section 4460, such isolation shall be for a period of at least six (6) months, unless the animal is a dog or cat which has been vaccinated against rabies not less than thirty (30) days previously and such vaccination has not yet expired and such dog or cat is promptly revaccinated within forty-eight (48) hours of the exposure, in which case the isolation shall be for a period of at least thirty (30) days. Any person who is eighteen (18) years of age or older may, however, make written request to the Director for the isolation of such animal either in facilities provided by a licensed veterinarian or in a licensed boarding kennel or upon the private premises of the person making such request. If such request is approved by the Director, such animal shall not be taken up and impounded but shall instead be kept strictly confined and isolated in such veterinarian's facilities or in a licensed boarding kennel or on such private premises for the isolation period. The Director shall post such private premises with conspicuous notice that an animal is being confined thereon to be observed for rabies. Upon termination of the isolation period, animals isolated in an animal ~~pound~~shelter shall be released upon payment of the fees set forth in Section 4459 if, in the opinion of any licensed veterinarian or the County Health Officer, the animal does not have rabies.

**4458 - Concealing information/violation of isolation requirements/failure to quarantine or produce animal.**

(a) ~~(a)~~—Any person who willfully conceals information about the location or ownership of an animal subject to rabies that has bitten or otherwise exposed a person to rabies, with the intent to prevent the quarantine or isolation of that animal by the local health officer, is guilty of a misdemeanor. Any person who willfully conceals information about the location or ownership of an animal subject to rabies that has bitten or otherwise exposed a person to rabies shall be given a notice of violation. The notice of violation shall quote pertinent provisions of Section 4458. If a person fails to comply with such a notice of violation within twenty-four (24) hours of receipt of the notice of violation, an Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8. The civil penalty for failure to comply with such a notice of violation shall be ~~upassessed according to one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, schedule of rates and five hundred dollars (\$500.00) for the third and following violations, or such other sums~~fees approved by resolution ~~by~~of the Board of Supervisors.

(b) ~~(b)~~ Every person who, after requesting and obtaining approval for the keeping of a biting animal confined and isolated upon ~~his~~their private premises, as provided in Section 4456 or Section 4457, fails for any reason whatsoever to keep such animal continuously confined and isolated upon that person's premises, either indoors or ~~inside some~~within an approved outdoor enclosure, for the entire applicable isolation period, is guilty of a misdemeanor/infracton. Any such animal, whether licensed or unlicensed, not continuously confined and isolated as required herein, ~~shall~~may be taken up forthwith by the ~~Poundmaster~~Director and isolated at the ~~pound~~shelter for the duration of the isolation period, subject to the provisions of Section 4460. If a person fails for any reason whatsoever to keep such animal continuously confined and isolated upon that person's premises, the person shall be given a notice of violation that quotes pertinent provisions of Article 4, and an Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8. The civil penalty for such a violation shall be ~~upassessed according to one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, schedule of rates and five hundred dollars (\$500.00) for the third and following violations, or such other sums~~fees approved by resolution ~~by~~of the Board of Supervisors.



(c) ~~(c)~~—Any person who, after notice, violates any order of the local health officer concerning the isolation or quarantine of an animal of a species subject to rabies that has bitten or otherwise exposed a person to rabies or who, after that order, fails to produce the animal upon demand of the local health officer is guilty of a misdemeanor, punishable by imprisonment in the County jail for a period not to exceed one (1) year, or by fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), per day of violation, or by both fine and imprisonment. The person shall be given a notice of violation that quotes pertinent provisions of Article 4. In addition, an Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8. The civil penalty for such a violation shall ~~be assessed according to one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, schedule of rates and five hundred dollars (\$500.00) for the third and following violations, or such other sums fees~~ approved by resolution ~~by~~of the Board of Supervisors.

#### **4459 - Redemption of isolated animals.**

Any animal isolated at the animal ~~pound~~shelter as provided in Sections 4453, 4456 or 4457 and found not to have rabies may be redeemed at the end of the isolation period by the owner by paying to the ~~Poundmaster~~Director all applicable fees and obtaining any necessary license. Any animal which is not so redeemed within seventy-two (72) hours after the expiration of the isolation period shall be deemed to have been abandoned and shall be disposed of as provided in Section 4432.

#### **4460 - Isolation fees.**

The ~~Poundmaster~~Director shall collect from the owner of any animal isolated pursuant to this Article the applicable isolation fee prescribed by resolution of the Board of Supervisors.

### **Article 5. - Animal Control**

#### **4461 - Leash law.**

It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him or her to be on any public street, alley, lane, park or place of whatever nature open to and used by the public in the unincorporated areas of the County, or in any common area, unless such dog is securely leashed and the leash is held continuously in the hands of a responsible person capable of controlling such dog. It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him or her to be on any private property in the unincorporated areas of the County without the permission of the person owning or occupying said private property. Every person who violates any of the provisions of this Section is guilty of an infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

#### **4462 - Animals at large.**

It shall be unlawful for any person owning or having possession of any animal to permit it to be at large without reasonable control or to be pastured or kept upon any street or other public place, or common area, or upon any private property against the wishes of the owner or occupant thereof or in any manner or place to the injury of the owner or occupant of any other property. Every person who violates any of the provisions of this Section is guilty of a misdemeanor/infraction. An Animal Control

Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

**4462-1 - Permitting animals to go without care.**

Every owner, driver or keeper of any animal who permits the animal to be in any building, enclosure, lane, street or lot without proper care and attention within the meaning of Penal Code Section 597.1 is guilty of a misdemeanor/infracton. Any person in violation of this Section shall be given a notice of violation. The notice of violation shall quote pertinent provisions of this Section. If the person receiving the notice of violation fails to comply with this Section within twenty-four (24) hours of receipt of the notice of violation (or such other specific time as specified by the Division), an Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8. The civil penalty for violation of Section 4462-1 shall be up to one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, and five hundred dollars (\$500.00) for the third and following violations, or such other sums approved by resolution of the Board of Supervisors.

**4463 - Impounding animals.**

Any animal found under conditions or in areas prohibited by Sections 4461 or 4462 shall be taken by the Division and impounded. No~~Other than as otherwise provided in Article 9, no~~ fowl at large upon private property shall be impounded except upon complaint of the owner, occupant, or person in charge of said property who claims to be injured thereby.

**4464 - Notice of impoundment.**

The ~~Division~~Director shall ~~immediately personally notify~~ make reasonable effort by personal service or phone to give notice of the impoundment to owner or ~~person entitled to possession of such animal or fowl~~keeper and, if unsuccessful, shall mail written notice to the last known address of the ~~impounding thereof, if known~~owner or keeper advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release. Any unredeemed animal or fowl may be disposed of, as provided for in this Code.

**4465 - Privileged entry.**

For the purpose of discharging the duties imposed by this Chapter or other applicable law and to enforce the same, the ~~Poundmaster~~Director or any peace officer may enter on private property, except dwellings located thereon, as follows:

(a) During Daylight:

- ~~(1) When in pursuit of any animal which he or she has reasonable or probable cause to believe is subject to impoundment pursuant hereto or other applicable law;~~
- ~~(2) To impound or place in isolation any animal thereon which he or she has any cause whatsoever to believe or suspect has rabies or is a biting animal;~~
- ~~(3) To inspect or examine animals isolated thereon pursuant hereto or other applicable law;~~
- ~~(4) To impound an animal pursuant to Section 4467-3; or~~
- ~~(5) To seize an animal pursuant to Section 4467-10.~~

(b) At Night:

- ~~(1)~~ (1) When in pursuit of any animal which he or she has reasonable or probable cause to believe is subject to impoundment pursuant hereto or other applicable law;

~~(2) — (2) To impound or place in isolation any animal thereon which he or she has any cause whatsoever to believe or suspect has rabies or is a biting animal;~~

~~(3) To inspect or examine animals for animal welfare purposes;~~

~~(4) To inspect or examine animals isolated for rabies control purposes;~~

~~(5) To impound an animal pursuant to state law or County ordinance; or~~

~~(6) To seize an animal pursuant to pursuant to state law or County ordinance.~~

~~(b) At Night:~~

~~(1) When in pursuit of any animal which he or she has reasonable or probable cause to believe is subject to impoundment pursuant to state law or County ordinance;~~

~~(2) To impound or place in isolation any animal thereon which he or she has any cause whatsoever to believe or suspect has rabies or is a biting animal; or~~

~~(3) To impound an animal pursuant to Section 4467-3. As state law or County ordinance and as a condition of the authority set forth in this Section, except where time does not permit in an emergency or when in fresh pursuit, before entering upon private property a reasonable effort shall be made to locate the owner or possessor thereof to request permission to enter upon such property and to explain the purpose for such entry.~~

#### **4466 - Animals on public beaches, sidewalks, parks, school grounds or County property.**

Every person who violates any of the provisions of this Section is guilty of an infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

(a) \_\_\_ No person shall bring onto or allow to remain on any public beach adjacent to the Pacific Ocean or any bay or inlet thereof any animal, except properly identified AssistanceService dogs; provided, however, that the prohibition of this subsectionsubdivision shall not apply to any beach or portion thereof which the Ventura County Board of Supervisors may from time to time declare, by resolution, to be exempt from such prohibition.

(b) \_\_\_ Any person having custody or control of an animal (except a guide dog used by the blind) when such animal defecates upon any public beach, sidewalk, park or school ground or upon any property owned or controlled by the County shall promptly pick up and remove the feces from the public beach, sidewalk, park, school ground or County property.

(c) \_\_\_ Any person who has custody or control of an animal (except a guide dog used by the blind) in a location other than in a vehicle or on the property of such person or on the property of the owner of the animal, shall at all times have in his or her immediate possession a wrapper, bag or container (other than articles of personal clothing) suitable for the purpose of picking up and removing the feces of such animal.

#### **4467 - Animal nuisances.**

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

(a) — \_\_\_ An unprovoked infliction of physical injury upon any person where such person is conducting himself or herself lawfully.

(b) — \_\_\_ Unprovoked threatening behavior toward any person where such person is conducting himself or herself lawfully which occurs in such circumstances as to cause such person reasonably to fear for his or her physical safety.

(c) — \_\_\_ The utterance of barks, cries or vocalizations which are so loud, so frequent and continued over so long shown to have occurred either as an episode of continuous noise lasting for a minimum of ten (10) minutes or repeated episodes of intermittent noise lasting for a minimum period of time as to thirty

(30) minutes and deprive persons residing in two (2) or more residences in the neighborhood of the comfortable enjoyment of their homes; or deprive a person residing in one residence of the comfortable enjoyment of their residence if the following conditions are met: 1) due to special physical circumstances such as topography, distance between adjoining properties, placement of structures, general location of the animal being complained about, or other special circumstances that limit the effects of the barks, cries, or sounds as to other residences or the persons in such other residences, and 2) the Director has caused an investigation to be performed and such investigation confirms that sufficient evidence exists to support the special physical circumstances.

(d) —    An unprovoked infliction of physical injury upon any other animal which occurs off the property of the owner or keeper of the animal inflicting the injury.

(e) —    The damaging of the real or personal property of some person other than the owner or keeper of the animal which occurs off the property of the owner or keeper of the animal.

(f) —    The dumping of trash cans or the spreading of trash which occurs off the property of the owner or keeper of the animal.

(g) —    The chasing of pedestrians, vehicles or ridden horses which occurs off the property of the owner or keeper of the chasing animal. Such public nuisance may be abated in accordance with the procedures set forth in Sections 4467-1—4467-10. Such procedures are in addition to any other remedies which may be available under the law.

#### **4467-1 - Complaint.**

Any person aggrieved by such public nuisance may file a complaint with the ~~Poundmaster~~Director. Such a complaint shall be in writing, shall be signed by and bear the address of the complainant, shall state the place or places where such nuisance exists, shall describe the animal and the conduct which renders it a nuisance, and shall give the name and address of the animal's owner or keeper if known to the complainant.

#### **4467-2 - Notice.**

Upon receipt of a complaint which alleges a public nuisance, or as soon thereafter as the ~~Poundmaster~~Director may learn the name and address of the owner or keeper of the animal, the ~~Poundmaster~~Director shall serve notice of a hearing upon the owner or keeper and upon the complainant. The notice shall be in writing and may be served either by personal delivery of a copy or by depositing a copy in the United States mail, postage prepaid, addressed to the person to be served. The notice shall do the following:

(a) —    Include a copy of the complaint;

(b) —    State that a hearing will be held to determine whether the animal described in the complaint is a nuisance within the meaning of Section 4467 and, if so, that the nuisance may be abated as provided in Sections 4467— through 4467-10;

(c) —    State a time, which shall be not less than fifteen (15) calendar days after the date of the notice, and the place of the hearing; and

(d) —    Include a copy of Sections 4467— through 4467-10.

#### **4467-3 - Impoundment pending hearing.**

If it appears to the ~~Poundmaster~~Director from the complaint or other information available to him or her that the animal is being kept or maintained in a manner which poses an imminent threat to the safety of persons or property, the ~~Poundmaster~~Director may impound the animal immediately and may hold the animal until findings are issued pursuant to Section 4467-9, at which time the animal shall be disposed of as provided in Article 2; provided, however, that if the finding is that the animal is not a nuisance, the owner or keeper may redeem the animal without payment of the impound fees; and

provided, further, that if the order is that the animal be destroyed the PoundmasterDirector shall hold the animal for an additional seventy-two (72) hours and then shall destroy it in a humane manner.

#### **4467-4 - Hearing.**

The hearing shall be public and shall be held before the PoundmasterDirector or his or her authorized designee at the time and place noticed or at such other time or place as may be mutually agreed to by the ~~Poundmaster or Director~~ his or her designee, the complainant, and the owner or keeper of the animal. Notwithstanding the foregoing, the PoundmasterDirector or his or her designee may continue the hearing to such time and place as may be reasonably necessary for the convenience of witnesses or other parties. Failure of the owner or keeper of the animal to appear at the hearing or any continuance thereof shall constitute a default.

#### **4467-5 - Oaths.**

The PoundmasterDirector or his or her designee shall have the power to administer oaths or affirmations when necessary in conjunction with the hearing.

#### **4467-6 - Evidence.**

Oral evidence need not be taken under oath or affirmation unless either the owner or keeper of the animal or the complainant so requests and it appears that the witness has a motive for being untruthful. Testimony may be given in an informal narrative style. Complainant, the owner or keeper of the animal, and the PoundmasterDirector or his or her designee shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses on any matter relevant to the issues even though such matter was not covered on direct examination, and to impeach any witness regardless of which party first called the witness to testify. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence or objection in a civil action. Hearsay evidence shall be admissible for any purpose but shall not be sufficient itself to support a finding unless it would be admissible over objection in a civil action.

#### **4467-7 - Subpoena power.**

Before the hearing has commenced, the PoundmasterDirector or his or her designee shall, at the request of the complainant or the owner or keeper of the animal, issue subpoenas and subpoenas duces tecum for attendance or production of documents at the hearing. Compliance with the provisions of Section 1985 of the Code of Civil Procedure shall be a condition precedent to the issuance of a subpoena duces tecum. After the hearing has commenced, the PoundmasterDirector or his or her designee may issue such subpoenas and subpoenas duces tecum as he or she deems proper. Any person duly subpoenaed to appear and testify or to produce any books and papers before the PoundmasterDirector who wrongfully neglects or refuses to appear or testify or to produce such books and papers is guilty of a misdemeanor.

#### **4467-8 - Record.**

The PoundmasterDirector or his or her designee shall record the hearing on a recording device and shall make such recording available to the complainant and to the owner or keeper of the animal upon request. The PoundmasterDirector or his or her designee shall provide a copy of the recording or a transcript prepared therefrom to any party who requests it and pays the cost of making such copy or preparing such transcript.

#### **4467-9 - Findings and order.**

At the conclusion of the hearing, or within a reasonable time thereafter, the PoundmasterDirector or his or her designee shall make a written finding that the animal either is or is not a public nuisance as defined in Section 4467. Such finding shall be supported by the weight of the evidence presented at the hearing; provided that,

(a) —    If no evidence is presented, the finding shall be that the animal is not a public nuisance, unless

(b) —    The owner or keeper of the animal has defaulted by failing to appear, in which case the finding shall be that the animal is a public nuisance. If the finding is that the animal is a public nuisance, the PoundmasterDirector shall determine what actions, up to and including humane destruction of the animal, are reasonably necessary in order to abate the nuisance and shall make the findings and order that the owner or keeper of the animal take all such actions within such time limits as the order may prescribe. The findings and order shall be final when issued and shall be served promptly on the owner or keeper of the animal either by personal delivery of a copy or by depositing a copy in the United States mail, postage prepaid, addressed to the owner or keeper.

#### **4467-10 - Failure to comply with order.**

Failure of the owner or keeper of the animal to take any action required of him or her by the order of the PoundmasterDirector within the applicable time limit specified in the order is a misdemeanor/infraction; provided, however, that humane destruction of the animal within such time limit shall be deemed compliance with the order regardless of the abatement action specified in the order. Each day or portion thereof that such noncompliance continues after such time limit is a separate offense. The PoundmasterDirector may seize and summarily destroy any animal being kept or maintained in violation of such order of the PoundmasterDirector.

#### **4467-11 - Appeal from order.**

The owner or keeper of the animal shall have the right to file a petition in the Ventura County Superior Court for review of the hearing officer's decision as set forth in California Code of Civil Procedure Sections 1094.5 and 1094.6. Such petition must be filed within ninety (90) days of the date notice of the decision is served on the owner or keeper.

#### **4467-12 —~~Provisional~~ Citation for public nuisance created by barking dog.**

Upon receiving complaint(s) regarding a barking dog nuisance described in Section 4467, subdivision (c), supported by both (i) a statement under penalty of perjury from the complainant describing the barking nuisance conduct, and (ii) audio-visual documentation of the barking nuisance conduct if such barking nuisance conduct has not been directly observed and documented by an animal control officer or peace officer, the Division will review the circumstances presented giving rise to such complaint(s), and if the complaint(s) are found to be factually supported, an Animal Control Officer as defined in Section 4493-2 shall issue a citation to the owner or keeper of the barking dog identified in the complaint, assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, the administrative enforcement provisions set forth in Article 8. The civil penalty shall be assessed according to the schedule of rates and fees approved by resolution of the Board of Supervisors.

(a) — A citee who has been issued a citation assessing a civil penalty for a public nuisance under Section 4467, subdivision (c), may request an initial administrative review of the citation within twenty (20) calendar days of its issuance. A citee's request must set forth, with particularity, the reasons the citee believes the violation did not occur or that the citee was not responsible for the violation and must contain a copy of the citation and identify the address to which conclusion of the Division's



administrative review should be mailed. The citee must include a deposit, in the amount approved by resolution of the Board of Supervisors for the cost of such administrative review.

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

1. The citation is vacated because there was no violation, or the citee was not responsible for the violation;

2. The citation will not be vacated because no justification could be found and setting forth the basis for that conclusion. However, if the citee agrees to enter into a written six (6) month compliance agreement with the Division to implement specified measures to eliminate the barking nuisance within ten (10) days of the Division's notice, the Division will provisionally rescind the citation and associated penalty, so long as the citee abides by the terms of the signed compliance agreement and the Division receives no further complaints during the following six month period from residents in the citee's neighborhood regarding nuisance conduct in violation of Section 4467, subdivision (c). The citee will be notified that if the Division finds that a citee has subsequently violated the terms of a compliance agreement because the Division receives further complaints from neighbors regarding a barking nuisance during the following six-month period, the citation will no longer be deemed rescinded and the citation amount will be due paid in ten (10) days. The citee will also be notified that the Division may also issue an additional citation if the Division finds that there has been a violation of an existing compliance agreement and new barking nuisance conduct under Section 4467, subdivision (c). The decision to offer a compliance agreement to a dog owner is at the Division's sole discretion. The Division may consider whether there is a history of similar complaints of barking nuisance conduct under Section 4467, subdivision (c), involving the same dog.

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

(c) The Reviewing Official will mail a copy of the notification to the citee at the address included in the request for administrative review along with, if applicable, a notice establishing the fine due date and the procedure for requesting an administrative hearing to challenge the citation under Article 8. If the Division vacates a citation upon further administrative review, the Division will refund the full amount deposited by the citee for the administrative review of the citation.

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

(e) A citee's request for an initial administrative review is not a mandatory prerequisite to a request for an administrative hearing under Article 8.

**4467-13 Public nuisance declaration for barking dog and provisional rescission of part or all of order pertaining to barking dog nuisance upon demonstrated and sustained improvement in barking dog.**

(a) Any dog whose owner or keeper receives three (3) or more citations for being a public nuisance in violation of Section 4467, subdivision (c), will be found by the Division to be an animal nuisance and the owner of such an animal will be ordered by the Division to obtain a nuisance dog license and pay the additional annual license fee established by the Board of Supervisors for an animal nuisance and to follow all findings and orders issued by the Division.

(b) If no less than two (2) years have passed since the ~~hearing officer's decision and order finding~~ Division's latest citation for a barking dog ~~to be an animal nuisance, under Section 4467, subdivision (c), and the dog owner/citee has complied with all the provisions of the hearing officer's decision and order received no subsequent citation,~~ and the Division has received no subsequent complaints from residents in the ~~dog owner's~~ citee's neighborhood regarding ~~the~~that dog barking, the

~~animal owner~~citee may submit a written request for the Division to conduct an administrative review regarding whether there is good cause to provisionally rescind a requirement that ~~portion of the hearing officer's decision and order requiring~~ the dog to be licensed as an animal nuisance ~~for the remainder of the dog's life, or any other portion of the hearing officer decision and order, as may be warranted.~~ If, in response to ~~an owner's~~ citee's request, the Division determines after administrative review that there is good cause to provisionally rescind ~~one (1) or more requirements set forth in the hearing officer's decision and order~~nuisance animal designation, it will so notify the ~~owner~~citee. If the Division thereafter receives two (2) or more complaints from residents in the ~~dog owner's~~citee's neighborhood regarding the same dog barking, the Division may, at its sole discretion, and without holding an additional hearing, reverse its provisional rescission of anythe requirement ~~set forth in the hearing officer's original decision and order that~~ the dog be licensed as an animal nuisance.

#### **4467-14 – The Director has sole discretion to choose a response consistent with Ventura County Ordinance Code provisions.**

The Director, and his or her designee, shall have sole and exclusive discretion regarding whether to respond to complaints of animal nuisance conduct taking place in the unincorporated area of the County under the provisions of Sections 4467-1 through 4467-10 (Animal Nuisance Hearing Process), Section 4467-12 (Administrative Citation Process), Section 4470, et seq., (Petitions regarding Potentially Dangerous or Vicious Dogs), or under other applicable provisions of the Ventura County Ordinance Code then in effect.

#### **4467-15 – Repeal of specified provisions of section 4467.**

The introductory paragraph of Section 4467 and Section 4467, subdivision (c), shall continue to remain in effect after June 30, 2022. However, Section 4467, subdivision (a), Section 4467, subdivision (b), Section 4467, subdivision (d), Section 4467, subdivision (e), Section 4467, subdivision (f), Section 4467, subdivision (g), Section 4467-1, Section 4467-2, Section 4467-3, Section 4467-4, Section 4467-5, Section 4467-6, Section 4467-7, Section 4467-8, Section 4467-9, Section 4467-10, and 4467-14 shall only remain in effect until June 30, 2022, and as of that date shall all be repealed. Section 4467-11 shall only remain in effect until October 31, 2022, and as of that date shall be repealed.

4468 - Repealed by Ordinance 4403—10/20/09.

#### **4468-1 - Rescue of domestic animals; period in which animal deemed abandoned.**

Any person who finds ~~and saves a~~ stray domestic animal ~~from harm, neglect, drowning or starvation~~ shall, within a reasonable time, inform the owner, if known, or use reasonable efforts to locate the owner, if not known. ~~In addition, if the person who finds and/or saves such a domestic animal is not able to locate the owner, that person must promptly file a report regarding the found animal with the Division. If, using reasonable efforts, the person is not able to locate the animal's owner, the animal shall be deemed to have been abandoned after a period of thirty (30) days from the date that the found report was received by the Division. Any person who takes possession of a domestic animal shall provide for the humane treatment of such animal.~~

(a) The finder may bring the animal to an animal shelter or retain its possession, subject to the demand of the Director or his or her designee.

(b) If the finder chooses to retain possession of the animal, the finder shall, provide for the humane treatment of the domestic animal, and within twenty-four (24) hours, shall file a found animal report on the Division's website. If the finder does not wish to have his or her name and address appear on the

website, the finder may obtain a case number from the Division and have that number published on the website.

(c) If no person appears and claims ownership of the animal retained by the finder within thirty (30) days after the filing of a found animal report under (b) of this Section, the animal shall be deemed to be abandoned and the finder shall be deemed to be the owner of the animal. Any person becoming the owner of such a found animal shall assume all the legal responsibilities of the animal owner under state and local law, and including, but not limited to, responsibilities for complying with requirements for licensing, rabies vaccination and mandatory spay/neuter.

(d) If within thirty (30) days of the finder's filing of the found animal report the animal's owner does appear and establishes ownership of the animal to the Division's satisfaction, the finder shall surrender possession of the animal to that owner.

#### **4469 - Inspection of animals.**

Any person who has an animal in his or her possession, custody, or control that willfully or maliciously fails or refuses to exhibit such animal or any license therefor for inspection upon demand by the Poundmaster Director, his or her designee, or any peace officer is guilty of a misdemeanor/infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

#### **4470 – Potentially dangerous and vicious dogs.**

##### **4470-1 – Other remedies.**

Nothing in Sections 4470-1 through 4470-18 shall prevent the Division from pursuing action under any other provision of this Chapter or any court action under Food and Agriculture Code Section 31601, et seq. The Director, and his or her designee, shall have the discretion to directly petition the court, under state law, to seek a determination of whether a dog is potentially dangerous or vicious.

##### **4470-2 –Exemptions.**

Sections 4470-1 through 4470-18 do not apply to licensed kennels, humane society shelters, public animal shelters, veterinarians or to dogs used by peace officers in the performance of their peace officer work.

##### **4470-3 – Definitions.**

For the purposes of Section 4470, et seq., unless the context otherwise requires,

(a) The term “potentially dangerous dog” means any of the following:

1. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six (36)-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and dog are off the property of the owner or keeper of the dog.
2. Any dog which, when unprovoked, bites a person causing a less severe injury than the injury defined in Section 4470-3, subdivision (c).
3. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

(b) The term “vicious dog” means either of following:

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

2. Any dog previously determined to be and currently listed as a potentially dangerous dog that, after its owner or keeper has been notified of this determination, continues the behavior described in Section 4470 (a), or is maintained in violation of Section 4470-9.

(c) The term “severe injury” means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

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

(e) The term “impounded” means taken into the custody of the Division.

#### **4470-4 – Authority to seize and impound animal posing immediate threat to public safety.**

(a) If upon investigation it is determined by the animal control officer or peace officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal control officer or peace officer may seize and impound the dog pending the hearings to be held pursuant to Section 4470, et seq. The owner of the dog shall be liable to the Division for the costs and expenses of keeping the dog, according to the schedule of rates and fees approved by resolution of the Board of Supervisors, if the dog is later adjudicated potentially dangerous or vicious.

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

#### **4470-5 – Potentially dangerous dog or vicious dog hearing.**

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

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

(c) The court or administrative hearing officer may admit into evidence all relevant evidence, including the incidence report and the affidavits of witnesses. Any party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses on any matter relevant to the issues even if such matter was not covered on direct examination, and to impeach any witness regardless of which party first called the witness to testify. Any relevant evidence shall be admitted if it

is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence or objection in a civil action. Hearsay evidence shall be admissible for any purpose but shall not be sufficient itself to support a finding unless it would be admissible over objection in a civil action.

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

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

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

#### **4470-6 – Notice of determination and appeal from hearing.**

(a) After the hearing conducted pursuant to Section 4470-5, the owner or the keeper of that animal shall be notified in writing of the determination and orders issued, either personally or by first-class mail, return receipt requested, by the court or administrative hearing officer. If a determination is made that a dog is potentially dangerous or vicious the owner or keeper of the animal shall comply with Section 4470-15 in accordance with a time schedule established by Division but in no case more than thirty (30) days after the date of the determination or thirty-five (35) days if the determination is mailed to the owner or keeper of the dog. If the petitioner or owner or keeper of the dog contests the determination, they may, within five (5) days of the receipt of the court order or notice of determination, appeal the decision of the hearing entity. The fee for filing an appeal, payable to the clerk of court, is as provided Government Code Section 70626, subdivision (b). The appeal of an administrative order shall be to the superior court. The appeal of a court order shall be to the appellate division of the superior court. The petitioner or the owner or keeper of the dog shall serve personally or by first-class mail, return receipt requested, notice of the appeal upon the other party.

(b) The court hearing the appeal shall conduct a hearing de novo, without a jury, and make its own determination as to potential danger and viciousness and other relevant issues, based upon the evidence presented. The hearing shall be conducted in the same manner and within the time periods set forth in Section 4470-5. The issue shall be decided by a preponderance of the evidence. The court may admit all relevant evidence including incidence reports and affidavits of witnesses. If the court rules the dog to be potentially dangerous or vicious, the court may establish a time schedule to ensure compliance with its order, but in no case more than thirty (30) days subsequent to the date of the court's determination or thirty-five (35) days if the service of the judgment is by first-class mail.

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

#### **4470-7 – Exceptions.**

(a) No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or

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

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

#### **4470-8 - Reserved.**

#### **4470-9 – Consequences of potentially dangerous dog determination.**

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

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

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

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

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

(f) A violation of an administrative decision or court order following a determination that a dog is potentially dangerous, may result in the filing of an action to determine whether the dog is vicious under Section 4470-3, subdivision (b).

#### **4470-10 – Notice of change of status regarding potentially dangerous dog.**

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



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

#### **4470-11 – Removal of potentially dangerous dog designation.**

If there are no additional instances of the behavior described in Section 4470-3 within a thirty-six (36) month period from the date of designation of a potentially dangerous dog, upon written application by the dog's owner, the dog shall be removed from the Division's list of potentially dangerous dogs. The dog may, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the thirty-six (36) month period if the owner of the dog demonstrates to the Division that changes in circumstances or measures taken by the owner, such as training of the dog, have mitigated the risk to public safety.

#### **4470-12 – Conditions for dog found vicious.**

(a) A dog determined to be vicious may be destroyed by the Division when it is found under Section 4470-6, that the release of the dog would create a significant threat to the public health, safety and welfare.

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

(c) If it is determined that a dog found to be vicious shall not be destroyed, the enclosure that is required shall meet the requirements of Section 4470-3. The Division must inspect and give written approval for the yard or enclosure within fourteen (14) calendar days after the decision or court order declaring the dog to be vicious is served on the dog owner. A vicious dog may be off the owner's premises only if it is restrained by a non-retractable leash no longer than four (4) feet, is wearing a Division-approved basket muzzle, and if it is under the control of a responsible adult. At no time may the dog be left unattended while off the owner's premises.

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

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

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

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

#### **4470-13 – Notice of change of status regarding vicious dog.**

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

**4470-14 – Conditions for prohibiting ownership after dog found vicious.**

The owner of a dog determined to be a vicious dog in accordance with Section 4470-6 may be prohibited by the Division from owning, possessing, controlling, or having custody of any dog for a period of up to three (3) years, when it is found, after a hearing conducted under Section 4470-5, that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

**4470-15 – Payment of fee to Division if dog determined to be potentially dangerous dog or vicious dog.**

(a) The owner of a dog determined to be a potentially dangerous in accordance with Section 4470-6 shall pay a fee to the Division in the amount set by resolution of the Board of Supervisors to reimburse the licensing authority for maintaining records of the dog's designation as a potentially dangerous dog, and for the Division's oversight and inspections subsequent to such designation.

(b) The owner of a dog determined to be vicious in accordance with Section 4470-6 shall pay a fee to the Division in the amount set by resolution of the Board of Supervisors to reimburse the licensing authority for maintaining records of the dog's designation as vicious and for the Division's oversight and inspections subsequent to such designation.

**4470-16 – Follow-up hearing dates.**

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

**4470-17 – Violation of conditions constitutes a misdemeanor.**

The failure to comply with any condition ordered by the administrative hearing officer or judicial officer is a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment in the County jail for a period not to exceed six (6) months, or by both the fine and imprisonment.

**4470-18 – Injunctive relief.**

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

**Article 6. - General**

**4471 - Records.**

It shall be the duty of the ~~Tax Collector or Poundmaster~~Director to keep or cause to be kept, accurate and detailed records of:

- (a) All ~~dogs or livestock~~ licensed, ~~animals~~;
- (b) All impounded, ~~or sold~~ animals;
- ~~(b)—(c)~~ All animal bite cases reported and the results of the investigations thereof;
- ~~(c)—(d)~~ All moneys received.

Said records shall be open to inspection by the public at all reasonable times; however confidential personal contact information, information regarding complainants, and other confidential and/or privileged information may be redacted from public inspection.

#### **4472 - Definitions.**

For the purposes of this Chapter, unless the context otherwise requires:

- (a) The term "Division" means the Animal Services Division of the ~~Ventura County Department of Public Health, Ventura.~~
- (b) The term "animal ~~pound~~shelter" means any ~~dog pound,~~ animal shelter, temporary animal ~~pound~~shelter or ~~pound~~animal services vehicle owned or operated by the County of Ventura.
- ~~(c) The term "Tax Collector" means the Ventura County Tax Collector and any duly appointed deputy thereof.~~
- ~~(c) - Repealed.~~
- (d) The term "County Health Officer" means the Ventura County Health Officer and any duly appointed deputy thereof including the ~~Poundmaster~~Animal Services Director and his or her deputies.
- ~~(e)—(d)~~ A dog "runs at large" when it is upon private property without the permission of the person owning or occupying the property, or when it is upon public property, or a common area, and is not upon a leash.
- (f) A person "harbors" ~~a dog~~an animal when he or she feeds or shelters the ~~dog for a period of thirty (30) days or longer.~~animal.
- (g) A person is the "owner" of an animal when he or she has ~~either~~ legal title to the animal ~~or~~ has the legal right to ~~custody~~possession and use of the animal ~~within the meaning of Civil Code Section 654, or is deemed to be the owner in accordance with Section 4468-1, subdivision (c), because that person has been the finder and keeper of a stray domestic animal that has not been claimed within thirty (30) days.~~
- (h) The term "livestock" includes ~~animals, including but not limited to fowl,~~ horses, ~~ponies,~~ mules, burros, ~~jacks and jennies, cows, bulls, calves, heifers~~asses, cattle, sheep, goats, ~~llamas, emu, ostriches,~~ swine, ~~hogs, pigs, and all~~ or other domestic or domesticated animals other than household pets. farm animals, excluding dogs and cats.
- (i) Livestock "runs at large" when upon ~~livestock~~ property without the permission of the person owning or occupying the property, or when upon public property and not under the immediate control of a responsible person capable of controlling such animal.
- (j) The term "Director" means the Director of the Division.
- (k) The term "peace officer" means a peace officer as that term is defined in Penal Code Section 830.1.

4473-1 - Repealed by Ordinance 3187—4/20/76.

4473-2 - Repealed by Ordinance 3187—4/20/76.

#### **4474 - Defense in prosecutions.**

In any prosecution for a violation of any provision of this ~~Article~~Chapter, the burden of producing evidence to establish any of the exemptions provided herein shall, in the first instance, be upon the defendant.

**4475 - Enforcement provisions.**

In addition to such other authority as may be provided by law, the ~~Poundmaster~~Director, and ~~his or her deputies~~Animal Control Officers as defined in Section 4493-2, are hereby designated as public officers and employees and are authorized to make arrests according to Penal Code Section 836.5 for the purpose of enforcing and carrying out provisions of this Chapter. The ~~Poundmaster~~Director, and ~~deputies~~he or she~~such animal control officers that the Director~~ may designate, are further authorized to carry and use weapons and tranquilizer equipment issued by the Division while actually engaged in the performance of their duties.

**4476 - Severable provisions.**

If any part of this Chapter is found to be unconstitutional or invalid, the Board of Supervisors hereby declares that it would have enacted the remainder of this Chapter regardless of the absence of any such invalid part.

**4477 - Rates and ~~charges~~fees.**

The Board of Supervisors may, by resolution, establish rates and ~~charges~~fees for services rendered by the ~~Poundmaster~~Division for which no rate or ~~charge~~fee is designated in this Code.

4478- Repealed by Ordinance 3187—4/20/76.

**Article 7. - Wild Animal Control**

**4480 - Prohibition.**

No person shall have, keep or maintain any wild animal or reptile unless adequate provisions are made for its confinement and control to insure the maintenance of public peace, health and safety.

**4481 - Wild animal defined.**

A "wild animal" is an animal or reptile which is wild by nature and not customarily domesticated in Ventura County. This definition does not include birds, small rodents or small, non-poisonous reptiles commonly used for educational or experimental purposes or pets.

**4482 - Confinement regulations.**

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

**4483 - Penalty.**

Any person failing to comply with any provision of this Article or any rule or regulation of the Division or the County Health Officer made pursuant to the provisions of this Article within ten (10) days after notice of such rule or regulation shall be guilty of a misdemeanor/infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

**4484 - Notice of escape.**

Any person keeping or maintaining a wild animal that escapes from its confinement shall immediately notify the Division of such escape.

**4485 - Disposition.**

Wild animals found running loose may be impounded in accordance with the provisions of Section 4435. However, neither the County nor its officers, agents or employees shall be liable for injury or disease to any animal incurred while said animal is being captured, transported or impounded. Wild animals, when found to be at large and injuring, damaging or threatening to injure or damage any person or property, will be deemed to be a public nuisance and may be summarily destroyed without liability resulting to the County, its officers, agents or employees. Reclamation by an owner or keeper of any impounded wild animal will be permitted upon the payment to the Division of the actual cost to the Division of the capture, impounding and care of such animal provided that all required County, State and Federal permits are also obtained.

**4486 - ~~Release of wild animals.~~**

~~No person, organization, society, association or corporation shall import or shall release into Ventura County any wild animal, whether indigenous to Ventura County or not, without a permit from the Division. The animal released shall be identified by either an implanted microchip, a radio-tracking collar, an indelible number tattooed on the animal or some other visible means of identification, and the person, organization, society, association or corporation shall be responsible for damage inflicted by said animal. Repealed.~~

**4487 - License requirements.**

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

**4488 - License application.**

The wild animal license and/or wild animal facility license required by this Article may be obtained by making written application to the Poundmaster Director, demonstrating to the satisfaction of the Poundmaster Director that all requested information is provided, the applicant will comply with Section 4480 and regulations adopted pursuant to Section 4482, and paying the proper fee to the Division. ~~Such application shall describe the animal(s) to the satisfaction of the Poundmaster and shall include the address and, where available, the telephone number of the applicant.~~

**4489 - License fees.**

The fees for the wild animal license and/or wild animal facility license required by this Article shall be as prescribed by resolution of the Board of Supervisors.

**4490 - License period.**

The license period for any wild animal license or wild animal facility license issued pursuant to this Article shall be one (1) year, ~~beginning January 1 and ending December 31. Such license shall expire and cease to be "current" at the expiration of the year for which it was issued. from date of issuance.~~ Renewal shall be made only upon application and payment of the fee provided for the issuance of a license.

#### **4491 - Revocation of license.**

Any wild animal license or wild animal facility license issued under the provisions of this Article may be revoked by the ~~Poundmaster~~Director or the County Health Officer whenever, in his or her opinion, anyone of the following conditions pertains:

- (a) ☐ The animal is not kept or maintained in a sanitary or healthful condition;
- (b) ☐ The animal is not provided with adequate care and supervision;
- (c) ☐ The animal poses a threat to human life or safety;
- (d) ☐ The animal poses a threat to personal property;
- (e) ☐ The animal has in any way become a nuisance; or
- (f) ☐ There is a violation of the regulations adopted pursuant to Section 4482.

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

#### **4492 - Zoning.**

The requirements of this Article shall be deemed to be in addition to, and not in limitation of, the requirement of any applicable County zoning ordinance and laws ~~or ordinances.~~ A license issued under the provisions of this Article shall not be valid or operate to permit the harboring or keeping of wild animals ~~in any zone where the use of land for sale purposes is not permitted by~~ under the then current applicable County zoning ordinance and laws ~~or ordinances.~~

### **Article 8. - Administrative Enforcement Alternative**

#### **4493-1 - Purpose and applicability.**

This Article authorizes an Animal Control Officer, as defined ~~within this Division by Section 4493-2,~~ to issue an administrative citation assessing a civil penalty in lieu of proceeding with a criminal citation or complaint for enforcement of any violation of the provisions of this Chapter. The determination whether to use such an alternative will be at the sole discretion of the Animal Control Officer. However, the issuance of an administrative citation shall not prevent the issuance of a criminal citation or complaint for any subsequent violation(s) of the same or similar nature.

#### **4493-2 - Definitions.**

The following definitions shall apply to the words or phrases used in this ~~Chapter~~Article.

- (a) The term "Citee" means any person to whom an enforcement officer has issued an administrative citation that assesses a civil penalty in the manner provided for by this Chapter.
- (b) ~~Enforcement~~ The terms "enforcement officer" or "Animal Control Officer" means any County officer or employee who is authorized to issue citations for violations of the Animal Control County Ordinance. Code provisions pertaining to animal welfare and control.
- (c) ~~Day~~ The term ""day"" means calendar and not business day.
- (d) — The term "Review Officer" means a neutral and impartial person who has been designated or retained to conduct an Initial Administrative Review of the issued citation.



(e)      The term “Hearing Officer” means a person who has been designated or retained to conduct a hearing by the Division.

(e)—(f)      The term “County ~~shall mean~~” means the County of Ventura.

(f)—(g)      The term “Board of Supervisors ~~shall mean~~” means the Board of Supervisors of the County ~~of Ventura.~~

#### **4493-3 - Determination of civil penalties.**

The maximum amount of civil penalties assessed pursuant to this Chapter shall be established by resolution of the Board of Supervisors. In addition to establishing maximum civil penalties for an initial violation of the provisions of this Chapter, such resolution shall also provide for increased maximum penalties for repeated violations and collection fees as referenced within this Chapter but in no event shall any penalty assessed for a separate violation of this Chapter exceed one thousand dollars (\$1,000.00). The precise amount of penalty assessed for any ~~particular~~ violation shall be determined, in the first instance, by the enforcement officer, taking into account the circumstances in light of various factors which include, but are not limited to, the following:

- (a)      The actual or potential extent of the harm caused;
- (b)      The likelihood to cause harm;
- (c)      The seriousness or gravity of the violation (i.e., the level of threat to property, health, or safety of people and animals or the environment);
- (d)      Whether the violation is subject to correction by obtaining a permit or license, or cannot be corrected by permit or license;
- (e)      The culpability of the violator in causing the violation;
- (f)      The length of time over which the violation occurs;
- (g)      The history of past violations, either of a similar or different nature, on the same or different property under the same ownership;
- (h)      The cooperation of the violator in resolving the existing and past violations;
- (i)      The financial burden to the violator;
- (j)      The factors and policies set forth in any Civil Administrative Penalty Guidelines adopted by the Board of Supervisors; and
- (k)      All other relevant circumstances.

Once imposed, the daily penalty will continue to accrue until the violation is corrected to the satisfaction of the Director.

The Director may stay the imposition of penalties or decrease the amount of penalties, either temporarily or permanently, if the Director determines that:

- (a)      Substantial progress is being made toward correcting the violation and that decreasing the penalties would further the goal of correcting the violation; or
- (b)      Circumstances exist that were either beyond the control of the violator or were unknown at the time the penalties were imposed and warrant the reduction or suspension of the penalties.

If the amount of the civil penalties is modified or suspended, the Notice to citee and Administrative Citation provided for in Sections 4493-4 and 4493-5.1, shall be amended stating the modified terms and an Amended Notice to citee shall be served on the violator. The daily civil penalty imposed for a violation that is an infraction shall not exceed the amount of the maximum amount of fines or penalties for infractions set forth in Government Code ~~Sections~~Section 25132, subdivision (b).

#### **4493-4 - Service of citations and notices.**

- (a)      Notice to Citee. Unless otherwise provided for in this Chapter, all citations and other notices required to be served upon a citee, shall be served either by personal service or by first-class mail, postage prepaid, addressed to the citee at his or her last known address. Such service shall be deemed

effective upon the date it is personally delivered to the citee or on the date it is deposited in the mail. The County officer or employee serving the citation or other notice by mail shall complete a declaration of service and attach it to the copy of the citation or other notice.

(b)      Notice to the Division. Unless otherwise provided for by this Chapter, all notices required to be served upon the County pursuant to this Chapter, shall be served either by personal service at the office set forth in the citation or by first class mail, postage prepaid, addressed to the Division at the address set forth in the citation. Such service shall be deemed effective upon the date it is personally delivered to the Division or on the date postmarked when served upon the Division by mail.

#### **4493-5 - Assessment and payment of civil penalties.**

##### **4493-5.1 - Issuance of administrative citation assessing civil penalty.**

A person who is assessed a civil penalty for a violation of the provisions of this Chapter shall be served with an Administrative Civil Citation that assesses a civil penalty in an amount established pursuant to Section 4493-1.

##### **4493-5.2 - Contents of administrative citation.**

Each administrative citation shall contain, but not necessarily be limited to, the following information:

- (a)      The date of the violation;
- (b)      The address or a location description wherein the violation occurred or is occurring;
- (c)      The Section(s) of the Chapter that was (were) violated;
- (d)      A description of the circumstances of the violation;
- (e)      The amount of the civil penalty for the violation;
- (f)      The procedures for paying the civil penalty, including the time within which payment must be made and the address for payment;
- (g)      An order prohibiting any continuation of the code violation described in the administrative citation;
- (h)      Notice that the payment of any penalties under this Chapter does not excuse or discharge any continued or repeated violation of the code Section which is the subject of the administrative citation;
- (i)      A description of the time and manner in which the citee may request an administrative review of the civil penalty ~~in the event that~~ if the citee decides to contest the penalty; and
- (j)      The full name of the enforcement officer.

##### **4493-5.3 - Payment of civil penalties.**

A civil penalty assessed against a citee pursuant to the provisions of this Chapter must be paid in full to the Division at the place identified in the administrative citation within thirty (30) days from the date of the citation.

##### **4493-6 - Collection fees.**

A collection fee as prescribed by resolution of ~~twenty five dollars (\$25.00)~~ the Board of Supervisors shall be assessed to the citee, ~~which amount represents the average collection agency fee and other costs incurred by the County in processing the civil citation. This amount may be modified by future Board resolutions.~~

##### **4493-7 - Financial inability to pay penalties and fees.**

In the event that a citee proves to the satisfaction of the Division that he or she does not have the financial ability to pay the full amount of the civil penalty, including delinquency fees, as set forth in this

Chapter, the Division may permit the citee to execute a promissory note in lieu of payment at that time. Such note shall provide for payment of all penalties and fees and include a reasonable rate of interest not to exceed that allowed by the California Code of Civil Procedure upon judgments. While this procedure will not satisfy the underlying obligation, it will delay the collection of the amounts due until the date set forth on the promissory note.

#### **4493-8 - Administrative hearing procedures-**

##### **4493-8.1 - Request for administrative review/Request for administrative hearing.**

(a) A citee who is issued a citation assessing a civil penalty arising out of ~~any~~ violation of this Chapter, may request an initial administrative review of the citation within twenty (20) calendar days of its issuance, rather than proceeding directly to a request for an administrative hearing of the civil penalty as provided for herein. Such regarding the citation. This request must be made in writing and served upon the Division at the address set forth in the citation ~~within twenty (20) days following the issuance of the citation. The~~. A citee's request must ~~include the citation number and~~ set forth, ~~in~~with particularity, the reasons ~~why~~ the citee believes ~~the~~a violation did not occur, ~~or~~ that the citee was not responsible for the violation ~~or that there were other mitigating factors. The request must also~~ identify(s), must include a copy of the citation, and must contain the address ~~of the citee for to which~~ the conclusions of the Division's review should be mailed. A request for an initial administrative review must be accompanied by payment of a fee for administrative review according to the schedule of rates and fees adopted by resolution of the ~~purpose~~Board of Supervisors.

(b) Upon receiving ~~notice of the response of a citee's request for review,~~ the Reviewing Official shall review the request, citation and other pertinent information, and provide the citee with written notification that:

1. The citation is vacated because there was no violation, or the citee was not responsible for the violation (if the citation is vacated, the Division ~~to the request~~ shall provide the citee with a refund of the fee paid for administrative review);

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

(c) The Reviewing Official will mail a copy of the notification to the citee at the address included in the request for initial administrative review along with, if applicable, notice establishing the fine due date and the procedure for requesting an administrative hearing, review within ten (10) business days of receiving citee's request.

(d) Any citee dissatisfied with the conclusions of an initial administrative review may contest that citation by requesting an administrative hearing. A citee must request an administrative hearing under Section 4493-8.2, et seq., in writing within twenty (20) calendar (20) days after the date the Division served citee with notice of the administrative review decision. Requests must be submitted to the Division's office and must be accompanied by an advance deposit of the fine or a request for a hardship waiver.

##### **4493-8.2 - Advance deposit of penalty amount.**

A citee who is issued a civil penalty for a violation of this Chapter, may request an administrative hearing to challenge the basis for the citation within twenty (20) calendar days of its issuance. Except as may be provided for in this Chapter, each request for administrative hearing must be accompanied by an advance deposit in an amount equal to the contested civil penalty, ~~include~~including delinquency fees, and the administrative hearing fee set by resolution of the Board of Supervisors or the amount of one thousand dollars (\$1,000.00), whichever is less.

#### **4493-8.3 - Hardship waiver of advance deposit of penalty amount.**

- (a) \_\_\_ A citee who is financially unable to make an advance deposit of the amount required for an administrative hearing deposit may file an application with the Division within thirty (30) days from citation issuance requesting a waiver of the advance deposit. Such application shall be in a form required by the Division, filed with the request for administrative hearing and shall be accompanied by a declaration, signed under penalty of perjury, with any supporting documents required by the Division, demonstrating the citee's financial inability to pay.
- (b) \_\_\_ The Division shall review the request for hardship waiver, including the declaration and supporting documents, within fifteen (15) days of receiving the request and determine whether to grant or deny the request. Thereafter, the Division shall serve the citee with a notice of its determination by mail at the address provided in the waiver application. The determination of the Division as to such waiver shall be final.
- (c) \_\_\_ Should the application be denied, the citee must deposit the required advance deposit with the Division not later than ten (10) days following the date the notice of denial of the waiver was served upon the citee. Failure to provide the deposit within ten (10) days shall be deemed a waiver of the citee's right to an administrative hearing and the civil penalty shall be deemed delinquent. The Division shall thereafter serve notice of the penalty amount for the delinquency upon the citee and provide notice to the Hearing Officer.

#### **4493-8.4 - Administrative hearing date.**

Upon receiving a timely request for an administrative hearing ~~to contest a citation assessing a civil penalty~~, together with any required deposits, the Division shall set an administrative hearing on a date not less than fifteen (15), nor more than sixty (60) days, from the date the hearing is requested. Written notice of the date, time and location of the administrative hearing shall be provided to the citee at least fifteen (15) days prior to the hearing date.

#### **4493-8.5 - Hearing procedures.**

- (a) \_\_\_ Issues to be determined at the hearing are limited to whether the violation alleged in the administrative citation actually occurred; and whether the citee was legally responsible for the violation.
- (b) \_\_\_ The burden of proof will be upon the Division by a preponderance of the evidence. The citation itself shall be considered as prima facie evidence of the facts contained therein. Both the citee and the enforcement officer shall have the opportunity to testify and present additional evidence concerning the alleged violation. Such evidence may include witness testimony, documents, and other evidence. Strict rules of evidence shall not apply, including hearsay. Evidence must be relevant and material to the issues of whether the violation actually occurred and/or whether the citee was responsible for the violation.
- (c) \_\_\_ In lieu of personally appearing at the hearing, the citee may request that the ~~Hearing Officer~~hearing officer decide the matter upon the facts set forth in the citation, and relevant documents or written statements previously submitted.
- (d) \_\_\_ If the citee fails to appear at the hearing, without having been granted a waiver of presence by the hearing officer, this will be deemed to be a waiver of the right to be personally present. The hearing officer shall then determine the matter upon the facts set forth in the citation, and relevant documents or written statements previously submitted, and statements from the enforcement officer during the hearing.
- (e) \_\_\_ The enforcement officer who issued the citation may, but is not required to, be present at the hearing, unless the citee serves a subpoena on the enforcement officer to testify at the hearing. In lieu of such attendance the enforcement officer may submit, prior to the hearing, reports, photographs, or other documents to the Division which shall then be forwarded to the hearing officer for consideration.

A copy of the documents submitted by the enforcement officer will also be provided to the citee at the commencement of the hearing.

(f) \_\_\_ The hearing officer shall have the authority to continue any hearing and request additional information from the enforcement officer or citee prior to rendering a written decision.

#### **4493-8.6 - Hearing officer's decision.**

(a) \_\_\_ Within ten (10) days after completion of the hearing, the hearing officer shall issue a written decision to uphold or set aside the civil penalty assessed against the citee and shall set forth the reasons for such decision. A copy of the decision shall be provided to the Division.

(b) \_\_\_ The Division shall, after receiving a copy of the hearing officer's determination, promptly provide a copy thereof to the citee at the address set forth in his/her request for administrative hearing either by serving the citee personally, or by first class mail, return receipt requested.

(c) \_\_\_ If the decision of the hearing officer is to sustain the civil penalty, the Division shall accompany the hearing officer's decision with a notice advising the citee that the Division will retain any advance deposit previously paid for the civil penalty amount. If payment was not in the full amount, including a waiver previously granted, full and complete payment will be required within thirty (30) days of the date of the notice.

(d) \_\_\_ The citee shall have the right to file a petition in the Ventura County Superior Court for review of the hearing officer's decision as set forth in California Code of Civil Procedure Sections 1094.5 and 1094.6. Such petition must be filed within ninety (90) days of the date notice of the decision is served on the citee.

(e) \_\_\_ If the decision of the hearing officer is to set aside and vacate the civil penalty, any advance deposit of the civil penalty shall be refunded to the citee. ~~Notice shall be provided~~ The Division shall also refund the administrative hearing fee previously paid by the citee. The Division shall provide notice to the citee of the determination decision and the refund. Notice, either by serving the citee personally, or by first class mail, return receipt requested. The Division shall also provide notice of the decision ~~shall also be provided~~ to the enforcement officer.

#### **4493-8.7 - Enforcement.**

A penalty that is final either by termination of appeal rights or by completion of the appeal process may be collected by any lawfully authorized means including but not limited to filing a civil action to recover the amount of the unpaid penalties.

### **Article 9. - Roosters**

#### **4494-1 - Purpose.**

The intent of this Article is to limit the number of roosters that may be kept on a single parcel of real property, to eliminate the potential for a public nuisance, illegal cockfighting and the raising of birds to be used for cockfighting, to prevent the inhumane treatment of birds by those who engage in illegal cockfighting activities and for the protection of the health and safety of the residents of Ventura County.

#### **4494-2 - Definitions.**

The following terms are defined for purposes of this Article:

(a) \_\_\_ "\_\_\_\_\_ "Law enforcement officer" means the Ventura County Sheriff ~~or,~~ any person authorized to act on behalf of the Ventura County Sheriff in the enforcement of this Chapter ~~.,~~ or any other peace officer as defined by Section 4472, subdivision (j).

- (b) —"\_\_\_\_\_ "Legitimate poultry hobbyist" means a person who owns and breeds poultry for exhibition or for sale of offspring in accordance with accepted poultry raising practices.
- (c) —"\_\_\_\_\_ "Nonprofit humane organization animal facility" means an animal facility operated by a bona fide charity in good standing under the provisions of Section 501(c)(3) of the Internal Revenue Code, where roosters are kept for adoption, recovery or sanctuary.
- (d) —"\_\_\_\_\_ "Parcel" means an area of land having fixed boundaries depicted on or described by a tentative map, final map, parcel map or instrument of conveyance for the purpose of defining land to be held, actually or potentially, in fee title as a discrete unit, or a permit area as determined by the Ventura County Planning Director. Licenses, easements, and streets, alleys and similar rights-of-way are not parcels.
- (e) —"\_\_\_\_\_ "Person" means any natural person, firm, corporation, organization, company, association, business, trust, joint-stock organization, partnership, joint venture, or club, or the agent, servant, manager, officer, employee or lessee of any of them.
- (f) —"\_\_\_\_\_ "Public officer" means the ~~Ventura County Animal Services~~ Director or any person authorized to act on behalf of ~~Ventura County Animal Services~~the Division in the enforcement of this Article and the Agricultural Commissioner or any other person authorized to act on behalf of the Agricultural Commissioner in the enforcement of this Article.
- (g) —"\_\_\_\_\_ "Rooster" means any male chicken that:
- (1) \_\_\_ Is six (6) months old or older; or
  - (2) \_\_\_ Has full adult plumage; or
  - (3) \_\_\_ Is capable of crowing.

#### **4494-3 - Rooster keeping.**

- (a) \_\_\_ Notwithstanding any other provision of the Ventura County Ordinance Code, no person shall keep, maintain, control or harbor five (5) or more roosters on any parcel of real property within unincorporated Ventura County. This Section shall not apply to commercial poultry ranches whose primary commodity is the production of eggs or meat for sale as permitted by the County, public or private schools as registered with the California Department of Education, or nonprofit humane organization animal facilities. Future Farmers of America (FFA) or 4-H sponsored projects or legitimate poultry hobbyists may have up to five (5) roosters of the same breed for a maximum of twenty-five (25) roosters kept or maintained on any property in Ventura County, provided that such projects or hobbyists are approved in writing by the ~~Ventura County Animal Services~~ Director or any person authorized to act on behalf of ~~Ventura County Animal Services~~the Division.
- ~~(b) The limit imposed under subdivision (a) is suspended until March 11, 2019, to allow a property owner or any person occupying or leasing the property or the premises of another reasonable time to reduce the number of roosters kept on the property.~~
- ~~(c)~~ \_\_\_ Each individual rooster beyond the rooster limit constitutes a separate violation.
- ~~(d)~~ ~~(c)~~ \_\_\_ Rooster enclosures shall have a minimum set back from adjacent residences of forty (40) feet.
- ~~(e)~~ ~~(d)~~ \_\_\_ Nothing in the foregoing is to be construed as approving the keeping of any poultry in contravention of any statute, zoning ordinance or other law.
- ~~(f)~~ ~~(e)~~ \_\_\_ At all times, roosters shall be provided:
- (1) \_\_\_ Access to water and shelter from the elements (rain, wind, direct sun, etc.); and
  - (2) \_\_\_ 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; and
  - (3) \_\_\_ Clean and sanitary premises that are kept in good repair.



~~(g) — The Ventura County Animal Services~~(f) The Director shall establish written regulations and standards necessary to carry out the intent of this Article and shall condition any approval on compliance with the written regulations and standards, including the number of roosters. The number of roosters allowed to be kept within a rooster keeping permit will be determined according to the factors related to public health, welfare and safety, including parcel size, proximity to neighbors, sanitation and ability to meet animal care standards as set forth in Section 4494-3. Failure of any property owner or any person occupying or leasing the property or premises of another to comply with any of the provisions of this Article, applicable law, or the regulations and standards of ~~Ventura County Animal Services~~the Division shall constitute good cause for the denial of any approval, either original or renewal, or for its revocation.

#### **4494-4 - Tethering prohibited.**

Notwithstanding any other provision of law, no person shall maintain or control any rooster by means of a tether attached to an object. Each individual rooster so tethered constitutes a separate violation.

#### **4494-5 - Violations and penalties.**

(a) Any law enforcement officer or public officer may issue a notice to appear citation to the property owner or any person occupying or leasing the property or premises of another for violation of this Article.

(b) A property owner or any person occupying or leasing the property or premises of another who violates any provision of this Article is guilty of a misdemeanor/infraction, which is enforceable pursuant to Ventura County Ordinance Code, Sections 13 through 13-4. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.

(c) In addition to the foregoing, the County Counsel may seek any legal or equitable relief as permitted under law.

### **Division 2 Business Taxes, Certificates and Licenses, Chapter 4 Services, Article 6. - Kennels**

#### **2591 - License required.**

No person shall own, manage or operate a kennel, as defined in this Article, within the unincorporated areas of ~~the~~Ventura County unless such kennel has first been licensed by the County pursuant to this Article and the license is currently in effect.

#### **2592 - Kennel defined.**

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

#### **2593 - Application.**

Every applicant for a license required by Section 2591 shall personally appear before the ~~Poundmaster~~Animal Services Director or his or her designee and make a written application for such

license. Such application shall, in addition to the information required by Section 2113-2, contain the following information:

- (a) \_\_\_ The name of the kennel;
- (b) \_\_\_ The name or names of the person or persons owning, managing and operating the kennel;
- (c) \_\_\_ The number and approximate age of the animals kept therein as of the date of application;
- (d) \_\_\_ The maximum number of animals over the age of four (4) months and the maximum number of animals under such age which will be kept at the kennel at any given time during the licensing period; and
- (e) \_\_\_ The purpose or purposes for which the animals are kept. Such application shall be accompanied by a certificate from the Ventura County Planning ~~Department~~Division stating that the operation of the kennel is a permitted use or that a special or conditional use permit has been issued by the County for such operation within the zone in which the kennel is to be located. ~~Application forms shall be prepared by~~
- (f) Copy of Business License/Occupational Permit issued by the applicable jurisdiction.

#### **2594 - Inspection and approval.**

Upon receipt of an application satisfactory on its face, the ~~Poundmaster~~Animal Services Director shall cause the kennel to be inspected to determine whether it complies with the minimum standards for the operation of a kennel containing the number of animals of the various ages specified in the application as the maximum number which will be kept in the kennel at any given time during the licensing period. Such minimum standards shall be prepared by the ~~Poundmaster~~Animal Services Director in writing and shall be made available for inspection during regular business hours. If the ~~Poundmaster~~Animal Services Director determines that the kennel meets such minimum standards and that the application complies with all the requirements of this Article, he or she shall approve the application. ~~The Poundmaster shall notify the applicant of approval or disapproval of the application within thirty (30) days of the receipt thereof. The Poundmaster~~If the application does not contain the required certificate from the Ventura County Planning Division or a current Business License but meets all other requirements, the Animal Services Director may issue a temporary permit not to exceed one year from date of issuance. Upon submission of required CUP or business license, the temporary permit will be rescinded, and a permanent license will be issued with same expiration date as the originally issued temporary license. Failure to provide required documents within stated time period indicated on the temporary license will result in expiration of temporary license. A new application, along with the required fee, will need to be submitted to re-apply for permit. The Animal Services Director shall notify the applicant of temporary or permanent approval or disapproval of the application within thirty (30) days of the receipt thereof. The Animal Services Director shall keep the original of the application on file in the office of the Animal Services Division of the Ventura County ~~Department of Public Health~~ throughout the term of the license issued pursuant to such application.

#### **2595—~~Issuance.~~**

~~Upon approval of the application, the Poundmaster shall issue a kennel license and forward a copy thereof marked "approved" to the Tax Collector. Repealed.~~

#### **2596 - Annual license fee.**

The annual license fee shall be as prescribed by resolution of the Board of Supervisors.

#### **2597 - Renewal.**

Licenses issued pursuant to this Article may not be renewed beyond the licensing period for which they are issued. Persons wishing to obtain a license for a given kennel for more than one (1) licensing period must obtain a new license for each such period.

#### **2598 - Revocation.**

Any license issued pursuant to this Article may be revoked by the ~~Poundmaster~~Animal Services Director whenever:

- (a)    The kennel contains a greater number of animals than the maximum number specified in the application;
- (b)    In the opinion of the ~~Poundmaster~~Animal Services Director, the kennel fails to meet any of the minimum standards mentioned in Section 2594;
- (c)    In the opinion of the ~~Poundmaster~~Animal Services Director, the kennel is not being maintained in a sanitary and healthful condition; or
- (d)    In the opinion of the ~~Poundmaster~~Animal Services Director, the animals confined in the kennel are not provided with adequate care and supervision.

~~The Poundmaster shall notify the Tax Collector promptly of such revocation.~~ No part of the animal license fee shall be refunded in the event of such revocation.

#### **2599 -- Zoning.**

The provisions of this Article are in addition to, and not in limitation of, the provisions of any applicable zoning laws or ordinances. A license issued ~~pursuant to under the provisions of~~ this Article shall ~~cease to not~~ be valid ~~whenever the operation of the or operate to permit a~~ kennel ~~to which the license applies becomes a prohibited where this~~ use ~~for the zone in which it of land is then located not permitted under the applicable County zoning ordinance and laws.~~

#### **2600 - Authority of ~~Poundmaster~~Animal Services Director.**

For the purposes of this Article, the ~~Poundmaster~~Animal Services Director is authorized to do all those things which the Sheriff is empowered to do pursuant to Sections 2120-1.1, 2120-1.4, 2120-1.7, 2131 and 2133.

#### **2600-1 - Violations and penalties for Failure to Obtain Kennel Permit.**

- (a) Any law enforcement officer or public officer may issue a notice to appear citation to the property owner or any person occupying or leasing the property or premises of another for violation of this Article.
- (b) A property owner or any person occupying or leasing the property or premises of another who violates any provision of this Article is guilty of a misdemeanor/infraction. An Animal Control Officer, as defined in Section 4493-2, may issue an administrative citation assessing a civil penalty to that person in accordance with, and the person shall be subject to the administrative enforcement provisions set forth in, Article 8.